



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

Wednesday, June 23, 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. A12/2021WL – Donna and Bryon Hubber (Agent: Andrew Frandsen)	3
A minor variance application has been applied for that requests two variances for a garage. The first variance that is required is to permit an accessory garage to be built with a Type 3 accessory building classification with a size of 111.42 square meters (1199.31 square feet) and a height of 5.75 meters (18.86 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 second variance that is required is to permit a maximum a lot coverage of 8.4% for all accessory buildings or structures on the lot whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that the maximum lot coverage for accessory buildings on a lot that is 0.4 hectares or less is 8% of the lot area. The applicant is proposing the two variance to build the garage in a way to accommodate minimum storage needs.	
b. A13/2021WL – Cody Kelly	24
A minor variance application has been applied for to permit an accessory building to be located in the front yard, specifically 3.7 metres (12.14 feet) closer to the front lot line then the main building with a setback of 19.3 metres (63.32 feet) to the front lot line. Whereas Table 1-1 of the	

Township Zoning Bylaw 2017-70, as amended, identifies that an accessory building cannot be in the front yard and cannot be located closer to the front lot line than the main building. The applicant indicated that to avoid the septic bed the front yard is the only place to build the accessory building.

5. MINUTES FOR APPROVAL

a. March 31, 2021

33

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: June 23rd, 2021

REPORT NO: COA-018-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Andrew Frandsen on behalf of
Donna and Byron Hubber
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 Andrew Frandsen on behalf of Donna and Byron Hubber for the property legally known as Concession 4, Part Lot 1, RP 30R5841; PART 1; in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. Municipally known as 7232 Silver Street.
- This Minor Variance application has been applied for to request two variances for a proposed new accessory garage.
- The first variance that is required is to permit an accessory building to be built with a Type 3 accessory building classification with a size of 111.42 square meters (1199.31 square feet) and a height of 5.75 meters (18.86 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 second variance that is required is to permit a maximum a lot coverage of 8.4% for all accessory buildings or structures on the lot whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that the maximum lot coverage for accessory buildings on a lot that is 0.4 hectares or less is 8% of the lot area.
- The applicant is proposing the two variances to build the garage so they can accommodate their minimum storage needs.
- The applicant initially applied for a building permit in December 2020 for an accessory building with a size of 140 square meters (1,506.95 square feet).
- Since the application the applicant has reduced their proposed building by 28.58 square meters (307.63 square feet).
- The septic tank is located behind the house and they are proposing to build the garage to the east of the dwelling and septic bed.
- The first variance has been reviewed against the four tests of a Minor Variance and can be recommended for approval.
- The second variance has been reviewed against the four tests of a Minor Variance and cannot be recommended for approval as it is not required for an accessory garage that is not more than 112 square metres in size.

RECOMMENDATION:

1. THAT, the application for the first Minor Variance made by Andrew Frandsen on behalf of Donna and Byron Hubber as outlined in Report COA-018-21, to permit an accessory building be built with a Type 3 classification at a size of not more than 112 square meters and a height of not more than 5.75 metres, BE APPROVED.
2. THAT, the application for the second Minor Variance made by Andrew Frandsen on behalf of Donna and Byron Hubber as outlined in Report COA-018-21, to permit a maximum lot coverage of 8.4% for all accessory buildings or structures on the lot, NOT BE APPROVED.

BACKGROUND:

The subject lands are situated on the south side of Silver Street and the west side of Caistor Gainsborough Townline Road, being legally described as Concession 4, Part Lot 1, RP 30R5841; 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 7232 Silver Street. (See attachment 1 for a site sketch)

The subject property is approximately 1 acre (0.40 hectares) in size. The property has a Good General Agricultural designation and is zoned Agricultural. The surrounding properties to 7232 Silver Street also share the Good General Agricultural designation and Agricultural zoning.

This Minor Variance application has been applied for to request two variances for a proposed accessory building. The first variance that is required is to permit an accessory building to be built with a Type 3 accessory building classification with a size of 111.42 square meters (1199.31 square feet) and a height of 5.75 meters (18.86 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 second variance that is required is to permit a maximum a lot coverage of 8.4% for all accessory buildings or structures on the lot whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that the maximum lot coverage for accessory buildings on a lot that is 0.4 hectares or less is 8% of the lot area.

The applicant is proposing the two variance to build the garage in a way that will accommodate their minimum storage needs. It should be recognized that the applicant initially applied for a building permit in December 2020 for an accessory building with a size of 140 square meters (1,506.95 square feet). Since this initial application the applicant has reduced their proposed building by 28.58 square meters (307.63 square feet) and has now applied for the current minor variance application.

CURRENT SITUATION:

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

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

Yes, for the first requested variance

No, 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 proposed accessory building will be accessory to the existing residence on the property and would not significantly impact the environment nor negatively impact neighbouring residential properties.

Township Planning Staff are of the opinion that the first minor variance, which is requesting to increase the size and height of the proposed garage, meets the general intent and purpose of the Official Plan as the proposed use is permitted and generally fits the character of the surrounding area.

However, Township Planning Staff are of the opinion that the second minor variance, which is requesting to increase the maximum lot coverage for accessory buildings, does not meet the general intent and purpose of the Official Plan as the increase in lot coverage is not needed for the proposed larger accessory building and is therefore unknown whether it will fit the character of the surrounding area. The applicants will be able to build their requested accessory building at a size of 112 square metres and be under the required 8% lot coverage for total accessory buildings, which is way Township staff are not convinced an increase in total lot coverage for accessory buildings is required for this property.

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

Yes, for the first requested variance

No, for the second requested variance

The subject land is zoned Agricultural 'A' in the Townships Zoning By-law 2017-70, as amended, and is 0.40 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.

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 well as adequate room for

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septic and a replacement system.

As the applicant is proposing to only increase the accessory building by 11.42 square metres (122.92 square feet) beyond the permitted maximum size and height of 0.25 metres (0.82 feet) beyond the permitted maximum height Township Planning Staff are of the opinion that the first minor variance meets the general intent and purpose of the Township Zoning Bylaw.

As the applicant is able to have maximum lot coverage of all accessory buildings or structure that is 8% of their lot area this means that they can have a total lot coverage that equals 323.58 square metres (3,482.99 square feet). Further since the applicant only proposes an accessory garage with a size of 111.42 square meters (1199.31 square feet) Township Planning Staff are not of the opinion that the second minor variance is required and therefore does not 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 first requested variance

No, for the second requested variance

The applicant is proposing the two variances to build the garage in a way to accommodate their minimum storage needs. It should be recognized that the applicant initially applied for a building permit in December 2020 for an accessory building with a size of 140 square meters (1,506.95 square feet). Since this initial application the applicant has reduced their proposed building by 28.58 square meters (307.63 square feet) for the current minor variance application.

The applicant is now proposed to construct an accessory building with a size of 111.42 square metres and a height of 5.75 metres. Due to the size and height of the proposed accessory building planning staff have determined that the proposed accessory building has to be brought to the Committee of Adjustment for approval. The building is proposed to be used for accessory residential storage purposes, which is permitted on an agricultural property. As such, Planning Staff are of the opinion that the requested first variance, regarding the size and height of the accessory building, is appropriate development and use of the land on this property.

However, Township staff do not believe that the second minor variance that is requesting to increase the maximum lot coverage for accessory buildings is appropriate development or use of the land as there are no plans showing the need for the increase in lot coverage.

Is the proposal minor in nature?

Yes, for the first requested variance

No, for the second requested variance

The subject application is requesting to permit a proposed accessory building to be built 11.42 square metre larger and 0.25 metres taller than allowed on the property. The

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proposed accessory building is approximately 111.42 square metres in size and 5.75 metres in height. As such, planning staff are of the opinion that the requested variance regarding the size of the proposed garage is minor in nature.

The subject application is also requesting to permit a maximum a lot coverage of 8.4% for all accessory buildings and structures on the lot. The applicant is already allowed to have a maximum lot coverage of 8% for all accessory buildings and structures on the lot that equals 323.58 square metres (3,482.99 square feet). Since the applicant has not shown any plans to need 8.4% or even 8% township planning staff are not of the opinion that the second requested variance regarding the lot coverage 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 June 7th 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.

No other comments have been received at this time.

PUBLIC COMMENTS:

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

CONCLUSION:

A Minor Variance application has been submitted by Andrew Frandsen on behalf of Donna and Byron Hubber for the property municipally known as 7232 Silver Street. The Minor Variance application is submitted to permit a proposed accessory building to be constructed with a size of not more than 112 square meters and a height of not more than 5.75 metres, and for the property to permit a maximum a lot coverage of 8.4% for all accessory buildings or structures on the lot.

Planning staff are of the opinion that this application meets all four tests of a minor variance to have a Type 3 accessory building with a maximum size of 11.42 square metres and a maxim height of 5.75 metres, and as such, can recommend approval of this portion of the application.

However, planning staff are not of the opinion that the second portion of the application meets all four tests of a minor variance to have a maximum lot coverage of 8.4% for all

accessory buildings and structures on the lot, and as such, do not support approval of the lot coverage portion of this application.


ATTACHMENTS:

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

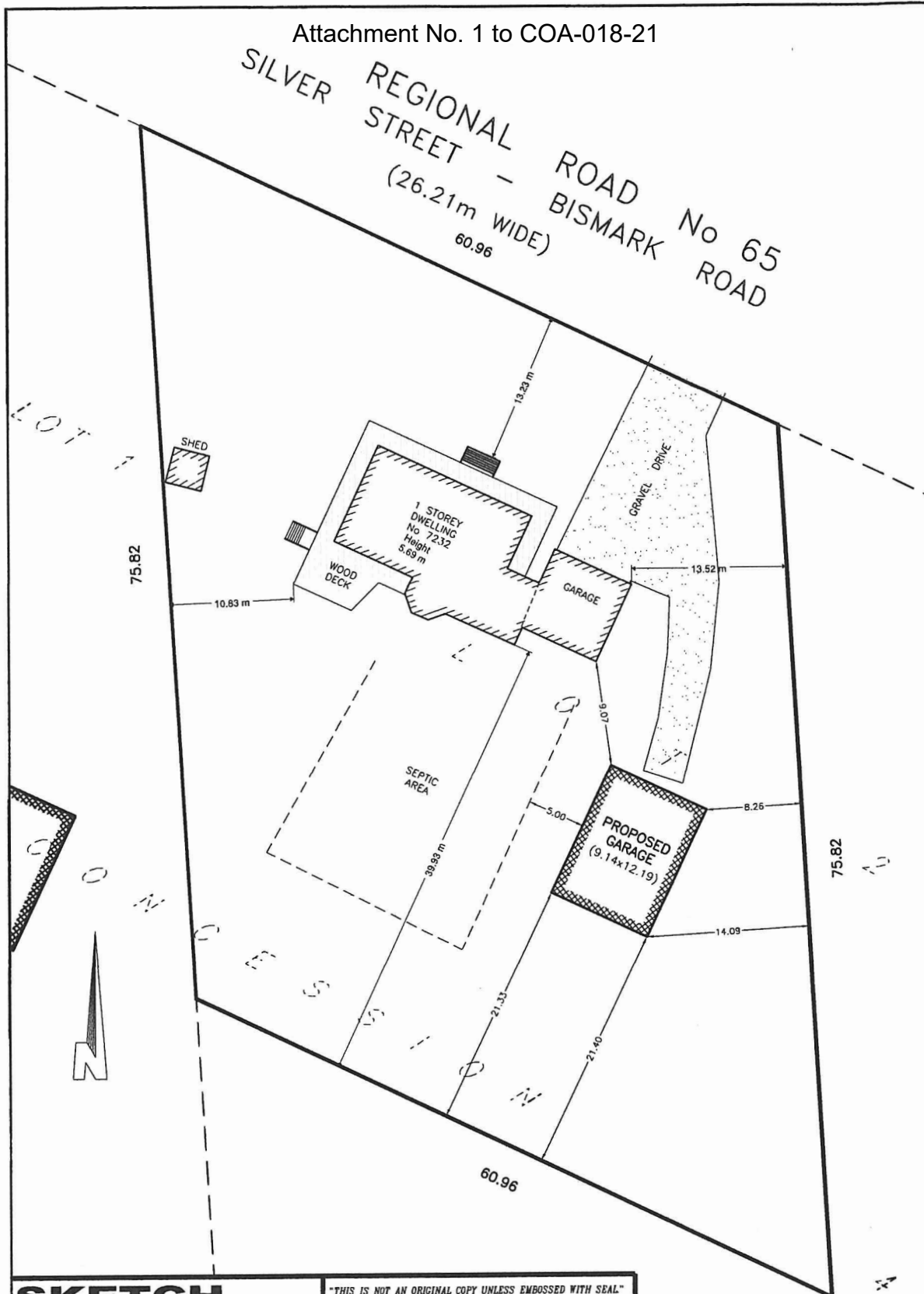
Prepared by:



Madyson Etzl
Planner I



Brian Treble, RPP, MCIP
Director of Planning and Building



SKETCH

FOR MINOR VARIANCE

PART OF LOT 1

CONCESSION 4

GEOGRAPHIC TOWNSHIP OF CAISTOR

IN THE

TOWNSHIP OF

WEST LINCOLN

REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 400 (METRIC)

(PART 1, 30R-5841)

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

DO NOT SCALE FROM THIS DRAWING.

ALL MEASUREMENTS ARE +/- MEASUREMENTS.

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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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REVISED: APRIL 1, 2021
MAY 10, 2021

MARCH 30, 2021

DATE

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

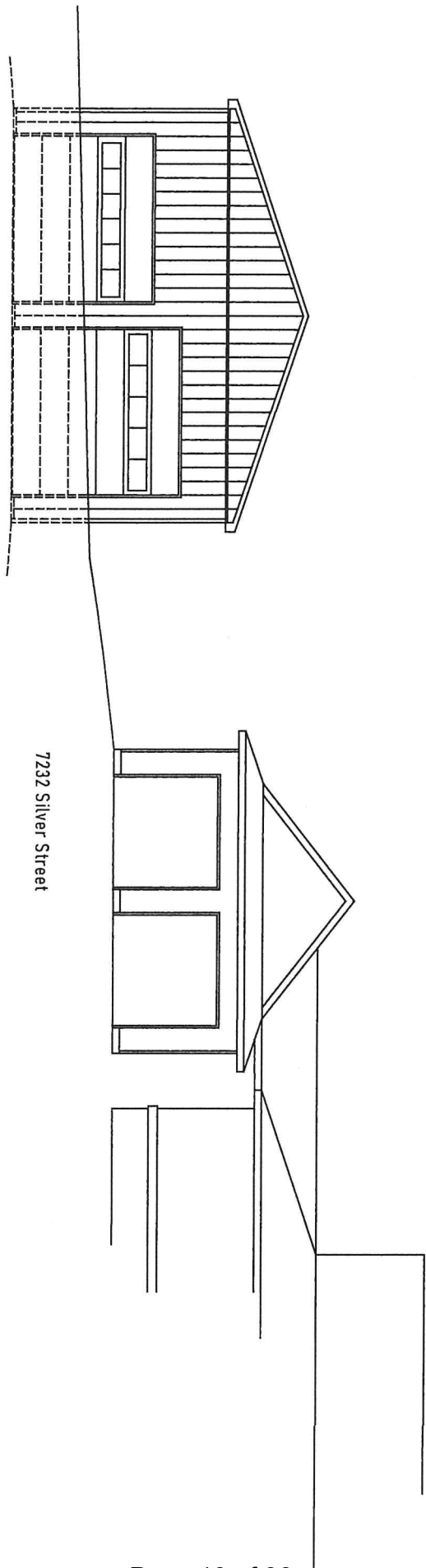
CHAMBERS AND ASSOCIATES
SURVEYING LTD

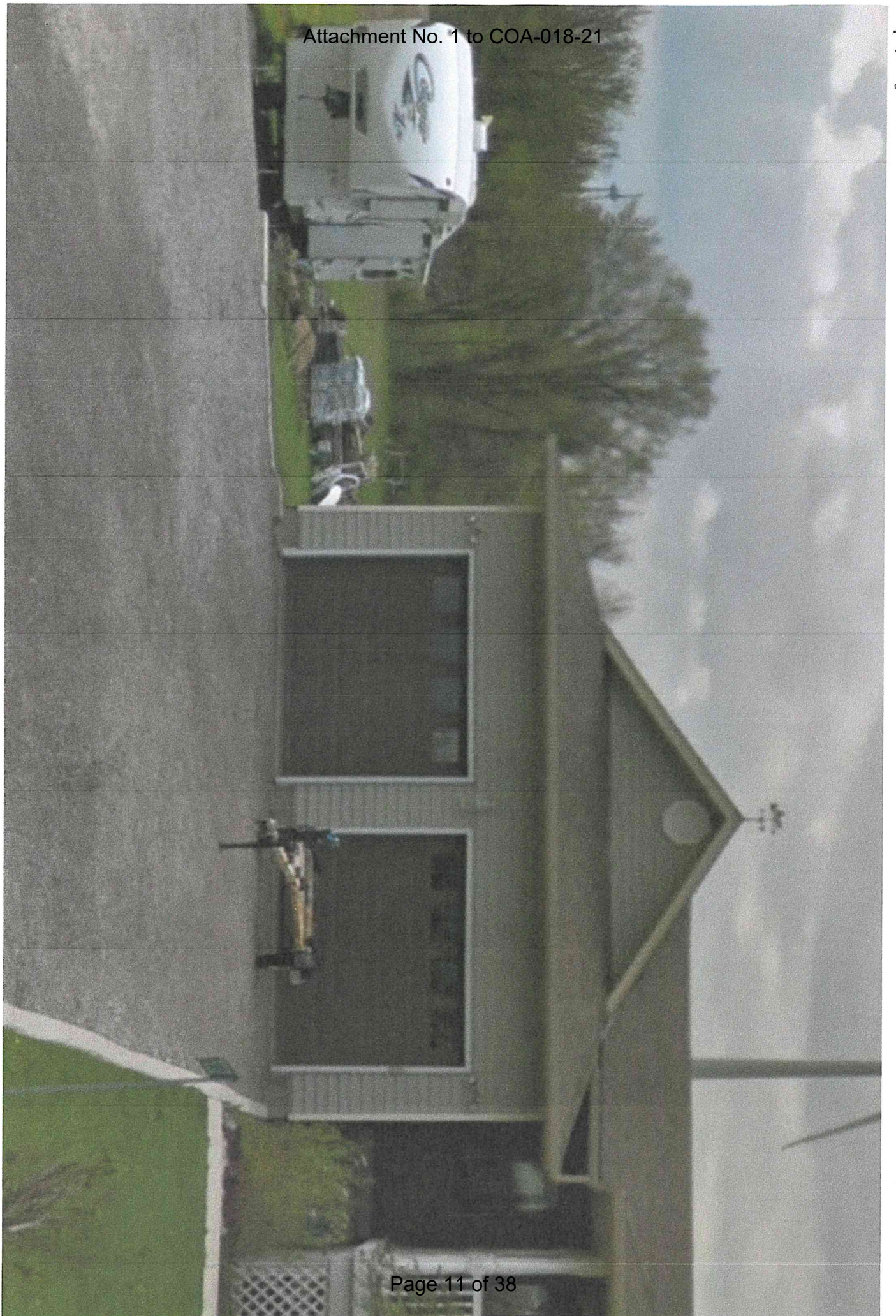
12 THOROLD ROAD EAST (905) 735-7841 / 735-7844
WELLAND ONTARIO L3C 3T2 (735) 735-7333
www.chambers-surveying.com

DWG 95107-2_SK FILE 95-107-2

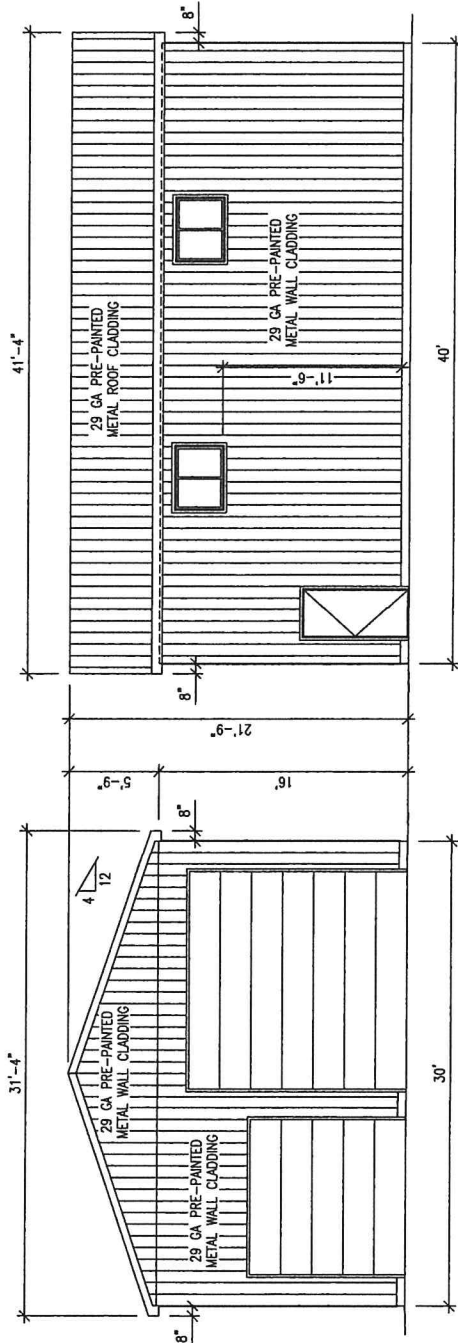
LOT STATISTICS

LOT AREA	4046.7m ²	100.0%
DWELLING	220.6m ²	5.5%
SHED	9.8m ²	0.2%
PROPOSED GARAGE	111.4m ²	2.7%

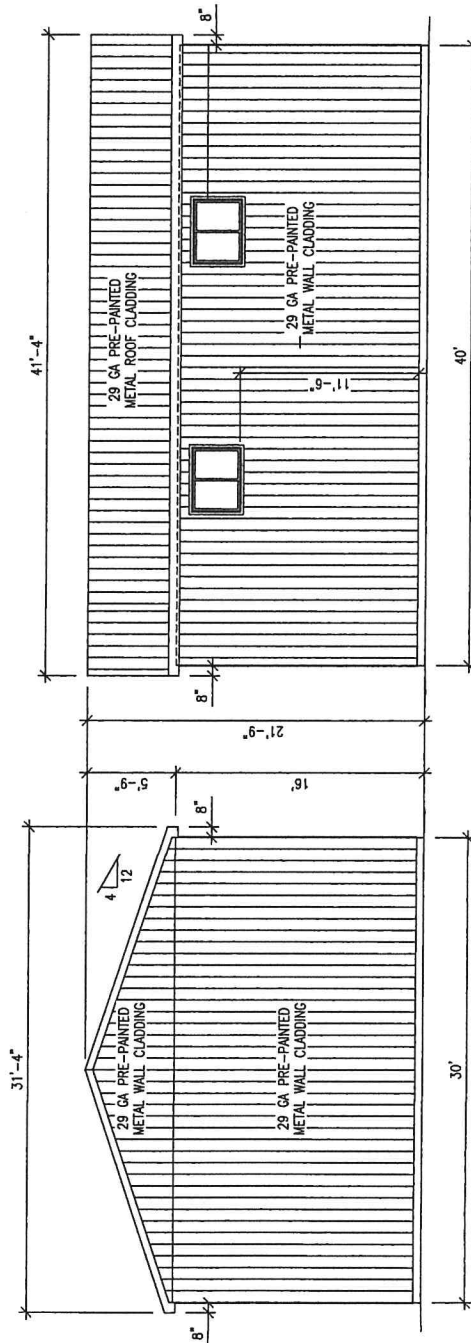




PROJECT BYRON HUBBER		PROJECT 30' X 40' STORAGE BUILDING		ELEVATIONS	
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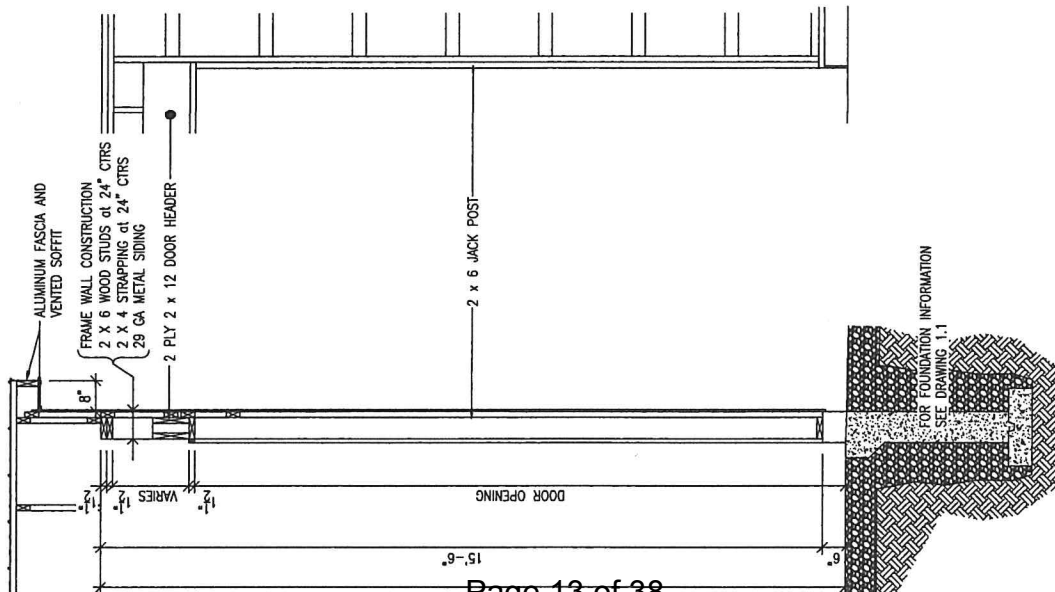
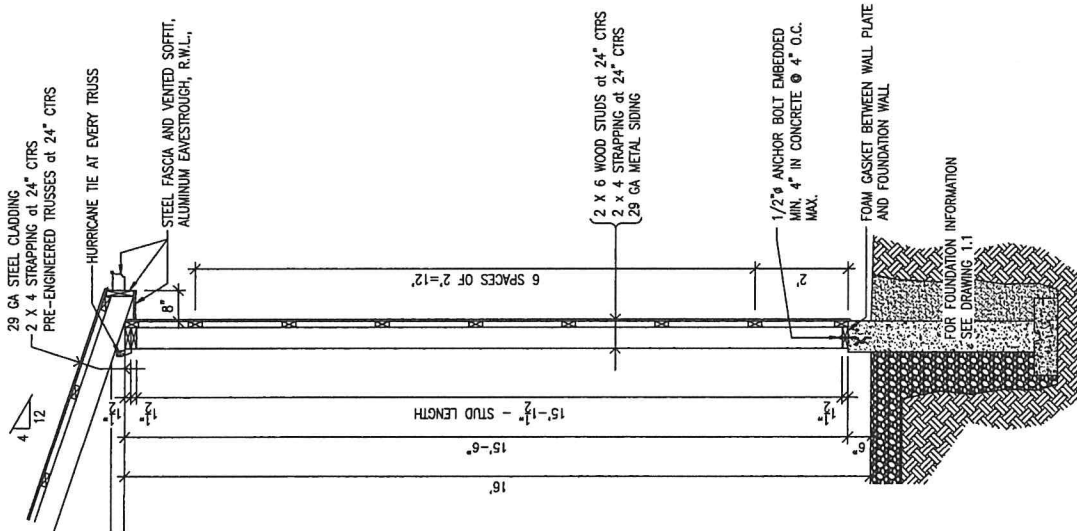
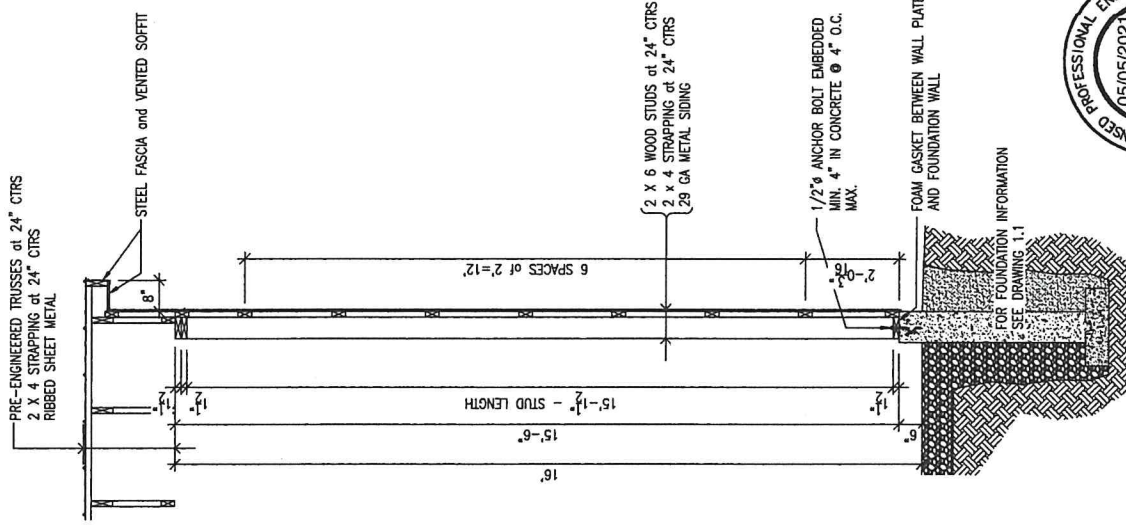
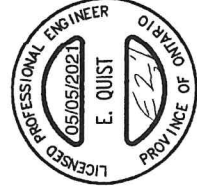


1 FRONT SIDE ELEVATION
SCALE: 1/8"=1'-0"

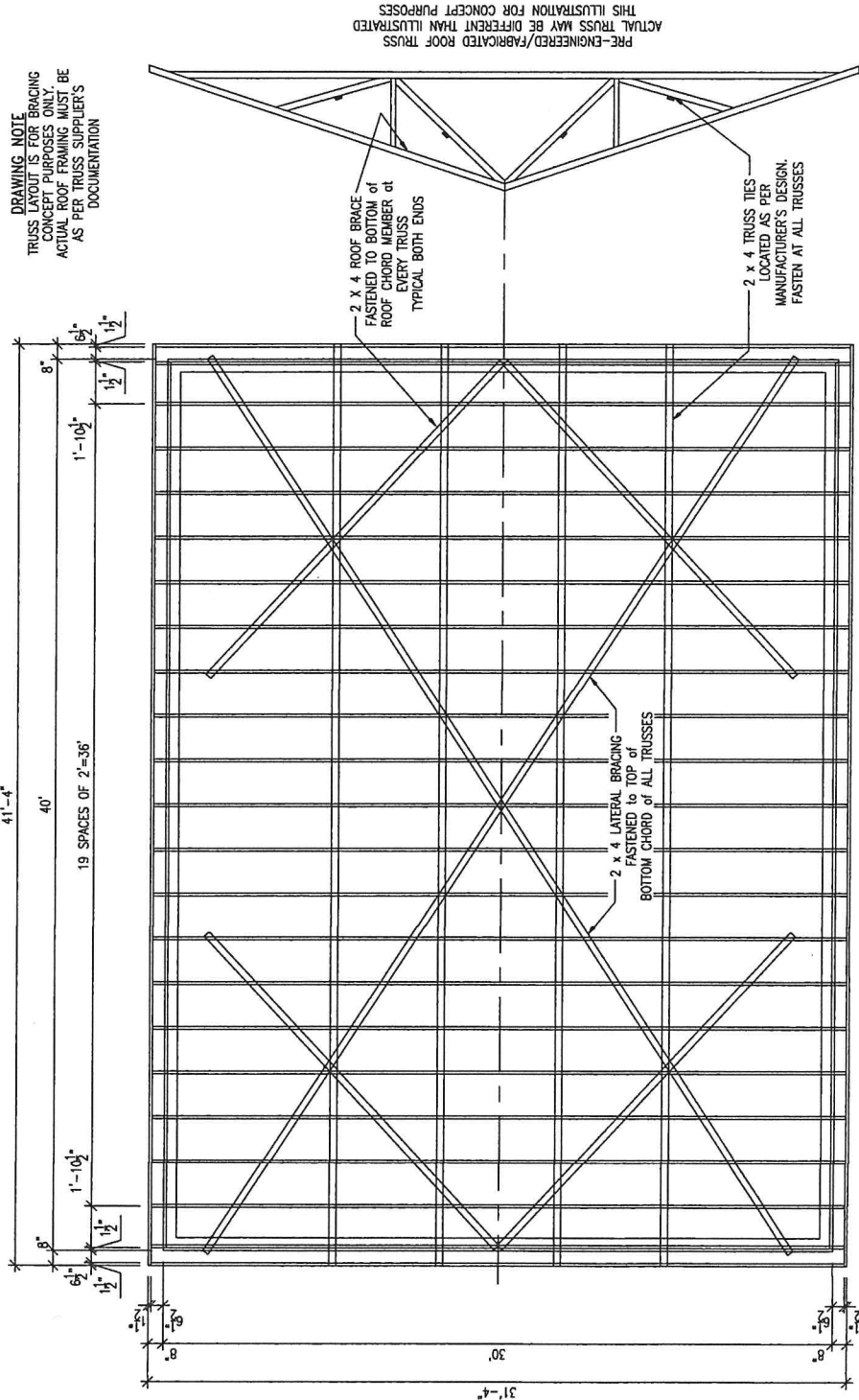
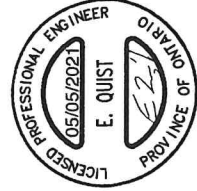


4 LEFT SIDE ELEVATION
SCALE: 1/8"=1'-0"

PROJECT: BYRON HUBBER 30' X 40' STORAGE BUILDING WALL SECTIONS		DRAWN BY: G.S. CHECKED BY: T.A. DATE: 29 Apr 2021 SCALE: AS NOTED CAD FILE: 0020 1203 SHEET: 3.0
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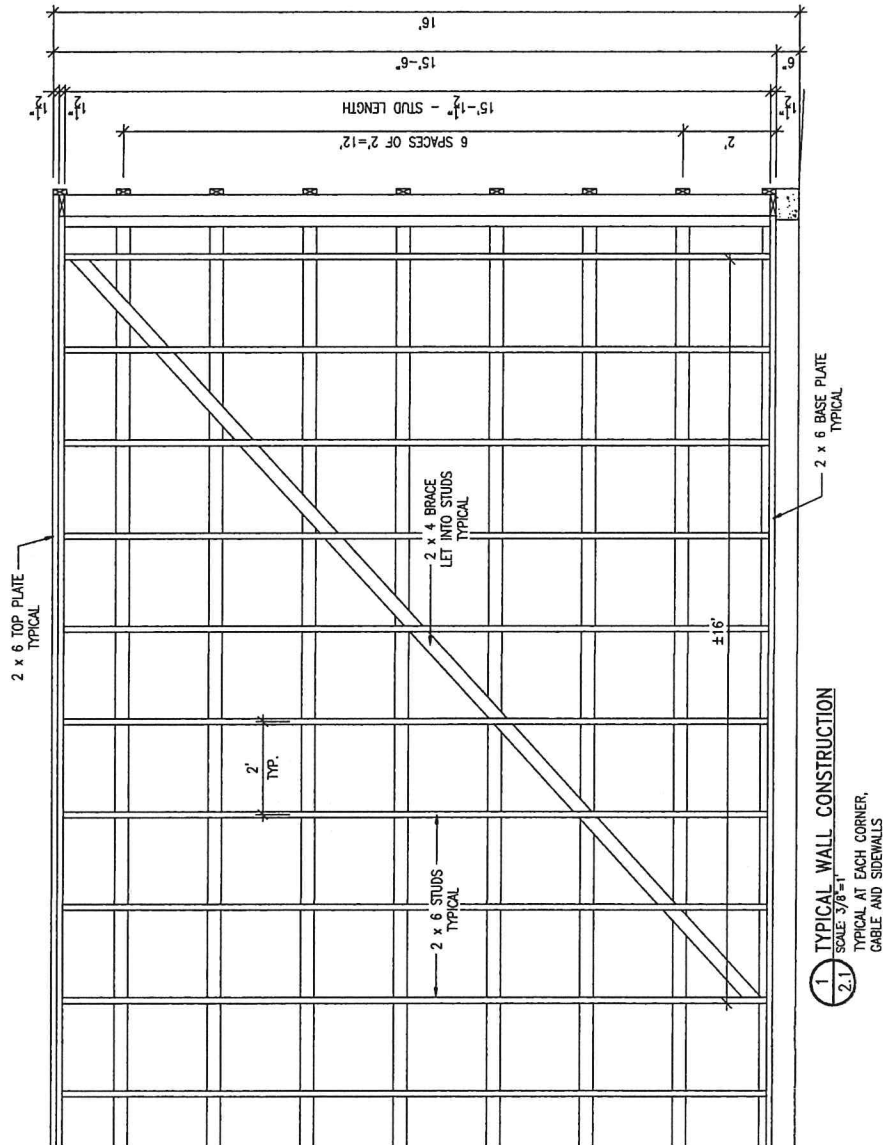
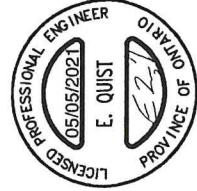
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DATE: 29 Apr 2021	CHECKED BY: T.A.	DATE: 29 Apr 2021	CHECKED BY: T.A.	DATE: 29 Apr 2021	CHECKED BY: T.A.
CAD FILE: 0020 1203	SCALE: As Noted	CAD FILE: 0020 1203	SCALE: As Noted	CAD FILE: 0020 1203	SCALE: As Noted
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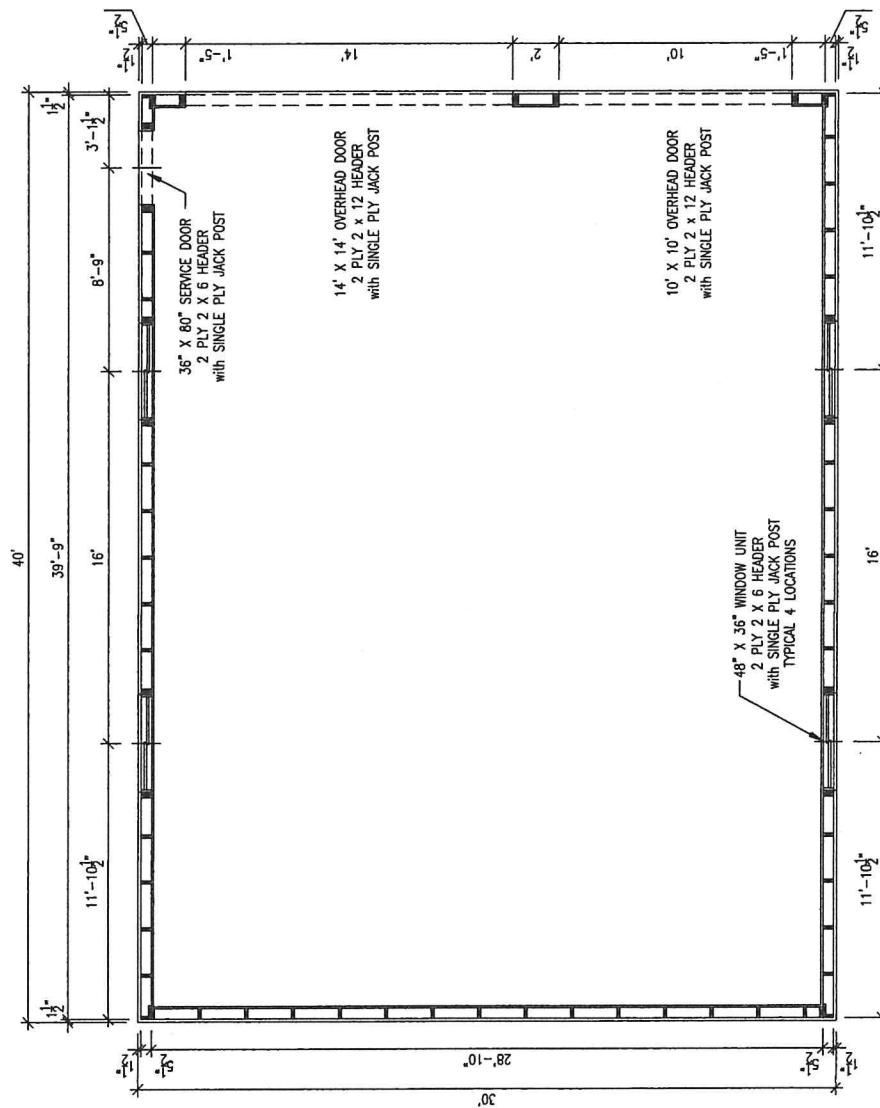
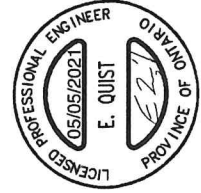
1 ROOF FRAMING PLAN
2.2 SCALE: 3/16"=1'



PROJECT BYRON HUBBER 30' X 40' STORAGE BUILDING TYPICAL WALL CONSTRUCTION		DRAWN BY: G.S. CHECKED BY: T.A. DATE: 29 Apr 2021 SCALE: As Noted CAD FILE: 0020 1203 SHEET: 2.1
REV DATE REVISION	THIS DRAWING AND ALL INFORMATION HEREON IS THE EXCLUSIVE PROPERTY OF OUTBUILDING ONTARIO. IT IS NOT TO BE COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF OUTBUILDING ONTARIO.	

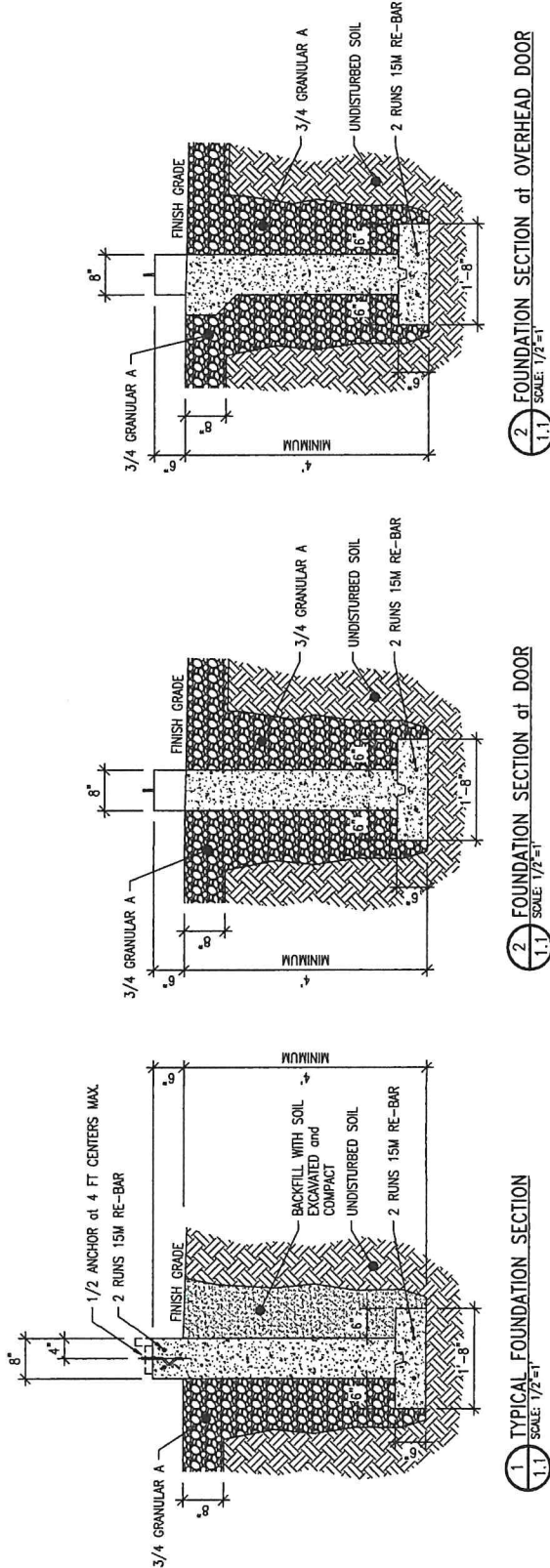
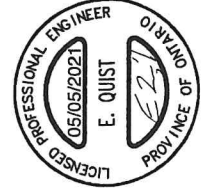


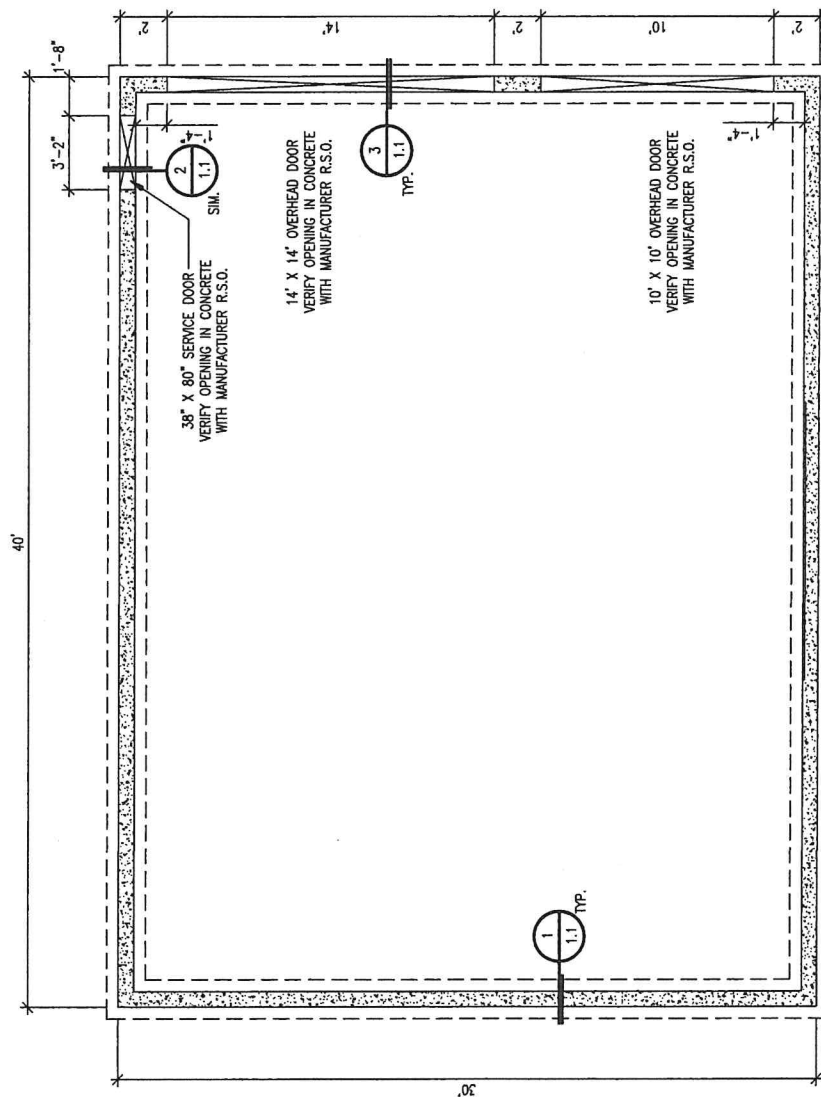
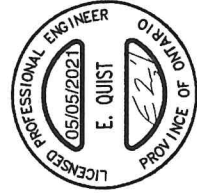
PROJECT: BYRON HUBBER PROJECT: 30' X 40' STORAGE BUILDING WALL FRAMING PLAN		DRAWN BY: G.S. CHECKED BY: T.A. DATE: 29 Apr 2021 SCALE: As Noted CAD FILE: 0020 1203 SHEET of 2.0	
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REVISION [Blank]	DATE [Blank]		



1 WALL FRAMING PLAN
2.0 SCALE: 3/16"=1'

BYRON HUBBER		PROJECT	
30' X 40' STORAGE BUILDING		PROJECT	
FOOTING/FOUNDATION SECTIONS		PROJECT	
REV	DATE	DESIGNED BY	G.S.
		CHECKED BY	T.A.
		DATE	29 Apr 2021
		SCALE	As Noted
		CAD FILE	0020 1203
		SHEET	1 of 1.1





1 FOOTING/FOUNDATION PLAN
SCALE: 3/16" = 1'

BYRON HUBBER
7232 SILVER STREET,
SMITHVILLE, ONTARIO
CANADA L0R 2A0



GENERAL NOTES

1. ALL CONSTRUCTION SHALL CONFORM TO THE NATIONAL BUILDING CODE OF CANADA 2010, THE ONTARIO BUILDING CODE 2012.
2. ALL DIMENSIONS TO BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION.
3. ANY ERRORS or OMISSIONS ARE TO BE REPORTED TO DESIGNER/ENGINEER PRIOR TO CONSTRUCTION.
4. ANY DEVIATION TO THE DESIGN TO BE REPORTED TO THE DESIGNER/ENGINEER AND MUST BE NOT APPLIED WITHOUT FORMAL WRITTEN APPROVAL.
5. THESE DOCUMENTS ARE THE PROPERTY OF THE ONTARIO OUTBUILDING AND TO BE USED FOR THE PROJECT NOTED IN TITLEBLOCKS ONLY.
6. REMOVE ALL TOP SOIL AND ORGANIC MATERIAL.
7. ALL FOOTINGS TO BE ON UNDISTURBED SOIL and a MINIMUM OF 4 FT BELOW FINISH GRADE (BELOW LOCAL FROST LEVEL).
8. SOIL CONDITIONS SHALL BE FREE-DRAINING AND HAVE A BEARING CAPACITY TO SUSTAIN A MINIMUM OF 3000 PSF [143 KPa]. TO BE CONFIRMED BY A LOCAL PROFESSIONAL.
9. BACKFILL TO BE COMPACTED IN 6" LAYERS.
10. NO BUILDING SHALL BE BUILT ADJACENT or IN PROXIMITY TO THE STRUCTURE SO AS TO ADVERSELY ALTER WIND OR SNOW LOADING CONDITIONS.
11. STRUCTURAL COMPONENTS THAT ARE DAMAGED EITHER DURING THE STRUCTURE ERECTION or THE LIFE OF THE STRUCTURE MUST BE REPORTED IMMEDIATELY TO THE ENGINEER.

CONCRETE

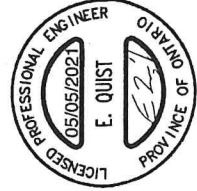
1. ULTIMATE COMPRESSIVE STRENGTH AT 28 DAYS.
3,000 PSI [20 MPa] FOR FOOTINGS AND PIERS
4,600 PSI [32 MPa] FOR SLAB ON GRADE
2. AIR ENTRAINMENT 6%
3. SLUMP 3" + 1"

LUMBER

1. ALL LUMBER TO BE GRADE 2 OR BETTER.
2. ALL LUMBER EXPOSED TO MOISTURE TO BE PRESSURE TREATED.
3. SUBMIT ENGINEERED TRUSS DRAWINGS.
4. TRUSS BRACING AND STRAPPING AS SPECIFIED BY ENGINEERED TRUSS DRAWINGS.
5. TRUSS TIE DOWN TO SUSTAIN UPLIFT SHOWN ON TRUSS DESIGN, TO BE CONTINUOUS ON FOUNDATION WALL.

STEEL

1. DEFORMED CONCRETE REINFORCING BAR TO COMPLY WITH CSA STANDARD G30.18-09.
2. REINFORCING BAR TO BE GRADE 400R OR BETTER.
3. STRUCTURAL STEEL SHALL BE IN ACCORDANCE TO A.S.T.M A70-92 GRADE 50. ALL THICKNESSES SHOWN ARE BASE METAL THICKNESS.
4. BOLTS SHALL BE GRADE #5 OR EQUIVALENT.



PROJECT: BYRON HUBBER		PROJECT: 30' X 40' STORAGE BUILDING	
DRAWN BY: G.S.		CHECKED BY: T.A.	
DATE: 28 Apr 2021		SCALE: Full	
CADD FILE: 0020 1203		SHEET: T	

12-810-A-00A-018-21

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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: June 9, 2021 9:23 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing June 23 Committee of Adjustment, West Lincoln Dona Hubber File 12/2021 WL

Good Morning ,Meghan

The application submitted indicates compliance with minimum distance separation requirement for a structure to a sewage

system as per Ontario Building Code, Part 8 specifically Tables 8.2.1.6. A and B.

Thus, no objection to the application as proposed at this time.

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

BCIN # 11112

From: Meghan Birbeck <mbirbeck@westlincoln.ca>

Sent: June 7, 2021 4:16 PM

To: Development Planning Applications <devtplanningapplications@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>; Jessie Lechowicz <jlechowicz@westlincoln.ca>; Lyle Killins <lkillins@live.com>; John Bartol <jbartol@westlincoln.ca>; Madysen Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>; Jeni Fisher <jfisher@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>

Subject: Notice of Hearing June 23 Committee of Adjustment, West Lincoln

Good afternoon,

There are two minor variance applications to be heard at the Township of West Lincoln's June 23rd Committee of Adjustment Hearing.

- A12/2021WL - Dona Hubber – Accessory Building
- A13/2021WL - Cody Kelly – Accessory Building

Please see find the full package for both applications attached.

Best,
Meghan

DATE: June 23rd, 2021

REPORT NO: COA-019-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Cody Kelly
File No. A13/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Cody Kelly for the property legally known as Concession 1, Part Lot 13, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. Municipally known as 5352 Elcho Road.
- This Minor Variance application has been applied for to permit an accessory building to be located in the front yard, specifically 3.7 metres (12.14 feet) closer to the front lot line than the main building with a setback of 19.3 metres (63.32 feet) to the front lot line.
- Whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that an accessory building cannot be in the front yard and cannot be located closer to the front lot line than the main building.
- To avoid the septic bed, propane tank, and to still utilize the existing driveway the applicant has proposed the accessory building to be positioned roughly 3.7 metres closer to the front lot line.
- The Township's Zoning By-law identifies that where private garages are permitted, an attached private garage may project up to a maximum of 4 metres closer to the front lot line than the main front wall of the dwelling.
- Even though the proposed accessory building is not attached it is proposing a variance that is less than what would be required if it were to be attached to the main building.
- The minor variance application has been reviewed against the four tests of a Minor Variance and can be recommended for approval.

RECOMMENDATION:

1. THAT, the application for the Minor Variance made by Cody Kelly as outlined in Report COA-019-21, to permit an accessory building be built 3.7 metres closer to the front lot line than the main building with a setback of 19.3 metres to the front lot line, BE APPROVED subject to a required condition:
 - a. That the Department of Planning and Building approve the exterior design of the accessory building, which shall be alternatively designed in keeping with the residential characteristic of the property.

BACKGROUND:

The subject lands are situated on the south side of Elcho Road and the east side of Wellandport Road, being legally described as Concession 1, Part Lot 13, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. The subject property is municipally known as 5352 Elcho Road. (See attachment 1 for a site sketch)

The subject property is approximately 2 acres (0.81 hectares) in size. The property has a Good General Agricultural designation and is zoned Agricultural. The surrounding properties to 5352 Elcho Road also share the Good General Agricultural designation and Agricultural zoning.

This Minor Variance application has been applied for to permit an accessory building to be located in the front yard, specifically 3.7 metres (12.14 feet) closer to the front lot line than the main building with a setback of 19.3 metres (63.32 feet) to the front lot line. Whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that an accessory building cannot be in the front yard and cannot be located closer to the front lot line than the main building. The applicant indicated that to avoid the septic bed the front yard is the only place to build the accessory building.

CURRENT SITUATION:

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

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

Yes

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

Township Planning Staff are of the opinion that the minor variance meets the general intent and purpose of the Official Plan as the proposed use is permitted.

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

Yes

The subject land is zoned Agricultural 'A' in the Township's Zoning By-law 2017-70, as amended, and is 0.81 hectares (2 acres) 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 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

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prominent buildings, and the accessory buildings are seen as accessory.

The applicant would like to utilize the existing drive way with the accessory building. The drive way runs to the east of the house and to the rear the drive way is the applicant's propane tank and a tree and to the rear of the dwelling is the property's septic bed. To avoid the septic bed, propane tank, and to still utilize the existing driveway the applicant has proposed the accessory building to be positioned roughly 3.7 metres (12.14 feet) closer to the front lot line than the main building with a setback of 19.3 metres (63.32 feet) to the front lot line.

Section 3.12.7.f.iii. of the Township's Zoning By-law identifies that where private garages are permitted, an attached private garage may project up to a maximum of 4 metres closer to the front lot line than the main front wall of the dwelling on the same lot. Even though the proposed accessory building is not attached it is proposing a variance that is less than what would be required if it were to be attached to the main building at a distance of 3.7 metres (12.14 feet) closer to the front lot line than the main building. In addition, the accessory building will be maintaining a setback of 19.3 metres (63.32 feet) to the front lot line which is further than the 15 metres that the Township's Zoning By-law requires for the dwelling on the property.

Township Planning Staff are of the opinion that the minor variance meets the general intent and purpose of the Township's Zoning Bylaw.

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

The applicant has proposed to construct a 71.35 square metre accessory building. The applicants started inquiring about a building permit in April of this year with Township staff, in which planning staff determined it had to go through a Minor Variance Application to permit its location. This building is proposed to be used for residential storage and as a garage, which is permitted on an Agricultural property. As such, Planning Staff are of the opinion that the requested variance, regarding the location of the accessory building, is appropriate development and use of the land on this property.

Is the proposal minor in nature?
Yes

The subject application is requesting to permit a proposed accessory building be built 3.7 metres (12.14 feet) closer to the front lot line than allowed on the property. If the accessory building, which is proposed to be used for storage and as a garage, was attached to the dwelling it would be able to project up to 4 metres closer to the front lot line. However, since it is not proposed to be attached it is not allowed to project from the dwelling to the front lot line.

Township planning staff are of the opinion that the requested variance of the proposed garage is minor in nature as what is being requested is 0.3 metres (0.98 feet) less than what would be allowed if the accessory building was attached to the dwelling.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on June 7th 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.

No other comments have been received at this time.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands June 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 June 18th, during the preparation of this report.


CONCLUSION:

A Minor Variance application has been submitted by Cody Kelly for the property municipally known as 5352 Elcho Road. The Minor Variance application is submitted to permit a proposed accessory building to be constructed in the front yard, specifically 3.7 metres (12.14 feet) closer to the front lot line than the main building with a setback of 19.3 metres (63.32 feet) to the front lot line. 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 as it represents good planning.

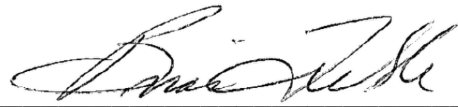
ATTACHMENTS:

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

Prepared by:

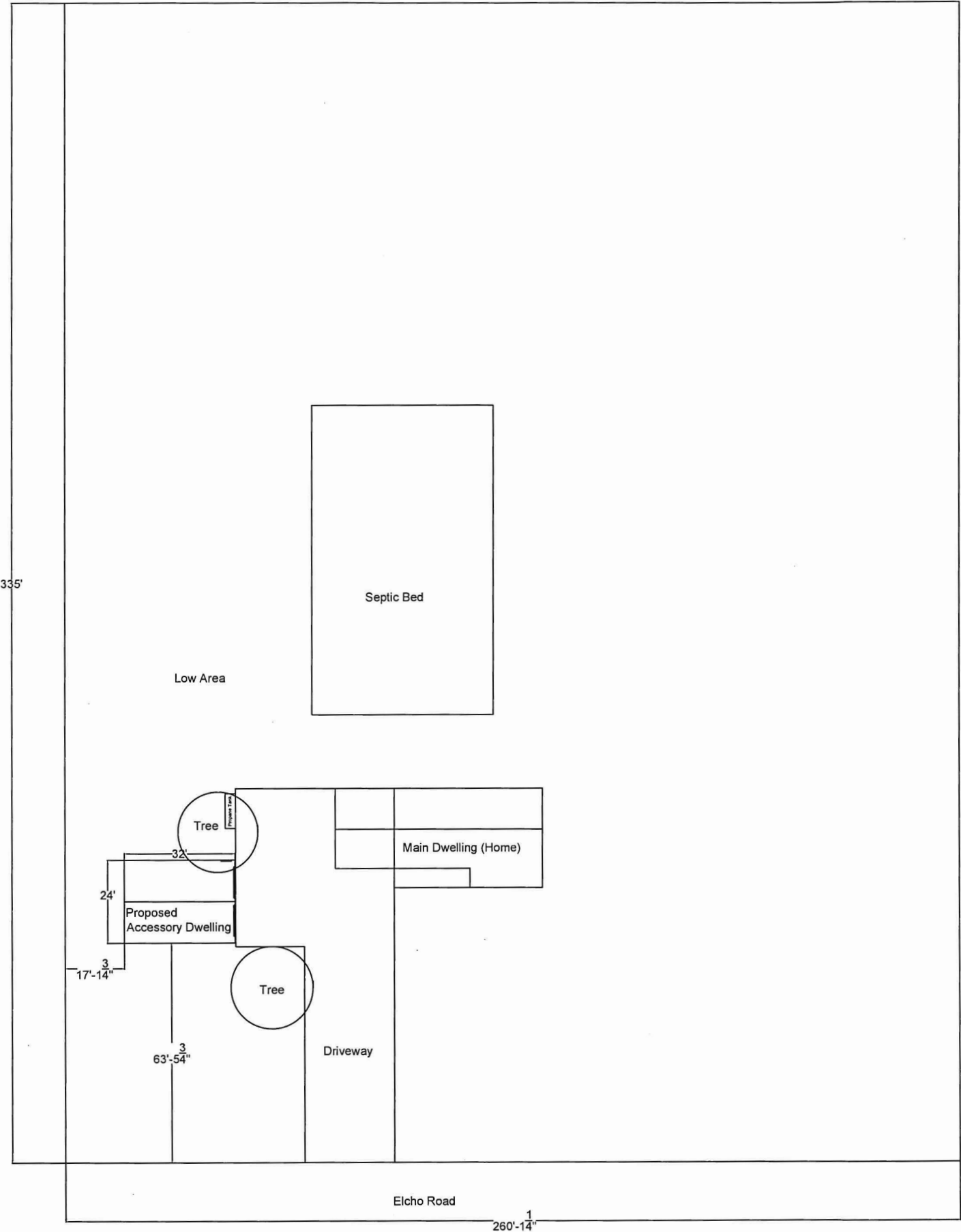


Madyson Etzl
Planner I



Brian Treble, RPP, MCIP
Director of Planning and Building

5352 Elcho Road Property



PART 3. GENERAL PROVISIONS

3.1 ACCESSORY BUILDINGS OR STRUCTURES AND ACCESSORY USES

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

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

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

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

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

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

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

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

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

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

Meghan Birbeck

From: Lyle Killins <lkillins@live.com>
Sent: June 9, 2021 9:08 AM
To: Meghan Birbeck
Subject: Re: File A-13/2021 WL Cody Kelly

Hello Meghan

The application as proposed complies with minimum separation distance from a structure to a sewage system as per Tables 8.2.1.6 A,B Part 8, Ontario Building Code.

Thus, no objection to the application as proposed.

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

BCIN# 11112

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: June 7, 2021 4:16 PM
To: Development Planning Applications <devtplanningapplications@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>; Jessie Lechowicz <jlechowicz@westlincoln.ca>; Lyle Killins <lkillins@live.com>; John Bartol <jbartol@westlincoln.ca>; Madysen Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>; Jeni Fisher <jfisher@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>
Subject: Notice of Hearing June 23 Committee of Adjustment, West Lincoln

Good afternoon,

There are two minor variance applications to be heard at the Township of West Lincoln's June 23rd Committee of Adjustment Hearing.

- A12/2021WL - Dona Hubber – Accessory Building
- A13/2021WL - Cody Kelly – Accessory Building

Please see find the full package for both applications attached.

Best,
Meghan

	<p>Meghan Birbeck</p> <p>Planner I</p> <p>Tel: 905-957-3346 ext. 5140 Email: mbirbeck@westlincoln.ca Web: www.westlincoln.ca</p> <p> </p>
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THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
COMMITTEE OF ADJUSTMENT MINUTES

March 31, 2021, 7:00 p.m.

Present: Peter Forsberg
Kim Willis
Dick Van Dyke

Staff: Gerrit Boerema
Madyson Etzl
Meghan Birbeck

1. CHAIR

The Chair will call to Order the evening's proceedings.

The meeting was called into Order at 7pm.

2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

There were none.

3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT

There were two requests for adjournments:

- B01/2021WL - Kszan

- A07/2021WL – Rocco and Kimberley Palumbo

4. APPLICATIONS

a. A03/2021WL – Alan and Margaret Davis

A minor variance application has been applied for that requests two variances for a private garage to be located in front of the main dwelling. The first variance that is required is to permit a garage to be built ± 15.55 meters (± 51 feet) in front of the property's main dwelling whereas Table 1-2 of the Township Zoning Bylaw 2017-70, as amended, identifies that an accessory building cannot be located closer to the front lot line than the main building. The second variance that is required is to permit a garage to be built with a minimum setback of ± 5.08 meters (± 16.67 feet) from the front lot line whereas Table 14 of the Township Zoning Bylaw 2017-70, as amended, identifies that a garage is required to have a minimum setback of 7.5 meters from the property's front lot line. Both the main dwelling orientation on the property along with the Environmental Conservation features that are found on the property restrict the applicant in building the proposed garage in the rear or side lot of their property.

The Township planning report recommended approving the variance with a condition.

Ms. Etzl gave a presentation of the application to Committee members. Ms. Birbeck followed up the presentation by providing the Niagara Region's comments, which were submitted after the release of the report. The applicant, Mr. Davies, spoke briefly to say that he agreed with everything that had been previously discussed by Ms. Etzl.

Member Willis mentioned that there appears to be quite a slop to the property and inquired how the back end of the garage would look compared to the front. Further asking how the applicant would make it look like it is in place in front of the house. Mr. Davies responded by saying that the contractor would be grading out the land and would be planting trees and other foliage to make it aesthetically pleasing. Member Willis followed up the response to say that the applicants house is beautiful, which indicates that the applicant takes great care of the property.

Ms. Birbeck reiterated the Niagara Regions comments to say that if the applicant is grading below the level of fill that is currently on the property that the Region would like an Archeological Assessment done, but grading is not taking place they do not require an Archeological Assessment. Chair Forsberg further stated from his understanding of the Regions comments and from visiting the site it appeared as though the land has previously already been disturbed that any landscaping will be an improvement. The applicant indicated that they agreed with Chair Forsberg statement.

Member Van Dyke offered the applicant another chance to discuss the condition that was on the report. Ms. Birbeck indicated that the Director of Planning's interest in having the condition is not for any thing extravagant and just to make sure that the garage is not an eyesore from the streetscapes line of vision. Chair Forsberg summarized this to say that the condition would be to compliment the existing dwelling on the property. The applicant said that the drawings have been created for the garage and it is to match the house from the stone work on the bottom to the shingles on the roof.

No one from the public was in attendance for this application.

Member Van Dyke motioned to approve the application with the condition as listed in the planning staff report.

Member Willis seconded the motion.

-All in favour

-Carried

b. A06/2021WL - Bill Kerr and Sandra Williams

A minor variance application has been applied for to permit an existing garage to remain located ± 91.44 centimeters (± 36 inches) in front of the property's main dwelling whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that an accessory building cannot be located closer to the front lot line than the main building. The applicant ended up building the garage ± 91.44 centimeters (± 36 inches) in front of the main dwelling to be able to access the property's septic tank for required maintenance and cleaning.

The Township planning report recommended approving the variance with a condition.

Ms. Etzl gave a presentation of the application to Committee members. The applicant, Ms. Bill Kerr, spoke briefly to say that he agreed with everything that had been previously discussed by Ms. Etzl.

Member Willis did not have any questions for the applicant.

Member Van Dyke indicated that he had a question for staff in regards to the condition and what the time line was that the applicant should have the shipping container removed. Ms. Birbeck indicated that the decision is

final after 20 days with regards to the appeal period and that through her understanding the director would be satisfied with 20 days as the time line to remove the shipping container. Member Van Dyke responded and asked if the condition could be tightened up to have a time line added to help insure that the shipping container would be removed. Chair Forsberg indicated that the 20 days should be added as the time line to the existing condition. Member Van Dyke indicated that the 20 days being added makes the condition more definite. Ms. Birbeck indicated that the 20 days could be added on.

No one from the public was in attendance for this application.

Member Willis motioned to approve the amended application with the condition and the 20 days to be added in.

Member Van Dyke seconded the motion.

-All in favour

-Carried

Following the motion being carried Mr. Kerr asked to speak and indicated that the sea shipping contain has all of his garage stuff in it and that the container is temporary. Further indicating that he was waiting to see the outcome of the meeting and what had to be done before putting the stuff from the shipping container into the garage. The applicant finished by saying that the container is just rented and he also would like to see it gone.

Member Willis mentioned indicated that the applicant had done a good job in the construction of the garage and that had tied it in nicely with the design of the house.

c. B02/2021WL - Greek Association of Niagara

A severance application for a lot addition to Marz Homes Land's current draft plan of subdivision application has been submitted by the Greek Association of Niagara who are located at 6659 Regional Road 20. The Greek Association is proposing to sever off ± 0.56 hectares (± 1.384 acres) and retain ± 1.399 hectares (± 3.456 acres). The land proposing to be severed is currently vacant and underutilized by the Greek Association. Marz Homes is proposing to develop the severed ± 0.56 hectares of land

with approximately 16 freehold single detached lots that front onto Street 'B' of their proposed mixed-use development.

The Township planning report recommended approving the severance with all eight conditions.

Mr. Boerema gave a presentation of the application to Committee members. The agent for the application, Mr. Jared Marcus, also provided a presentation to offer greater details about the project. The details shared in the presentation could also be found in the Township's recommendation report regarding the severance. At the end of Mr. Marcus's presentation, he indicated that he agreed with everything that had been previously discussed by Mr. Boerema and that was written within the Township's recommendation report.

There were no questions from the committee members.

Chair Forsberg asked the agent of the application if he saw the single residential dwelling on the edge of the Marz's property becoming a part of the proposed subdivision and if the committee would be seeing another application. Mr. Marcus asked for clarification on the property that the Chair was referring to. Chair Forsberg indicated that the property was east of the main subdivision. Mr. Boerema stepped in to mention that the property in question may be the neighboring property to the car wash property. However, with this clarification no further discussions were formed around the answer to the Chair's initial question.

Member Van Dyke motioned to approve the application with the eight conditions recommended in the Township's recommendation report.

Member Willis seconded the motion.

-All in favour

-Carried

5. MINUTES FOR APPROVAL

There are two minutes for approval. Ms. Birbeck indicated that both minutes had been sent out prior to the meeting this evening. Prior to the meeting Chair Forsberg caught a spelling error in the January report that Ms. Birbeck corrected before the meeting this evening.

- a. December 16, 2020

Member Van Dyke motioned to approve the minutes.

Member Willis seconded the motion.

-All in favour

-Carried

b. January 27, 2021

Member Willis motioned to approve the minutes.

Member Van Dyke seconded the motion.

-All in favour

-Carried

6. NEW BUSINESS

There were none.

7. ADJOURNMENT

That, this Committee does now adjourn at the hour of 7:41 pm

BONNIE BAARDA, CHAIR

MEGHAN BIRBECK,
SECRETARY-TREASURER