



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

Wednesday, May 26, 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	
4. APPLICATIONS	
a. A11/2021WL - Riverview Poultry	3
A minor variance application has been applied for to permit a reduction in the front yard setback of 12.5 meters (41.01 feet) whereas Table 19 of the Township Zoning Bylaw 2017-70, as amended, identifies that the minimum front yard setback is 15 meters (49.21 feet). This request has been made for this employment zoned property to allow for a building expansion that accommodates additional interior storage space and to maximize the number of loading docks on the property.	
b. B08/2021WL - Post Time Services	12
A severance application for a lot addition to Post Time Service's property who are located at 4061 Canborough Road has been submitted. The application is proposing to sever off 0.809 hectares (2.00 acres) and retain ±2.322 hectares (±5.74 acres). The land proposing to be severed is currently vacant of any buildings. Post Time Service is proposing to increase their agricultural related operations with the ±.809 hectares of land. A zoning amendment will be needed to both recognize the deficient lot area on 4141 Canborough Road and to extend the Agricultural Related Zone on 4061 Canborough Road. Finally, as this will result in the extension of a commercial business, site plan approval will be required if the consent is approved.	

5. MINUTES FOR APPROVAL

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: May 26th, 2021

REPORT NO: COA-016-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Riverview Poultry Ltd.
File No. A11/2021WL

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

OVERVIEW:

- A minor variance application submitted by Donald Plumstead (Foodcon) agent on behalf of Riverview Poultry (Owner) has been for the property with a legal description of South Grimsby Concession 8, Pt Lot 6, RP30R867 Pt Part 1 RP30R8956 Part 1, municipally known as 6245 Pearson Street.
- This minor variance application is seeking relief from section 8.3 of Table 19 of the Township's zoning by law and requesting a 2.5 metre reduction in the front yard/ exterior side yard setback requirement to a 12.5 metre front yard setback whereas 15 metres is required.
- This proposal is required to accommodate a building expansion for additional interior storage space and to maximize the number of loading docks on the property.
- Riverview poultry has also submitted a revised site plan for this proposed expansion which cannot be completed as an amending Site Plan Control Application until after the minor variance process is completed.
- Planning staff have reviewed this variance request against the four tests of a minor variance and as such, can recommend approval of this application.

RECOMMENDATION:

1. THAT, the application for the Minor Variance made by Donald Plumstead (Agent) on behalf of Riverview Poultry (Owners) outlined in Report COA-01#-21, to permit the reduction of a front yard/ exterior side yard setback to 12.5 metres whereas 15 metres is required, BE APPROVED.

BACKGROUND:

The subject lands are legally described as Part Lot 6, Concession 8, South Grimsby, RP30R867 PT Part 1, and RP30R8956 Part 1. The subject lands are located to the north side of Pearson Street, west of Industrial Park Road and east of Thompson Road. This property is known municipally as 6245 Pearson Street.

The subject property is approximately 6.19 acres (2.51 hectares) in size. The property is in the Employment Area within the Smithville Urban Settlement Area. The immediate by adjacent properties to Riverview Poultry are currently all employment uses with the

same employment area designation. The reminder of the land is projected to be employment area through the ongoing Urban Boundary Expansion Project.

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 subject property is currently designated employment area within the current Smithville urban built boundary within the Townships Official Plan. It is the intent of this plan that these areas encourage employment development in order to achieve a more balanced live-work community as an alternative to out-commuting, to encourage a broad range of industrial employment areas, and to encourage prestige employment. The proposed building expansion to Riverview Poultry Limited is for additional interior storage space and to maximize the number of loading docks on the property.

The minor variance application is proposing to seek relief from Table 19 in section 8.3 of the Township's Zoning By-law and reduce the front yard/exterior side yard setback by 2.5 metres, from 15 metres to 12.5 metres in order to accommodate a building expansion for additional interior storage space and to maximize the number of loading docks on the property. Planning Staff note that Riverview Poultry Limited is a large and successful business in West Lincoln and that this variance will contribute to the concurrent growth and success of the existing business.

The municipal services for this property are located in the front of this property and not in the back yard. In addition, there is no current development behind this property, however the parcel backs onto M2 Industrial employment lands as well as natural heritage designation to the east and west of the property. This designation is currently being reviewed under the Smithville urban Boundary Expansion studies.

Township Planning Staff are of the opinion that this minor variance meets the general intent and purpose of the Official Plan as the proposed expansion reflects the properties employment use and generally supports the goal of employment growth that the official plan is trying to achieve in this area of West Lincoln.

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

The subject land is zoned M2-1 Industrial Employment in the Township's Zoning By-law 2017-70, as amended (the exception permits the existing use). The subject parcel is 6.19 acres (2.51 hectares) in size. M2-1 zone is an Industrial Employment site specific provision. This provision permits an abattoir, which is defined in the zoning by-law as a building or structure specifically designed to accommodate the penning and slaughtering of live animals and the preliminary processing of animal carcasses and may include the packaging, treating, storing and sale of the product on the premises. The regulations for the site specific exception on this property include a maximum number of loading spaces in the front yard of 7 and a minimum driveway and parking

aisle width for two-way traffic of 5.5 metres.

The minor variance application is proposing to reduce the front yard setback by 2.5 metres from 15 metres to 12.5 metres for the proposed building expansion that will include additional interior storage space as well as to maximize the number of loading docks on the property. Planning staff have determined that the maximum number of loading spaces in the front yard will not exceed 7 spaces. The existing structures located on the property at 6245 meet all the zoning provision of the M2 zone. Therefore this proposal is in compliance with the existing site specific provisions for this property.

Planning staff note that Riverview Poultry has submitted a revised Site plan as well. This will be reviewed through an amending agreement after the minor variance decision is made. This was a request at the pre-consultation stage.

As this property is located within the employment area of West Lincoln, and this reduction request will contribute to the ongoing success of Riverview poultry, 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 subject property is 6.19 acres (2.51 hectares) in size consisting of a main poultry processing plant and accessory structures. The surrounding land uses to the north, south, east and west are also Industrial employment zoned lands. There is also natural heritage system lands to the east and west of the subject property.

As this proposal is in keeping with the existing use of the property, planning staff do not anticipate any negative impacts to neighbouring properties as a result of the proposed variance. There have been no objections from any of the commenting agencies and it is desirable to support the expansion of this business at this time.

Is the proposal minor in nature?

Yes

The subject minor variance application is requesting relief from table 19, Section 8.3 of the Townships Zoning By-Law 2017-70 as amended. Table 19 of the By-Law requires a minimum front yard setback of 15 metres for an Industrial employment zone. As this property has frontage along Pearson Street, the south lot line is considered the front yard. This application is requesting a 2.5 metre reduction in this required setback from 15 metres to 12.5 metres to facilitate the expansion of the warehouse as well as facilitate the maximum use of the loading docks.

The subject property features a poultry processing plant. This property previously was the subject of a minor variance application in 2009 which approved a request to increase the maximum width of an ingress/egress driveway from 9 metres to 25 metres to permit access to the industrial property. This allowed the trucks to enter and exit the property from Industrial Park Road as well as Pearson Street.

As this proposal is minor compared to previous requests, at only a 2.5 metre reduction,

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which will have no effect on the operation and maintained of Pearson Street, that neighbouring businesses will not be affected by this variance, and that this will help in the success of the business, Staff is of the opinion that this variance is minor in nature.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on May 7th, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township Public Works Department has identified that they have no objection to this minor variance application. Furthermore, the Public Works Department has identified the Site Plan application will require a Grading Plan and Stormwater Management Brief.

It was confirmed that the proposed addition to the site will not be used for production and will therefore not increase flows to the sanitary sewer on Industrial Park Rd. For this reason, a servicing brief is not required. If this changes Public Works will request further information.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands May 7th, 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 May 17th, 2021, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Donald Plumstead (Foodcon) agent on behalf of Riverview Poultry (Owner) for the property municipally known as 6245 Pearson Street. This Minor Variance application is proposing to seek relief from Table 19, Section 8.3 of the Township's Zoning Bylaw 2017-70, as amended, to permit a front yard setback of 12.5 metres whereas 15 metres is required.

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

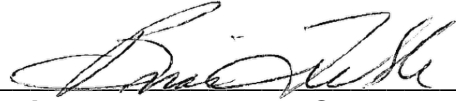
ATTACHMENTS:

1. Site Sketch
2. Zoning Provisions
3. Agency comments

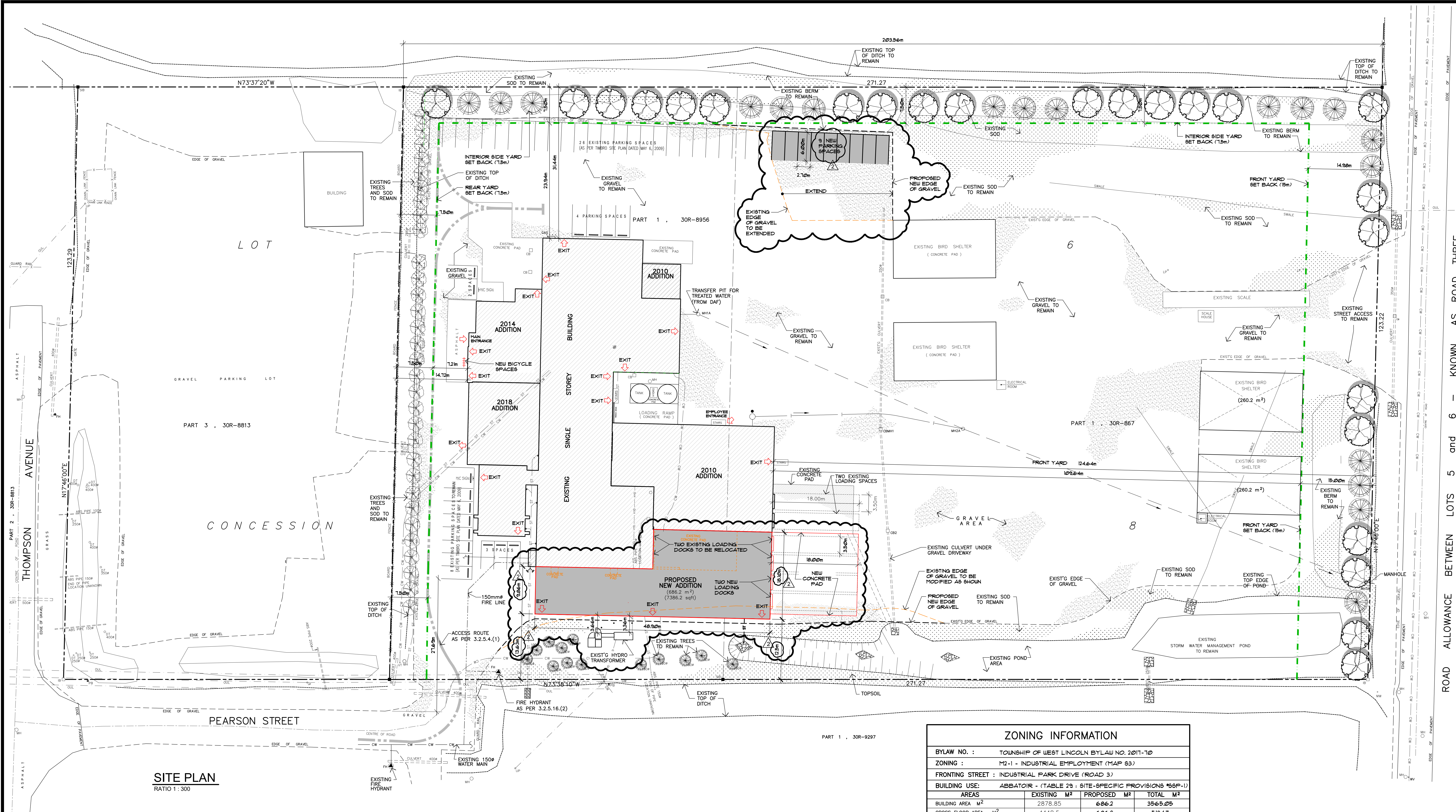
Prepared by:



Madyson Etzi
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



SITE PLAN
RATIO 1:300

PRELIMINARY
FOR APPROVAL PURPOSES
NOT FOR CONSTRUCTION

DRAWING NOMENCLATURE:
TEXT IN THIS TYPEFACE IS EXISTING
TEXT IN THIS TYPEFACE IS NEW CONSTRUCTION AND RENOVATIONS



PROJECT DESCRIPTION

PROJECT DESCRIPTION:
CONSTRUCTION OF 686.2 m² ADDITION TO SOUTH SIDE OF BUILDING,
SINGLE STOREY ADDITION TO BE USED FOR PRODUCTION.

ZONING INFORMATION

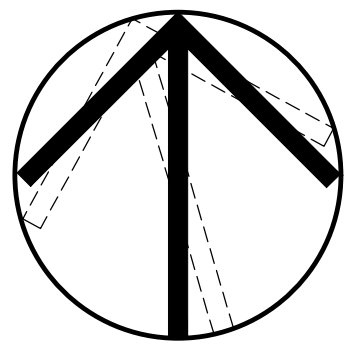
BYLAW NO. :	TOWNSHIP OF WEST LINCOLN BYLAW NO. 2011-10		
ZONING :	M2-1 - INDUSTRIAL EMPLOYMENT (MAP 93)		
FRONTING STREET :	INDUSTRIAL PARK DRIVE (ROAD 3)		
BUILDING USE:	ABBATOIR - (TABLE 29 : SITE-SPECIFIC PROVISIONS *686-1)		
AREAS	EXISTING M ²	PROPOSED M ²	TOTAL M ²
BUILDING AREA	2878.85	686.2	3565.05
GROSS FLOOR AREA	4448.5	686.2	5134.7
ACCESSORY BLDGS	1047.4	0	1047.4
ZONING BYLAW DATA :	REQUIRED	PROVIDED	REFERENCE
LOT AREA (Min)	2000	25079.8	8.3 TABLE 19
LOT FRONTAGE (Min)	30	123.2	8.3 TABLE 19
LOT COVERAGE (Max) (BLDG + ACCESSORY) %	50 %	(2878.85 + 686.2) / 25079.8 = 18.4 %	8.3 TABLE 19
BLDG HEIGHT (Max)	10	7	8.3 TABLE 19
FRONT YARD SETBACK (Min)	15	124.64	8.3 TABLE 19
REAR YARD SETBACK (Min)	7.5	14.72	8.3 TABLE 19
INTR SIDE YARD (Min)	7.5	31.44	8.3 TABLE 19
YARD ABUTTG RESID (Min)	30	N/A	8.3 TABLE 19
EXTR SIDE YARD (Min)	15	125	3.19.(A) TABLE 8
OUTSIDE STORAGE (MAX) %	5	4	8.3 TABLE 19
LANDSCAPED SPACE (MIN) %	(SEE 3.2.5.4.1)	33.1 %	3.3.1.(A)
PARKING AND LOADING:			
BICYCLE PARKING SPACES (Min) No.	2 + 0.25/1000 W/ 0.25 (4)	4	3.12.4 TABLE 4
PARKING SPACES (Min) No.	1/100 W/ 0.25 (52)	52 (41 EXIST'G, 11 NEW)	3.12.6 TABLE 6
PARKING SPACE SIZE (Min) M	2.7 x 6	2.7 x 6	3.16.6.(D)
DRIVE & PARK'G AISLE WIDTH (Min) M	6.0	6.0	3.12.2 TABLE 3
PARKING SPACE LOCATION	ANY YARD	INTERIOR SIDE YARD, REAR & FRONT YARD	3.16.6.(A)(V)
PARK'G LOT DIST TO STREET LINE	1.5 (Min)	27.69	3.16.6.(A)(V)
ACCESSIBLE SPACES (Min) No.	2	2 EXISTING	3.12.6.(C) & TABLE 7
ACCESSIBLE SPACE SIZE (M)	TYPE A	SEE BELOW	3.12.6.(D)(i) & (ii)
ACCESSIBLE SPACE AISLE (M)	1.5	1.5	3.12.6.(D)(iv)
LOADING SPACES (Min) No.	2	7 (5 EXIST'G, 2 NEW)	3.12.5. TABLE 5
LOADING SPACE SIZE (Min) M	3.5(W) X 18(M)	3.5 x 18	3.12.5.(B)
LOADING SPACE LOCATION		EXIST'G FRONT	3.12.5.(C)(ii)
LANDSCAPING:			
PLANTING STRIP WIDTH (Min) M	1.5	EXIST'G 7 +/-	3.9.2.(C)
PLANTING STRIP HEIGHT (Min) M	1.5	EXIST'G 1.5 +/-	3.9.2.(F)
PARKING CALCULATIONS:			
GROSS FLOOR AREA	5134.7		
FACTOR	120		
ACCESSIBLE PARKING:			
NOTE THAT ACCESSIBLE SPACES IN ADDITION TO NORMAL SPACES.			
TYPE 'A' SPACES	3.4 x 6		
TYPE 'B' SPACES	2.4 x 6		

ONTARIO BUILDING CODE DATA

BUILDING USE / OCCUPANCY :	FOOD PROCESSING / F3 DIVISION B 3.1.2.1		
USE	EXISTING M ²	PROPOSED M ²	TOTAL M ²
ABBATOIR (MAIN FLR)	2878.85	686.2	3565.05
NO. OF STOREYS :	2		BY DEFINITION
BASEMENT :	NO		DIVISION A - 1.4.1.
NO. OF STREETS FACING :	1		DIVISION B - 3.2.2.10.
APPLICABLE CODE PART :	DIVISION B - PART 3		
SIZE AND OCCUPANCY ARTICLE :	DIVISION B - 3.2.2.11		
	REQUIRED	PROVIDED	
CONSTRUCTION TYPE	COMB. / NON-COMB.	NON-COMBUSTIBLE	
SPRINKLERS	YES	YES	
FLOOR ASSEMBLY F.R.R.	45 IF COMB.	NON-COMBUSTIBLE	
ROOF ASSEMBLY F.R.R.	45 IF COMB.	NON-COMBUSTIBLE	
WALLS AND COLUMNS F.R.R.	45 IF COMB.	NON-COMBUSTIBLE	
MEZZANINE F.R.R.	45 IF COMB.	NON-COMBUSTIBLE	

FIRE FIGHTING PROVISIONS

	REQUIRED	PROVIDED	REFERENCE
ACCESS TO STOREYS ABOVE GRADE	N/A	-	3.2.5.1
ACCESS TO BASEMENTS	N/A	-	3.2.5.2
ACCESS TO ROOF	NO	NO	3.2.5.3
FIRE TRUCK ACCESS ROUTE	YES	YES	3.2.5.4.(i)
STANDPIPE AND HOSE SYSTEM	NO	NO	3.2.9.1.(i)(e)
FIRE EXTINGUISHERS	YES	YES	3.2.5.17
FIRE DEPT CONNECTIONS	YES	YES	3.2.5.16
REMARKS :			
** SEE ALSO 3.2.5.5.			
*** SEE 3.2.9.6.1 TO 3.2.9.7 FOR STANDPIPE AND HOSE SYSTEM DESIGN CRITERIA			
**** APPLIES TO BUILDINGS WITHOUT SPRINKLERS OR STANDPIPE SYSTEMS			



Contractor must verify all dimensions on the Project Site and report any discrepancies before proceeding with the Work. This drawing is a part of the Contract Documents and is to be read in conjunction with all other Contract Documents.

Plot Record

Set No.	Issued For	Date
1	REVIEW	MAY 19 2021
2	SITE PLAN REVIEW	APRIL 1 2021
3	SITE PLAN REVIEW	MAY 1 2021

Revisions

No.	Revision	Date
1	PROPOSED ADDITION AREA	MAY 11 2021
2	EXTENDED ADDITION AREA	MAY 11 2021

ROAD ALLOWANCE BETWEEN LOTS 5 and 6 - KNOWN AS ROAD THREE



Santarelli Engineering Services
50 Research Crescent, Imperial, ON N5C 3T7
Tel: (519) 461-9200 Fax: (519) 461-9201

foodcon
Food Processing Plant Design Consultants
Project Management

301 - 446 Gray St. Brampton ON N6S 7L6
Tel / Fax: (519) 759-5521
www.foodcon.ca

Division of Donald T. Plummer Project Management Ltd.

Project Title

NEW ADDITION TO:



6245 PEARSON STREET, BOX 29
SMITHVILLE, ON, L0R 2A0

Design	Plot Date
D T P / W S	MAY 7 2021
Checked	Drawn
WS	KD

Drawing Title

SITE PLAN

Project No.	Drawing No.
-	1.1

PART 8. EMPLOYMENT ZONES

8.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 8 apply to land within the following *zones*:

Zone	Symbol
Office and Business Park Employment	M1
Industrial Employment	M2
Extractive Industrial	M3

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

8.2 PERMITTED USES

In the *zones* identified in Section 8.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 18.

Table 18: Permitted Uses in Employment Zones

Uses	Zones where Permitted		
Principal Uses			
Animal shelter	M1		
Commercial kennel	M1		
Commercial school	M1		
Communications establishment	M1	M2	
Contractors establishment	M1	M2	
Dry cleaning/ laundry establishment	M1		
Industrial use	M1	M2	
Mineral aggregate operation			M3
Motor vehicle body shop	M1	M2	
Office, including a medical office	M1		
Pet care establishment	M1		
Recreation facility	M1		
Service shop	M1	M2	
Studio	M1		
Veterinary clinic	M1		
Wayside pit or quarry (see s. 3.27)	M1	M2	M3
Accessory Uses ⁽¹⁾			
Accessory buildings or structures and accessory uses (see s. 3.1)	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾
Office		M2 ⁽¹⁾	
Outside storage	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾
Renewable energy system (see s. 3.15)	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾

Uses	Zones where Permitted		
	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾
<i>Retail store</i>			

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

8.3 REGULATIONS

In the *zones* identified in Section 8.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Table 19.

Table 19: Regulations for Permitted Uses in Employment Zones

Regulation		Zone Requirements		
		M1	M2	M3
Minimum <i>lot area</i>		2,000m ²		-
Minimum <i>lot frontage</i>		30m		-
Minimum <i>front yard</i>		15m		30m ⁽¹⁾
Minimum <i>exterior side yard</i>		10m	15m	30m ⁽¹⁾
Minimum <i>interior side yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	15m	30m	90m ⁽¹⁾
	Other	5m	7.5m	30m ⁽¹⁾
Minimum <i>rear yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	15m	30m	90m ⁽¹⁾
	Other	7.5m		30m ⁽¹⁾
Maximum <i>lot coverage</i>		50%		-
Maximum <i>height</i>		10m		15m ⁽¹⁾
Minimum <i>landscaped open space</i>		10% ⁽²⁾		-
Maximum <i>outside storage</i>		5% ⁽³⁾		-
Maximum accessory <i>retail gross floor area</i>		10% of <i>gross floor area</i>		-

⁽¹⁾ Minimum *yard* requirements apply to *buildings, structures* and aggregate stockpiles.

⁽²⁾ A minimum of 50% of required *landscaped open space* shall be located in the *front yard*.

⁽³⁾ *Outside storage* for purposes other than *outside display and sales areas* on the *lot* shall be located in a *rear yard* or *side yard* and screened from view from *public streets* and adjacent *lots*.

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: May 20, 2021
Re: File A11/2021WL – Riverview Poultry – 6245 Pearson St

A review has been completed of this minor variance application to permit a reduction in the front yard setback of 12.5 meters whereas the Township Zoning By-law 2017-70 identifies that the minimum front yard setback is 15 meters.

As discussed at the pre-consultation meeting, Public Works has no objection to this minor variance application. The Site Plan application will include a Grading Plan and Stormwater Management Brief.

It was confirmed that the proposed addition to the site will not be used for production and will therefore not increase flows to the sanitary sewer on Industrial Park Rd. For this reason a servicing brief is not required. If this changes Public Works will request further information.

DATE: May 26th, 2021

REPORT NO: COA-017-21

SUBJECT: **Recommendation Report**
Application for Consent by Post Time Services for
4141 Canbrough Road
File No. B08/2021WL

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

OVERVIEW:

- An application for a minor boundary adjustment in the form of a lot addition to a property zoned Agricultural Related 'AR' has been submitted on behalf of Jacob and Lindsay Elgersma by their agent Kevin van der Wier for Post Time Services.
- The Elgersma's own a small holding property zoned Agricultural 'A' municipally known as 4141 Canbrough Road that is 3.131 hectares (7.74 acres) in size and are proposing to sever off 0.809 hectare (2.00 acre) and retain 2.322 hectares (5.74 acres) of land.
- The Elgersma's 'A' property is the only property that shares an adjoining property line with Post Time Services.
- The Elgersma's are proposing to undergo the minor boundary adjustment with Post Time Services to enlarge the property zoned Agricultural Related 'AR'.
- The Post Time Services property at 4061 Canbrough Road is currently zoned Agricultural Related 'AR' and is 0.952 hectare (2.35 acre) in size.
- Performing the proposed minor boundary adjustment would increase Post Time Services property to 1.761 hectare (4.35 acre) in size.
- The portion of land proposed to be severed will allow Post Time Services to expand their Agricultural Related operations.
- If this application is approved, a Zoning By-law Amendment application will be required to rezone the land proposed to be severed from Agricultural 'A' to Agricultural Related 'AR'.
- Further, if this application is approved, the retained lot will have a deficient lot area and this will have to be recognized by the same rezoning condition.
- The application has been reviewed in accordance with Section 51(24) of the Planning Act, Provincial, Regional and Township Policy and has been determined to meet these criteria.
- Planning Staff recommend the approval of this application, with the appropriate conditions.

RECOMMENDATION:

That, report COA-017-21, regarding an application for Consent made on behalf of Jacob and Lindsay Elgersma by their agent Kevin van der Wier of Post Time Services, BE APPROVED; subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park land dedication, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
3. That the subject parcel being Part 1 of the survey sketch prepared by Chambers and Associates Surveying LTD. and dated April 22, 2021 be conveyed to Kevin van der Weir for Post Time Services, being the owner of the property to the east, known municipally as 4061 Canborough Street, being CON 1, PT LOT 23 & PT LOT 24, RP30R 7837, Part 1, Roll No. 260202000625200 and the subject parcel and the abutting parcel shall be merged in title and become one parcel. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance and merger in title will be taken including consolidation of PINS. Section 50(3) or 50(5) of the Planning Act shall apply.
4. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
5. That the applicant applies for, and receives approval of, a Zoning by-law amendment application that recognizes the small residential holding has a deficient lot area and rezones the portion of land being severed to Agricultural Related to match the existing zoning for the business.
6. That the Owner(s) of Post Time Services located at 4061 Canborough Road applies for, and receives approval of, a new Site Plan Control Agreement for the benefiting and expoundwd property.
7. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
8. That all of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the *Planning Act*, failing which this consent shall be deemed to be refused.

ALIGNMENT TO STRATEGIC PLAN

- **Theme #3**
 - Strategic, responsible growth

BACKGROUND:

A consent application has been submitted on behalf of Jacob and Lindsay Elgersma by their agent Kevin van der Wier of Post Time Services for their Agricultural 'A' property that is 3.131 hectares (7.74 acres) in size. This application proposes to sever 0.809 hectares (2.00 acre) of 'A' land from the subject property. The retained 'A' land will be 2.322 hectares (5.74 acres) in size.

The subject lands to be severed are legally described as Concession 1, Part Lot 23 on reference plan 30R7837 Part 2 in the former Township of Gainsborough, now in the Township of West Lincoln, municipally known as 4141 Canborough Road. The subject lands are located to the south of Elcho Road and to the north of Canborough Road. (See attachment 1)

The Elgersma's through their agent are purposing to proform a minor boundary adjustment which will result in a lot addition to Post Time Services' adjacent property. Post Time Services' property is located at 4061 Canborough Street and is currently zoned Agricultural Related 'AR' and is 0.952 hectare (2.35 acre) in size. With the lot addition the Post Time Services' property will become 1.761 hectares (4.35 acres) in size.

CURRENT SITUATION:

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. In accordance with Policy 2.3.4.2 of the PPS, lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

Jacob and Lindsay Elgersma have indicated that they no longer utilize the portion of land that is proposed to be severed. The Elgersma's property is the only property that Post Time Services shares an adjoining property line with. For Post Time Services to expand their Agricultural Related Operation at their current location it is only the Elgersma's property that they can undergo a minor boundary adjustment with. As no new lots are being created and the adjustment is only for 0.809 hectare (2.00 acre) from a small holding residential property this application conforms with the Provincial Policy Statement.

A Place to Grow (2019)

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investment. Section 4 of the Growth Plan provides policy direction related to protecting natural features and areas and the diverse agricultural land base throughout the Greater Golden Horseshoe. In relation to the proposed severance

application Section 4.2.6 (Agricultural Systems) of the P2G applies.

Section 4.2.6 of the Growth Plan provides policies respecting the Province's Agricultural System. In particular, Policy 4.2.6.5 identifies that the retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged. The proposed severance does not affect the continued agricultural use of the remaining lands as the lands serve primarily as a small holding residential property.

Greenbelt Plan (2017)

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

Regional Official Plan

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

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

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

Township of West Lincoln Official Plan

The subject lands are designated as Good General Agriculture in the Township's Official Plan (OP). This area is predominantly intended for agricultural uses, but supporting agriculturally related uses are permitted. The Township Official Plan in Section 18.13.2 D) permits land to be added, by way of a boundary adjustment, to non-farm properties, provided that the minimum amount of agricultural land is taken out of production and it is needed for legal or technical reasons.

Jacob and Lindsay Elgersma do not farm on their small holding residential property. Therefore, a lot addition to an adjacent agricultural related property is being proposed. Severing the 0.809 hectare (2.00 acre) parcel of land from Jacob and Lindsay Elgersma's 3.131 hectares (7.74 acres) is a minor adjustment as the land does not adjoin to any neighboring farms and is bound by the property's residence to the west, Elcho Road to the north, Post Time Services property to the east, and Canborough

Road to the south.

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

Township Zoning By-law

The Township's Zoning bylaw 2017-70, as amended, has zoned the small holding residential property purposed to be severed as Agricultural 'A' and the existing business property that is proposed to benefit from the severed property as a business expansion is zoned as Agriculturally Related. The total lot size of 4141 Canborough Road is 3.131 hectares (7.74 acres). If the proposed adjustment is approved, the lot size will be 2.322 hectares (5.74 acres). The zoning requires an Agricultural zoned property to have a minimum lot size of 40 hectares (98.84 acres). A zoning amendment will be needed to both recognize the deficient lot area and frontage on 4141 Canborough Road and to extend the Agricultural Related Zone to include the severed portion of land. As this will result in the extension of a commercial business, site plan approval will also be required as a condition of consent.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS

Circulation was provided to interested agencies on May 7th 2021, by way of mail and e- mail.

Township Public Works Department has no objection to this application.

Regional Planning and Development Services staff is not opposed to the minor boundary adjustment, subject to the satisfaction of any local requirements and conditional on Part 1 merging in title with Part 3. Circulation of the future Site Plan submissions is requested to address the comments provided in the Regional Road Allowance section of the attached comments.

PUBLIC COMMENTS:

Circulation by way of mail was given to property owners within a 120m radius of the subject property on May 7th 2021. No comments have been received from the public as of the completion of this report.

CONCLUSION

Planning Staff have reviewed all applicable Provincial, Regional and Township policies as they relate to the proposed application and conclude that the proposal meets the intent of these policies. Accordingly, staff recommend approval of the consent application made on behalf of Jacob and Lindsay Elgersma by their agent Kevin van der Wier of Post Time Services to sever a 0.809 hectare (2.00 acre) portion of their Agricultural 'A' land on 4141 Canborough Road as a minor boundary adjustment so that their property can be fully utilized. Township Staff are satisfied that the application

meets all criteria and can thus recommend approval of this application, with the appropriate conditions.

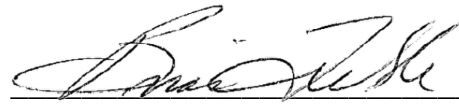
ATTACHMENTS

1. Severance Sketch
2. Severance Sketch
authorization
3. Comments

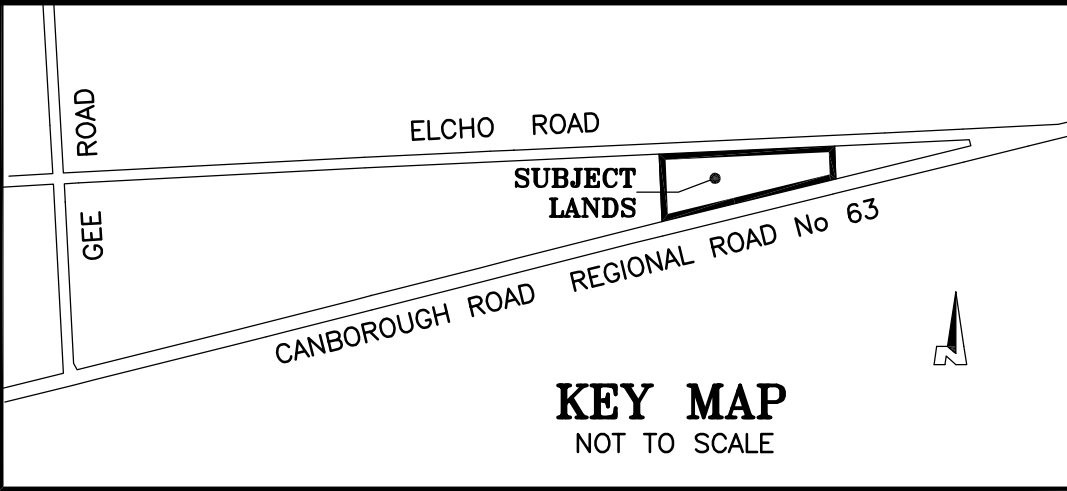
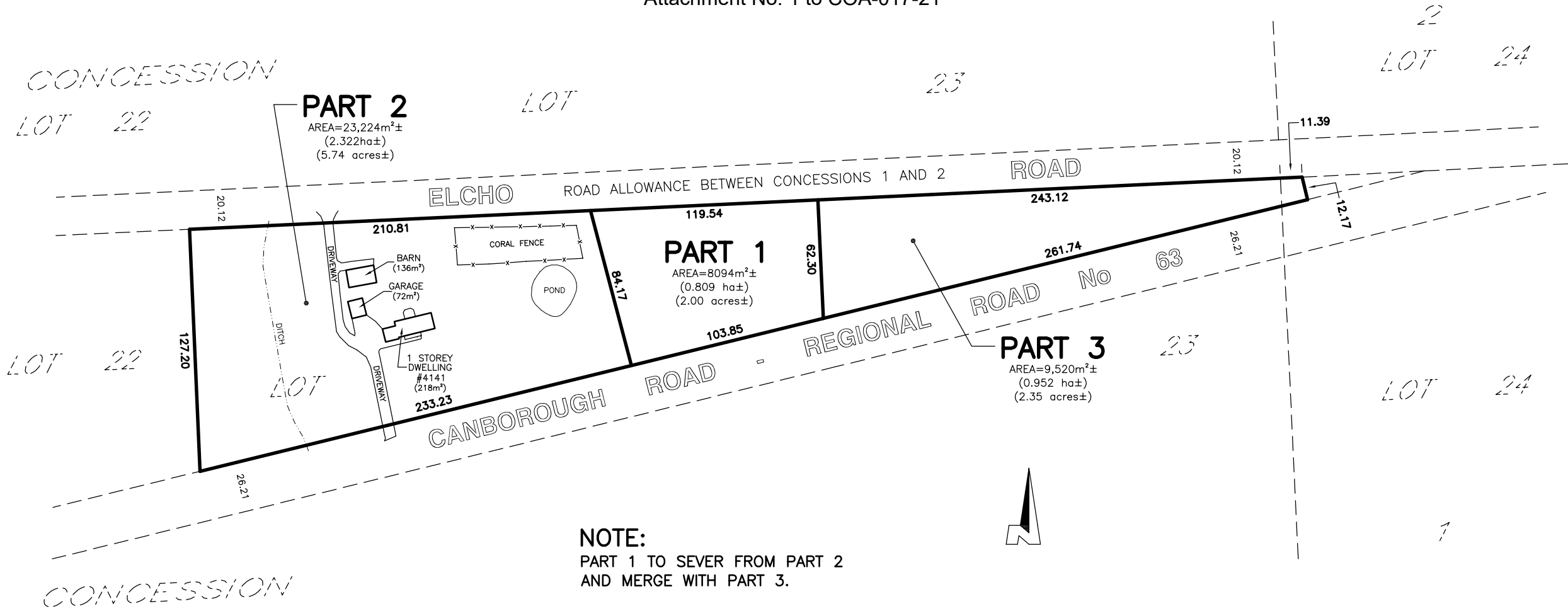
Prepared by:



Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



SKETCH
PREPARED FOR SEVERANCE APPLICATION
PART OF LOT 23
CONCESSION 1
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH
TOWNSHIP OF WEST LINCLON
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 = 2,500 METRIC
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CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

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Don Chambers
DONALD G. CHAMBERS, B. Sc., O.L.S.

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DATE **APRIL 22, 2021** FILE No **94-185-4 (94185-4_SEV)**

AUTHORIZATION
By Ontario Land Surveyor

Location of Subject Lands

4141 Canborough Road
Part of Gainsborough Township lot 23
Concession 1 in the
Township of West Lincoln

I, Don Chambers, who has prepared, dated and signed a preliminary sketch for the registered owner(s) of the above referenced lands, hereby authorize the Committee of Adjustment for the Township of West Lincoln to photocopy said sketch for circulation purposes of the above referenced consent application, as required.

Dated at the City of Welland in the Nia. Region this 22nd
day of April, 2014, 2021

Don Chambers
Signature of Surveyor

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

May 20, 2021

File No.: D.06.12.CS-21-0041

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

Dear Ms. Birbeck:

**Re: Provincial and Regional Comments
Proposed Consent Application (Boundary Adjustment)
Township File No.: B08/2021WL
Address: 4141 Canborough Road
Township of West Lincoln**

Regional Planning and Development Services staff reviewed the information circulated for the above-noted consent application, including the Phase One Environmental Site Assessment (ESA; prepared by G2S Environmental Consulting Inc. and dated August 28, 2018). According to the Notice of Public Hearing, the application proposes to sever ± 0.809 hectares (± 2.0 acres) of land (Parcel 1) to accommodate the expansion of an existing commercial business located at 4061 Canborough Road (Parcel 3). If approved, the lot at 4061 Canborough Road will increase in area from ± 0.952 hectares (± 2.35 acres) to ± 1.76 hectares (± 4.35 acres). The retained lot (Parcel 2) will be ± 2.322 hectares (± 5.74 acres). The Notice of Public Hearing also indicates that a future Zoning By-law Amendment will be required for 4141 Canborough Road, to address the deficient lot area, and 3061 Canborough Road, to permit the extension of the Agriculture Related zone. Site Plan Approval will also be required to extend the commercial business.

A pre-consultation meeting for this proposal was held on February 4, 2021 with staff from the Township and Region in attendance. Regional staff provide the following comments from a Provincial and Regional perspective to assist the Committee in considering this application.

Provincial and Regional Policies

According to the Provincial Policy Statement (PPS) the subject property is located within the Prime Agricultural Area. The PPS provides that Prime Agricultural Areas will be protected for long-term agricultural use. The Regional Official Plan (ROP) designates the subject property as Good General Agricultural Area. In these areas, permitted uses include agricultural uses, agriculture-related uses, and on-farm diversified uses. The PPS defines agriculture-related uses as those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, and provide direct products and/or services to farm operations as a primary activity. As indicated in the circulated ESA, the existing commercial business located at 4061 Canborough Road (Post Time Services) specializes in fencing installation, barn and stall construction, and racetrack feed sales. Given the nature of the operation, Regional staff is satisfied that the business constitutes an agriculture-related use.

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be managed and protected. Accordingly, the policies of the PPS and ROP restrict lot creation in agricultural areas and only permit severances in the following circumstances:

- For existing agriculturally related uses provided the parcel size is limited to the minimum size needed to accommodate the use;
- For a farm operation supported through a farm business plan and provided that the resulting parcels are both for agricultural use and the size of the resulting parcel is appropriate for the farming activities proposed, suitable to the particular location and common in the area, and provides some flexibility for changes in agricultural operation;
- For a residence surplus to a farming operation as a result of a farm consolidation provided new residential dwellings are prohibited on any vacant, remnant parcel created by the severance; and,
- For a lot adjustment for legal or technical reasons such as easements, corrections to deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot.

Boundary Adjustment

The proposal contemplates a boundary adjustment whereby ± 0.809 ha (± 2.0 ac) of land (Part 1) will be severed from the remnant ± 2.322 ha (± 5.74 ac) parcel (Part 2) and added to 4061 Canborough Road (Part 3), thereby resulting in a lot of ± 1.76 ha (± 4.35 ac). The proposal will not result in the creation of a new lot, provided that Part 1 is merged in title with Part 3. While it is acknowledged that the boundary adjustment will result in a larger lot, Regional staff is not opposed to the boundary adjustment in

principle, provided that the Township is satisfied that the lot is limited to the size required to accommodate the expanded use and private sewage and water services.

As such, Regional staff is satisfied that the proposed boundary adjustment is consistent with the PPS and conforms to the ROP.

Private Sewage Services

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

Regional Road Allowance

Regional staff note that the subject property is situated along Regional Road 63 (Canborough Road). This section of road meets the recommended policy width outlined in the ROP and no road widening is required for the subject property. Given that there is currently no daylighting triangle at the corner of Regional Road 63 and Elcho Road, Regional staff will require as part of any future Site Plan application for the property at 4061 Canborough Road, the following daylighting area in accordance with the current ROP policies:

- A 15 metre by 15 metre daylighting triangle at the intersection of Regional Road 63 (Canborough Road) and Elcho Road (refer to survey sketch attached by email).

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan.

Regional Permit Requirements

Regional staff acknowledge that no construction works are proposed within the Regional Road allowance as part of this application. Please be advised that prior to any construction taking place within the Regional Road 63 (Canborough Road) road allowance, the applicant will require the necessary Regional Construction Encroachment and/or Entrance permits from Niagara Region's Transportation Services Division, Public Works Department. Regional Road Permit applications can be made online through the Region's website using the following link:

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

Regional Bicycle Network

The subject property has frontage along Regional Road 63 (Canborough Road) which is designated as part of the Regional 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.

Protection of Survey Evidence

Please be advised that survey evidence adjacent to the Regional Road allowances shall not be damaged or removed during the development of the property.

Conclusion

Regional Planning and Development Services staff is not opposed to the minor boundary adjustment, subject to the satisfaction of any local requirements and conditional on Part 1 merging in title with Part 3. Circulation of the future Site Plan submissions is requested to address the comments provided in the Regional Road Allowance section of this letter.

Should you have any questions or wish to discuss these comments, please contact the undersigned at siobhan.kelly@niagararegion.ca or Aimee Alderman, MCIP, RPP, Development Planner, at aimee.alderman@niagararegion.ca.

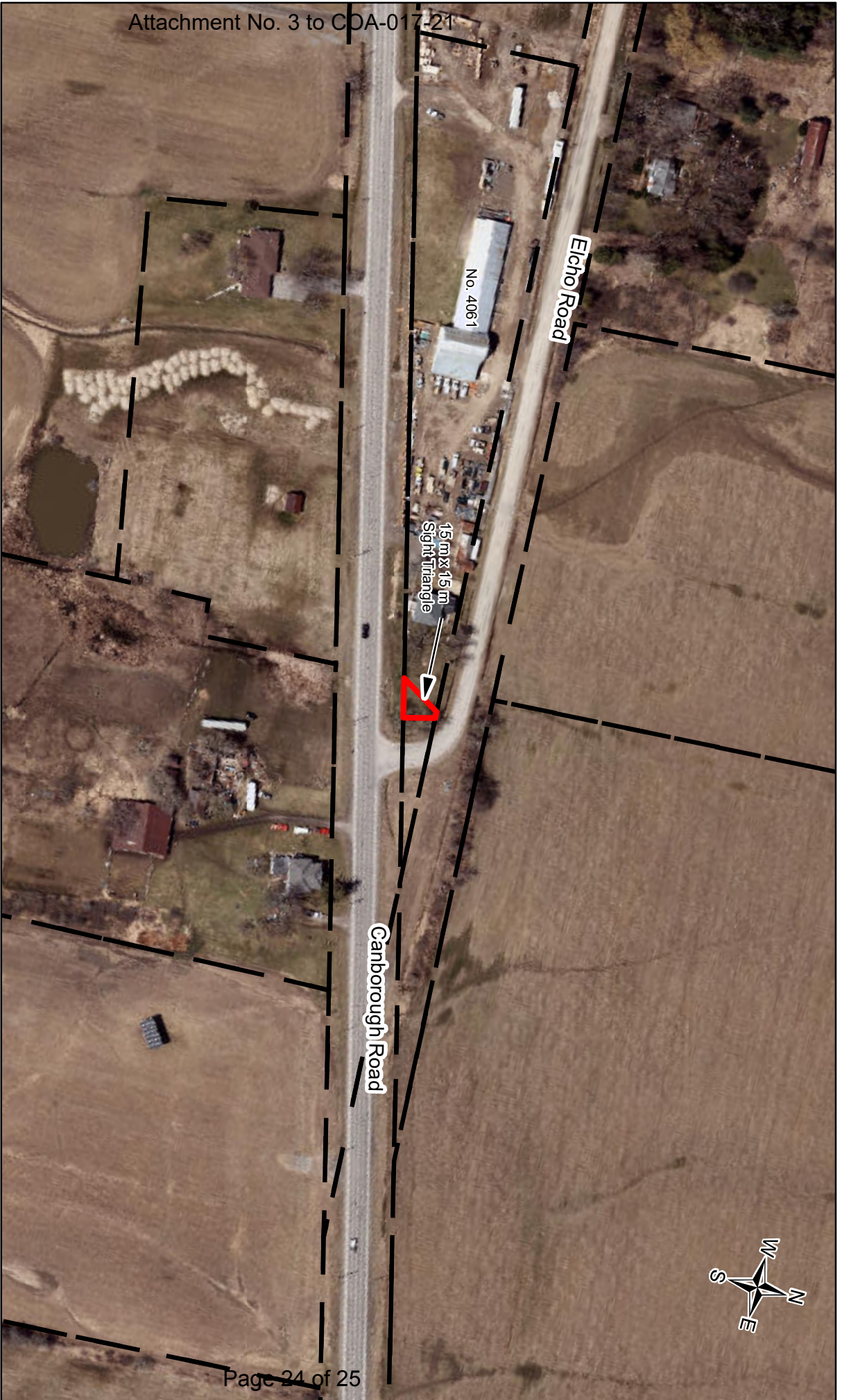
Please send notice of the Committee's decision on this application.

Kind regards,




Siobhan Kelly
Development Planning Student

cc: Aimee Alderman, MCIP, RPP, Development Planner, Niagara Region
Lola Emberson, MCIP, RPP, Senior Development Planner, Niagara Region
Robert Alguire, CET, Development Approvals Technician, Niagara Region



**ILLUSTRATION SHOWING PROPOSED WIDENING
4061 CANBOROUGH ROAD - REGIONAL ROAD 63
TOWNSHIP OF WEST LINCOLN**

LEGEND:

 - DENOTES TERANET MAPPING

 - DENOTES PROPOSED WIDENING

DISCLAIMER

This map was compiled from various sources and is current as of 2020.
The Region of Niagara makes no representations or warranties whatsoever, either expressed or implied,
as to the accuracy, completeness, reliability, and currency of the information shown on this map.
© 2015 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17, Airphoto (Spring 2018)

SCALE = 1:2,000



The proposed widened limit has been compiled from office records.
The final extent of the widening will be established through
field survey by an Ontario Land Surveyor.

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: May 20, 2021
Re: File B08/2021WL – Post Time – 4141 Canborough Road

A review has been completed of this application for consent for a lot addition to Post Time Service's property located at 4061 Canborough Rd. The application is proposing to sever off 0.809 hectares from 4141 Canborough Rd.

Public Works has no objection to this application.