



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

Wednesday, April 28, 2021, 7:00 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

*****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

- a. B01/2021WL - 4687 Vaughan Road (Kszan)

4. APPLICATIONS

- a. A07/2021WL - Rocco and Kimberley Palumbo
- A minor variance application has been applied for that requests three variances for a garage. The first variance that is required is to permit an accessory garage to be built ± 17.5 meters (± 57.41 feet) 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 garage cannot be located closer to the front lot line than the main building. The second variance that is required is to permit an accessory garage to be built with a Type 3 accessory building classification with a size of ± 120 square meters (± 1291.67 square feet) whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that Type 3 accessory buildings (greater than 100 square meters) are not permitted on lots with an area of 0.4 hectares or less. The third variance that is required is to permit a Type 3 accessory building to be built with a setback of ± 5 meters (± 16.40) to the north interior side yard whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that a Type 3 accessory building cannot be located closer to the interior side lot line than 7.5 meters. The applicant is proposing the three variance to build the garage in a way to be able to access the property's septic tank, avoid

the property's propane tank, and to accommodate personal trucks and trailer.

- b. A08/2021WL - Philip and Valerie Vanderveen 20
A minor variance application has been applied for to permit an accessory building to be built ± 10.33 square meters (± 111.19 square feet) larger than the total maximum lot coverage allowed for accessory buildings on a property zoned Residential Low Density Type 1A 'R1A' whereas Table 1-2 of the Township Zoning Bylaw 2017-70, as amended, identifies that the total lot coverage for accessory buildings on a R1A zoned property is 200 square meters or 8% of the lot area, whichever is less. The applicant is proposing this variance as the allotted 88.52 square meters is too small for the applicants desired accessory building.
- c. A09/2021WL - Michael and Susan Pepper 34
A minor variance application has been applied for that requests three variances for an accessory garage. The first variance that is required is to permit an accessory garage to be built ± 2.81 meters (± 30.25 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 garage cannot be located closer to the front lot line than the main building. The second variance that is required is to permit an accessory garage to be built ± 1.4 meters (± 15.07 feet) taller than the maximum height allowed whereas Table 1-2 of the Township Zoning Bylaw 2017-70, as amended, identifies that an accessory garage cannot be built higher than 5 meters. The third variance that is required is to permit an accessory garage to be built ± 271.55 square meters ($\pm 2,922.94$ square feet) larger than the maximum ground floor area allowed for accessory garage on a property zoned Rural Residential 'RuR' whereas Table 1-2 of the Township Zoning Bylaw 2017-70, as amended, identifies that the maximum ground floor area for accessory buildings on a RuR zoned property is 100 square meters. The applicant is proposing the three variance to build the garage in a way to store the applicants' classic cars.
- d. A10/2021WL - The Corporation of the Township of West Lincoln 49
A minor variance application has been applied for is to permit a new fire station to be built with an east interior side yard setback of ± 2.5 meters (± 8.2 feet) whereas Table 19 of the Township Zoning Bylaw 2017-70, as amended, identifies that the minimum interior side yard setback is ± 7.5 meters (± 24.61 feet). The new fire station is requesting to be built with an east interior side yard setback of ± 2.5 meters so that there is a sufficient amount of space for fire trucks to manoeuver around during the construction of the new fire station. Fire trucks will need be able to manoeuver around as the existing fire station must remain operating while the new fire station is being built.

5. **MINUTES FOR APPROVAL**

6. **NEW BUSINESS**

7. **ADJOURNMENT**

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

DATE: April 28th, 2021

REPORT NO: COA-007-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Rocco and Kimberley Palumbo
File No. A07/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Rocco and Kimberley Palumbo for the property legally known as Concession Gore A, between 7th and 8th Concession, Part Lot 11, RP 30R6865; Part 1; in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara. Municipally known as 3166 South Grimsby Road 10.
- This Minor Variance application has been applied for to request three variances for a proposed accessory garage.
- The first variance that is required is to permit an accessory garage to be built 17.5 meters (57.41 feet) 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 garage cannot be located closer to the front lot line than the main building.
- The second variance that is required is to permit an accessory garage to be built with a Type 3 accessory building classification to have a size of 120 square meters (1291.67 square feet) whereas Table 1-1 of the Township Zoning Bylaw 2017-20, as amended, identifies that Type 3 accessory buildings (greater than 100 square meters) are not permitted on lots with an area of 0.4 hectares or less.
- The third variance that is required is to permit a Type 3 accessory building to be built with a setback of 5 meters (16.40 feet) to the north interior side yard whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that a Type 3 accessory building cannot be located closer to the interior side lot line than 7.5 meters.
- Due to the location of the septic tank and propane tank on the property the applicant is unable to build a garage behind the property's dwelling, and use it to store vehicles.
- The septic tank is located between the house and the south side yard and the propane tank is located between the house and the north side yard.
- The first variance that was applied for has been reviewed against the four tests of a Minor Variance and can not be recommended for approval.

OVERVIEW CONTINUED:

- Township staff believe that the properties propane tank located towards the north lot line can be moved so that the proposed garage does not need to be located closer to the front lot line than the property's dwelling.
- The second variance that was applied for has been reviewed against the four tests of a Minor Variance and can be recommended for approval.
- The third variance that was applied for has been reviewed against the four tests of a Minor Variance and can not be recommended for approval.
- Township staff believe that once the properties propane tank is relocated and the garage is moved to be that is not closer to the front lot line than the dwelling that the applicant will no longer require the variance related to the side yard setback.

RECOMMENDATION:

1. THAT, the application for the first Minor Variance made by Rocco and Kimberley Palumbo as outlined in Report COA-007-21, to permit an accessory building located closer to the front lot line than the main building, NOT BE APPROVED.
2. THAT, the application for the second Minor Variance made by Rocco and Kimberley Palumbo as outlined in Report COA-007-21, to permit an accessory building be built with a Type 3 classification at a size of 120 square meters, BE APPROVED.
3. THAT, the application for the third Minor Variance made by Rocco and Kimberley Palumbo as outlined in Report COA-007-21, to permit an accessory building with a Type 3 classification at a size of 120 square meters to be built with a setback of 5 meters to the north interior side yard, NOT BE APPROVED.

BACKGROUND:

The subject lands are situated on the west side of South Grimsby Road 10, north of Young Street and south of Concession Road 7, being legally described as Concession Gore A, between 7th and 8th Concession, Part Lot 11, RP 30R6865; Part 1, in the former Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 3166 South Grimsby Road 10. (See attachment 1 for a site sketch)

The subject property is approximately 1 acre (0.41 hectares) in size. The property has Good General Agricultural designation and is zoned Agricultural. The surrounding properties to 3166 South Grimsby Road 10 also share the Good General Agricultural designation and Agricultural zoning.

This Minor Variance application has been applied for to request three variances for a proposed accessory garage. The first variance that is requested is to permit a proposed accessory garage to be located 17.5 metres (57.41 feet) in front of the property's main dwelling whereas Table 1-1 of the Township's Zoning By-law 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 requested is to permit a proposed accessory garage to be built with a Type 3 accessory building classification, where the size is proposed to be 120 square meters (1,291.67 square feet), whereas Table 1-1 of

the Township's Zoning By-law 2017-70, as amended, identifies that Type 3 accessory buildings (greater than 100 square meters) are not permitted on lots with an area of 0.4 hectares. The third variance that is required is to permit a Type 3 accessory building to be built with a setback of 5 meters (16.40 feet) to the north interior side yard whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that a Type 3 accessory building cannot be located closer to the interior side lot line than 7.5 meters.

It is important to note that the applicant's dwelling is located approximately 26.50 meters (86.93 feet) from the front lot line. The property's propane tank is located between the dwelling and the north side lot line and the property's septic tank is located between the dwelling in the south side lot line. In order for the applicant to use the accessory building as a garage to store vehicles and avoid both the propane tank and the septic tank the applicant is proposing to build their garage in front of the main dwelling. The applicant is proposing to build their garage with a size of 120 square meters (±,291.67 square feet) to accommodate personal trucks and trailers.

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, for the second requested variance**

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 minor variance application is proposing to increase the maximum ground floor area by 20 square meters (65.62 square metres) or by 20%, to permit a proposed accessory garage to be located 17.5 metres (57.41 feet) in front of the property's main dwelling, and to be built with a setback of 5 meters (16.40 feet) to the north interior side yard. The proposed garage is accessory to the existing residence on the property, and would not significantly impact the environment nor negatively impact neighbouring residential properties.

It is important to note that the applicant's dwelling is located approximately 26.50 meters (86.93 feet) from the front lot line, where the minimum setback on the property for a dwelling is 15 meters (49.21 feet). The property's propane tank is located between the dwelling and the north side lot line and the property's septic tank is located between the dwelling in the south side lot line. To avoid both the propane tank and the septic tank the applicant is proposing to build their garage in front of the main dwelling. The applicant is proposing to build their garage with a size of 120 square meters (1,291.67 square feet) to accommodate personal trucks and trailers.

Township Planning Staff are of the opinion that the property's propane tank can be relocated which would allow the applicant to conform to the first and third requested

variance. Once the propane tank is relocated and the garage can be built no closer to the front lot line then the main dwelling it should no longer require the side yard setback variance that have ben requested.

Township Planning Staff are of the opinion that the second minor variance that has been requested, regarding size, meet the general intent and purpose of the Official Plan as the proposed uses are 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, for the second requested variance**

The subject land is zoned Agricultural 'A' in the Townships Zoning By-law 2017-70, as amended, and is 0.41 hectares (1 acre) in size. 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 Township's Zoning By-law 2017-70, as amended, 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 accessory buildings are permitted on Agricultural zoned property's and since the applicant would like to use the building to store vehicles the applicant proposing their accessory building in front of their dwelling, due to the location of the property's septic and propane tank. The applicant is requesting their accessory garage to be located 17.5 metres (57.41 feet) in front of the property's main dwelling which would result in the garage having a 9 metre setback from the front lot line.

Township Planning Staff are of the opinion that the property's propane tank can be relocated which would allow the applicant to conform to the first and third requested variance. Once the propane tank is relocated and the garage can be built no closer to the front lot line then the main dwelling it should no longer require the side yard setback variance that have ben requested.

In addition, the Township's Zoning By-law 2017-70, as amended, allows lots with a size of 0.4 ha or less to build Type 1 and Type 2 accessory buildings. Type 1 are buildings with a size of 0.1 to 10 square meters while Type 2 are buildings that are 10.1 to 100 square meters. Furthermore, properties with a size of 0.4 ha or less are allowed to have a maximum of three (3) Type 1 accessory buildings and two (2) Type 2 accessory buildings on their property, in accordance with their lot coverage requirements. Lots that have a size of 0.4 ha or less are permitted to have a maximum lot coverage of all accessory buildings or structure that is 8% of their lot area, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone. These requirements ensure that properties have enough space to maintain the primary function of the respective zone.

As such, Township Planning Staff are of the opinion that the second minor variance that has been requested, regarding size, meet the general intent and purpose of the Township Zoning Bylaw.

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

Yes, for the second requested variance

The applicant has proposed to construct a 120 square metre accessory building. Due to the size of the proposed accessory building and the location of the building being in front of the main dwelling planning staff have determined that the proposed accessory building has to be brought to the Committee of Adjustment's for approval. The building is proposed to be used for storage purposes, specifically personal trucks and trailers, which is permitted on an agricultural property. Township staff believe that if the propane tank is relocated and that the garage can be located no closer to the front lot line than the main dwelling that the requested variance regarding the size of the accessory building will not be overbearing on the streetscape or on the property.

As such, Planning Staff are of the opinion that the requested second variance, regarding the size of the accessory building, is appropriate development and use of the land on this property.

Is the proposal minor in nature?

Yes, for the second requested variance

The subject application is requesting to permit a proposed accessory building that is closer to the front lot line than the main building, that the accessory building be built 20 square metre larger than allowed on the property, and 5 metres from the north side lot line. The proposed accessory building is approximately 120 square metres in size and is located 17.5 metres (57.41 feet) in front of the property's main dwelling.

Township Planning Staff are of the opinion that the property's propane tank can be relocated. The relocation of the propane tank would allow the applicant to conform to the first and third requested variance. Once the propane tank is relocated and the garage can be built no closer to the front lot line than the main dwelling it should no longer require the side yard setback variance that have been requested. Moving the propane tank would then minimize the impact that a garage of 120 square metres would have on the property and streetscape.

As such, planning staff are of the opinion that the requested variance regarding the size of the proposed garage 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 April 9th 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector has no objections, as they have identified that the

proposed garage location does not negatively impact the existing sewage system.

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

The NPCA will have no objection to the proposed minor variances as there do not appear to be any NPCA regulated features or hazards which impact the subject property.

The Niagara Region have indicated that the subject property exhibits potential for the discovery of archaeological resources due to proximity to numerous registered archaeological sites. The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on available aerial imagery, it does not appear that the area of the proposed garage has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Prior to the construction of the proposed garage, the Committee should be satisfied that the location of any construction works has been subjected to ground disturbance or require the completion of at least a Stage 1 Archaeological Assessment to address cultural heritage policies. It is recommended that the applicant provide information (including the envelope of previous disturbance/construction works, location of any fill placed on the site, grading works, etc.) to the Committee to confirm the requirement for an archaeological assessment.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands April 9th 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 April 23rd, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Rocco and Kimberley Palumbo for the property municipally known as 3166 Regional Road 10. 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, to be constructed with a size of 120 square meters, and for it to have a north side yard setback of 5 metres is permitted. Planning staff are of the opinion that this application should be modified so that only the variance for the increase size should be permitted. Planning staff are of the opinion that the property's propane tank can be moved and that the accessory building can be built in line with or behind the property's dwelling. Planning staff are of the opinion that the variance to permit 120 square metres meets all four tests of a minor variance, and as such, can recommend approval of this application.

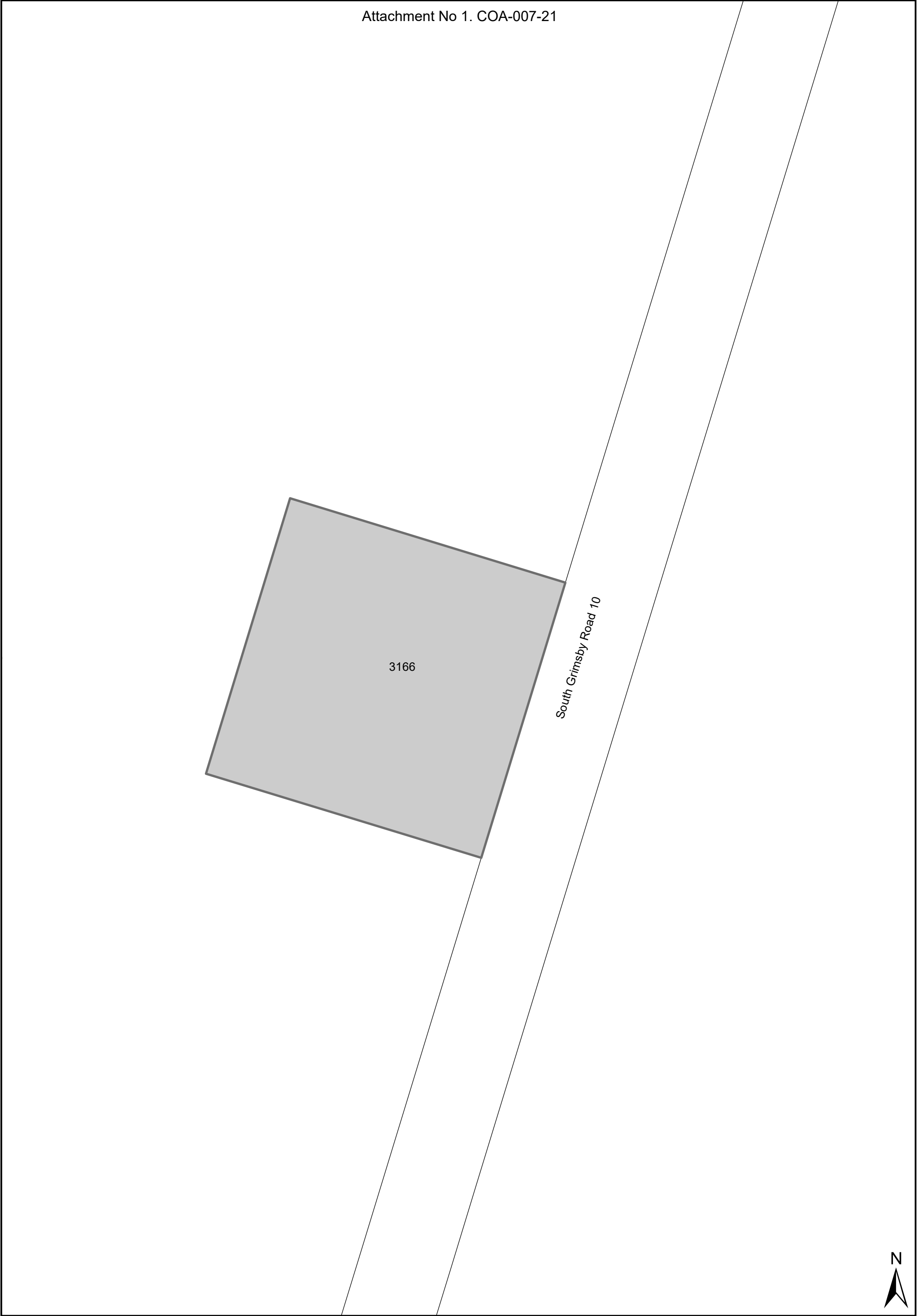
ATTACHMENTS:

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

Prepared by:

**Madyson Etzl
Planner I**

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




Location Map
3166 South Grimsby Road 10

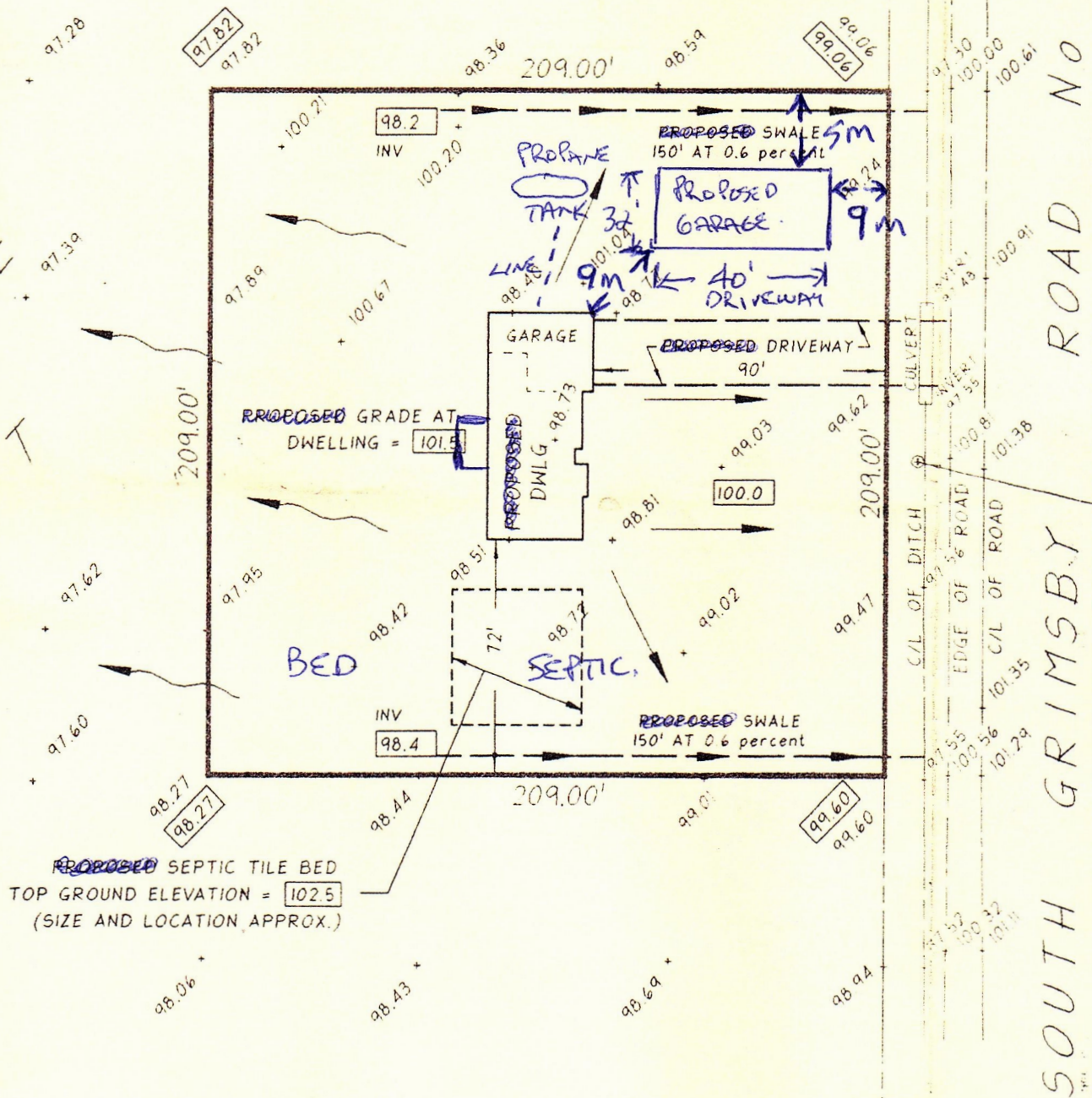
0 5 10 20 Meters



Legend

 Subject Property

3 BAYS, ~~AVAILABLE~~ CARS &
STORAGE ^{ab.42} & ^{ab.61}



NOTE: THIS PAGE IS PREPARED FROM COMPILED
AND CALCULATED INFORMATION, NOT
FROM AN ACTUAL SURVEY

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</i> or <i>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</i> or <i>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 <lkillins@live.com>
Sent: April 14, 2021 10:32 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - A072021WL - Rocco and Kimberley Palumbo(Adjourned from March to April)

Hi Meghan
Comments remain as per correspondence of March 23,2021.
Regards
Lyle Killins

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: April 12, 2021 10:21 AM
To: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Barb Behring <bbehiring@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Jeni Fisher <jfisher@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>
Subject: Notice of Hearing - A072021WL - Rocco and Kimberley Palumbo(Adjourned from March to April)

Good afternoon,

Please find attached the above mentioned Notice of Hearing for the Consent application for **A07/2021WL – Rocco and Kimberley Palumbo**.

This applicant was adjourned last month until April's Committee of Adjustment meeting. If you have any new comments regarding this application I would appreciate if I could get them to me by Friday, April 23rd, 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	
		 	
			

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: April 13, 2021
Re: File A07/2021WL – Rocco and Kimberley Palumbo (3166 South Grimsby Rd 10)

A review has been completed of this minor variance application to permit a garage to be built ± 17.5 meters in front of the property's main dwelling with an interior side yard setback of ± 5 meters and at a size of ± 120 square meters 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: April 13, 2021 2:11 PM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - A072021WL - Rocco and Kimberley Palumbo(Adjourned from March to April)

Hello Meghan,

The NPCA will have no objection to the proposed minor variances as there do not appear to be any NPCA regulated features or hazards which impact the subject property.

Sincerely,

Nikolas Wensing, B.A., MPlan

Watershed Planner

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

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Monday, April 12, 2021 10:21 AM
To: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Barb Behring <bbering@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Jeni Fisher <jfisher@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>
Subject: Notice of Hearing - A072021WL - Rocco and Kimberley Palumbo(Adjourned from March to April)

Good afternoon,

Please find attached the above mentioned Notice of Hearing for the Consent application for **A07/2021WL – Rocco and Kimberley Palumbo**.

This applicant was adjourned last month until April's Committee of Adjustment meeting. If you have any new comments regarding this application I would appreciate if I could get them to me by Friday, April 23rd, 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: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Sent: April 20, 2021 12:37 PM
To: Meghan Birbeck
Cc: Development Planning Applications
Subject: RE: Notice of Hearing - A072021WL - Rocco and Kimberley Palumbo(Adjourned from March to April)

Hi Meghan,

Regional Planning and Development Services staff has reviewed the proposed Minor Variance application at 3166 South Grimsby Road 10 in West Lincoln, for a proposed garage, and provide the following comments:

- The subject property exhibits potential for the discovery of archaeological resources due to proximity to numerous registered archaeological sites. The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on available aerial imagery, it does not appear that the area of the proposed garage has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Prior to the construction of the proposed garage, the Committee should be satisfied that the location of any construction works has been subjected to ground disturbance or require the completion of at least a Stage 1 Archaeological Assessment to address cultural heritage policies. It is recommended that the applicant provide information (including the envelope of previous disturbance/construction works, location of any fill placed on the site, grading works, etc.) to the Committee to confirm the requirement for an archaeological assessment.

Should you have any questions regarding the above comments, please contact me.

Thank you,

Aimee Alderman, MSc, MCIP, RPP
Development Planner

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

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Monday, April 12, 2021 10:21 AM
To: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Barb Behring <bbehring@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Jeni Fisher <jfisher@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian

DATE: April 28th, 2021

REPORT NO: COA-011-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Philip and Valerie Vanderveen
File No. A09/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Philip and Valerie Vanderveen for the property legally known as Concession 6, Part Lot 22, RP 30R10653; PART 1; in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. Municipally known as 5449 Sixteen Road.
- This Minor Variance application has been applied for to requests a variance to permit an accessory building to be built 10.33 square meters (111.19 square feet) larger than the total maximum lot coverage allowed for accessory buildings on a property zoned Residential Low Density Type 1A 'R1A' whereas Table 1-2 of the Township Zoning Bylaw 2017-70, as amended, identifies that the total lot coverage for accessory buildings on a R1A zoned property is 200 square meters or 8% of the lot area, whichever is less.
- The property already has an existing accessory building, which has a size of 111.48 square meters (1,199.96 square feet).
- In order to meet the Township Zoning Bylaw 2017-70, as amended, total lot coverage for accessory buildings the applicants would have to build their second accessory building at a size of 88.52 square meters (952.82 square feet).
- This variance would allow the applicants to build their proposed accessory building with an accessory dwelling unit at a size of 98.85 square meters (1,064.01 square feet).
- The applicants believe that 98.85 square meters would offer them enough space to build their accessory building with a dwelling unit.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval; subject to conditions related to the property's septic system.
- Specifically, that the property's septic system be assessed to determine if it could handle the current and potential increased loading.

RECOMMENDATION:

1. THAT, the application for the first Minor Variance made by Philip and Valerie Vanderveen as outlined in Report COA-011-21, to permit a second accessory building to be built with a total size of 98.85 square metres, BE APPROVED; subject to the following conditions:
 - a. That, documentation be provided by the applicant indicating that the proposed dwelling unit will be in compliance with Part 8, Ontario Building Code.
 - b. That, the document be reviewed and approved by the West Lincoln Building Department.

BACKGROUND:

The subject lands are situated on the north side of Sixteen Road, east of St Ann's Road and south of Attema Crescent, being legally described as Concession 6, Part Lot 22, RP 30R10653; PART 1, in the former Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 5449 Sixteen Road. (See attachment 1 for a site sketch)

The subject property is approximately 2.18 acre (0.88 hectares) in size. The property has a Hamlet Settlement Area designation and is zoned Residential Low Density Type 1A 'R1A'. The surrounding south, west, and east properties to 5449 Sixteen Road also share the Hamlet Settlement Area designation and Residential Low Density Type 1A 'R1A' zoning. While the surrounding properties to the north have a Good General Agricultural designation and are zoned Agricultural and Agricultural-Related.

This Minor Variance application has been applied for to request a variance to permit an accessory building to be built 10.33 square meters (111.19 square feet) larger than the total maximum lot coverage allowed for accessory buildings on a property zoned Residential Low Density Type 1A 'R1A' whereas Table 1-2 of the Township Zoning Bylaw 2017-70, as amended, identifies that the total lot coverage for accessory buildings on a R1A zoned property is 200 square meters or 8% of the lot area, whichever is less.

The property already has an existing accessory building, which has a size of 111.48 square meters (1,199.96 square feet). In order to meet the Township Zoning Bylaw 2017-70, as amended, total lot coverage for accessory buildings the applicants would have to build their second accessory building at a size of 88.52 square meters (952.82 square feet). This variance would allow the applicants to build their proposed accessory building with an accessory dwelling unit at a size of 98.85 square meters (1,064.01 square feet). The applicants believe that 98.85 square meters would offer them enough space to build their accessory building with a dwelling unit.

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?

Respecting Our Roots, Realizing Our Future

Yes

The property is designated as Hamlet Settlement Area under the Township's Official Plan. The purpose of the Township's Hamlet Settlement Areas is to provide residential and associated commercial, institutional, recreational and open space land uses within existing and established hamlet settlement areas of the Township. The Township now has fifteen hamlets across the community. The property located at 5449 Sixteen Road is within the Township's St' Ann's hamlet, which is an original hamlet within West Lincoln.

The minor variance application is proposing to increase the total maximum lot coverage for accessory buildings on their property by 10.33 square meters (111.19 square feet) or by 5%, to permit a proposed accessory building with a dwelling unit to have a size of 98.85 square meters. The proposed building with a dwelling unit is accessory to the existing residence on the property, and would not significantly impact the environment nor negatively impact neighbouring residential properties.

The predominant use of land in Hamlet Settlement Area is single-detached dwellings. Both Objective 7.2.2.A and Policy 7.2.3.C of the Official Plan indicate the support for residential development in Hamlet Settlement Areas. Objective 7.2.2.A indicates The intent of this designation is to recognize and encourage further development within the defined Hamlet communities that provides both residential accommodation and a service function to the larger agricultural and rural community. While Policy 7.2.3.C identifies that the protection of residential uses within Hamlet will be given priority over other uses, especially in the case of neighbouring uses which are deemed not compatible. The onus will be on the new non-residential use to ensure compatibility with adjacent residential uses.

The proposed minor variance to increase the total lot coverage for accessory buildings would allow the applicants to build an accessory building with a dwelling unit at a size that would be adequate for residential use. This variance is inline with the Official Plan for Hamlet areas as it is to promote residential development by way of an accessory dwelling unit in the area. Further Section 17.1 of the Township's Official plan supports the variance as the accessory dwelling unit offers an affordable alternative for of housing in the settlement area.

A single-detached dwelling and an accessory building already exist on the property in question. The proposed larger accessory building would provide a space for the applicants to live while their daughter son-in-law and their 3 children could reside in the existing dwelling.

The applicants have chosen to build their accessory dwelling within a new accessory building instead of as an addition at the rear of the existing home on the property to avoid cutting down trees that have taken 15 years to mature and provide shade and contour to the yard. If the applicants were to have cut down these tresses they would have been able to build an accessory dwelling unit attached to their home at a size of 100 square metres (1,076.39 square feet), which is a larger size then they are requesting.

Township Planning Staff are of the opinion that the requested minor variance meets the general intent and purpose of the Official Plan as the proposed uses are permitted and generally fits the character of the surrounding area.

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

The subject land is zoned Residential Low Density Type 1A 'R1A' in the Townships Zoning By-law 2017-70, as amended, and is 2.18 acre (0.88 hectares) in size. The residential zone permits single detached dwellings and their associated accessory buildings. The proposed accessory building is a permitted use under the regulations of the Residential Zone.

Under Table 1-2 of the Township's Zoning By-law 2017-70, as amended, indicates that the total lot coverage for accessory buildings on a R1A zoned property is 200 square meters or 8% of the lot area, whichever is less. 8% of the applicants' property is 706.11 square metres. Therefore, the total lot coverage for accessory buildings on a R1A zoned property is 200 square meters.

The property already has an existing accessory building, which has a size of 111.48 square meters (1,199.96 square feet). In order to meet the Township Zoning Bylaw 2017-70, as amended, total lot coverage for accessory buildings the applicants would have to build their second accessory building at a size of 88.52 square meters (952.82 square feet). However, since they would like to use the second floor of the accessory building for an accessory dwelling unit they do not believe that 88.52 square meters is a large enough living space.

The requested addition 10.33 square meters for an accessory building with a dwelling unit of 98.85 square meters is also a size that is less than maximum accessory dwelling unit size that the applicants are entitled to in Section 3.2.1.G.ii. Section 3.2.1.G.ii indicates that an accessory dwelling unit shall have a minimum floor area of 40 square metres and a maximum floor area of the lesser of 100 square metres or 40% of the floor area of the main building. The applicant indicates that the floor area of their main building 266.84 square meters. 40% of the floor area of the main building is roughly 106.74 square meters. Therefore, the applicant would be entitled to an accessory building of 100 square meters in size.

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

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

The applicant has proposed to construct an accessory building that would exceed the total lot coverage for accessory buildings permitted on their property. However, it is important to know that the proposed accessory building with a dwelling unit is smaller than the maximum ground floor area for the building. The reason the proposed accessory building exceeds the total lot coverage for accessory buildings permitted on

their property is because of the size of the existing accessory building on their property that has a size of 111.48 square meters (1,199.96 square feet).

This accessory building is proposed to be located behind the existing single detached dwelling towards the rear of the property surrounded to the south and west by mature trees. The proposed location then does not impact the property's neighbours and does not impact the streetscape appearance of the area.

As such, Planning Staff are of the opinion that the requested variance is appropriate development and use of the only land that can be used for this specific development on this property.

Is the proposal minor in nature?

Yes

The subject application is requesting to permit a proposed accessory building with a dwelling unit to increase the total lot coverage for accessory buildings on the property by 10.33 square meters. The proposed accessory building with a dwelling unit that would increase the total lot coverage by 10.33 has a size of 98.85 square meters. 98.85 square meters is smaller than maximum size the applicants are permitted for an accessory building. To avoid cutting down mature trees on the property and adding the accessory dwelling unit as an addition to the applicants home they are requesting the variance to have the accessory dwelling unit in an accessory building that would increase their total permitted lot coverage for an accessory dwelling by only 5%.

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 April 9th 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector has indicated that the property's septic system must be assessed to determine if it could handle the current and potential increased loading.

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

The Niagara Peninsula Conservation Authority has no objections on this application.

The Niagara Region has indicated that the subject property exhibits potential for the discovery of archaeological resources due to proximity to numerous registered archaeological sites. The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless

significant archaeological resources have been conserved. Based on available aerial imagery, it does not appear that the area of the proposed accessory building has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Prior to the construction of the proposed accessory building, the Committee should be satisfied that the location of any construction works has been subjected to ground disturbance or require the completion of at least a Stage 1 Archaeological Assessment to address cultural heritage policies. It is recommended that the applicant provide information (including the envelope of previous disturbance/construction works, location of any fill placed on the site, grading works, etc.) to the Committee to confirm the requirement for an archaeological assessment.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands April 9th 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 April 23rd, during the preparation of this report.


CONCLUSION:

A Minor Variance application has been submitted by Philip and Valerie Vanderveen for the property municipally known as 5449 Sixteen Road. The Minor Variance application is submitted to permit a proposed accessory building with an accessory dwelling unit to be built at a size of 98.85 square meters which increases the property's total accessory buildings lot coverage by 5%. 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.

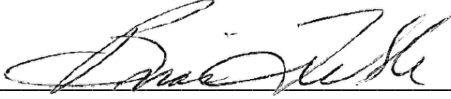
ATTACHMENTS:

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

Prepared by:



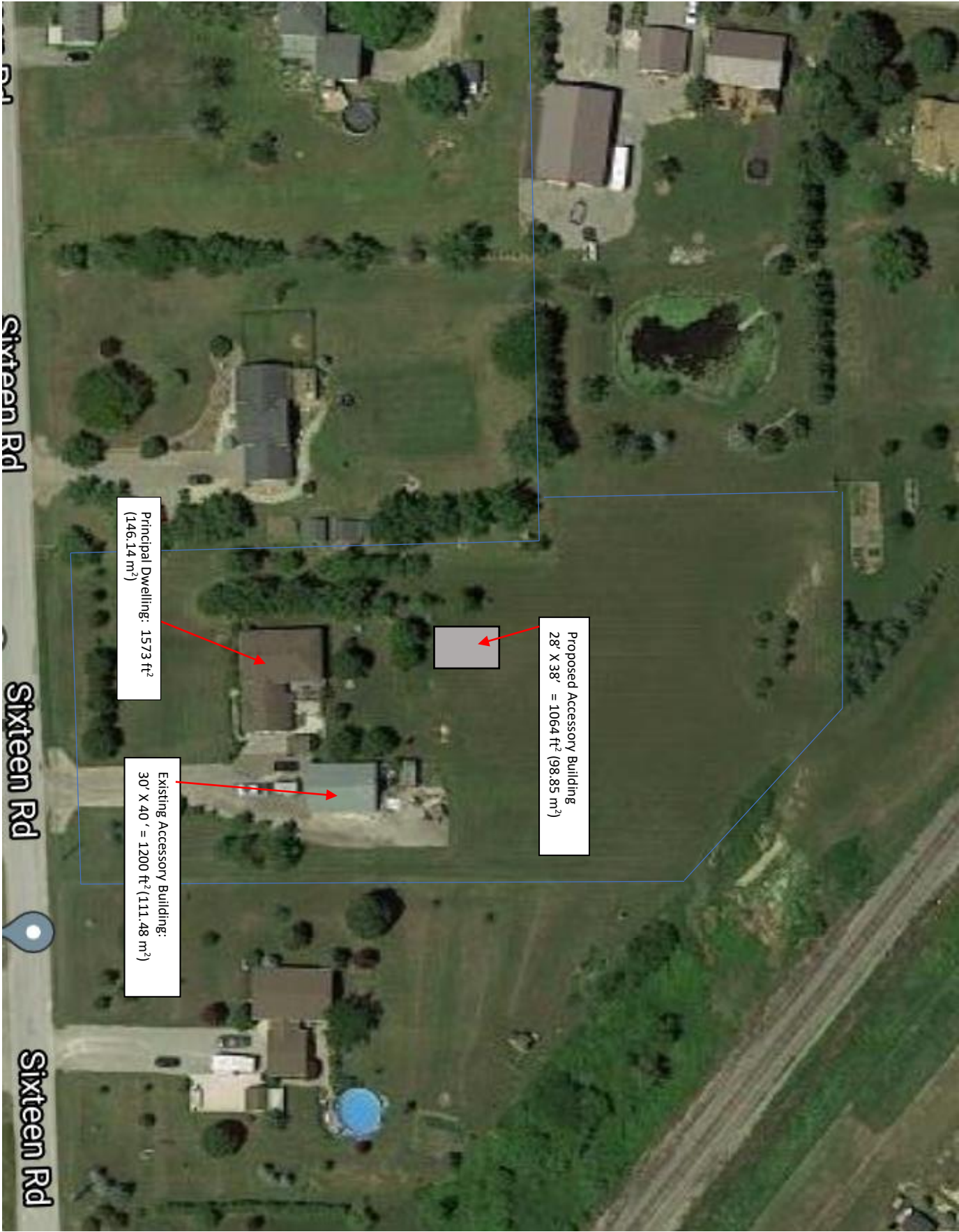
Madyson Etzl
Planner I



Brian Treble, RPP, MCIP
Director of Planning and Building



SKETCH B



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: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Sent: April 20, 2021 12:36 PM
To: Meghan Birbeck
Cc: Development Planning Applications
Subject: RE: Notice of Hearing - A082021WL - Philip and Valerie Vanderveen

Hi Meghan,

Regional Planning and Development Services staff has reviewed the Minor Variance application at 5449 Sixteen Road in West Lincoln, for a proposed accessory building, and provide the following comments:

- The subject property exhibits potential for the discovery of archaeological resources due to proximity to numerous registered archaeological sites. The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on available aerial imagery, it does not appear that the area of the proposed accessory building has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Prior to the construction of the proposed accessory building, the Committee should be satisfied that the location of any construction works has been subjected to ground disturbance or require the completion of at least a Stage 1 Archaeological Assessment to address cultural heritage policies. It is recommended that the applicant provide information (including the envelope of previous disturbance/construction works, location of any fill placed on the site, grading works, etc.) to the Committee to confirm the requirement for an archaeological assessment.

Should you have any questions regarding the above comments, please contact me.

Thank you,

Aimee Alderman, MSc, MCIP, RPP

Development Planner

Planning and Development Services

Regional Municipality of Niagara | www.niagararegion.ca

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

Phone: 905-980-6000 ext. 3352 | Toll-free: 1-800-263-7215

Email: aimee.alderman@niagararegion.ca

From: Meghan Birbeck <mbirbeck@westlincoln.ca>

Sent: Monday, April 12, 2021 11:05 AM

To: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Barb Behring <bberhing@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Jeni Fisher <jfisher@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: April 21, 2021
Re: File A08/2021WL – Philip and Valerie Vanderveen (5449 Sixteen Rd)

A review has been completed of this minor variance application to permit an accessory building \pm 10.33 square meters larger than the total maximum lot coverage allowed for accessory buildings on a property zoned Residential Low Density Type 1A 'R1A' in the Township Zoning Bylaw 2017-70.

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

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: April 22, 2021 3:08 PM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - A082021WL - Philip and Valerie Vanderveen

Hello Meghan,

The NPCA's regulated mapping indicates the presence of an NPCA regulated Watercourse on the subject property. However, after further review by NPCA's technical staff, it has been determined that the watercourse mapped on the property appears to no longer be in existence.

As such, the NPCA will have no objection to the proposed Minor Variance application.

Sincerely,

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

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

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Monday, April 12, 2021 11:05 AM
To: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Barb Behring <bbering@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Jeni Fisher <jfisher@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>
Subject: Notice of Hearing - A082021WL - Philip and Valerie Vanderveen

Good afternoon,

Please find attached the above mentioned Notice of Hearing for the Minor Variance application for **A08/2021WL – Philip and Valerie Vanderveen**.

If you have any new comments regarding this application I would appreciate if I could get them to me by Friday, April 23rd, 2021.

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

Sincerely,
Meghan Birbeck

DATE: April 28th, 2021

REPORT NO: COA-012-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Michael and Susan Pepper
File No. A12/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Michael and Susan Pepper for the property legally known as Concession 7 Part Lot 11, RP 30R-15574; Part 1; in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. Municipally known as 8538 Twenty Road.
- It is important to note that this property just recently finished going through a surplus farm dwelling severances and was rezoned from Agricultural to Rural Residential 'RuR'.
- The new owners of the property have now submitted for this Minor Variance application, which requests three variances for a proposed accessory garage.
- The first variance that is required is to permit an accessory garage to be built 2.81 meters (9.22 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 garage cannot be located closer to the front lot line than the main building.
- The second variance that is required is to permit an accessory garage to be built 1.4 meters (4.59 feet) taller than the maximum height allowed whereas Table 1-2 of the Township Zoning Bylaw 2017-70, as amended, identifies that an accessory garage cannot be built higher than 5 meters.
- The third variance that is required is to permit an accessory garage to be built 271.55 square meters (2,922.94 square feet) larger than the maximum ground floor area allowed for accessory garage on a property zoned Rural Residential 'RuR' whereas Table 1-2 of the Township Zoning Bylaw 2017-70, as amended, identifies that the maximum ground floor area for accessory buildings on a RuR zoned property is 100 square meters.
- The applicants are proposing the three variances to build the garage in a way to store the classic cars.
- This application has been reviewed against the four tests of a Minor Variance and cannot be recommended for approval.

RECOMMENDATION:

1. THAT, the application for the first Minor Variance made by Michael and Susan Pepper as outlined in Report COA-012-21, to permit an accessory building located 2.81 metres closer to the front lot line than the main building, NOT BE APPROVED;
2. THAT, the application for the second Minor Variance made by Michael and Susan Pepper as outlined in Report COA-012-21, to permit an accessory building be built 1.4 metres taller than the maximum height allowed, BE MODIFIED and APPROVED at 0.5 metres taller than the maximum height, with a maximum total height of 5.5 metres;
3. THAT, the application for the third Minor Variance made by Michael and Susan Pepper as outlined in Report COA-012-21, to permit an accessory building be built 271.55 square metres (2,922.94 square feet) larger than the maximum ground floor area allowed, BE MODIFIED and APPROVED at 100 square metres larger than the maximum ground floor area allowed, with a maximum total ground floor of 200 square metres.

BACKGROUND:

The subject lands are situated on the south side of Twenty Road, west of Castor Centre Road and north of Sixteen Road, being legally described as Concession 7 Part Lot 11, RP 30R-15574; Part 1; in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. The subject property is municipally known as 8538 Twenty Road (See attachment 1 for a site sketch)

The subject property is approximately 1.43 acre (0.58 hectares) in size. The property has Good General Agricultural designation and is zoned Rural Residential. The surrounding properties to 8538 Twenty Road are designated as part of both Good General Agricultural and Natural Heritage System. In addition, the surrounding properties are zoned Agricultural, Agricultural Purpose Only, and Agricultural-Related.

This Minor Variance application has been applied for to request three variances for a proposed accessory garage. The first variance that is required is to permit an accessory garage to be built 2.81 metres (9.22 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 garage cannot be located closer to the front lot line than the main building. The second variance that is required is to permit an accessory garage to be built 1.4 metres (4.59 feet) taller than the maximum height allowed whereas Table 1-2 of the Township Zoning Bylaw 2017-70, as amended, identifies that an accessory garage cannot be built higher than 5 metres. The third variance that is required is to permit an accessory garage to be built 271.55 square metres (2,922.94 square feet) larger than the maximum ground floor area allowed for accessory garage on a property zoned Rural Residential 'RuR' whereas Table 1-2 of the Township Zoning Bylaw 2017-70, as amended, identifies that the maximum ground floor area for accessory buildings on a RuR zoned property is 100 square metres. The applicants are proposing the three variance to build the garage in a way to store the classic cars.

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.

Section 18.13.2 of the Township's Official Plan speaks about severances in agricultural designated properties. Consents are not allowed in West Lincoln if they have the effect of creating lots for nonfarm uses. Non-farm rural residential lots will not be allowed with the exception of Surplus Farm Dwelling severances. Under the previous owner of the property, the subject property recently finished going through a surplus farm dwelling severances. The previous property was zoned agricultural and the new severed portioned of land is zoned Rural Residential 'RuR'.

The minor variance application is proposing to increase the maximum ground floor area by 271.55 square metres (2,922.94 square metres) or by 272%, to permit a proposed accessory garage to be located 2.81 metres (57.41 feet) in front of the property's main dwelling, and to be built 1.4 metres (16.40 feet) taller than currently permitted. The applicants are proposing the three variance to build the garage in a way to store the classic cars.

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

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

Yes, as modified

The subject land is zoned Rural Residential 'RuR' in the Townships Zoning By-law 2017-70, as amended, and is 1.43 acre (0.58 hectares) in size. The Rural Residential zone permits single detached dwellings and their associated accessory buildings. The proposed accessory building is a permitted use under the regulations of the Rural Residential Zone.

Under the Township's Zoning By-law 2017-70, as amended, 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.

The Township's Zoning By-law 2017-70, as amended, identifies that Rural Residential zoned properties permit a maximum of two accessory buildings each with a maximum size of 100 square metres (1,076.39 square feet). However, the applicant is proposing

Respecting Our Roots, Realizing Our Future

to build one accessory garage that is 371.55 square metres, which 272% larger then what is currently permitted. Due to the size of their proposed garage they are then requesting that the garage be built 2.81 metres (57.41 feet) in front of the property's main dwelling, and to be built 1.4 metres (16.40 feet) taller then currently permitted for the building garage door.

Township staff do not believe that the size of the proposed accessory building allows it to be considered an accessory building. This observation comes from the fact hat the current single detached dwelling is only 119.7 square metres in size. The Zoning By-law permits the single detached dwelling as the principal use on the property and a garage as an accessory use. However, the proposed garage is 210% larger then the single detached dwelling and therefore cannot be considered an accessory use. The front yard and height variance are solely required due to the size and design the 371.55 square metres sized accessory garage.

Since Rural Residential zoned properties permit a maximum of two accessory buildings each with a maximum size of 100 square metres (1,076.39 square feet) Township staff would support modifying the request and increasing the proposed accessory building to a maximum size of 200 square metres. If the applicant wishes to increase, there accessory garage greater then 200 square metres they will need to apply for a rezoning application as a garage of 371.55 square metres does not meets the general intent of the Township Zoning Bylaw.

If the applicants modify their accessory building to a maximum size of 200 square metres, there would no longer be a need for a variance to build their accessory garage closer to the front lot line then their dwelling.

Furthermore, Township staff would support modifying the request and increasing the proposed accessory building's height to a maximum of 5.5 metres. Similarly, to the size of the accessory garage Township staff believe that if the applicant would like to build their accessory garage higher then 5.5 metres they will be required to apply for a rezoning application. A rezoning application would be required as the maximum height for an accessory building in a commercial or institutional zone is 6 metres, therefore Township staff believe that a height of more the 5.5 metres would not meets the general intent of the Township Zoning Bylaw.

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

Yes, as modified

The applicant has proposed to construct a 371.55 square metres sized accessory garage. Due to the size of the proposed accessory building being 272% larger then what is permitted and being 210% larger then the primary use of the property Planning Staff are of the opinion that the requested variance is not appropriate development and use of the land.

Township staff believe that if the application is modified to the proposed accessory building having a maximum size of 200 square metres and a maximum height of 5.5 metres it will no longer be overbearing on the streetscape or on the property.

Respecting Our Roots, Realizing Our Future

Furthermore, if the accessory garage is reduced to a maximum size of 200 square metres it will no longer require a variance to be located closer to the front lot line than the dwelling.

As such, Planning Staff are of the opinion that the requested second and third variance, regarding the size and height of the accessory building, is appropriate development and use of the land on this property if the variance is modified.

Is the proposal minor in nature?

Yes, as modified

The applicant has proposed to construct a 371.55 square metres sized accessory garage. Due to the size of the proposed accessory building being 272% larger than what is permitted and being 210% larger than the primary use of the property Planning Staff are of the opinion that the requested variance is not minor in nature.

In order to ensure minimal impact on others and for a request to be minor in nature Township staff would be in support of modifying this application. Since Rural Residential zoned properties permit a maximum of two accessory buildings each with a maximum size of 100 square metres (1,076.39 square feet) Township staff would support modifying the request and increasing the proposed accessory building to a maximum size of 200 square metres. This increase of 100% would be less impactful as the property currently allows for two accessory buildings to be built that would total 200 square metres in size.

Furthermore, Township staff believe modifying the height variance to a maximum of 5.5 metres. Township staff believe the increase of 0.5 metres is minor for a property that is zoned Rural Residential.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on April 9th 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector have not yet provided comments on this application.

The Township's Public Works Department has no objections or comments to provide on this application.

The Niagara Peninsula Conservation Authority (NPCA) has no objections or comments to provide on this application.

The Niagara Region have indicated that the subject property exhibits potential for the discovery of archaeological resources due to proximity to watercourses within 300 metres. The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological

resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on available aerial imagery, it does not appear that the area of the proposed accessory garage has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Prior to the construction of the proposed accessory garage, the Committee should be satisfied that the location of any construction works has been subjected to ground disturbance or require the completion of at least a Stage 1 Archaeological Assessment to address cultural heritage policies. It is recommended that the applicant provide information (including the envelope of previous disturbance/construction works, location of any fill placed on the site, grading works, etc.) to the Committee to confirm the requirement for an archaeological assessment.

In addition the Niagara Region has indicated that the subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Twenty Mile Creek Provincially Significant Wetland Complex (PSW), Significant Woodland, Significant Valleyland, and Type 1 (Critical) Fish Habitat. The property is also mapped as part of the Growth Plan (2019) Provincial Natural Heritage System (PNHS), which identifies these features as Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF) and the natural heritage policies identified in the Provincial Growth Plan apply accordingly. Growth Plan policies typically require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 metres (m) of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 120 m of PSW, 50 m of Significant Woodland/Significant Valleyland and 30 m of Type 1 Fish Habitat. Growth Plan policies also require that a minimum 30 m Vegetation Protection Zone (VPZ) as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF/KHF or its VPZ. The proposed accessory garage is within 120 m of KNHF/KHF; however, Growth Plan policies allow for accessory structures provided that there is no expansion into KNHF/KHF or their VPZs. The proposal meets these requirements. As such, there are no study requirements from an Environmental Planning perspective

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands April 9th 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 April 23rd, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Michael and Susan Pepper for the property municipally known as 8538 Twenty Road. The Minor Variance application is submitted to permit a proposed accessory garage to be located in-front of the front wall

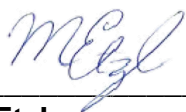
Respecting Our Roots, Realizing Our Future

of the main dwelling, to be constructed 271.55 square meters larger than permitted, and for it to be built 1.4 metres taller than permitted. Planning staff are of the opinion that this application should be modified to permit an accessory building that has a maximum size of 200 square metres and has a maximum height of 5.5 metres. With the modifications Planning staff believes the application meets all four tests of a minor variance, and as such, can recommend approval of this application.


ATTACHMENTS:

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

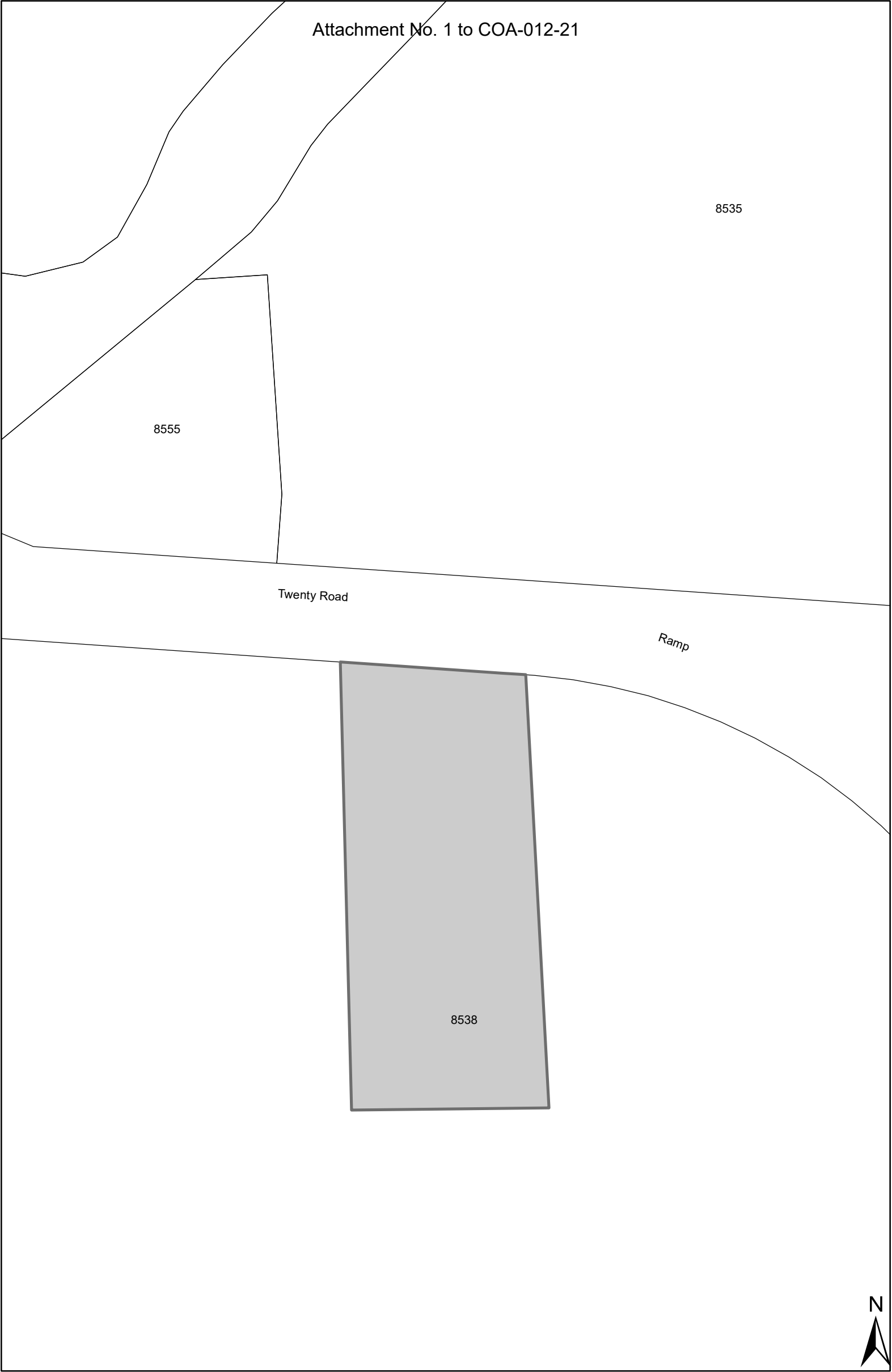
Prepared by:



Madyson Etzl
Planner I



Brian Treble, RPP, MCIP
Director of Planning and Building



Location Map
8538 Twenty Road

0 12.5 25 50 Meters

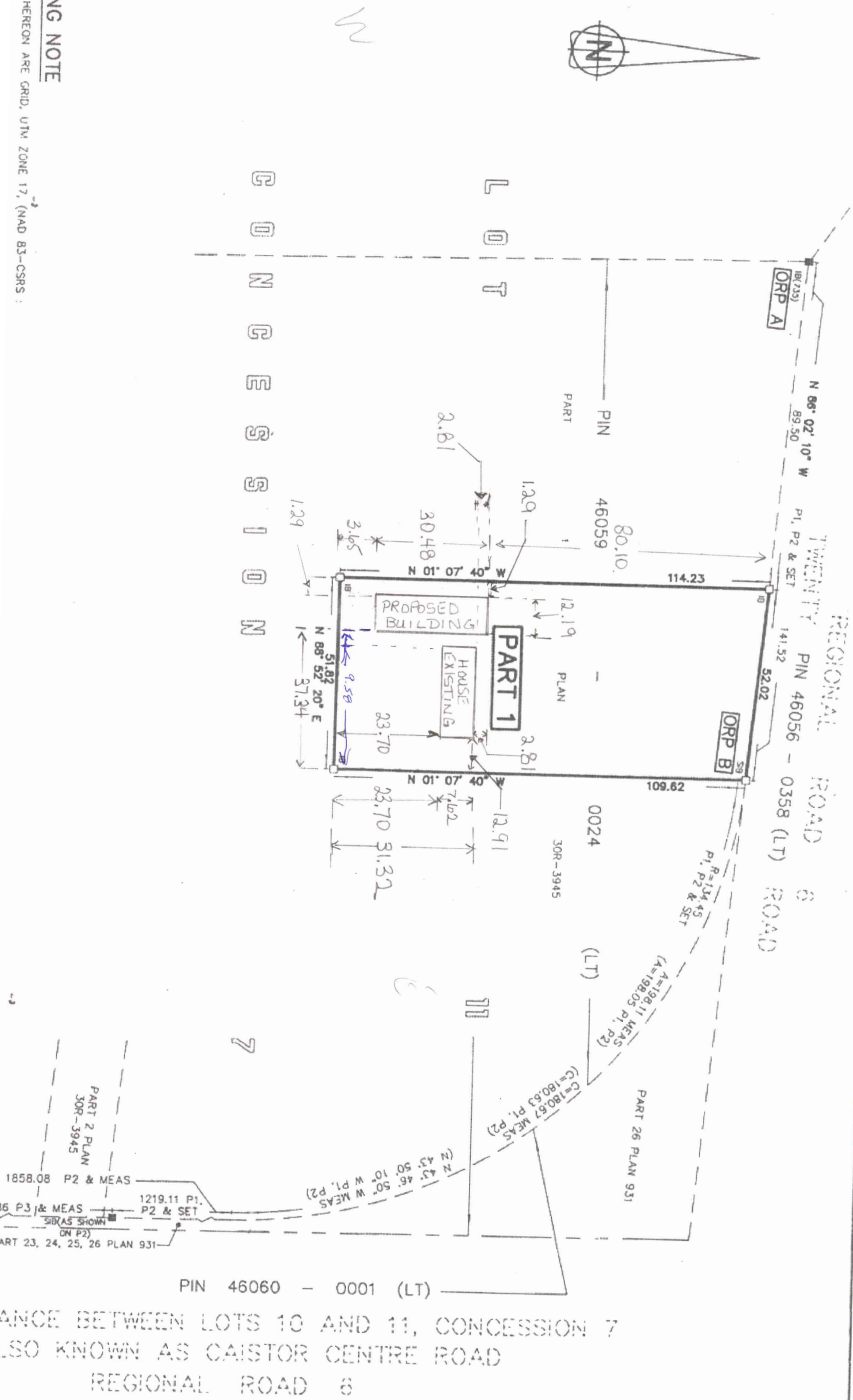


Legend



Subject Property

BEARING NOTE
BEARINGS HEREON ARE GRID, UTM ZONE 17, (NAD 83-CSRS)



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</i> or <i>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</i> or <i>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: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Sent: April 20, 2021 12:37 PM
To: Meghan Birbeck
Cc: Karlewicz, Lori; Development Planning Applications
Subject: RE: Notice of Hearing - A092021WL - Michael and Susan Pepper

Hi Meghan,

Regional Planning and Development Services staff has reviewed the Minor Variance application at 8538 Twenty Road in West Lincoln, for a proposed accessory garage, and provide the following comments:

- The subject property exhibits potential for the discovery of archaeological resources due to proximity to watercourses within 300 metres. The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on available aerial imagery, it does not appear that the area of the proposed accessory garage has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Prior to the construction of the proposed accessory garage, the Committee should be satisfied that the location of any construction works has been subjected to ground disturbance or require the completion of at least a Stage 1 Archaeological Assessment to address cultural heritage policies. It is recommended that the applicant provide information (including the envelope of previous disturbance/construction works, location of any fill placed on the site, grading works, etc.) to the Committee to confirm the requirement for an archaeological assessment.
- The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Twenty Mile Creek Provincially Significant Wetland Complex (PSW), Significant Woodland, Significant Valleyland, and Type 1 (Critical) Fish Habitat. The property is also mapped as part of the Growth Plan (2019) Provincial Natural Heritage System (PNHS), which identifies these features as Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF) and the natural heritage policies identified in the Provincial Growth Plan apply accordingly. Growth Plan policies typically require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 metres (m) of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 120 m of PSW, 50 m of Significant Woodland/Significant Valleyland and 30 m of Type 1 Fish Habitat. Growth Plan policies also require that a minimum 30 m Vegetation Protection Zone (VPZ) as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF/KHF or its VPZ. The proposed accessory garage is within 120 m of KNHF/KHF; however, Growth Plan policies allow for accessory structures provided that there is no expansion into KNHF/KHF or their VPZs. The proposal meets these requirements. As such, there are no study requirements from an Environmental Planning perspective.

Should you have any questions regarding the above comments, please contact me.

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: April 21, 2021
Re: File A09/2021WL – Michael and Susan Pepper (8538 Twenty Rd)

A review has been completed of this minor variance application to permit an accessory garage to be built: ± 2.81 meters in front of the property's main dwelling; ± 1.4 meters taller than the maximum height allowed; and ± 271.55 square meters larger than the maximum ground floor area allowed in the Township Zoning Bylaw 2017-70.

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

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: April 23, 2021 9:12 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - A092021WL - Michael and Susan Pepper

Hello Meghan,

After further review, the NPCA's technical staff have determined that the proposed structure will not be impacted by any NPCA regulated features or hazards. As such, the NPCA will have no further objections to the proposed Minor Variance applications.

Sincerely,

Nikolas Wensing, B.A., MPlan

Watershed Planner

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

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Monday, April 12, 2021 11:33 AM
To: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Barb Behring <bbering@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Jeni Fisher <jfisher@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>
Subject: Notice of Hearing - A092021WL - Michael and Susan Pepper

Good afternoon,

Please find attached the above mentioned Notice of Hearing for the Minor Variance application for **A09/2021WL – Michael and Susan Pepper**.

If you have any new comments regarding this application I would appreciate if I could get them to me by Friday, April 23rd, 2021.

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

Sincerely,
Meghan Birbeck

DATE: April 28th, 2021

REPORT NO: COA-010-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by the Township of West Lincoln
File No. A08/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by the Township of West Lincoln for the property legally known as Concession 5, PT Lot 11, in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. Municipally known as 8635 Regional Road 65.
- This Minor Variance application has been applied for to permit a new fire station to be built with an east interior side yard setback of 2.5 metres whereas 7.5 metres is required.
- The new fire station is proposed to be built with an east interior side yard setback of 2.5 metres to allow a generous amount of space for fire trucks to manoeuvre around during the construction of the new fire station.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval if modified, as follows:
- Although site plan details are not fully presented it is apparent that the easterly site yard will require a swale for drainage purposes, which normally has a minimum 3 metres easement. This area aligns with the lease agreement for land that Bell Canada holds on the property.
- Therefore, planning staff recommend a minimum 3 metre setback on the easterly side yard.

RECOMMENDATION:

1. THAT, the application for Minor Variance made by the Township of West Lincoln as outlined in Report COA-010-21, to permit a new fire station to be built with an east interior side yard setback of 2.5 metres whereas 7.5 metres is the permitted minimum, BE MODIFIED and APPROVED at 3.0 metres for the following condition:
 - a. That the site plan for the property be reviewed and supported by Bell Canada prior to final site plan approval and building permit issuance.
 - b. That the applicant provides the NPCA with Floodplain mapping which demonstrates the full extent of the flood hazard on the subject property.
 - c. That the NPCA review the requested mapping and are satisfied that proposed structure is not located within a flood hazard.

BACKGROUND:

The subject lands are situated on the north side of Regional Road 65 (Bismark Road), being legally described as concession 5, Part Lot 11, in the former Township of Caistor, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 8635 Regional Road 65. (See attachment 1 for a site sketch)

The subject property is approximately 1.27 acres (0.51 hectares) in size. The property has Industrial Employment (M2) zoning. The surrounding properties are large agricultural parcels of land currently designated Good General Agriculture and currently being farmed.

This Minor Variance application has been applied for to request a variance for the east interior side yard setback to be 2.5 metres whereas Table 19 of the Township Zoning Bylaw 2017-70, as amended identifies that the minimum interior side yard setback is required to be 7.5 metres

It is important to note that the Township Fire Services are required to run as the construction of the new fire station occurs. The request for the reduction in required side yard setbacks of 5 metres will allow sufficient amount of space for the fire trucks to continue to manoeuvre around during the construction of the new fire station. Unfortunately, such a reduction places the building within the lands granted to Bell Canada subject to a lease agreement and also on land presumably required for a swale.

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, as modified**

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 minor variance application is proposing to decrease the permitted interior side yard setback by 5 metres from the 7.5 required setback to 2.5 metres. This variance is to allow for the fire station to operate efficiently, and to allow for fire trucks to manoeuvre around the property while the new fire station is being constructed. Such a redevelopment must ensure minimal impact on neighboring properties and therefore must contain adequate space for a swale and not impede on the land granted to Bell Canada through a lease agreement.

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

Respecting Our Roots, Realizing Our Future

fits the character of the surrounding area.

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

Yes, as modified

The subject land is zoned Industrial Employment 'M2' in the Townships Zoning By-law 2017-70, as amended. The parcel is 1.27 acres (0.51 hectares) in size. The Industrial Employment zone permits service stations and their associated accessory buildings of this nature. The proposed construction of the new fire station building is a permitted use under the regulations of the Agricultural Zone.

Under the Township's Zoning By-law 2017-70, as amended, all industrial employment buildings shall have a minimum interior side yard setback of 7.5 metres. This ensures that there is a large enough buffer for an industrial use if the property is abutting an agricultural or residential zone which may contain permitted residential dwellings. This buffer would normally be used to minimize the noise, smell, and vibration impacts to adjacent neighbours, is also to ensure that the property has enough space to manoeuvre around the buildings. Township planning staff recognize that this building has been on site for a number of years and that it is surrounded by large agricultural parcels that are currently being farmed. Therefore the impact to the immediate neighbours is very minimal. As such, Township staff are of the opinion that this application meets the general intent of the Township Zoning Bylaw, provided that the need for a swale and the lease agreement with Bell Canada are protected and therefore require a 3 metre side yard setback.

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

Yes, as modified

The applicant has proposed to construct a new fire station for the Township of West Lincoln. Due to the size and location of the newly proposed fire station and the location of the driveway where the emergency vehicles enter and exit the site, the applicants are requesting to reduce the easterly interior side yard setback 5 metres, from the required 7.5 metres setback to 2.5 metres.

The proposed building is generally located in an area that is located far away from neighbouring residential dwellings. As this has been the use of the subject parcel for numerous years, and the need for a second fire station in west Lincoln is necessary township staff feel that this is appropriate development or use of the land. In order to ensure that the site functions properly, a minimum 3 metre easterly side yard setback is required.

As such, Planning Staff are of the opinion that the requested variance as amended is appropriate development and use of the only land that can be used for this specific development on this property.

Is the proposal minor in nature?

Yes, as modified

The subject application is requesting to permit a proposed fire station that is located closer to the east interior side lot line than the required minimum setback. The variance

is requesting a 5 metre reduction in the required side yard setback from 7.5 metres to 2.5 metres. The variance is due to the need to have emergency vehicles enter and exit the site efficiently as construction of the new fire station occurs and the emergency services is still responding. In order to ensure minimal impact on others, room for a swale and avoidance of the land granted to Bell Canada through a lease agreement better align with a 3 metre easterly side yard setback. For this reason, a 3 metre easterly side yard setback is requested. This modified reduced setback should still allow firetrucks to manoeuvre in and out of the site. As the neighbouring property is currently a large agricultural parcel being farmed for cash crops. This variance has minimal impact on them. 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 April 9th 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector has no objections, as they have identified that the proposed garage location does not negatively impact the existing sewage system.

The Township's Public Works understands there is a utility crossing through the east side of the site for which an agreement is in place with the Township.

A site grading plan has not been provided with this application but Public Works has been informed a drainage swale may be proposed along the east side of the site over the utility. Public Works would recommend a side yard setback at a minimum of 3m to accommodate a swale however the location of a swale in this area and the minimum width of the setback is subject to approval by the utility.

The Niagara Peninsula Conservation Authority (NPCA) has indicated that before they can determine if the proposed Minor Variance can be supported, the applicant shall provide the following to the NPCA for review and approval: Floodplain mapping which demonstrates the full extent of the flood hazard on the subject property. The floodplain mapping shall demonstrate to the satisfaction of the NPCA that the proposed structure does not fall within the flood hazard. Further indicating that they cannot support the variance if it proposed building is located within a flood hazard. The NPCA's full comments are attached.

Regional Planning and Development Services staff offers no objection to the Minor Variance application from a Provincial or Regional perspective, subject to the satisfaction of any local requirements. The Niagara Region's full comments are attached.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m 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 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 the Township of West Lincoln for the property municipally known as 8635 Regional Road 65. This Minor Variance is submitted to permit a proposed new fire station with an interior side yard setback of 2.5 metres whereas 7.5 metres is required in an industrial employment zone. Planning staff are of the opinion that this application should be modified to 3 metres, which then allows the applicant to meet all four tests of a minor variance, and as such, can recommend approval of this application as modified.

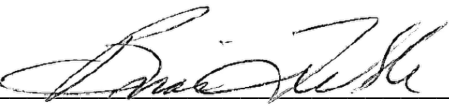
ATTACHMENTS:

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

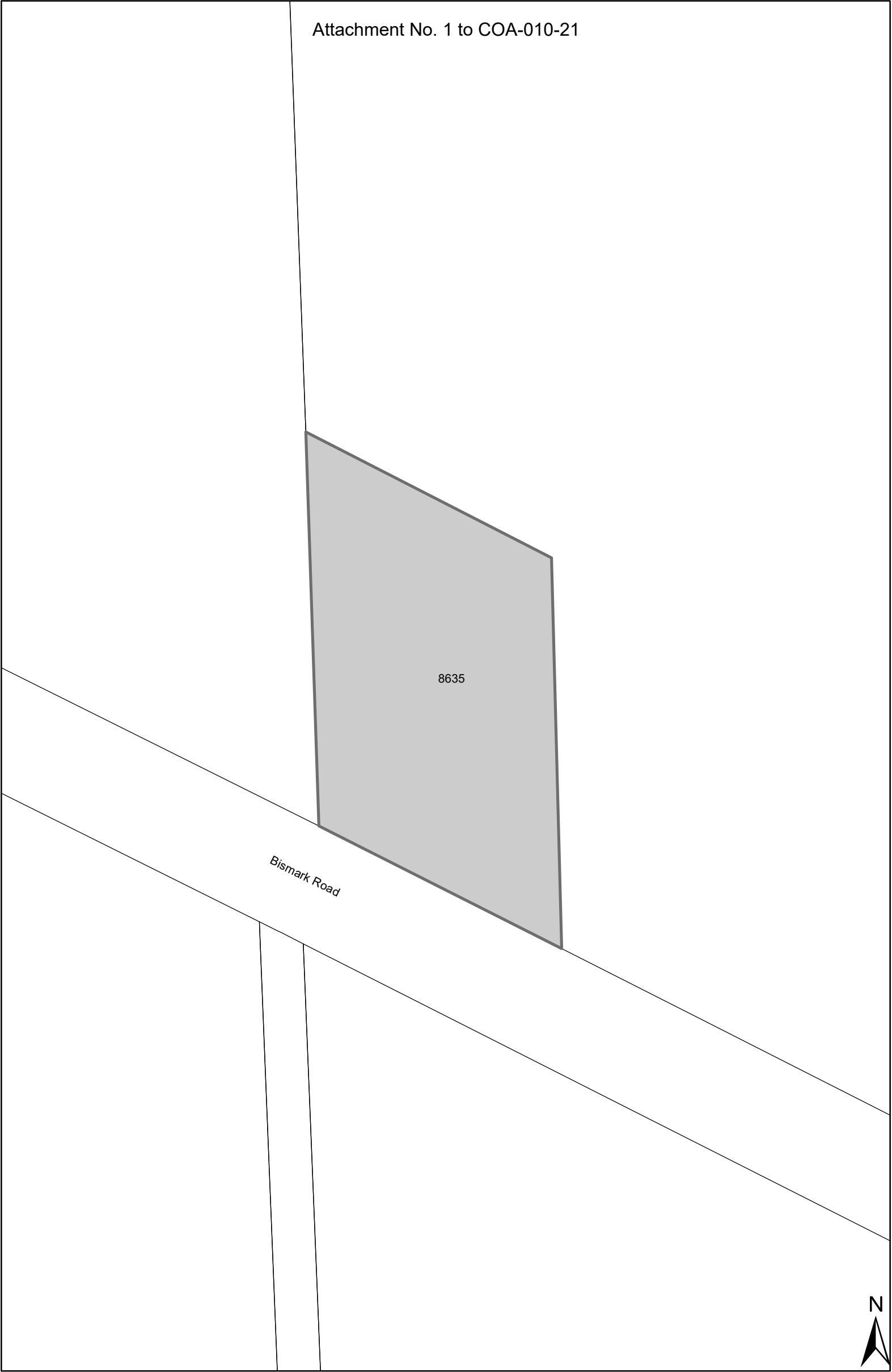
Prepared by:



Madyson Etzl
Planner I



Brian Treble, RPP, MCIP
Director of Planning and Building




Location Map
8635 Regional Road 65

0 12.5 25 50 Meters

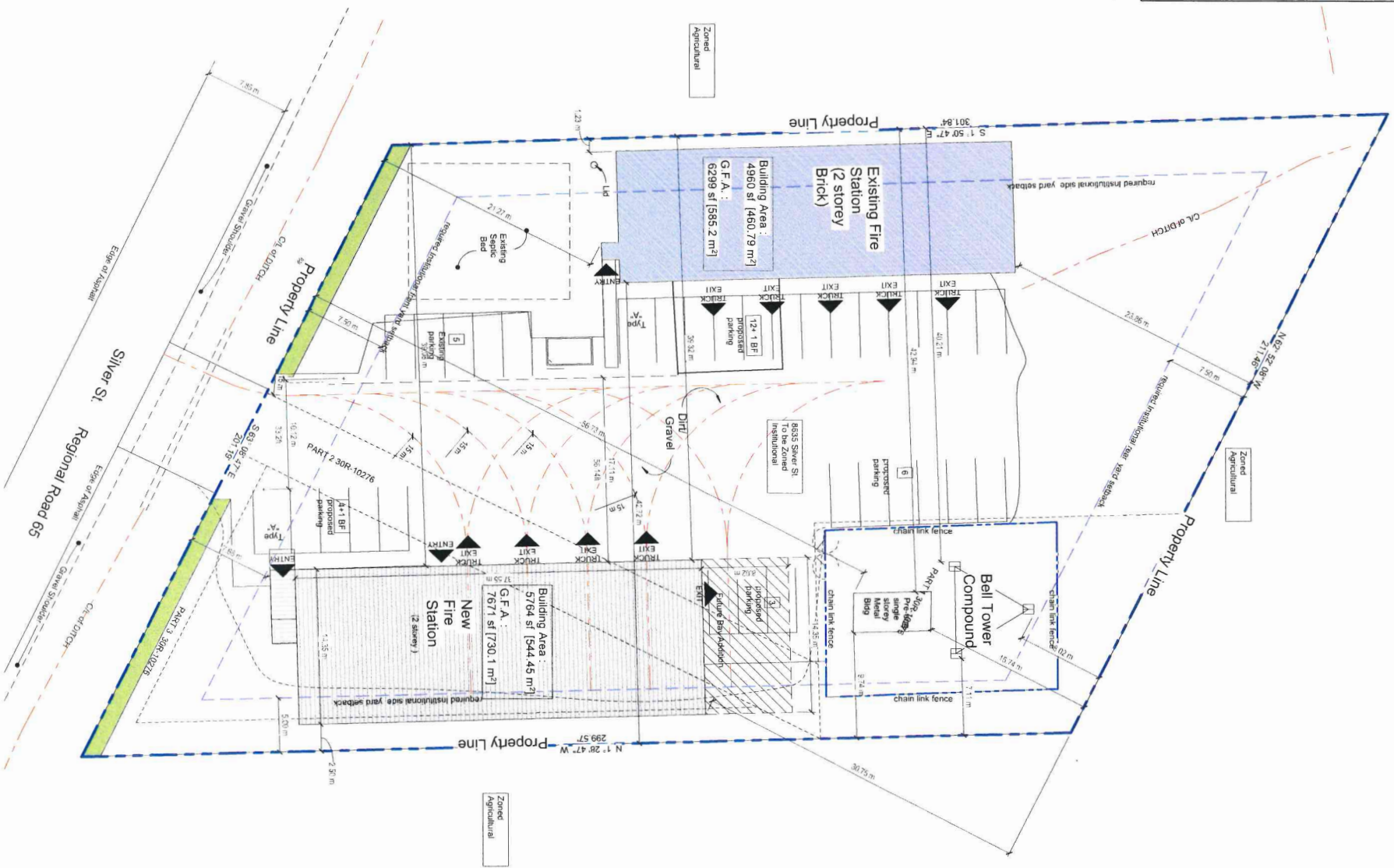
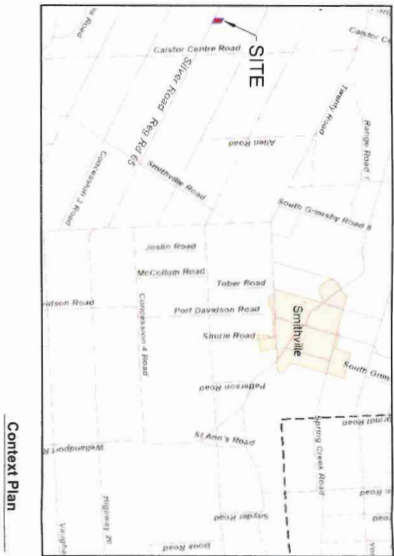


Legend

 Subject Property

Site Plan and Building Statistics

Development Proposal	New Volunteer Fire Station			
Project Name	West Lincoln Fire Department - New Station No. 2			
Owner	Corporation of the Town of West Lincoln			
Municipal Address	8635 Silver Street			
Former Municipality				
Legal Description				
Official Plan Designation	Currently Zoned "I2" - Industrial Employment To be Re-zoned "I" - Institutional			
Zoning By-Law Requirements for "I" - Institutional Zoning		Required (Metric)	Required (Imperial)	Provided (Metric)
				Provided (Imperial)
Lot Frontage (Min.)		30 m	98.43 ft	+/- 63.44 m
Lot Area (Min.)		2000 m ²	21527.82 ft ²	+/- 5323.38 m ² - acres
Interior Side Yard Setback (East)		5 m	16.4 ft	+/- 2.5 m
Interior Side Yard Setback (West)		5 m	16.4 ft	+/- 1.43 m
Front Yard Setback (Min.) (South)		7.5 m	24.61 ft	+/- 7.5 m
Rear Yard Setback (Min.) (North)		7.5 m	24.61 ft	+/- 8 m
Building Height (Max.)		15 m	49.21 ft	+/- 7.6 m
Lot Coverage (Max.)		50 %		+/- 15.18 %
Landscape Open Space (Min.)		10 %		
Gross Floor Area		810.33 m ²	712.63 m ²	1322.96 m ² - ft ²
Building Coverage		485.58 m ²	528.45 m ²	1021.03 m ² - ft ²
Parking - Minimum number of Spaces Required (Institutional Uses (not separately defined))		GFA 485.2m2 585.2/100 = 5.85	GFA 712.6m2 712.6/90 = 7.92	GFA 1297.2m2 1297.2/90 = 14.41
Parking - Minimum number of Barrier Free Spaces Required		6 Parking Spaces Required	24 Parking Spaces Required	30 Parking Spaces Required
1,25 parking spaces req. additional 1 type A and B		1 additional Type A Barrier Free space	1 additional Type A Barrier Free space	2 Additional Type A or 1 Additional type A and B
Parking Provided		+/- 30 spaces	25 plus 1 additional Type "A" Barrier Free space	25 plus 1 additional Type "A" Barrier Free space



A	February 24, 2021	Issued For Discussion
B	Mar. 01, 2021	Issued For Discussion
C	Mar. 11, 2021	Bore Hole locations
D	March 12, 2021	Issued For Pre-Consultation
E	March 24, 2021	Issued For Discussion
F	March 26, 2021	Issued For Minor Variance



RAIMONDO + ASSOCIATES

4687 Queen Street Suite 2, Niagara Falls, Ontario, L2E 2L9
TEL: 905-357-4441 FAX: 905-357-5293
WFR: www.raimondotoarchitects.com
EMAIL: mail@raimondotoarchitects.com

ARCHITECTS INC.

New Fire Station Smithville, Ontario
Township Of West Lincoln
8635 Silver Street, Regional Road 65

Overall Site Plan + Zoning Info

DRAWN BY: MBK
DATE: 28/03/2021 8:39:13 PM
SCALE: As Indicated
PROJECT NO: 26-128
CHECKED: ---

DRAWINGS ARE NOT VALID FOR CONSTRUCTION UNTIL SEALED AND SIGNED BY THE ARCHITECT.
DO NOT SCALE DRAWINGS. REPORT ALL DIMENSIONS TO THE ARCHITECT BEFORE PROCEEDING. ALL DRAWINGS AND DESIGNS REMAIN THE PROPERTY OF THE ARCHITECT AND ARE PROTECTED UNDER COPYRIGHT.
THESE DESIGN DOCUMENTS ARE PREPARED SOLELY FOR THE USE BY THE PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS ENTERED INTO A CONTRACT AND THERE ARE NO REPRESENTATIONS OF ANY KIND MADE BY THE DESIGN PROFESSIONAL TO ANY PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS NOT ENTERED INTO A CONTRACT.

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 lot coverage (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 lot coverage (see below)		
Permitted yards		Interior Side Yard Rear Yard	All Yards	
Minimum setback from front lot line		No closer to the front lot line than the main building	4.5 metres	15 metres
Minimum setback to exterior side lot line		No closer to the exterior side lot line than the main building, except that a detached private garage in the rear yard shall not be located any closer than 6 metres to the exterior side lot line		
Minimum setback to interior side lot line		1.2 metres, except that this shall not apply to prevent a permitted detached private garage which services two dwellings that are each on a separate lot	1.2 metres, or as required in the applicable zone where a lesser interior side yard is required for the main building	5 metres
Minimum setback to rear lot line			1.2 metres	7.5 metres
Maximum height		5 metres	6 metres	10 metres
Maximum lot coverage	RuR and R1A Zones	200m ² or 8% of the lot area, whichever is less, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone	8% of the lot area, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone	
	All other Residential Zones	100m ² or 8% of the lot area, whichever is less, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone		
Minimum setback from main building ⁽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 <lkillins@live.com>
Sent: April 14, 2021 10:09 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - A102021WL - The Corporation of the Township of West Lincoln

Hi Meghan

The application as proposed does not impact on minimum separation distances of a sewage system to a structure as per Tables 8.2.1.6.A & B. Ontario Building Code. Thus, no objection to the application as proposed at this time.

Respectfully submitted.

Lyle Killins C.P.H.I.(c)
B.C.I.N. # 11112

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: April 12, 2021 12:14 PM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; susan.dunsmore@niagararegion.ca <susan.dunsmore@niagararegion.ca>; Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Barb Behring <bbehiring@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Jeni Fisher <jfisher@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>
Subject: Notice of Hearing - A102021WL - The Corporation of the Township of West Lincoln

Good afternoon,

Please find attached the above mentioned Notice of Hearing for the Minor Variance application for **A10/2021WL – The Corporation of the Township of West Lincoln**.

If you have any new comments regarding this application I would appreciate if I could get them to me by Friday, April 23rd, 2021.

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

Sincerely,
Meghan Birbeck

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: April 23, 2021
Re: File A10/2021WL – The Corporation of the Township of West Lincoln
(8635 RR65)

A review has been completed of this minor variance application to permit a new fire station to be built with an east interior side yard setback of ± 2.5 meters whereas the Township Zoning Bylaw 2017-70 identifies the minimum interior side yard setback is ± 7.5 meters.

Public Works understands there is a utility crossing through the east side of the site for which an agreement is in place with the Township.

A site grading plan has not been provided with this application but Public Works has been informed a drainage swale may be proposed along the east side of the site over the utility. Public Works would recommend a side yard setback at a minimum of 3m to accommodate a swale however the location of a swale in this area and the minimum width of the setback is subject to approval by the utility.

April 23, 2021

Meghan Birbeck, Planner I
318 Canborough St. P.O. Box 400
Smithville, ON L0R 2A0

VIA EMAIL ONLY

NPCA FILE NO.: PLMV202100517

**SUBJECT: NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA) COMMENTS FOR
MINOR VARIANCE APPLICATION AT 8635 REGIONAL ROAD 65 IN THE
TOWNSHIP OF WEST LINCOLN – FILE NO. A10/2021WL**

The NPCA has reviewed the proposed Minor Variance application at the subject property, 8635 Regional Road 65, West Lincoln. As part of the City's review process, the NPCA has been circulated the application for review due to the presence of Regulated Areas on the property. Based on our review, we offer the following comments.

1. The subject property falls within the development buffer of NPCA regulated Watercourses, and a Provincially Significant Wetland (PSW) associated with the Moores Creek Slough Forest Wetland Complex. In addition, the property to the west of the subject property is traversed by a tributary to Moores Creek. As such, development of this property in this general area would be subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06). In accordance with this regulation, development and site alterations are not permitted within a flood hazard.
2. The proposed structure does not fall within the 15-metre development buffer associated with the Watercourses located to the west of the subject property. In addition, please note that NPCA will not have concerns regarding the impact of development on the PSW to the south, as any impact would be mitigated by Bismark Road. Finally, please note that the proposed structure may fall within a flood hazard. Given the size of the upstream drainage area for the tributary to Moores Creek identified above, floodplain mapping will be required to be generated (at the landowner's expense) in support of the proposed development. This would be to ensure no new development or site alterations that could have a negative impact to the floodplain are located within the flood hazard.
3. Before the NPCA can determine if the proposed Minor Variance can be supported, the applicant shall provide the following to the NPCA for review and approval:
 - a. Floodplain mapping which demonstrates the full extent of the flood hazard on the subject property. The floodplain mapping shall demonstrate to the satisfaction of the NPCA that the proposed structure does not fall within the flood hazard. Please note that NPCA Policy is not supportive of the proposed structure if located within a flood hazard.
4. The NPCA would like to suggest that this Minor Variance application be deferred until we have had the opportunity to review the requested floodplain mapping mentioned above.



Sincerely,

A handwritten signature in blue ink, appearing to read "Nikolas Wensing".

Nikolas Wensing, Watershed Planner
Niagara Peninsula Conservation Authority

Planning and Development Services

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

Via Email Only

April 21, 2021

File No.: D.17.12.MV-21-0039

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

Dear Ms. Birbeck:

**Re: Minor Variance Application
Regional and Provincial Comments
Township File No.: A10/2021WL
Address: 8635 Regional Road 65, Township of West Lincoln**

Regional Planning and Development Services staff has completed a review for the above-mentioned Minor Variance application which has been applied for to permit the construction of a new fire station with an east interior side yard setback of 2.5 metres whereas the Township's Zoning By-law requires a minimum interior side yard setback of 7.5 metres. Region staff understand that the new fire station is requesting to be built with a decreased side yard setback to ensure there is sufficient space for fire trucks to maneuver around during the construction of the new fire station. The following Provincial and Regional comments are provided to assist the Committee in considering this application.

Core Natural Heritage System

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Type 2 (Important) Fish Habitat. Consistent with Regional Official Plan (ROP) Policy 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 15 m of Type 2 Fish Habitat.

The proposed development is located greater than 15 m from Type 2 Fish Habitat. Therefore no studies are required and there are no further Environmental Planning comments.

Regional Permit Requirements

Please be advised that the subject property has frontage along Regional Road 65 (Bismark Road). Prior to any construction works or entrance alteration taking place within the Regional road allowance, a Regional Construction Encroachment and/or Entrance Permit would be required. The required Regional Road Permits must be obtained from Niagara Region's Transportation Services Division, Public Works Department. Applications can be made online through the Region's website using the following link.

<http://niagararegion.ca/living/roads/permits/default.aspx>

Protection of Survey Evidence

The applicant is advised that survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property.

Regional Bicycle Network

The subject property has frontage on Regional Road 65 (Bismark Road) which is designated as part of the Regional Niagara Bicycling Network. If the bicycle routes are currently not established and identified with signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises. This may involve additional pavement width, elimination of on-street parking, etc.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- Recycling: Weekly Blue/Grey Boxes or Carts (8 Cart Maximum);
- Organic: Weekly Green Bins or Carts (8 Cart Maximum);
- Garbage: 8 Garbage Bags/Cans collected every-other-week.

Conclusion

Regional Planning and Development Services staff offers no objection to the Minor Variance application from a Provincial or Regional perspective, subject to the satisfaction of any local requirements. If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3268 or Susan Dunsmore, P. Eng., Manager, Development Engineering, at extension 3661.

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

Best Regards,

A handwritten signature in blue ink, appearing to read 'R. Alguire', is positioned below the closing text.

Robert Alguire, C.E.T.
Development Approvals Technician
Niagara Region

cc: Aimee Alderman, MCIP, RPP, Development Planner, Niagara Region
Lori Karlewicz, B. Sc., Planning Ecologist, Niagara Region