



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

Wednesday, March 31, 2021, 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. A03/2021WL – Alan and Margaret Davis	3
A minor variance application has been applied for that requests two variances for a private garage to be located in front of the main dwelling. The first variance that is required is to permit a garage to be built ±15.55 meters (±51 feet) in front of the property's main dwelling whereas Table 1-2 of the Township Zoning Bylaw 2017-70, as amended, identifies that an accessory building cannot be located closer to the front lot line than the main building. The second variance that is required is to permit a garage to be built with a minimum setback of ±5.08 meters (±16.67 feet) from the front lot line whereas Table 14 of the Township Zoning Bylaw 2017-70, as amended, identifies that a garage is required to have a minimum setback of 7.5 meters from the property's front lot line. Both the main dwelling orientation on the property along with the Environmental Conservation features that are found on the property restrict the applicant in building the proposed garage in the rear or side lot of their property.	
b. A06/2021WL - Bill Kerr and Sandra Williams	16
A minor variance application has been applied for to permit an existing garage to remain located ±91.44 centimeters (±36 inches) in front of the property's main dwelling whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that an accessory building cannot be located closer to the front lot line than the main building. The applicant ended up building the garage ±91.44 centimeters (±36 inches) in front of the main dwelling to be able to access the property's septic tank for	

required maintenance and cleaning.

c. B02/2021WL - Greek Association of Niagara

26

A severance application for a lot addition to Marz Homes Land's current draft plan of subdivision application has been submitted by the Greek Association of Niagara who are located at 6659 Regional Road 20. The Greek Association is proposing to sever off ± 0.56 hectares (± 1.384 acres) and retain ± 1.399 hectares (± 3.456 acres). The land proposing to be severed is currently vacant and underutilized by the Greek Association. Marz Homes is proposing to develop the severed ± 0.56 hectares of land with approximately 16 freehold single detached lots that front onto Street 'B' of their proposed mixed-use development.

5. MINUTES FOR APPROVAL

Minutes for approval

- December 16, 2020
- January 27, 2021

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: March 31st, 2021

REPORT NO: COA-003-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Alan & Margaret Davies
Agent: Doug Dixon (DJ Custom Renovations)
File No. A03/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Doug Dixon (Agent) on behalf of owners Alan and Margaret Davies for the property legally known as the former Township of Gainsborough, Concession 1, Part lot 14, RP30R9476 PT, Part 6, municipally known as 820 Regional Road 27 (Wellandport Road)
- This Minor Variance application has been submitted to permit a proposed accessory garage to be located 15.55 metres (+51 feet) in front of the property's main dwelling whereas an accessory building cannot be located closer to the front lot line than the main building.
- This application also requests a second variance that is required to permit the garage to be built with a minimum setback of +5.08 metres (16.67 feet) from the front lot line whereas the garage is required to have a minimum setback of 7.5 metres from the properties front lot line.
- The main dwelling that currently exists on the property along with the Environmental Conservation features that are found on the property, and the location of the septic system restrict the applicant in building the proposed garage in the rear or side lot of their property.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval.

RECOMMENDATION:

1. THAT, the application for a Minor Variance made by Doug Dixon (Agent) on behalf of Alan and Margaret Davis as outlined in Report COA-003-21, to recognize an accessory building being located closer to the front lot line than the main building as well as to permit a garage to be built with a minimum setback of 5.08 metres whereas it is required to have a minimum setback of 7.5 metres from the property's front lot line, BE APPROVED; subject to the following condition
 - a. That the Department of Planning and Building approve the exterior design of the accessory building, which shall be alternatively designed in keeping with the residential characteristic of the property.

BACKGROUND:

The subject lands are situated on the west side of Wellandport Road, north of Canborough Road, being legally described as the former Township of Gainsborough Concession 1, Part Lot 14, RP30R9476 Pt Part 6, in the former Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 820 Regional Road 27 (Wellandport Road) (See attachment 1 for a site sketch)

An application for a Minor Variance has been made to recognize a proposed detached garage to be located 15.55 metres in front of the property's main dwelling whereas accessory buildings cannot be located closer to the front lot line than the main building, and to permit the proposed garage to be located with a minimum setback of 5.08 metres from the front lot line whereas the required setback is 7.5 metres.

This Minor variance is the result of a building permit application which was submitted in September 2020 and did not meet the zoning requirements for a R1A zone for an accessory building. The applicants are currently working with the Niagara Peninsula Conservation Authority on obtaining a work permit which should be submitted with a revised building permit after the decision of this application.

CURRENT SITUATION:

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

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

The property is designated to be within the Hamlet Settlement Area of Wellandport as well as the Natural Heritage System. The predominant land use within the Township's Hamlet Settlement Areas shall be for single detached dwellings. Development shall comply with Natural Heritage policies of the Township's Official Plan. Where detailed natural heritage and natural hazard mapping is not currently available, development applications may be required to complete necessary studies and analysis prior to the development approval. In addition, all development will be subject to Regulation 155/06 of the Niagara Peninsula Conservation Authority when a development is within or adjacent to the lands that are subject to their regulations.

The Natural Heritage system shall be protected, and development should maintain, enhance, or restore the ecosystem health and integrity. First priority is given to avoiding negative environmental impacts. If negative impacts cannot be avoided then mitigation measures shall be required.

Township staff are of the opinion that this minor variance meets the general intent and purpose of the Official Plan as the proposed use is permitted and the proposed location will help protect the environmentally protected features that surround the dwelling. The proposed location of the new detached garage, generally fits the character of the surrounding area. The applicants are currently in contact with a planner from the Niagara Peninsula Conservation Authority and are in the process of obtaining a work

permit.

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

The subject land is zoned R1A Residential Low Density, Environmental Conservation and Environmental Protection under the Township's Zoning By-law 2017-70, as amended. The parcel of land is a 13.38 hectare (32.80 acre) parcel of land. The Residential Low Density zone permits single detached dwellings and their associated accessory buildings. The proposed accessory building is a permitted use under the regulations of the R1A zone.

Under the Townships Zoning By-Law 2017, the proposed accessory building is to meet a minimum distance of 15 metres from the front lot line, and be no closer to the front lot line than the main building. This ensures that there is a consistent streetscape throughout the Township of West Lincoln and that the main buildings on the lot are the prominent buildings and the accessory buildings are seen as an accessory structure and use.

The subject lands have Niagara Peninsula Conservation Authority regulated wetlands located on approximately 90% of the entire parcel of land. Environmental Protection and Environmental Conservation regulated zones do not permit new buildings or structures within the regulated wetlands when they can be located in a non-regulated portion of the lot. The proposed location of the garage is the only location that remains zoned Low Density Residential and is the only location where an accessory building can be permitted.

This application is requesting to recognize an accessory building that is 15.55 metres closer to the front lot line than the main building with a front yard setback of 5.8 metres whereas 7.5 metres is required. Based on the above, the proposed minor variance maintains the general intent and purpose of the Zoning By-law.

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

The applicant had proposed to construct a 74 square metre accessory building. The applicants submitted a building permit last year with Township staff, in which planning staff determined it had to go through a Minor Variance Application to permit its location. This building is proposed to be used for storage purposes, which is permitted on a Low Density Residential property.

The proposed accessory building is generally located in the only area on the subject property that is zoned R1A and not effected by the septic system and residence. Approximately 10% of the entire property is zoned Low Density Residential, while the other 90% is within an environmental protection layer. As such, Planning Staff are of the opinion that the requested variance is an appropriate development and use of the only land that can be used for this specific development on this property. Staff believe that a condition is appropriate for this variance. The condition proposed by staff is related to the exterior design. The condition will help ensure a proper streetscape appearance.

Respecting Our Roots, Realizing Our Future

Is the proposal minor in nature? Yes

The subject application is requesting to permit a proposed accessory building that is closer to the front lot line than the main building, and is also requesting a 2.42 metre reduction to permit a setback of 5.08 metres where 7.5 metres is the required minimum. The proposed accessory structure is approximately 74 square metres in size and complies with the maximum permitted area in a R1A zone. (Please see attached site sketch)

This property is approximately 13.28 hectares in size and there is 0.36 hectares of it that is developable due to the existing regulated lands on the property. Planning staff understand that the septic system also takes up a majority of this area and that this is the only location that the accessory garage could be constructed. As such, planning staff are of the opinion that the requested 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 March 12th 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector has specified that there are no objections to this request indicating

The Township Public Works Department and Septic Inspector have no objections to this application.

The Niagara Peninsula Conservation Authority do not have any objection to the proposed minor variance and a fee will not be required. The Niagara Peninsula Conservation Authority further not that a Building Permit Clearance was issued by them in 2017 for the house that was built on the property. Further noting that the proposed location of the garage falls within an area that is already heavily disturbed. As such, it is unlikely that the proposed garage will have an impact on any Niagara Peninsula Conservation Authority regulated features or hazards.

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

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on March 12th 2021. 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 March 26th, during the preparation of this report.


CONCLUSION:

A Minor Variance application has been submitted by Doug Dixon (Agent) on behalf of Alan and Margaret Davies for the property municipally known as 820 Wellandport Road. The Minor Variance application is submitted to permit a proposed accessory garage to be located in-front of the front wall of the main dwelling and to be located with a setback of 5.08 metres whereas 7.5 metres is the required minimum. Planning staff are of the opinion that this application meets all four tests of a minor variance, and as such, can recommend approval of this application, subject to one condition.

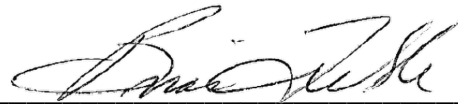
ATTACHMENTS:

1. Location Map
2. Site Sketch
3. Accessory Building Zoning Provisions
4. Agency Comments

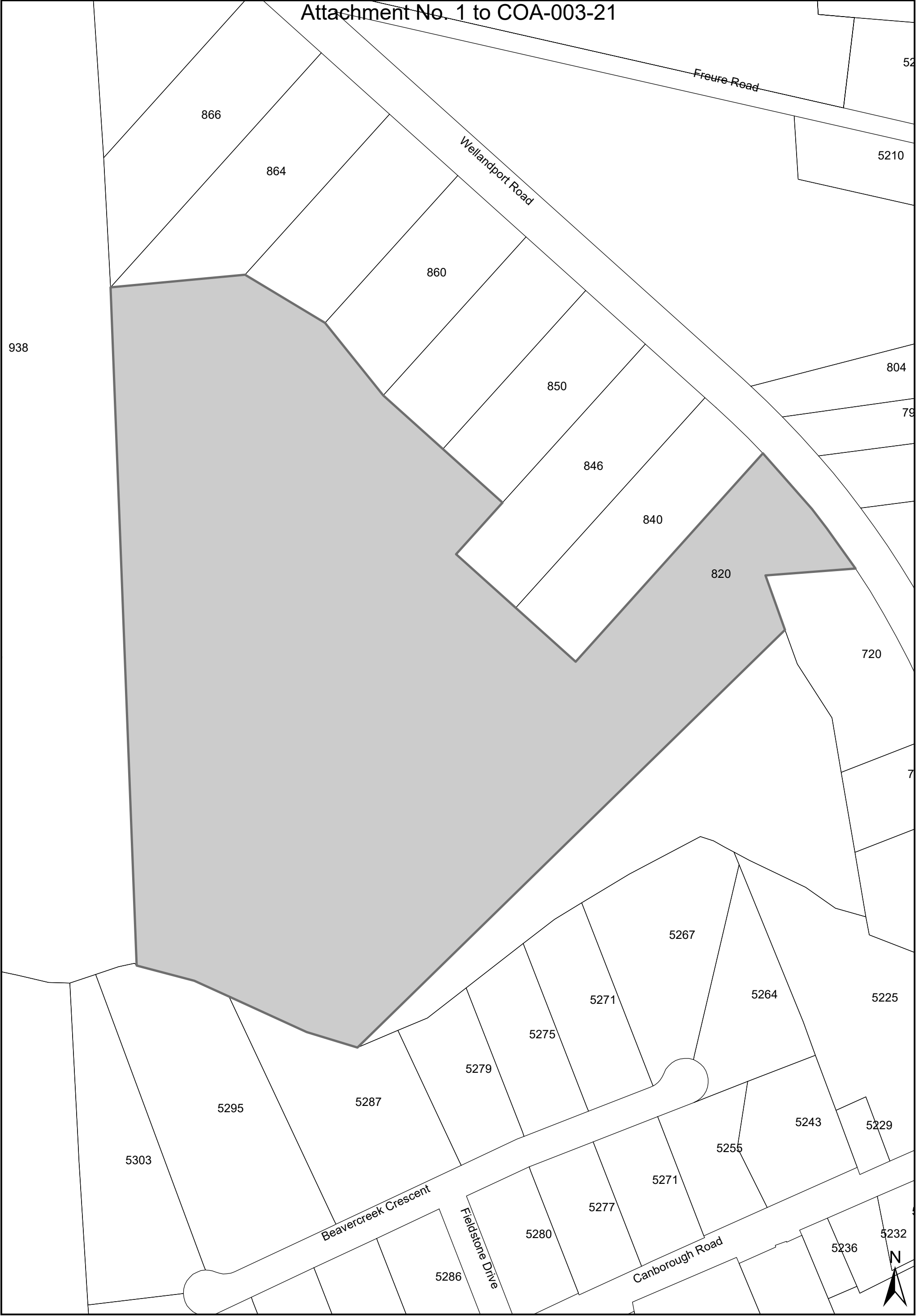
Prepared by:



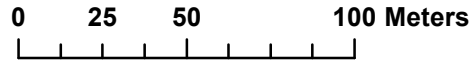
Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building

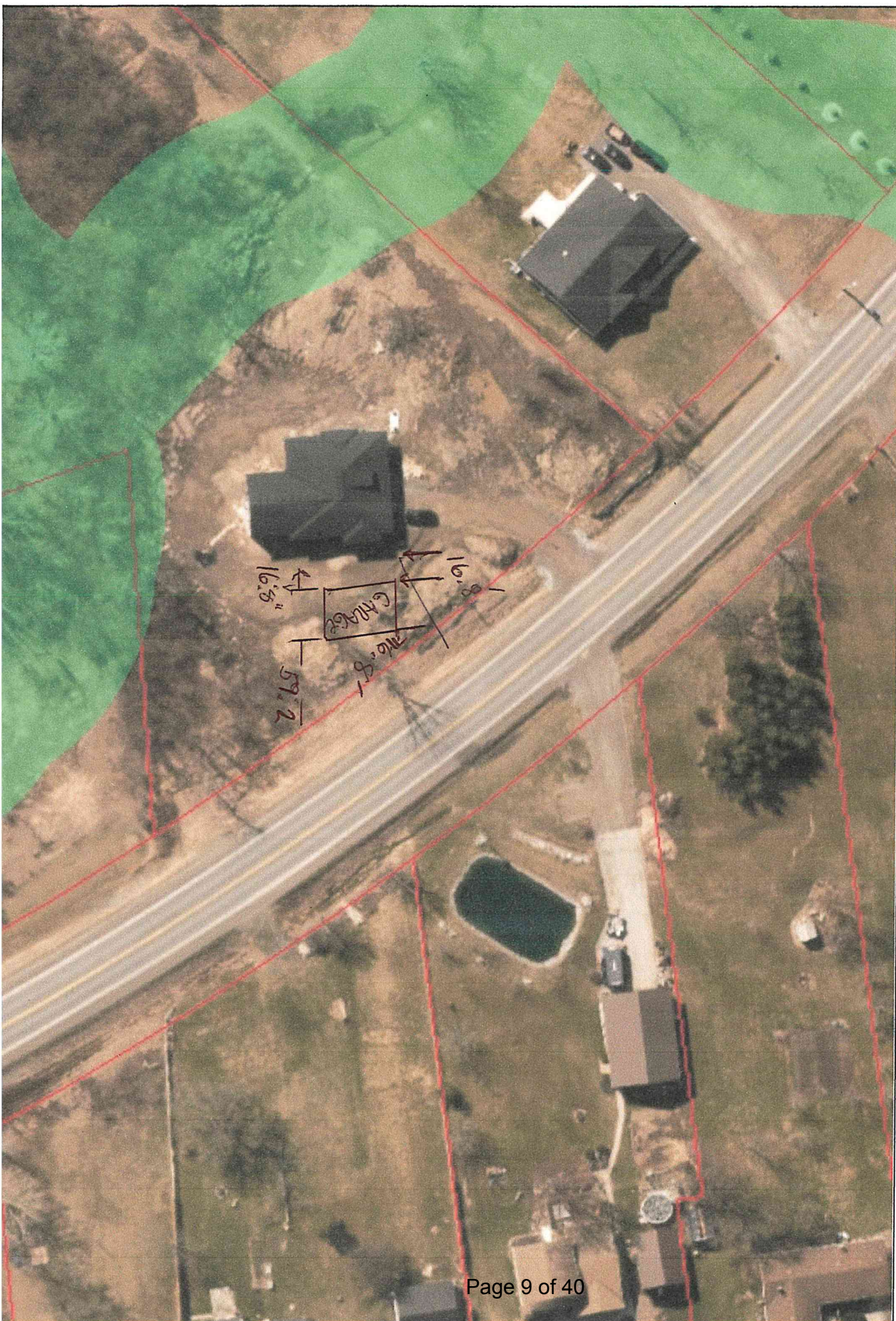


Location Map
820 Wellandport Road



Legend

Subject Property



PART 3. GENERAL PROVISIONS

3.1 ACCESSORY BUILDINGS OR STRUCTURES AND ACCESSORY USES

The following regulations apply to *accessory buildings or structures* and *accessory uses*:

- a) Where this By-law permits a *lot* to be used or a *building or structure* to be *erected* or used for a permitted *use*, that *use* shall include any *accessory building or structure* and any *accessory use*.
- b) An *accessory building or structure* shall not be used for human habitation or an occupation for gain or profit, except if specifically permitted by this By-law.
- c) An *accessory building or structure* and *accessory use* shall be located on the same *lot* as the *principal use* to which it is associated.
- d) An *accessory building or structure* shall not be *erected* on a *lot* prior to the *erection* of the *main building* on the *lot* or prior to the establishment of the *principal use* to which it is associated, except if specifically permitted by this By-law.
- e) An *accessory building or structure* or part thereof shall not be located within an easement that is in favour of a *public authority*.
- f) An *accessory building or structure* shall not include any storage or *pre-fabricated shipping container*, portable storage unit, repurposed *motor vehicle* or *trailer*, in whole or in part, except:
 - i. In the Service Commercial *Zone* outside of *settlement areas*, on a *lot* having a minimum *lot area* of 2 hectares, a maximum of 2 *pre-fabricated shipping containers* are permitted as *accessory structures* to be located in the *rear yard* or *interior side yard* only;
 - ii. In Employment *Zones*, in the *rear yard* or *interior side yard* only; and,
 - iii. In Agricultural *Zones*, a *pre-fabricated shipping container* is permitted as an *accessory structure*, accessory to an *agricultural use*, to a maximum of 1 *pre-fabricated shipping container* per 4 hectares of *lot area* and not exceeding a total of 5 *pre-fabricated shipping containers* on a *lot*. (Bylaw 2018-61)
- g) Certain *accessory buildings or structures* and *accessory uses* are subject to additional regulations contained in other Sections or Subsections of this By-law as follows:
 - i. *Accessory dwelling units*: refer to Subsection 3.2.1;
 - ii. *Accessory farm dwellings*: refer to Subsection 3.2.2;
 - iii. *Agri-tourism / value-added uses*: refer to Section 3.11;
 - iv. Allowable projections: refer to Section 3.3;
 - v. *Bed and breakfast establishments*: refer to Subsection 3.4;
 - vi. *Bicycle parking facilities*: refer to Subsection 3.12.4;
 - vii. *Drive-through facilities*: refer to Subsection 3.12.3;
 - viii. *Garden suites*: refer to Subsection 3.2.4;
 - ix. *Home occupations* and *home industries*: refer to Subsection 3.7;
 - x. *Landscaping* and *planting strips*: refer to Section 3.9;
 - xi. *On-farm diversified uses*: refer to Section 3.11;

- xii. Parking and loading facilities: refer to Section 3.12;
- xiii. *Private garages*: refer to Subsection 3.12.7;
- xiv. *Renewable energy systems*: refer to Section 3.15;
- xv. *Signs*: refer to Section 3.23;
- xvi. *Swimming pools*: refer to Subsection 3.24;
- xvii. *Waste storage enclosures*: refer to Section 3.26.

- h) In addition to the above, an *accessory building or structure* shall comply with the regulations in Tables 1-1 and 1-2 based on the applicable *zone*.

Table 1-1: Regulations for Accessory Buildings and Structures in Agricultural Zones

Regulation		Accessory Buildings or Structures in an Agricultural Zone		
		Type 1 (0.1 to 10m ²)	Type 2 (10.1 to 100m ²)	Type 3 (greater than 100m ²)
Maximum <i>ground floor area</i> per <i>building</i> or <i>structure</i>		10m ²	100m ²	Based on maximum <i>lot coverage</i> (see below)
Maximum number of <i>accessory buildings or structures</i> per <i>lot</i>	<i>Accessory buildings</i>	3	2	Based on maximum <i>lot coverage</i> (see below)
	<i>Accessory Structures</i>	Based on maximum <i>lot coverage</i> (see below)		
Permitted <i>yards</i>		All <i>Yards</i> except the <i>required front yard</i> or <i>required exterior side yard</i> , except that a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall be permitted in the <i>required front yard</i> and <i>required exterior side yard</i>		
Minimum setback to <i>front lot line</i>		No closer to the <i>front lot line</i> than the <i>main building</i> , and in accordance with the minimum <i>yard</i> requirements of the applicable <i>zone</i> , except that a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall not be located any closer than 6 metres to the <i>front lot line</i>		
Minimum setback to <i>exterior side lot line</i>		No closer to the <i>exterior side lot line</i> than the <i>main building</i> , except that a detached <i>private garage</i> in the <i>rear yard</i> shall not be located any closer than 6 metres to the <i>exterior side lot line</i> , and a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall not be located any closer than 6 metres to the <i>exterior side lot line</i>		
Minimum setback to <i>interior side lot line</i>		1.2 metres	2 metres	7.5 metres
Minimum setback to <i>rear lot line</i>				
Maximum <i>height</i>		3 metres	5.5 metres	10 metres
Maximum <i>lot coverage</i> of all <i>accessory buildings or structures</i> on the <i>lot</i>	<i>Lot area</i> 0.4 ha or less	8%, of the <i>lot area</i> , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		Not permitted on this <i>lot size</i>
	<i>Lot area</i> 0.5 ha to 2 ha	Greater of 5% or 320m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> 2.1 ha to 10 ha	Greater of 2.5% or 1,000 m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> greater than 10 ha	Greater of 1% or 2,500 m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
Minimum setback from <i>main building</i> ⁽¹⁾		1.5 metres	3 metres	
Maximum distance from a <i>main building</i>		The nearest point of a wall of the accessory building must be located within 50 metres of the <i>main building</i> (Bylaw 2018-61)		

⁽¹⁾ No projection shall be permitted into this required setback. This setback does not apply to a balcony, deck, fence, patio, porch, roof-mounted solar panels, satellite dish/antenna, steps, sunroom, walkway or other accessory structure normally appurtenant to a *main building*.

Table 1-2: Regulations for Accessory Buildings and Structures in Non-Agricultural Zones

Regulation		Accessory Buildings or Structures in a Residential Zone	Accessory Buildings or Structures in a Commercial, Institutional or Open Space Zone	Accessory Buildings or Structures in an Employment Zone
Maximum ground floor area per building or structure	RuR and R1A Zones	100m ²	Based on maximum <i>lot coverage</i> (see below)	
	All other Residential Zones	50m ²		
Maximum number of accessory buildings or structures per lot	Accessory buildings	2		
	Accessory Structures	Based on maximum <i>lot coverage</i> (see below)		
Permitted yards		Interior Side Yard Rear Yard	All Yards	
Minimum setback from <i>front lot line</i>		No closer to the <i>front lot line</i> than the <i>main building</i>	4.5 metres	15 metres
Minimum setback to <i>exterior side lot line</i>		No closer to the <i>exterior side lot line</i> than the <i>main building</i> , except that a detached <i>private garage</i> in the <i>rear yard</i> shall not be located any closer than 6 metres to the <i>exterior side lot line</i>		
Minimum setback to <i>interior side lot line</i>		1.2 metres, except that this shall not apply to prevent a permitted detached <i>private garage</i> which services two <i>dwellings</i> that are each on a separate <i>lot</i>	1.2 metres, or as required in the applicable <i>zone</i> where a lesser <i>interior side yard</i> is required for the <i>main building</i>	5 metres
Minimum setback to <i>rear lot line</i>			1.2 metres	7.5 metres
Maximum <i>height</i>		5 metres	6 metres	10 metres
Maximum <i>lot coverage</i>	RuR and R1A Zones	200m ² or 8% of the lot area, whichever is less, provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>	8% of the <i>lot area</i> , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>	
	All other Residential Zones	100m ² or 8% of the lot area, whichever is less, provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
Minimum setback from <i>main building</i> ⁽¹⁾		1.5 metres	3 metres	

⁽¹⁾ No projection shall be permitted into this required setback. This setback does not apply to a balcony, deck, fence, patio, porch, roof-mounted solar panels, satellite dish/antenna, steps, sunroom, walkway or other accessory structure normally appurtenant to a main building.

Meghan Birbeck

From: Lyle Killins [REDACTED]
Sent: March 22, 2021 10:06 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - A032021WL - Davies

Hi Meghan

The existing sewage system was installed as per the requirements of Part 8 Ontario Building Code. The proposed garage does not infringe on minimal separation distance from the sewage system. Thus, no objection to the application as proposed at this time.

Lyle Killins C.P.H.I.(c)
Director Part 8, O.B.C.
BCIN #11112

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: March 16, 2021 2:32 PM
To: Meghan Birbeck <mbirbeck@westlincoln.ca>
Subject: Notice of Hearing - A032021WL - Davies

Good afternoon,

Please find attached the above mentioned notice for a Minor Variance application for **A03/2021WL – Davies**.

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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COVID Update Feb 26, 2021 – The Provincial Government has stated starting Monday, March 1, 2021 the Region of Niagara will move to Red - Control stage. In compliance with these regulations, the Township Office is closed, however, staff are available to assist the public, Monday to Friday, 9:00 am to 4:30 pm by phone at 905-957-3346 or by email. The best source of information is our new website <https://www.westlincoln.ca> where you can also find specific email address and phone extensions.

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: March 22, 2021
Re: File A03/2021WL – Alan and Margaret Davis (820 Wellandport Rd)

A review has been completed of this minor variance application to permit a garage to be built ± 15.55 meters in front of the property's main dwelling and with a minimum setback of ± 5.08 meters from the front lot line which does not comply with the Township Zoning By-law 2017-70.

Public Works has no objections or comments to provide on this application.

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: March 18, 2021 9:17 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - A032021WL - Davies

Hello Meghan,

I can confirm that the NPCA will have no objection to the proposed minor variance. A fee will not be required. A Building Permit Clearance was issued by the NPCA in 2017 for the house that was built on the property, and the proposed location of the garage falls within an area that is already heavily disturbed. As such, it is unlikely that the proposed garage will have an impact on any NPCA regulated features or hazards.

Please circulate the NPCA on any or alternate additional proposed development or site alteration on the subject property, as a significant portion of the property includes NPCA regulated features and potential hazards.

[REDACTED]

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: Tuesday, March 16, 2021 2:32 PM
To: Meghan Birbeck <mbirbeck@westlincoln.ca>
Subject: Notice of Hearing - A032021WL - Davies

Good afternoon,

Please find attached the above mentioned notice for a Minor Variance application for **A03/2021WL – Davies**.

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

Sincerely,
Meghan Birbeck

DATE: March 31st, 2021

REPORT NO: COA-006-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Bill Kerr & Sandra Williams
File No. A06/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Bill Kerr and Sandra Williams for the property legally known as Concession 5, Part Lot 1, RP30R4828; Part 1, in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. The property is municipally known as 1768 Caistor Gainsborough Townline Road.
- This Minor Variance application has been submitted due to a by-law infraction caught at the final building inspection stage of construction. The existing newly constructed garage is located in front of the front wall of the main dwelling by approximately 91.44 centimeters (36 inches)
- The applicant constructed the accessory building to the north of the main dwelling and in the location that it is in to allow access to the property's septic tank for required maintenance and cleaning.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval.

RECOMMENDATION:

1. THAT, the application for a Minor Variance made by Bill Kerr and Sandra Williams as outlined in Report COA-006-21, to recognize an accessory building located closer to the front lot line than the main building by approximately 91.44 centimetres (36 inches), BE APPROVED; subject to the following condition
 - a. That the shipping container be removed as a condition of this minor variance taking effect.

BACKGROUND:

The subject lands are situated on the west side of Caistor Gainsborough Townline Road, north of Bismark road and south of Concession 4, being legally described as Concession 5, Part Lot 1, RP30R4828; Part 1, in the former Township of Caister, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 1768 Caistor Gainsborough Townline Road. (See attachment 1 for a site sketch)

An application for a Minor Variance has been made to recognize the newly constructed 77.2 square metre detached garage that is located closer to the front lot line than the

main building. The applicant previously submitted a building permit application to construct a new accessory building on June 23, 2020 which proposed to demolish the existing 52 square metre accessory building and construct a new 77.3 square metre accessory building.

This application was submitted on June 23rd 2020 and it was reviewed for zoning compliance by the planning department, the planning review was completed on June 29th 2020. The planning department completed a review and signed off on the garage as the front wall was in line with the front wall of the main dwelling, as shown on the survey. The applicant was issued his building permit on July 9th 2020. At the time of final inspection from the Township's Building Inspector it was noted that the accessory garage was located closer to the front lot line than the main building. By-law issued a zoning compliance order which resulted in this minor variance application.

CURRENT SITUATION:

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

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

The property is designated as Good General Agriculture under the Township's Official Plan. The Good General Agricultural Zone comprises those lands designated as the second highest level of protection and preservation for agricultural purposes. Residential and accessory residential uses are permitted in the Good General Agricultural designation. The newly constructed 77.3 square metre accessory building is accessory to the existing residence on the property, and would not significantly impact the environment nor negatively impact neighbouring residential properties.

Township Planning Staff are of the opinion that this minor variance meets 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 Agricultural 'A' in the Township's Zoning By-law 2017-70, as amended. The parcel is 0.41 hectares (1 acre) The agricultural zone permits single detached dwellings and their associated accessory buildings. The proposed accessory building is a permitted use under the regulations of the Agricultural Zone.

Under the Townships Zoning By-law accessory buildings shall be no closer to the front lot line than the main building. This ensures that there is a consistent streetscape throughout the Township of West Lincoln and that the main buildings on the lot are the prominent buildings, and the accessory buildings are seen as accessory.

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 had proposed to replace a 52 square metre accessory building that was constructed prior to 2002. The structure of the building was in very poor condition. The applicants submitted a permit to demolish the previous accessory building and replace it with a newly constructed 77.3 square metre garage. This building is currently being used for storage purposes, which is permitted on an agricultural small holding property.

The septic department had no objections to the application as proposed, as it has met the 5 metre required setback from a building to a septic system. As such, Planning Staff are of the opinion that the requested variance is appropriate development and use of the land.

Is the proposal minor in nature? Yes

The subject application is requesting to recognize an existing accessory building that is closer to the front lot line than the main building. This was not originally planned, but is required now due to setbacks from the septic system. The purpose of the Township's Zoning By-law 2017-70 requiring accessory buildings to be located behind the main dwelling is to ensure the main building is the prominent feature of the property and that accessory buildings are seen as accessory. The applicant has previously constructed a 77.3 square metres detached garage/storage building. The proposed accessory structure is approximately 91.44 centimeters (36 inches) closer to the front lot line than the main building. The size of the existing house on the subject property is approximately 1154 square feet (216.93 square metres) (Please see attached site sketch)

The proposed location of the accessory structure is due to the existing septic and the required setbacks from this bed which take up most of the area located directly behind the house and the newly constructed garage. The required setback from the septic bed is 5 metres; the accessory building is also required to be 3 metres away from the existing dwelling. Parking is not permitted on any part of a septic system therefore the accessory building cannot be located towards the back of the property.

Planning staff note that there had previously been a 52 square metre accessory building on the subject property since approximately 2002. The 91.44 centimeter (36 inch) setback is minor in nature, and will not affect neighbouring properties. 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 March 12th 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township Public Works Department, Septic Inspector and Building Department

Respecting Our Roots, Realizing Our Future

have no objections for this application

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

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on March 12th 2021. 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 March 24th, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Bill Kerr and Sandra Williams for the property municipally known as 1768 Canborough Road. The Minor Variance application was submitted due to a zoning by-law infraction being caught at final building inspection stage. This application is now requesting to recognize the newly constructed 77.3 square metre accessory garage that is located closer to the front lot line than the main building. Planning staff are of the opinion that this application meets all four tests of a minor variance, and as such, can recommend approval of this application; subject to one condition.

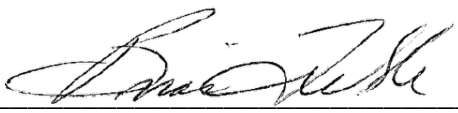
ATTACHMENTS:

1. Site Sketch
2. Accessory Building Zoning Provisions
3. Agency Comments

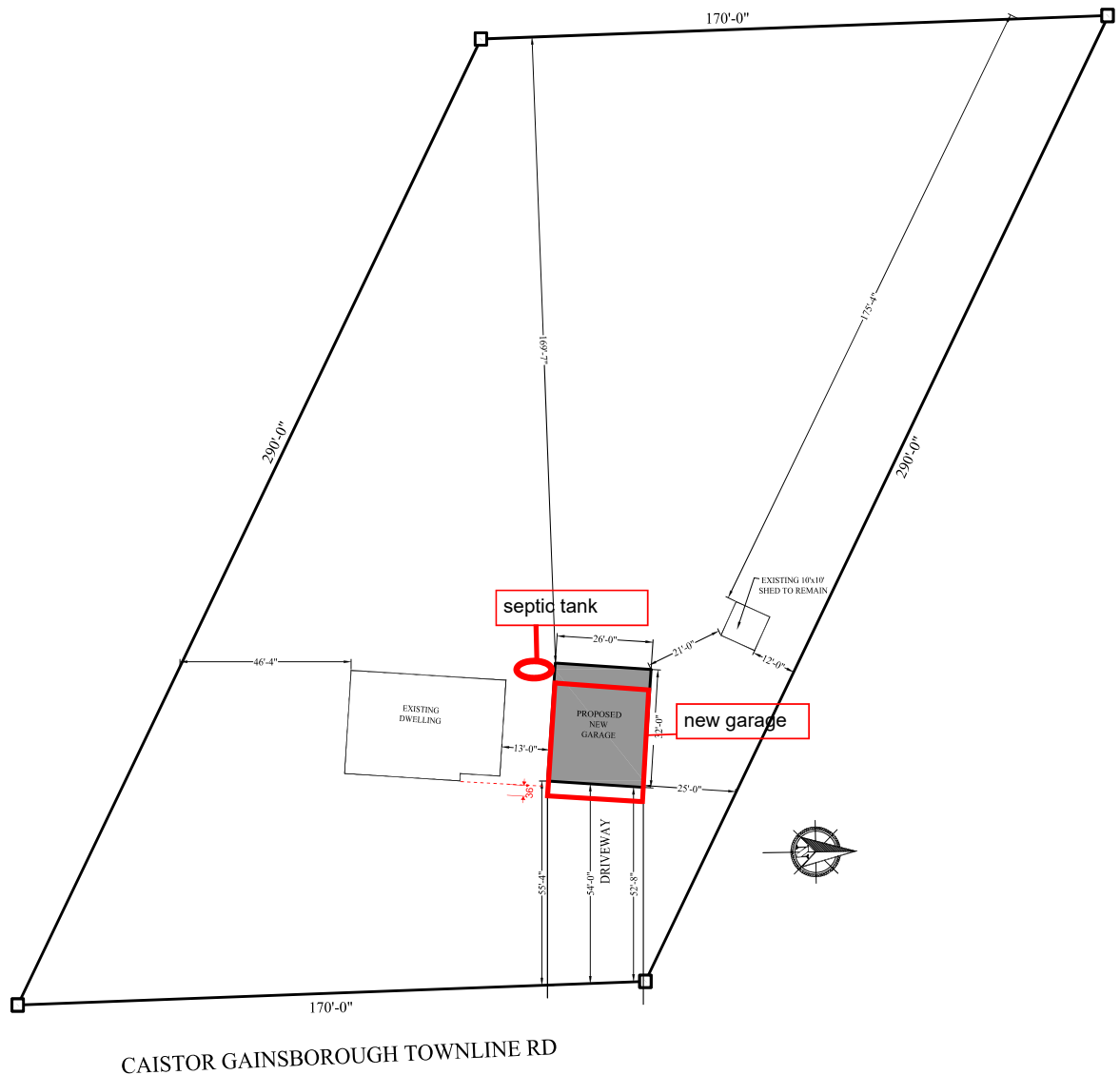
Prepared by:



Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building





SITE STATISTIC

LOT AREA	49,300 sqf	(4,580m²)
EXIST. HOUSE	1,154 sqf	(216.93m²)
PROPOSED GARAGE	832 sqf	(77.30m²)
EXIST. SHED	100 sqf	(9.29m²)

NOTES:
1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

NOTE:
INFORMATION ON THIS SITE PLAN HAS BEEN OBTAINED FROM OWNER PROVIDED INFO AND MUNICIPAL GIS AND MAY BE APPROXIMATE.

4		 DeFILIPPIS DESIGN 887 DARTON ST., SUITE 201 STONE CREEK, ONTARIO L8E 5L6 (905) 643-2250 FAX (905) 643-1095 email: dphilippisdesign@shaw.ca
3		
2		
1		
REV.		
JOB NO.		SITE PLAN FOR: BILL KERR 1768 CAISTOR GAINSBOROUGH TOWNLINE RD WEST LINCOLN, ONTARIO
CHKD. BY		
DRN. BY		
DATE: JANUARY, 2020		
SCALE: AS NOTED		SITE PLAN
DWG NO. SP-1		



PART 3. GENERAL PROVISIONS

3.1 ACCESSORY BUILDINGS OR STRUCTURES AND ACCESSORY USES

The following regulations apply to *accessory buildings or structures* and *accessory uses*:

- a) Where this By-law permits a *lot* to be used or a *building or structure* to be *erected* or used for a permitted *use*, that *use* shall include any *accessory building or structure* and any *accessory use*.
- b) An *accessory building or structure* shall not be used for human habitation or an occupation for gain or profit, except if specifically permitted by this By-law.
- c) An *accessory building or structure* and *accessory use* shall be located on the same *lot* as the *principal use* to which it is associated.
- d) An *accessory building or structure* shall not be *erected* on a *lot* prior to the *erection* of the *main building* on the *lot* or prior to the establishment of the *principal use* to which it is associated, except if specifically permitted by this By-law.
- e) An *accessory building or structure* or part thereof shall not be located within an easement that is in favour of a *public authority*.
- f) An *accessory building or structure* shall not include any storage or *pre-fabricated shipping container*, portable storage unit, repurposed *motor vehicle* or *trailer*, in whole or in part, except:
 - i. In the Service Commercial Zone outside of *settlement areas*, on a *lot* having a minimum *lot area* of 2 hectares, a maximum of 2 *pre-fabricated shipping containers* are permitted as *accessory structures* to be located in the *rear yard* or *interior side yard* only;
 - ii. In Employment Zones, in the *rear yard* or *interior side yard* only; and,
 - iii. In Agricultural Zones, a *pre-fabricated shipping container* is permitted as an *accessory structure*, accessory to an *agricultural use*, to a maximum of 1 *pre-fabricated shipping container* per 4 hectares of *lot area* and not exceeding a total of 5 *pre-fabricated shipping containers* on a *lot*. (Bylaw 2018-61)
- g) Certain *accessory buildings or structures* and *accessory uses* are subject to additional regulations contained in other Sections or Subsections of this By-law as follows:
 - i. *Accessory dwelling units*: refer to Subsection 3.2.1;
 - ii. *Accessory farm dwellings*: refer to Subsection 3.2.2;
 - iii. *Agri-tourism / value-added uses*: refer to Section 3.11;
 - iv. Allowable projections: refer to Section 3.3;
 - v. *Bed and breakfast establishments*: refer to Subsection 3.4;
 - vi. *Bicycle parking facilities*: refer to Subsection 3.12.4;
 - vii. *Drive-through facilities*: refer to Subsection 3.12.3;
 - viii. *Garden suites*: refer to Subsection 3.2.4;
 - ix. *Home occupations* and *home industries*: refer to Subsection 3.7;
 - x. *Landscaping* and *planting strips*: refer to Section 3.9;
 - xi. *On-farm diversified uses*: refer to Section 3.11;

- xii. Parking and loading facilities: refer to Section 3.12;
- xiii. *Private garages*: refer to Subsection 3.12.7;
- xiv. *Renewable energy systems*: refer to Section 3.15;
- xv. *Signs*: refer to Section 3.23;
- xvi. *Swimming pools*: refer to Subsection 3.24;
- xvii. *Waste storage enclosures*: refer to Section 3.26.

- h) In addition to the above, an *accessory building or structure* shall comply with the regulations in Tables 1-1 and 1-2 based on the applicable *zone*.

Table 1-1: Regulations for Accessory Buildings and Structures in Agricultural Zones

Regulation		Accessory Buildings or Structures in an Agricultural Zone		
		Type 1 (0.1 to 10m ²)	Type 2 (10.1 to 100m ²)	Type 3 (greater than 100m ²)
Maximum <i>ground floor area</i> per <i>building</i> or <i>structure</i>		10m ²	100m ²	Based on maximum <i>lot coverage</i> (see below)
Maximum number of <i>accessory buildings or structures</i> per <i>lot</i>	<i>Accessory buildings</i>	3	2	Based on maximum <i>lot coverage</i> (see below)
	<i>Accessory Structures</i>	Based on maximum <i>lot coverage</i> (see below)		
Permitted <i>yards</i>		All <i>Yards</i> except the <i>required front yard</i> or <i>required exterior side yard</i> , except that a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall be permitted in the <i>required front yard</i> and <i>required exterior side yard</i>		
Minimum setback to <i>front lot line</i>		No closer to the <i>front lot line</i> than the <i>main building</i> , and in accordance with the minimum <i>yard</i> requirements of the applicable <i>zone</i> , except that a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall not be located any closer than 6 metres to the <i>front lot line</i>		
Minimum setback to <i>exterior side lot line</i>		No closer to the <i>exterior side lot line</i> than the <i>main building</i> , except that a detached <i>private garage</i> in the <i>rear yard</i> shall not be located any closer than 6 metres to the <i>exterior side lot line</i> , and a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall not be located any closer than 6 metres to the <i>exterior side lot line</i>		
Minimum setback to <i>interior side lot line</i>		1.2 metres	2 metres	7.5 metres
Minimum setback to <i>rear lot line</i>				
Maximum <i>height</i>		3 metres	5.5 metres	10 metres
Maximum <i>lot coverage</i> of all <i>accessory buildings or structures</i> on the <i>lot</i>	<i>Lot area</i> 0.4 ha or less	8%, of the <i>lot area</i> , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		Not permitted on this <i>lot size</i>
	<i>Lot area</i> 0.5 ha to 2 ha	Greater of 5% or 320m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> 2.1 ha to 10 ha	Greater of 2.5% or 1,000 m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> greater than 10 ha	Greater of 1% or 2,500 m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
Minimum setback from <i>main building</i> ⁽¹⁾		1.5 metres	3 metres	
Maximum distance from a <i>main building</i>		The nearest point of a wall of the accessory building must be located within 50 metres of the <i>main building</i> (Bylaw 2018-61)		

⁽¹⁾ No projection shall be permitted into this required setback. This setback does not apply to a balcony, deck, fence, patio, porch, roof-mounted solar panels, satellite dish/antenna, steps, sunroom, walkway or other accessory structure normally appurtenant to a *main building*.

Table 1-2: Regulations for Accessory Buildings and Structures in Non-Agricultural Zones

Regulation		Accessory Buildings or Structures in a Residential Zone	Accessory Buildings or Structures in a Commercial, Institutional or Open Space Zone	Accessory Buildings or Structures in an Employment Zone
Maximum ground floor area per building or structure	RuR and R1A Zones	100m ²	Based on maximum <i>lot coverage</i> (see below)	
	All other Residential Zones	50m ²		
Maximum number of accessory buildings or structures per lot	Accessory buildings	2		
	Accessory Structures	Based on maximum <i>lot coverage</i> (see below)		
Permitted yards		Interior Side Yard Rear Yard	All Yards	
Minimum setback from <i>front lot line</i>		No closer to the <i>front lot line</i> than the <i>main building</i>	4.5 metres	15 metres
Minimum setback to <i>exterior side lot line</i>		No closer to the <i>exterior side lot line</i> than the <i>main building</i> , except that a detached <i>private garage</i> in the <i>rear yard</i> shall not be located any closer than 6 metres to the <i>exterior side lot line</i>		
Minimum setback to <i>interior side lot line</i>		1.2 metres, except that this shall not apply to prevent a permitted detached <i>private garage</i> which services two <i>dwellings</i> that are each on a separate <i>lot</i>	1.2 metres, or as required in the applicable <i>zone</i> where a lesser <i>interior side yard</i> is required for the <i>main building</i>	5 metres
Minimum setback to <i>rear lot line</i>			1.2 metres	7.5 metres
Maximum <i>height</i>		5 metres	6 metres	10 metres
Maximum <i>lot coverage</i>	RuR and R1A Zones	200m ² or 8% of the lot area, whichever is less, provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>	8% of the <i>lot area</i> , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>	
	All other Residential Zones	100m ² or 8% of the lot area, whichever is less, provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
Minimum setback from <i>main building</i> ⁽¹⁾		1.5 metres	3 metres	

⁽¹⁾ No projection shall be permitted into this required setback. This setback does not apply to a balcony, deck, fence, patio, porch, roof-mounted solar panels, satellite dish/antenna, steps, sunroom, walkway or other accessory structure normally appurtenant to a main building.

Meghan Birbeck

From: Lyle Killins [REDACTED]
Sent: March 19, 2021 11:56 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - A062021WL - Kerr

Good Morning, Meghan

The garage location complies with the requirement of Part 8, (Sewage Systems) Ontario Building Code relating to 'Minimum Separation

Distances'. A minimum separation distance from a structure to a sewage system is 5 metres.

Thus, this Department has no objection to the application as proposed.

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

Director Part 8, Ontario Building Code

Township of West Lincoln

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: March 16, 2021 3:02 PM
To: Meghan Birbeck <mbirbeck@westlincoln.ca>
Subject: Notice of Hearing - A062021WL - Kerr

Good afternoon,

Please find attached the above mentioned notice for a minor variance application for **A06/2021WL – Kerr**.

If you have any comments regarding this application I would appreciate if I could get them to me by Wednesday, March 24th, 2021.

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

Sincerely,
Meghan Birbeck



Meghan Birbeck

Planner I

Tel: 905-957-3346 ext. 5140
Email: mbirbeck@westlincoln.ca
Web: www.westlincoln.ca


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Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: March 22, 2021
Re: File A06/2021WL – Bill Kerr and Sandra Williams (1768 Caistor
Gainsborough Townline Rd)

A review has been completed of this minor variance application to permit an existing garage to remain that is located ± 91.44 centimeters in front of the property's main dwelling which does not comply with the Township Zoning By-law 2017-70.

Public Works has no objections or comments to provide on this application.

DATE: March 31st, 2021

REPORT NO: COA-009-21

SUBJECT: **Recommendation Report**
Application for Consent
by Jared Marcus, IBI Group (Agent) on behalf of
the Greek Association of Niagara
File No. B02/2021WL

CONTACT: Gerrit Boerema, 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 Marz Homes Lands' current draft plan of subdivision application, has been submitted by Jared Marcus, IBI Group (Agent) on behalf of the Greek Association of Niagara. The Marz Homes' current draft plan of subdivision application is currently under consideration by the Township.
- The Greek Association of Niagara own an Institutional 'I' zoned property that is ± 1.959 hectares (± 4.840 acres) in size with the Roll Number 260203001232200, municipally know as 6659 Regional Road 20, and are proposing to sever off ± 0.560 hectares (± 1.384 acres) and retain ± 1.399 hectares (± 3.456 acres) of land.
- In late 2020, the Greek Association of Niagara's property at 6659 Regional Road 20 was rezoned to Institutional 'I' from Development 'D'.
- The Marz Homes' property abuts to the northwest and southwest boundary of Greek Association of Niagara's property at 6659 Regional Road 20.
- The Greek Association of Niagara are proposing to undergo the minor boundary adjustment with the Marz Homes' property.
- The Marz Homes' property is ± 10.35 hectares (± 25.57 acres) in size. Completing the proposed minor boundary adjustment would increase the Marz Homes' property to ± 11.01 hectares (± 26.954 acres) in size.
- The portion of land proposed to be severed will allow Marz Homes to develop approximately 16 additional freehold single detached lots that front onto a proposed internal Street 'B' of their proposed mixed-use development application.
- If this application is approved, a Zoning By-law Amendment and Official Plan Amendment application will be required to rezone the land proposed to be severed from 'I' to Residential Low Density 'R3'. These applications are currently being proceed with the public meeting held on March 8, 2021.

OVERVIEW CONTINUED:

- **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. Staff recommend approving this application. Subject to a number of conditions.**

RECOMMENDATION:

That, report COA-009-21, regarding an application for Consent made by Jared Marcus, IBI Group (Agent) on behalf of the Greek Association of Niagara, 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 1 of the survey sketch prepared by A.J. Clarke and Associates Ltd. and dated January 13, 2021 be conveyed to Marz Homes Lands, being the owner of the property to the north and west, being legally described as PIN No. 46055-0152(LT) 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 PINS. 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. The applicant applies for, pay the prescribed fee and obtain an amendment to the Zoning By-law with respect to the lot to be severed, such that it be rezoned from Institutional 'I' to Residential Low Density 'R3' to recognize the proposed residential units for the area and that the By-law be in full force and effect.
6. That an Official Plan Amendment is applied for and approved, to re-designate the lands from Institutional to low density residential.
7. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.

8. That all 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 #3**
 - Strategic, responsible growth

BACKGROUND:

A consent application has been submitted on behalf by Jared Marcus, IBI Group (Agent) on behalf of the Greek Association of Niagara for their Institutional 'I' zoned property that is ± 1.96 hectares (± 4.84 acres) in size. This application proposes to sever ± 0.56 hectares (± 1.384 acres) of Institutional 'I' land from the subject property. The portion of land proposed to be severed is currently vacant and underutilized by the Greek Association. The retained Institutional 'I' land will be ± 1.399 hectares (± 3.456 acres) in size.

The subject land to be severed is known municipally as 6659 Regional Road 20. The land is legally described as Concession 9, Part Lot 10, Plan M98 Lot 8 in the former Township of South Grimsby, now in the Township of West Lincoln, Roll Number 260203001232200. The subject land is located to the north of Regional Road 20, west of South Grimsby Road 5, and east of South Grimsby Road 6. (See attachment 1)

The Greek Association of Niagara, through their agent, are proposing to perform a minor boundary adjustment which will result in a lot addition to the Marz Homes Lands' adjacent property. The Marz Homes' property abuts the northwest and southwest boundary of the Greek Association of Niagara's north and west and is legally described as Concession 9, Part Lot 10, Plan M98 Lot 9, Roll Number 260203001231800. The property is ± 10.35 hectares (± 25.57 acres) in size. With the lot addition the Marz Homes' property will become ± 11.01 hectares (± 26.954 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. The PPS promotes building and sustaining strong, healthy communities through efficient development and land use patterns. This includes providing a mix and range of housing, employment, institutional, recreational, park, and open space land uses to meet the long-term needs of residents in the province. The PPS states that development should generally take place where municipal infrastructure and services currently exist, or are planned and to avoid the unnecessary expansion of services. Development should be planned to protect and preserve natural and cultural heritage features, and should avoid natural and man-made hazards.

The proposed development focuses development away from significant or sensitive resources – specifically the Township’s Agricultural land – and areas that may pose a risk to public health and safety. Additionally, the proposed development is aiming to provide 16 single detached residential dwellings that will make more efficient use of the existing lands through intensification and redevelopment, further contributing to meeting the long-term needs of residents by providing more housing opportunities. The exact lot fabric and number of lots will be determined through the ongoing draft Plan of Subdivision. Lastly, the proposed development is located within an existing Settlement Area where municipal infrastructure and services are planned and away from natural and cultural heritage features. As such, the proposed development is consistent with the PPS, 2020.

A Place to Grow (2019)

A Place to Grow Plan (P2G), 2019 provides policies to guide future growth and development in the Greater Golden Horseshoe (the “GGH”) to a time horizon to the year 2051. The P2G projects a population of 674,000 residents and 272,000 jobs by 2051 for the Region of Niagara. The 2051 projections are required to be updated within the Region and Township’s Official Plan through a Municipal Comprehensive Review (“MCR”). In the interim, the existing projections of the Region of Niagara and Town of West Lincoln Official Plans’ apply.

The current Region of Niagara Official Plan and Township of West Lincoln population projections are based on the Growth Plan, 2006. The Growth Plan, 2006 provided population forecasting through to 2031. The 2006 Growth Plan projected a population of 511,000 residents and 218,000 jobs for the Region of Niagara by 2031.

Building upon the policy direction of the PPS, the P2G provides policy direction to municipalities within the GGH on how and where to grow. The P2G directs development and growth to the existing Settlement Areas, where municipal services and infrastructure exist or are planned. Similar to the PPS, the Growth Plan does not permit the expansion of existing, or creation of new, Settlement Areas outside of the Municipal Comprehensive Review, and only provided it is demonstrated that sufficient opportunities to accommodate the forecasted growth to the horizon of the plan are not available through intensification and in the designated Greenfield areas.

Development in the GGH should promote complete communities that offer and support opportunities for people of all ages and abilities to conveniently access the necessities of daily living, including an appropriate mix of jobs, local stores and services, a full range of housing, transportation options and public services. The P2G provides municipalities with intensification targets for Urban Growth Centres (downtown areas), Transit Corridors and Station Areas, and Greenfield Areas. The Plan also provides policy direction that a minimum density target of 50 residents and jobs combined per hectare shall be applicable to the designated Greenfield areas in the Niagara Region. These targets are to be implemented through the local Official Plan.

As previously discussed, the proposed development includes residential growth in an existing Settlement Area where municipal services and infrastructure are planned. Further, the subject lands are a designated Greenfield area and the proposed development comprises roughly 16 single detached dwellings that will contribute to meeting the minimum density target of 50 persons and jobs combined per hectare allocated to the Greenfield area through the P2G, 2019. Lastly, the proposed development will function as part of a complete community that caters to people of all ages and abilities, further contributing to ensuring that the full range and mix of housing opportunities available. As such, the proposed development conforms to the P2G, 2019.

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 proposed planning application conforms to the ROP as it facilitates residential development within a designated Greenfield area. The proposed residential development further encourages a compact complete community within the designated Greenfield area by providing an additional single detached housing component to the planned 224 residential units (45 single detached dwellings, 147 townhouses & 32 mixed-use residential units), mixed-use commercial/residential building, park, and a stormwater management pond to be established on the Marz Homes. This plan is still under review for a proposed Plan of Subdivision application. Moreover, the proposed additional residential units will further contribute to achieving the minimum combined gross density target of 50 people and jobs per hectare within the designated Greenfield area.

With respect to road access, currently the Greek Association Lands have access onto Highway 20, which is a Regional Road. The proposed development land area is proposed to be severed from the Greek Association Lands and merged with the Marz Homes; therefore, the proposed development will have access onto Street “B” of the draft Marz Homes Plan of Subdivision and will not have a significant impact to the Regional Road function (i.e. active transportation network, access, etc.).

Township of West Lincoln Official Plan

The Township of West Lincoln Official Plan contains goals, objectives and policies that ensure that future growth preserves and enhances the irreplaceable attributes of the Township. The policies outlined in the Official Plan implement the broader policies of the Regional Official Plan.

The Greek Association Lands are located within the Greenfield area of the Smithville Urban Boundary, where residential growth shall be focused. The proposed development will contribute to meeting the Township’s forecast of an average gross density of 50 jobs and persons per hectare within the designated Greenfield area. The proposed

development is included as part of an overall vision that will be phased and implemented in an efficient manner with the entire Secondary Plan area to balance both intensification and development. The proposed complete community on the Marz Homes creates a more compact, multi-modal, mixed-use community that comprises a wide range of housing types and tenures to develop lands efficiently. The proposed development will further contribute to the mix of housing opportunities within the community.

The Greek Association Lands and Marz Homes are identified on Schedule B-4 as being within the Northwest Quadrant Secondary Plan area. The Northwest Quadrant area is proposed to be developed as a complete community by incorporating residential uses, local servicing commercial uses, and an integrated parks and open space system. The proposed development on the Greek Association Lands will further contribute to accommodating the minimum of 570 new residential units by 2031 and achieving the minimum density of 50 people and jobs per hectare within the designated Greenfield area.

The Greek Association Lands are designated as Institutional on the Community Structure Plan. The current use on the Greek Association Lands is planned to continue. The proposed development includes residential uses, as intended by the Northwest Quadrant Secondary Plan in the long-term for the Greek Association Lands if the existing use ceases to exist. Any future redevelopment of the Greek Association Lands will require an OPA. The proposed development will not change the identified road patterns on Schedule A or Schedule E-4 of Township Official Plan for that matter. A TWOP amendment is required to permit the proposed development on the Greek Association Lands. The Low Density Residential designation is most suitable to apply on the proposed development land area of the Greek Association Lands. The proposed low density residential development would permit the proposed single detached dwelling type and would result in 29 units per net residential hectare, in accordance with the Low Density Residential designation of the Northwest Quadrant Secondary Plan.

Moreover, the proposed development strives to conserve energy and achieves sustainability by encouraging a compact development and efficient built form by using planned municipal services and infrastructure and developing Greenfield land. Moreover, as already confirmed by the Development Report prepared by IBI Group in July 2020, the proposed development on the Marz Homes is transit supportive encourages active modes of transportation, implements environmentally responsible design and construction practices, protects natural features, and results in the reduction of resource consumption. Overall, the proposed development maintains the intent of the TWOP and associated Northwest Quadrant Secondary Plan, provided that the applicant applies for and gets approval for an Official Plan amendment to change the designation from Institution to Low Density Residential.

Township Zoning By-law

The property is currently zoned Institutional 'I'. Single detached dwellings are not a permitted use within the Institutional ("I") zone; therefore, a Zoning By-law Amendment

is required to change the zone and implement the appropriate dwelling typology. The retained 'I' land is required to retain its 'I' zoning. The parcel of land that is being severed is required to merge with the Marz Homes' property and is required to be rezoned to Residential Low Density 'R3'.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS

Circulation was provided to interested agencies on March 12th 2021, by way of mail and e-mail.

The Township Public Works Department and Septic Inspector have no objections for this application.

The Niagara Region staff have no comments to provide as Regional interests for the subject lands are being addressed through the concurrent Official Plan & Zoning By-law Amendment applications

The Niagara Peninsula Conservation Authority (NPCA) does not object to the severance, as there are no NPCA regulated features or hazards located on the subject property.

Bell Canada's engineering department have determined that there are no concerns or issues with the application.

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

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 120m radius of the subject lands March 12th 2021. 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 14 days before the hearing.

No public comments have been received as of March 24th, during the preparation of this report.

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, which has been submitted by Jared Marcus, IBI Group (Agent) on behalf of the Greek Association of Niagara, to sever a ±0.56 hectares (±1.384 acres) portion of their Institutional 'I' land from Roll Number 260203001232200 as a minor boundary

adjustment. 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. Authorization Letter
3. Agency comments

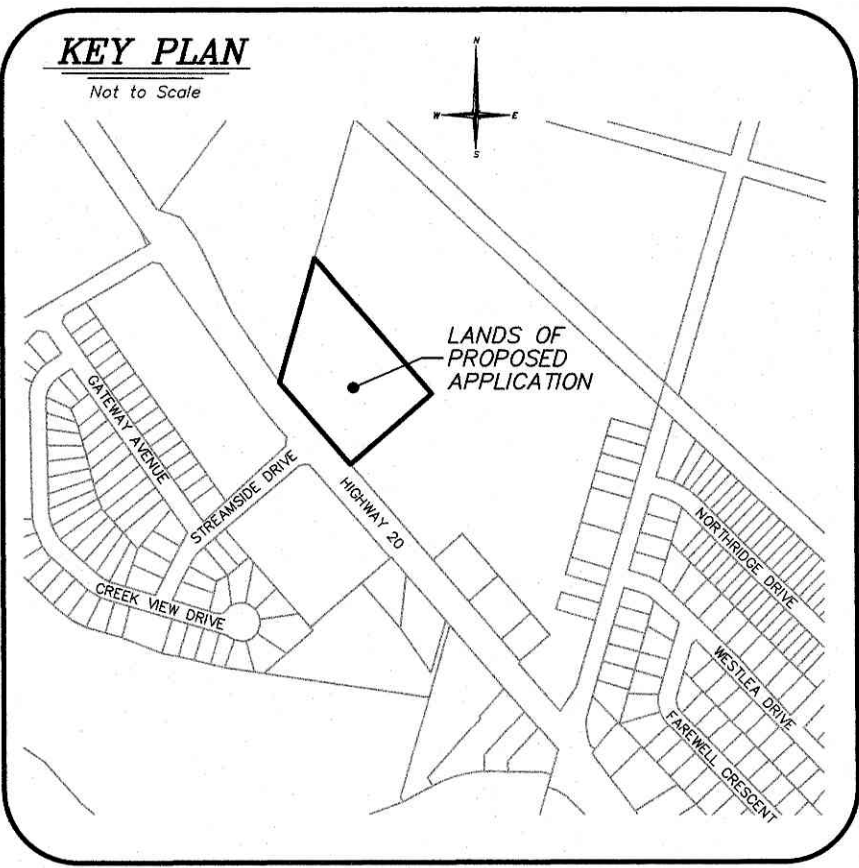
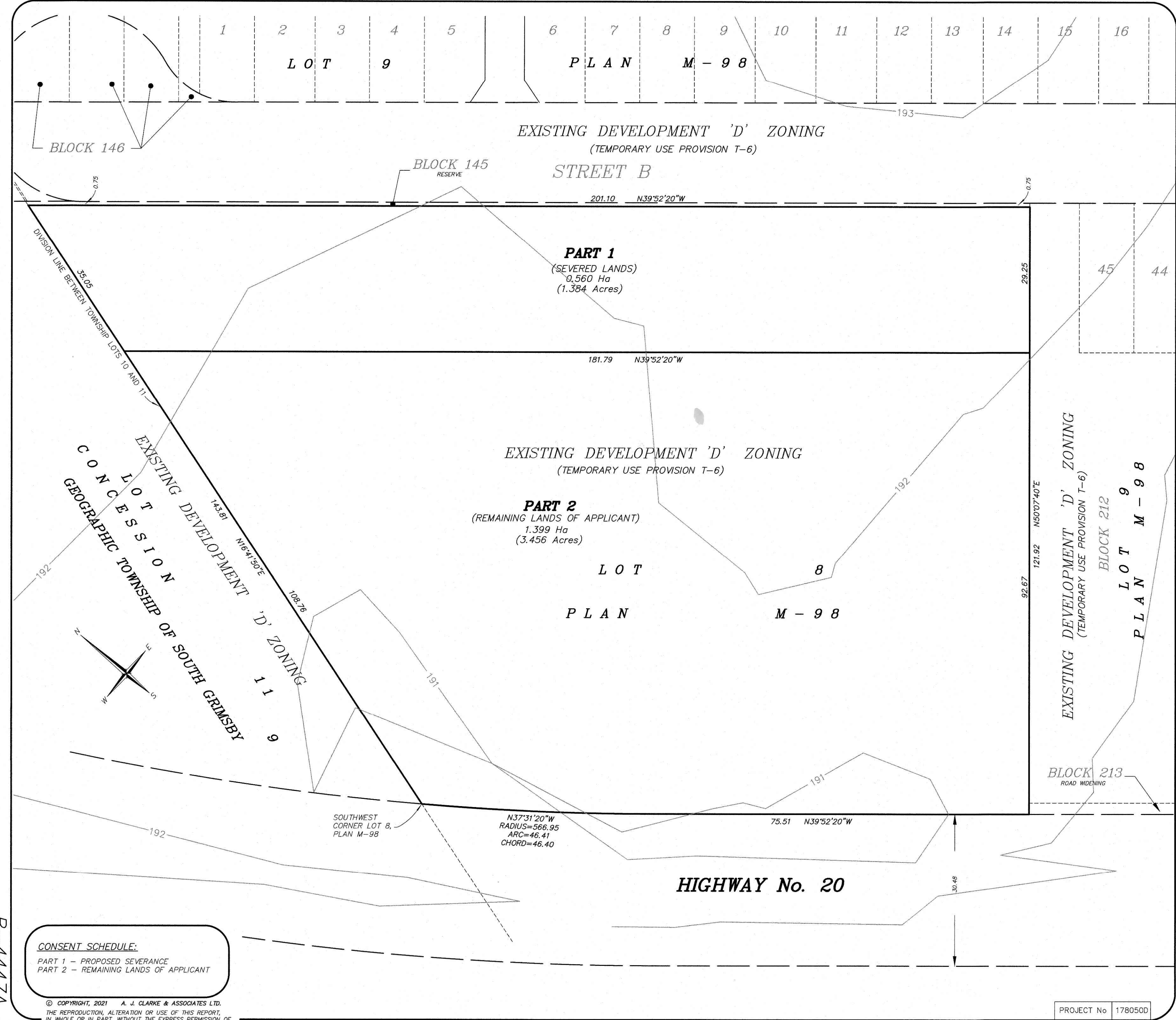
Prepared by:



Gerrit Boerema
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



NOTE:
THE ABOVE NOTED LANDS ARE COMPRISED OF
BLOCK 8
REGISTERED PLAN M-98

METRIC:
DISTANCES SHOWN ON THIS SKETCH ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES:
THIS SKETCH IS COMPILED FROM PLANS AND RECORDS
ON FILE IN THIS OFFICE AND IS NOT BASED ON AN
ACTUAL FIELD SURVEY.

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION
TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT OF
SEVERANCE AND IS NOT INTENDED FOR REGISTRATION

THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL
COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

CAUTION:
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED
EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

JANUARY 13, 2021
DATE
NICHOLAS P. MUTH
ONTARIO LAND SURVEYOR

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

CONSENT SCHEDULE:
PART 1 - PROPOSED SEVERANCE
PART 2 - REMAINING LANDS OF APPLICANT

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PROJECT No 1780500

H:\30\M\98\Marz Smithville Northwest (178050)\CURRENT\Sketch for Severance\R-4447A.dwg

LETTER OF AUTHORIZATION BY OWNER

GREEK ASSOCIATION 'AGIOS
I/We, HARALABOS' OF NIAGARA, am/are the owner(s) of 6659 Highway
No. 20, in the Township of West Lincoln, and we hereby authorize IBI Group and Marz
Homes (Smithville West) Inc. to act as our agents to prepare, submit and act on the
Official Plan Amendment, Zoning By-law Amendment and Severance applications for
the above noted property.

GREEK ASSOCIATION 'AGIOS HARALABOS' OF NIAGARA
PER:

B. Makris
Signature

January 15, 2021
Date

Bill Makris, President, A.S.O.
I have authority to bind
the corporation.

Meghan Birbeck

From: Lyle Killins [REDACTED]
Sent: March 19, 2021 11:38 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - B022021WL - Greek Association of Niagara

Hi Meghan

Please be advised the application as proposed conforms with the requirements of Part 8 (Septic Systems), Ontario Building Code.

Thus, this Department has no objection to the proposal as presented at this time.

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

Inspector Part 8, Ontario Building Code

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: March 16, 2021 1:49 PM
To: Meghan Birbeck <mbirbeck@westlincoln.ca>
Subject: Notice of Hearing - B022021WL - Greek Association of Niagara

Good afternoon,

Please find attached the above mentioned notice for a Consent application for **B02/2021WL – Greek Association of Niagara**.

If you have any comments regarding this application I would appreciate if I could get them to me by Wednesday, March 24th, 2021.

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

Sincerely,
Meghan Birbeck



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.

COVID Update Feb 26, 2021 – The Provincial Government has stated starting Monday, March 1, 2021 the Region of Niagara will move to Red - Control stage. In compliance with these regulations, the Township Office

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: March 22, 2021
Re: File B02/2021WL – Greek Association of Niagara (6659 RR20)

A review has been completed of this application for consent for a lot addition to the Marz Homes current draft plan of subdivision application. The Greek Association is proposing to sever off ± 0.56 hectares and retain ± 1.399 hectares. The land to be severed will be developed by Marz Homes.

Public Works has no objections or comments to provide on this application and would review the addition as part of the Marz Homes draft plan of subdivision application.

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: March 17, 2021 12:03 PM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - B022021WL - Greek Association of Niagara

Hello Meghan,

I would just like to re-iterate the comments that the NPCA made at the pre-con stage for this application, with a few slight modifications.

The NPCA does not object to the proposed severance, as there are no NPCA regulated features or hazards located on the subject property. The NPCA would like clarification as to the implications that this proposal will have on the current Marz Homes Subdivision application submitted to the Township of West Lincoln. Please circulate any revised plans and reports regarding the Marz Homes Subdivision application to the NPCA for review and approval.

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: Tuesday, March 16, 2021 1:49 PM
To: Meghan Birbeck <mbirbeck@westlincoln.ca>
Subject: Notice of Hearing - B022021WL - Greek Association of Niagara

Good afternoon,

Please find attached the above mentioned notice for a Consent application for **B02/2021WL – Greek Association of Niagara**.

If you have any comments regarding this application I would appreciate if I could get them to me by Wednesday, March 24th, 2021.

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

Sincerely,
Meghan Birbeck

Meghan Birbeck

From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: March 23, 2021 8:33 AM
To: Meghan Birbeck
Subject: RE: Notice of Hearing - B022021WL - Greek Association of Niagara - 905-21-132

Dear Meghan,

Re: File B022021WL

Subsequent to review of the severance at 6659 Regional Rd 20, Bell Canada's engineering department have determined that there are no concerns or issues with the application.

If you have any questions regarding this response, please do not hesitate to contact me.

Best regards,

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-726-4600

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Tuesday, March 16, 2021 1:52 PM
To: Meghan Birbeck <mbirbeck@westlincoln.ca>
Subject: [EXT]Notice of Hearing - B022021WL - Greek Association of Niagara

Good afternoon,

Please find attached the above mentioned notice for a Consent application for **B02/2021WL – Greek Association of Niagara**.

If you have any comments regarding this application I would appreciate if I could get them to me by Wednesday, March 24th, 2021.

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

Sincerely,
Meghan Birbeck

Meghan Birbeck

From: Alguire, Robert <Robert.Alguire@niagararegion.ca>
Sent: March 18, 2021 4:36 PM
To: Meghan Birbeck
Cc: Alderman, Aimee
Subject: RE: Notice of Hearing - B022021WL - Greek Association of Niagara

Good Afternoon Meghan,

Please be advised that Region staff have no comments to provide in response to the circulation of the above noted Consent application as Regional interests for the subject lands are being addressed through the concurrent Official Plan & Zoning By-law Amendment applications.

If you have any questions please feel free to contact myself at your convenience.

Best Regards,

Robert Alguire, C.E.T.
Development Approvals Technician
Planning and Development Services Department
Regional Municipality of Niagara
1815 Sir Isaac Brock Way, PO Box 1042
Thorold, Ontario L2V 4T7
Phone: 905-980-6000 ext. 3268
www.niagararegion.ca

Regional Municipality of Niagara Confidentiality Notice:

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From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Tuesday, March 16, 2021 1:49 PM
To: Meghan Birbeck <mbirbeck@westlincoln.ca>
Subject: Notice of Hearing - B022021WL - Greek Association of Niagara

Good afternoon,

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

Sincerely,