

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

Wednesday, July 21, 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. B09/2021WL – Fireball Property Holdings Inc. (Agent: Dave Kuzmich) (Roll No.: 260203001303605): 6209 Skyway Rd	3
An application for a lot creation severance has been submitted for 6209 Skyway Rd by Dave Kuzmich on behalf of Fireball Holdings Inc. The application proposes to sever off 1.281 hectares (3.17 acres) of employment land within the Smithville urban boundary. The retained employment land will be 0.474 hectares (1.17 acres) in size. The land proposing to be severed is currently underutilized.	
b. A15/2021WL – Vandermeulen Property Address: 4552 Sixteen Rd	12
A minor variance application has been applied for that requests a private garage to be built 5.13 meters (16.83 feet) wider than allowed for a private garage with a total width of 14.33 metres (47.01 feet) whereas Section 3.12.7 h) of the Township's Zoning Bylaw 2017-70, as amended, identifies that a maximum garage width for an attached private garage shall be 50% of the total width of the dwelling on the lot, or 9.2 metres, whichever is less, except where otherwise specified in this By-law. The width of the dwelling shall be measured in a straight line along the main front wall of the dwelling between the outside edges of the side walls of	

the. The applicant has indicated that the allotted width is too small for their storage needs.

- c. A17/2021WL – Bert Vis Flooring 30
Property Address: 214 St. Catharines St

A minor variance application has been applied for that requests an addition to be built on the portion of their property zoned Development whereas Section 12.2 of the Township's Zoning Bylaw 2017-70, as amended, identifies additions are not permitted on Development zones. The applicant has indicated that a portion of their existing warehouse has previously been constructed on the area of their property zoned Development and that they require the addition to expand their warehouse space.

- d. A16/2021WL – Twenty View Farms 39
Property Address: 7224 Twenty Rd

A minor variance application has been applied for to permit an accessory building to be located 75 metres (246.06 feet) from the property's main building whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the nearest point of a wall of an accessory building must be located within 50 metres (164.04 feet) of the main building. The applicants have identified that they are applying for a variance for their accessory building, as they are hoping to put an addition on their main building in the future and with the future addition will still need room for their large farm equipment cannot turn around.

- e. A14/2021WL – Velekoop 48
Property Address: 3828 Concession 4 Rd

A minor variance application has been applied for to permit an existing accessory building to remain located 98.73 metres (323.92 feet) from the property's main building whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the nearest point of a wall of an accessory building must be located within 50 metres (164.04 feet) of the main building. The applicants are now required to apply for a variance as their accessory building, which functions as a greenhouse, was built without a building permit and does not meet the Township's Zoning By-law.

5. MINUTES FOR APPROVAL

- a. 02-24-21 57

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: July 21st, 2021

REPORT NO: COA-020-21

SUBJECT: **Recommendation Report**
Application for Consent by Fireball Property Holdings Inc.
File No. B09/2021WL

CONTACT: Gerrit Boerema, Planner II
Brian Treble, Director of Planning and Building

OVERVIEW:

- An application for a lot creation severance has been submitted by Fireball Property Holdings Inc.
- Fireball Property Holdings Inc. own a property zoned Industrial Employment 'M2' that is 1.755 hectares (4.34 acres) in size with the Roll Number 260203001303605 and legally described as Registered Plan No. M-94, Lot 34, Reference Plan No. 30R-498 Part 1 at the corner of London Road and Industrial Road (south east of the Regional water tower).
- Fireball Property Holdings Inc. are proposing to sever off 1.281 hectares (3.17 acres) and retain 0.474 hectares (1.17 acres) of land.
- The severed portion of land is planned to be sold to the existing tenants.
- The application has been reviewed in accordance with Section 51(24) of the Planning Act, Provincial, Regional and Township Policy and has been deemed to meet these criteria.
- Planning Staff recommend the approval of this application, with the appropriate conditions.

RECOMMENDATION:

That, report COA-020-21, regarding an application for Consent made by Fireball Property Holdings Inc., 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 applicant has the subject lands appraised and provide the required cash in lieu of parkland dedication as required by the Township's cash in lieu of parkland dedication bylaw.
4. That a site plan amendment and applicable fee be submitted to revise the existing site plan to reflect the proposed boundaries.
5. 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.
6. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
7. 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 by Fireball Property Holdings Inc. for their property zoned Industrial Employment 'M2' that is 1.755 hectares (4.34 acres) in size. This application proposes to sever 1.281 hectares (3.17 acres) and retain 0.474 hectares (1.17 acres) of land. The portion of land proposed to be severed to create a lot is currently planned to be sold to the existing tenant.

The subject lands to be severed are legally described as Concession 9, Part Lot 6, Registered Plan No. M-94, Lot 34, Reference Plan No. 30R-498 Part 1 in the former Township of South Grimsby, now in the Township of West Lincoln. The property is municipally known as 6209 Skyway Road and is at the south west corner of London Road and Industrial Road (south of the Regional water tower).

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 1.1.1 b) of the PPS, municipalities help to manage and direct land use to achieve efficient and resilient development and land use patterns by having

a mix of residential, employment, institutional, recreational space to meet long-term needs. Severing this underutilized property will help to increase the amount of utilized employment lands in the area.

Furthermore, Section 1.3 of the PPS speaks about employment and Policy 1.3.1 identifies that planning authorities shall promote economic development and competitiveness. Severing the property in question to create a lot increases the potential for a diverse range of future businesses to be situated in the area, which will help support a wide range of economic activities.

As this property is within the urban settlement area of West Lincoln the PPS supports new lot creation for employment purposes on this subject property.

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 2. of the Growth Plan provides policy direction related to where and how to grow throughout the Greater Golden Horseshoe (GGH). In relation to the proposed severance application Section 2.2.5 (Employment) of the P2G applies.

Section 2.2.5 of the Growth Plan provides policies respecting Employment. In particular, Policy 2.2.5.1 identifies that economic development and competitiveness in the GGH will be promoted by making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities. As the subject property in question is proposed to be sold to the existing tenant the severing of the property is in the interest of the P2G. Severing the property to create a lot will help increase the areas employment density and will also help to better utilize the land in question.

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) is the guiding planning document for the physical, economic and social development of the Niagara Region. Policies and objectives for the Region's employment areas are contained within Section 3 of the ROP. The ROP allows for severances in the employment areas.

Policy 3. A.3.10 states that where appropriate, the Region encourages intensification on existing occupied employment lands through c) infilling of vacant lots within employment areas and d) severance or subdivision of larger employment properties to accommodate new employment uses.

The proposed severance meets the intention of the Regional policies.

Township of West Lincoln Official Plan

The subject lands are designated as Employment Area in the Township's Official Plan (OP). The Township Official Plan promotes additional industrial development on lands designated for such purposes to improve the tax base of the community and to provide increased employment opportunities. It is the intent of the OP to provide opportunities for a wide range of industrial activities, provided that these activities do not interfere with the health and enjoyment of residents in the Township or neighbouring municipalities.

It should be noted that Policy 6.10.4.i. states that lands designated "Employment Area" are subject to the Site Plan Control policies of the Township Official Plan. Therefore, if the proposed severance is successful the new owners will be required to undergo a Site Plan Agreement with the Township before building on the land. Additionally, a condition has been added to amend the existing site plan to reflect the new property lines.

Policies and objectives regarding severances in the Township are contained within Section 18.13 of the OP.

Policy 18.13.b identifies that any lot or remnant parcel created must have adequate frontage on a public road that is maintained year-round and is of an adequate standard of construction to provide access for the intended use.

Policy 18.13.f identifies that a consent will be granted only when confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services has occurred.

Policy 18.13.i identifies that no land severance shall be permitted unless adequate lot grading and drainage can be addressed. Further, no land severance shall be permitted unless drainage can be properly outlet from the area, without impacting neighbouring properties, to the satisfaction of the Township.

Policy 18.13.4.iii. identifies that consents in Smithville shall have the effect of infilling existing built-up areas and not of extending built-up areas unduly.

The proposed severance and future use of the property meets the intent of the Township Official Plan with regards to the policies above.

Township Zoning By-law

The property is currently zoned Industrial Employment 'M2'. Severing the existing property would have the effect then of creating two Industrial Employment 'M2' properties. Having two Industrial Employment 'M2' in this area meets both the intent of the applicant and the Township's Zoning By-law 2017-70, as amended.

Staff have reviewed the site drawings of the severed and retained parcels and can advise that they comply with the Township's Zoning By-law 2017-70, as amended.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS

Notification was mailed to all applicable agencies and departments on July 2nd, 2021.

The NPCA are not interest in this application.

The Township's Public Works Department and the Region's comments are been attached to the bottom of this application

PUBLIC COMMENTS:

Circulation by way of mail was given to property owners within a 120m radius of the subject property on July 2nd, 2021. A Yellow sign was posted on the property a minimum of 14 days before the hearing.

No public comments have been received as of July 16th, 2021, during the preparation of this report.


CONCLUSION

Planning Staff have reviewed all applicable Provincial, Regional and Township policies as they relate to the proposed application and conclude that the proposal meets the intent of these policies. Accordingly, we recommend approval of the consent application for Fireball Property Holdings Inc. to sever 1.281 hectares (3.17 acres) and retain 0.474 hectares (1.17 acres) of land from Roll Number 260203001303605 for a lot creation severance so that the area can be fully utilized and have diverse employment opportunities. Township Staff are satisfied that the application meets all criteria and can thus recommend approval of this application, with the appropriate conditions.

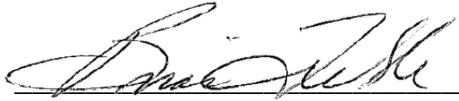
ATTACHMENTS

1. Severance Sketch
2. Agency Letters

Prepared by:



Gerrit Boerema
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building

SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL COPY IF EMBOSSED BY THE SURVEYOR'S SEAL, OR PDF CERTIFIED

SKETCH SHOWING PROPOSED SEVERANCE

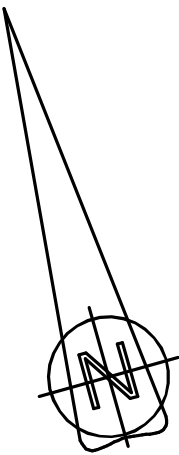
TOWNSHIP OF WEST LINCOLN

0 50 100 150 m

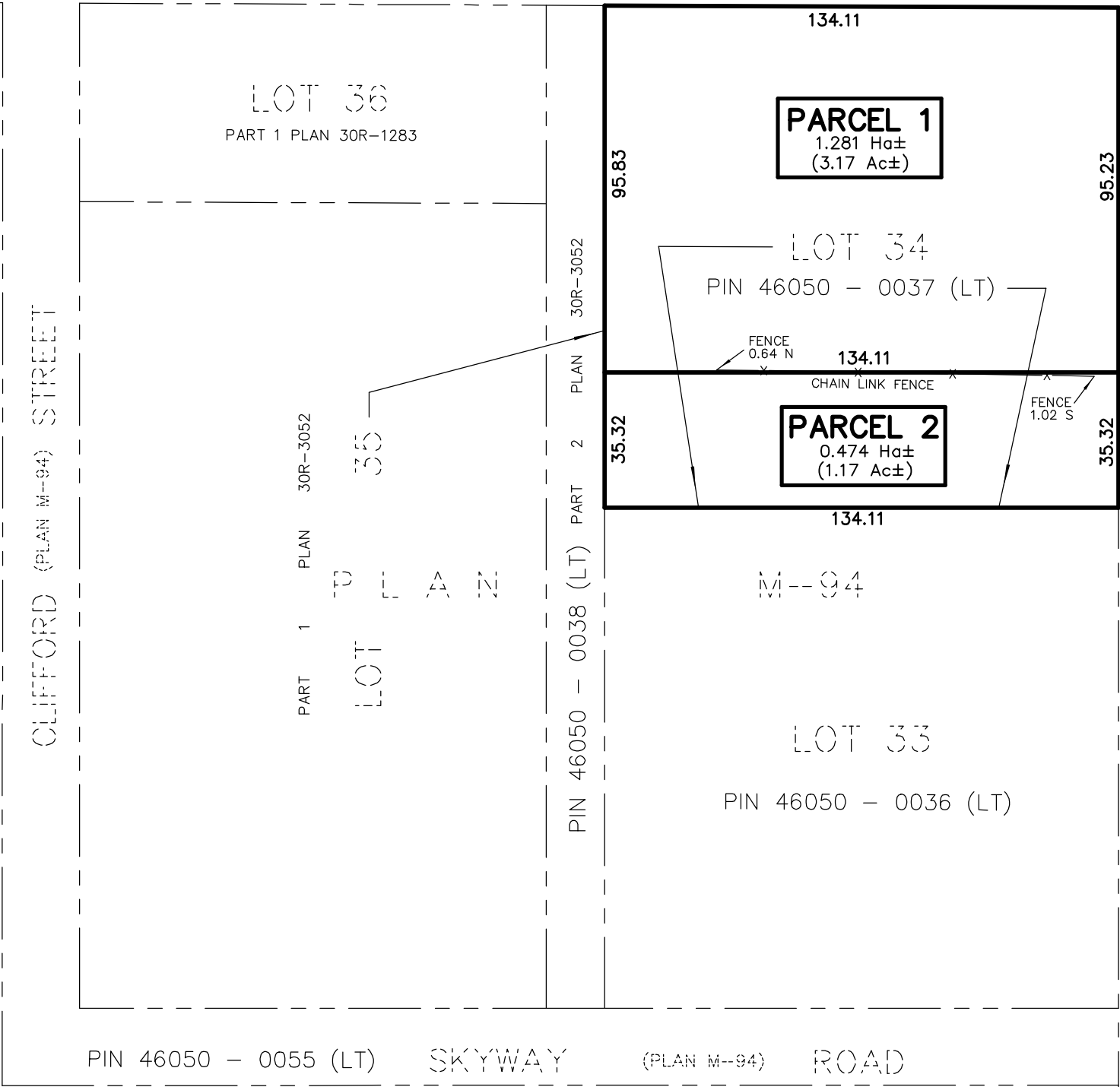
SCALE 1 : 1500

RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS

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LONDON (PLAN M-94) ROAD PIN 46050 – 0050 (LT)



PIN 46049 – 0164 (LT)

ROAD ALLOWANCE BETWEEN LOTS 5 AND 6, CONCESSION 9

ALSO KNOWN AS INDUSTRIAL PARK ROAD

BOUNDARY NOTE

BOUNDARY INFORMATION HAS BEEN DERIVED FROM PLAN M-94 AND ACTUAL FIELD WORK.

LEGEND & NOTES

- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- ALL DISTANCES AND AREAS ARE APPROXIMATE
- THIS SKETCH IS COMPILED FROM LAND REGISTRY OFFICE RECORDS

PROPERTY DESCRIPTION

ALL OF LOT 34, PLAN M-94
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
PIN 46050-0037 (LT)

CAUTION

- THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
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METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

JUNE 18, 2021
DATE

Harold Hyde
HAROLD D. HYDE
ONTARIO LAND SURVEYOR

RASCH + HYDE LTD.
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B
DUNNVILLE, ONT, N1A 2X1
905-774-7188
(FAX 905-774-4000)

P.O. Box 550, 74 Jarvis Street
FORT ERIE, ONT, L2A 5Y1
905-871-9757
(FAX 905-871-9748)

HAROLD D. HYDE O.L.S.

SCALE 1 : 1500

SURVEY : 21-065 PS 2

DRWN BY : T. Matheson

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

July 9, 2021

File No.: D.06.12.CS-21-0067

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

Dear Ms. Birbeck:

**Re: Consent Application
Regional and Provincial Comments
Township File No.: B09/2021WL
Address: 6209 Skyway Road, Township of West Lincoln**

Regional Planning and Development Services staff has completed a review for the above-mentioned Consent application which is proposing to sever off 1.281 hectares of employment land within the Smithville urban boundary. The retained employment land will be 0.474 hectares in size. The land proposing to be severed is currently vacant and underutilized with frontage along London Road and Industrial Park Road. The following Provincial and Regional comments are provided to assist the Committee in considering this application.

Core Natural Heritage System

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

The Consent application proposes a new lot within the urban area to be created for future employment use. Although the proposed lot line is within 15 m of Type 2 Fish Habitat, the watercourse is located off the subject lands in a block containing only the feature. As such, due to the scope, nature and location of the proposed consent, staff are satisfied that there will be no significant negative impact to the CNHS and offer no objection.

Although staff have no objection to the Consent application, additional details may be required through future Planning Act applications (i.e. site plan) to confirm that any proposed development/site alteration will not negatively impact Fish Habitat.

Regional Infrastructure

Please be advised that there is existing Regional infrastructure consisting of Regional trunk watermains and sanitary forcemains located along the subject property frontage of London Road and Industrial Park Road. The existing Regional infrastructure is not to be disturbed during any future construction or site servicing works.

Conclusion

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

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

Best Regards,



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

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

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: July 15, 2021
Re: File B09/2021WL – Fireball Property Holdings Inc.

A review has been completed of this application for consent to sever off 1.281 hectares of land from 6209 Skyway Rd, the retained land will be 0.474 hectares in size.

Public Works has no objection to this application.

DATE: July 21st, 2021

REPORT NO: COA-021-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by John and Jolina Vandermeulen
File No. A15/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by John and Jolina Vandermeulen for the property legally known as Concession 5, Part Lot 13, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. Municipally known as 4552 Sixteen Road.
- This Minor Variance application has been applied for to permit an attached garage to be built 2.69 meters (8.83 feet) wider than allowed for a private garage with a total width of 11.89 metres (39.01 feet) and an approximately frontage of 53%.
- Whereas Section 3.12.7 h) of the Township's Zoning Bylaw 2017-70, as amended, identifies that a maximum garage width for an attached private garage shall be 50% of the total width of the dwelling on the lot, or 9.2 metres, whichever is less, except where otherwise specified in this By-law.
- The width of the dwelling is to be measured in a straight line along the main front wall of the dwelling between the outside edges of the side walls of the.
- The applicant has indicated that the allotted width is too small for their storage needs.
- The applicant's initially applied for a building permit on May 5th to build an addition to their existing detached garage that would result in a total width for the attached garage of roughly 14.33 metres (47.01 feet), but has since revised the proposed plan.
- For the initial permit application, the applicant had already received clearance Niagara Peninsula Conservation Authority (NPCA).
- The Niagara Region have indicated the need for Township to approve either that the ground around the proposed addition having already been disturbed or an archaeological consultant completing an assessment at a level they deem to be appropriate for the area of the proposed addition.
- 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 John and Jolina Vandermeulen as outlined in Report COA-021-21, to permit an accessory building be built with a total width of 14.33 metres, BE MODIFIED and APPROVED at 12 metres subject to the following condition:
 - a. That the Department of Planning and Building approve the proof of either:
 - i. receive a written statement to provide proof that the ground around the proposed addition had been previously disturbed prior to July 21st, 2021, or
 - ii. receive a letter written by an archaeological expert to confirm that an archaeological study is not required, or
 - iii. receive an archeological report completed by a registered archeologist at the appropriate level (Phase) for the area of the proposed addition.

BACKGROUND:

The subject lands are situated on the south side of Sixteen Road and the east side of Silverdale Road, being legally described as Concession 5, 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 4552 Sixteen Road. (See attachment 1 for a site sketch)

The subject property is approximately 1 acre (0.4 hectares) in size. The property is within a part of the Natural Heritage System within the Hamlet Settlement Area of Silverdale and is zoned Environmental Conservation and Environmental Protection. The surrounding properties to 4552 Sixteen Road also have the same official plan and zoning designations. The applicant's initially applied for a building permit on May 5th to build an addition to their existing detached garage that would result in a total width for the attached garage of roughly 14.33 metres (47.01 feet). For the initial permit application, the applicant had already received clearance Niagara Peninsula Conservation Authority (NPCA). However, due to the size of the requested attached garage addition it was determined that a minor variance would be required to move forward with the requested permit.

This Minor Variance application has been applied for to permit an attached garage to be built 2.69 meters (8.83 feet) wider than allowed for a private garage with a total width of 11.89 metres (39.01 feet). Whereas Section 3.12.7 h) of the Township's Zoning Bylaw 2017-70, as amended, identifies that a maximum garage width for an attached private garage shall be 50% of the total width of the dwelling on the lot, or 9.2 metres, whichever is less, except where otherwise specified in this By-law. The width of the dwelling is to be measured in a straight line along the main front wall of the dwelling between the outside edges of the side walls of the. The proposed garage is 53% of the façade of the dwelling.

CURRENT SITUATION:

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

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

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

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

Township staff are of the opinion that this minor variance meets the general intent and purpose of the Official Plan as the proposed use is permitted and because the Niagara Peninsula Conservation Authority (NPCA) has already provided clearance for the applicants to build an addition to their attached garage of the requested size. Having the applicants expand their existing attached garage rather than building an accessory building elsewhere on the property is preferred in the NPCA policy, and will help to protect the environmental features that surround the dwelling. The proposed addition to the attached garage, generally fits the character of the surrounding area.

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

The subject land is zoned Environmental Conservation and Environmental Protection under the Township's Zoning By-law 2017-70, as amended. The parcel of land is a 0.4 hectares (1 acre). The Environmental Conservation zone permits existing uses and accessory buildings, while Environmental Conservation and Environmental Protection both permit conservation uses. Currently the driveway and existing dwelling on the property are located within the portion of this property zoned Environmental Conservation.

Since the Niagara Peninsula Conservation Authority (NPCA) would not support the applicants' in applying for an accessory building, which is allowed on the Environmental Conservation zone the applicants chose to proceed with an application to addition to the attached garage. In conversations with the Niagara Peninsula Conservation Authority (NPCA) and the Niagara Region both are in support of altering the environmental zones so that the Environmental Conservation zone will be stretched around the proposed addition to the attached garage but no further into the floodplain. It is the opinion of these agencies and the Township that this can be done without a rezoning application.

Under the Township's Zoning By-Law 2017-70, as amended, the proposed addition to the attached garage cannot exceed 50% of the total width of the dwelling on the lot, or

9.2 metres, whichever is less, except where otherwise specified in this By-law. The width of the dwelling is to be measured in a straight line along the main front wall of the dwelling between the outside edges of the side walls of the.

The total width of the house, garage, and addition requires that the applicants have a maximum garage width of 9.2 metres. However, the applicants are hoping to build an addition that would result in their attached garage to be built 2.69 meters (8.83 feet) wider than allowed for a private garage with a total width of 11.89 metres (39.01 feet). This would also result in it being over 50% of the façade of the dwelling.

As the applicants are limited by their Environmental zoning and what the NPCA will provide clearance for the 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 49.33 square metre addition with a width of 5.49 metres to their existing attached garage. With the addition the total proposed attached garage will be roughly 91.24 square metres in size and will have a width of 11.89 metres (39.01 feet). The applicants submitted a building permit two months ago with Township staff, in which planning staff determined it had to go through a Minor Variance Application to permit the width of the attached garage. The existing garage is permitted on the property and an accessory building would also be permitted but due to the NPCA regulations the applicants are directed to apply for an addition to their existing attached garage. As such, Planning Staff are of the opinion that the requested variance is an appropriate development and use of the only land that can be used for this specific development on this property.

Is the proposal minor in nature?

Yes

The size of the proposed attached garage is appropriate for the property. The neighboring properties in the Hamlet of Silverdale are zoned Residential Low Density Type 1A and are permitted to construct two accessory building with a size of 100 square metres. The total size after the proposed garage addition will result in the attached garage being less then 100 square metres. If the property did not have the environmental restrictions from the NPCA they would have been able to build an accessory building and not require a variance as they would not have been increasing the width of their attached garage past 9.2 metres. As such, planning staff are of the opinion that the requested variance is minor in nature for this specific property.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on July 2nd, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector and Public Works Departments have no objections to

Respecting Our Roots, Realizing Our Future

the minor variance application.

The Niagara Region have indicated that the subject property exhibits potential for the discovery of archaeological resources due to proximity to a watercourse to the east of the property, and a registered archaeological site within 300 metres. The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on available aerial imagery, it does not appear that the area of the proposed garage has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Prior to the construction of the proposed garage, the Committee should be satisfied that the location of any construction works has been subjected to ground disturbance or require the completion of at least a Stage 1 Archaeological Assessment to address cultural heritage policies. It is recommended that the applicant provide information (including the envelope of previous disturbance/construction works, location of any fill placed on the site, grading works, etc.) to the Committee to confirm the requirement for an archaeological assessment.

The subject property is adjacent to the Region's Core Natural Heritage System (CNHS), consisting of Type 1 (Critical) Fish Habitat. Consistent with Regional Official Plan (ROP) Policy 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 30 metres of Type 1 Fish Habitat. The proposed garage is located more than 30 metres from Type 1 Fish Habitat and is within the existing development footprint; as such, Environmental Planning staff offer no objection to the proposed Minor Variance.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands July 2nd, 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 July 16th, during the preparation of this report.


CONCLUSION:

A Minor Variance application has been submitted by John and Jolina Vandermeulen for the property municipally known as 4552 Sixteen Road. The Minor Variance application is submitted to permit an attached garage to be built 2.69 meters (8.83 feet) wider than allowed for a private garage with a total width of 11.89 metres (39.01 feet). 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 modified application as it represents good planning.

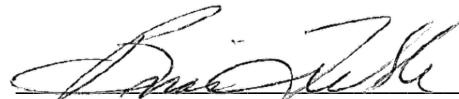
ATTACHMENTS:

1. Site Sketch
2. NPCA Permit
3. Agency Comments

Prepared by:



Madyson Etzi
Planner I

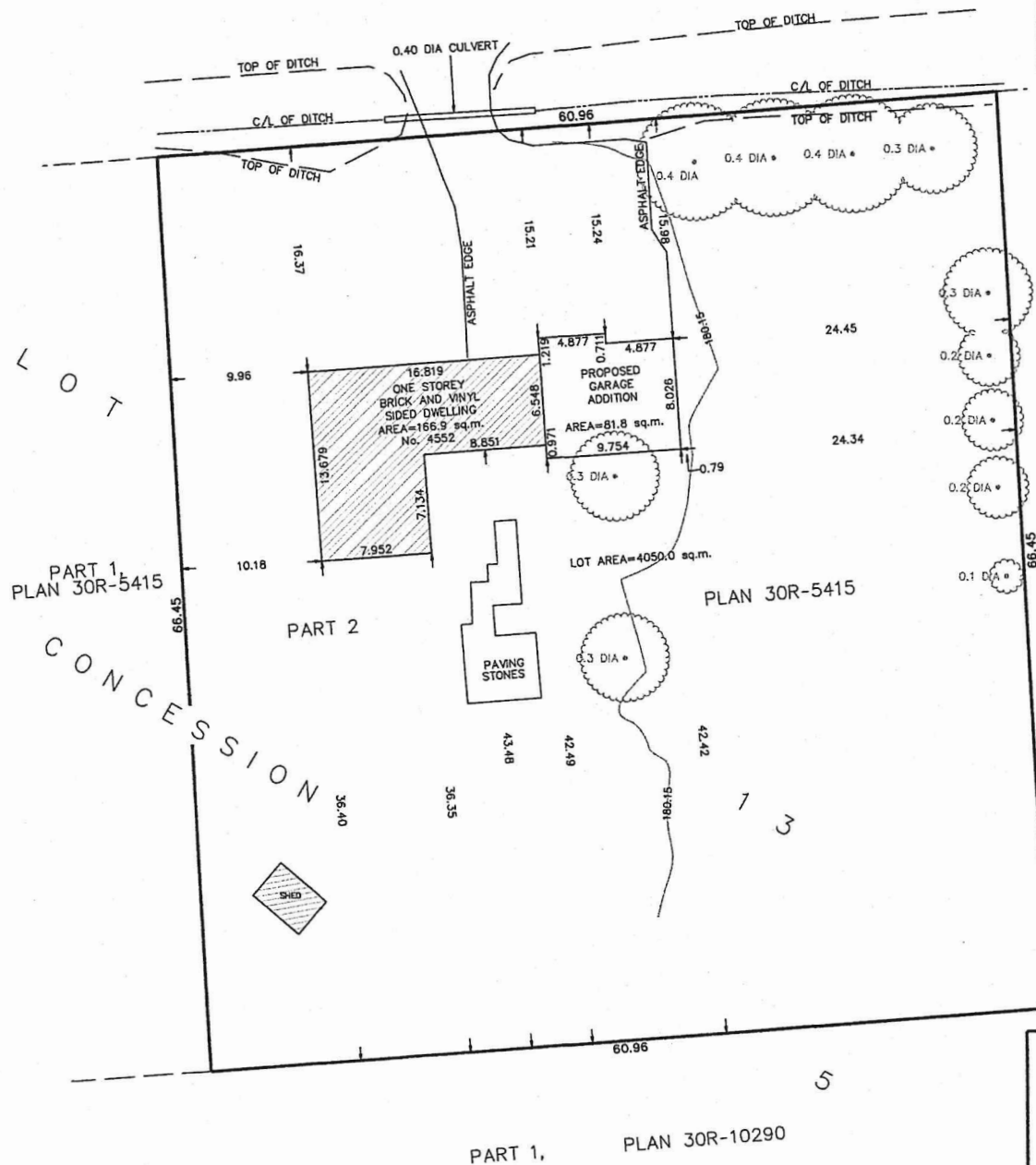


Brian Treble, RPP, MCIP
Director of Planning and Building

TOWN OF WEST LINCOLN - SITE PLAN

Legal Description PART OF LOT 13, CONCESSION 5,
TOWNSHIP OF GAINSBOROUGH
Street No. 4552 SIXTEEN ROAD
Builder or Owner VYN BUILDING SERVICES

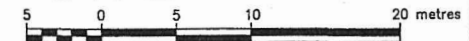
NOTE: BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE
RECORDS AND FIELD MEASUREMENTS. THIS IS NOT A PLAN OF SURVEY.
THIS SKETCH DOES NOT VERIFY BUILDING CODE REQUIREMENTS.
© COPYRIGHT 2020



PART 1,
PLAN 30R-13713

NOTE: FLOODPLAIN ELEVATION OF 180.15m IS BASED ON OUR
TOPOGRAPHIC SURVEY COMPLETED ON APRIL 7, 2020.

SCALE 1 : 300



Dwg attached ZONE EP SCALE 1:300

by Town _____ Date _____
DASHA PAGE O.L.S. Date Sept. 17, 2020



J.D. BARNES
LIMITED

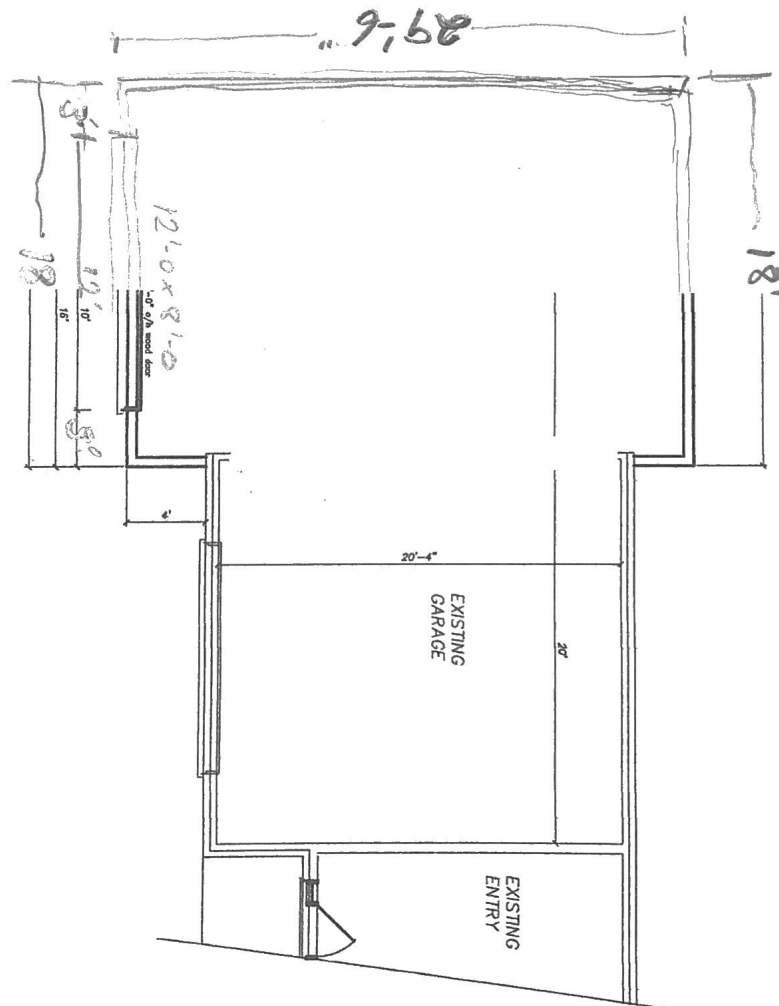
SURVEYING
MAPPING
GIS

LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD, UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

DRAWN BY: BC CHECKED BY: DP REFERENCE NO.: 20-16-089-00
PLOTTED: 9/17/2020 DATED: 09/17/20

LOT AREA=4050.0 sq.m.
LOT COVERAGE=248.6 sq.m. (6.1)%

Floor Plan



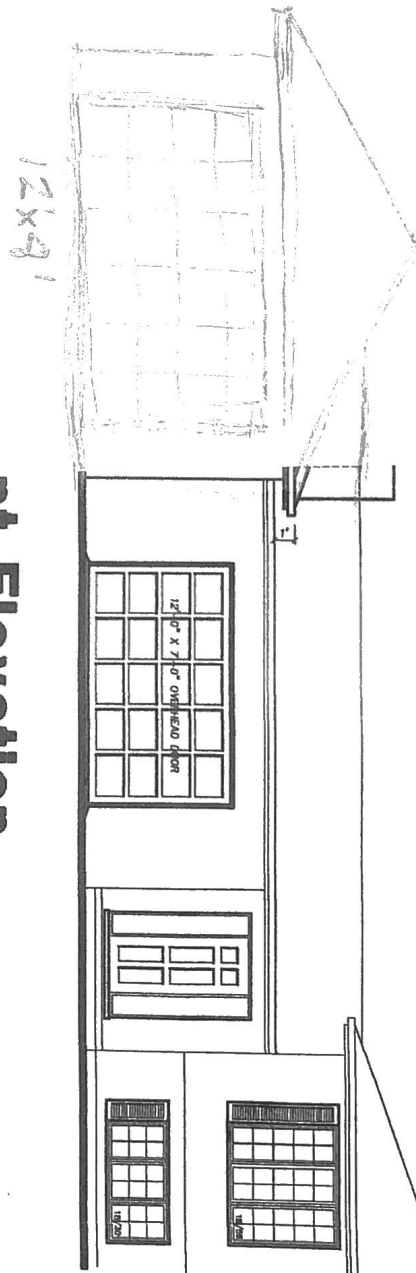
* THESE DIMENSIONS HAVE BEEN PROVIDED FOR THE BUILDER AND ARE PROTECTED BY COPYRIGHT.

3571 AUG.20

4

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.

Front Elevation

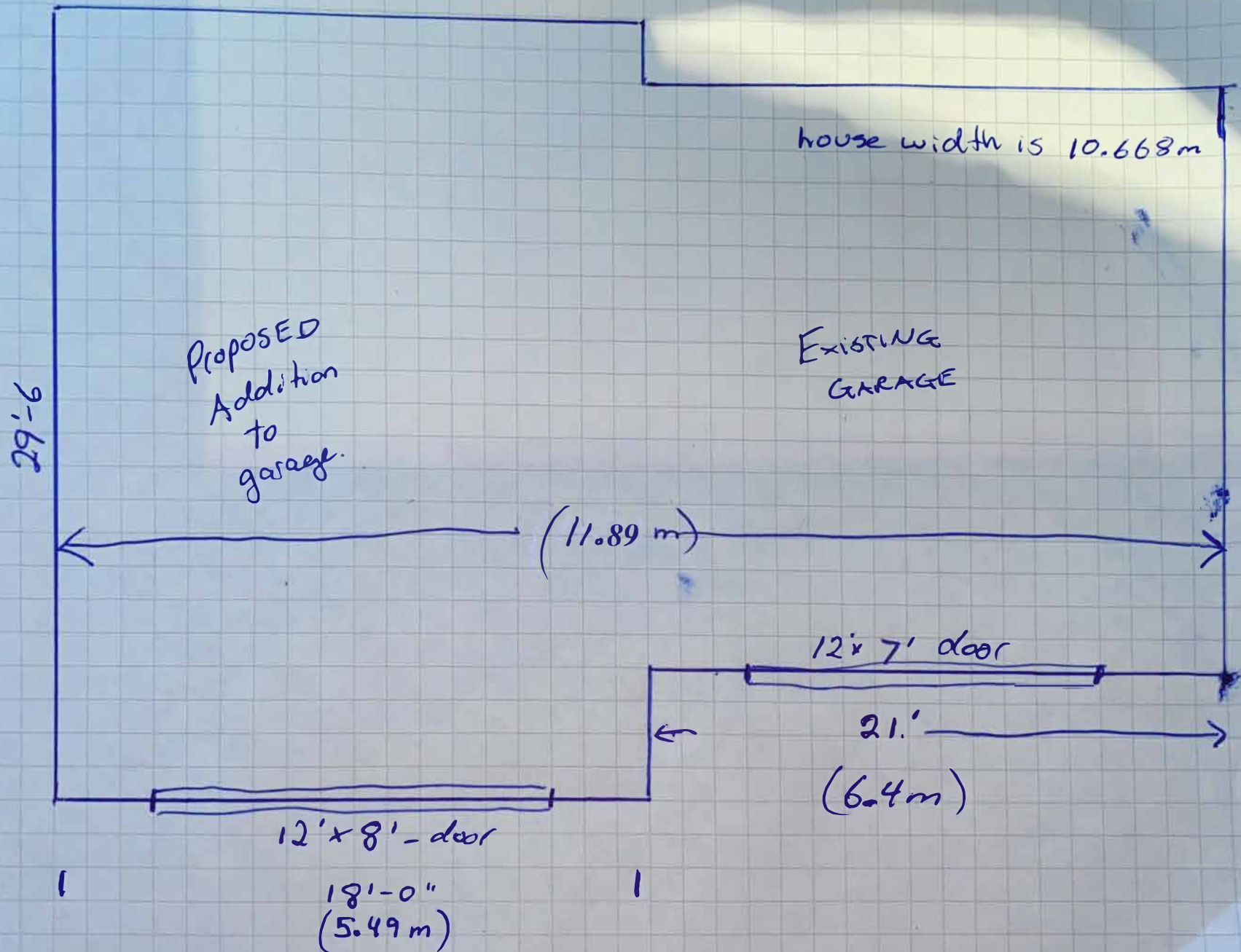


12'x9'

SCALE 1/4" = 1'-0"

BY: RGP/DMC	
3571 AUG.20	
PROPOSED 2 CAR GARAGE AT 4552 SIXTEEN ROAD WEST LINCOLN	
FLOOR AREA 1ST FLOOR - 863 TOTAL - 863	

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS, OMISSIONS OR DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF CONSTRUCTION.





PERMIT NOTES

Thank you for working with the NPCA to ensure your project meets the requirements of the Conservations Authorities Act, Ontario Regulation 155/06 and our Policy Document.

As part of your permit, you will be required to do the following:

1. Please ensure to read all of the items listed in Schedule A of this permit.
2. If any changes to the scope of the project are proposed, please notify NPCA prior to proceeding.
3. Supply the NPCA with photographs of your sediment control installed as outlined in condition 1 on page 4 of this permit.
4. Advise NPCA a minimum of 24 hours prior to the start of your project and no later than 2 weeks after the completion of your project as outlined in condition 6 on page 4 of this permit.
5. Please ensure any as-builts or engineer sign-offs as identified in Schedule A are submitted to NPCA within 2 weeks of the project completion.
6. Please ensure to arrange for your final inspection and closure of the permit by contacting NPCA at permits@npca.ca.

If you have any questions, please do not hesitate to contact us at anytime.



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

April 12th, 2021

CityView Regulation File Number PLPER 202100294

John and Jolina Vadermeulen;
c/o Vyn Building Services Ltd.
6001 Vaughan Road,
St. Anns, ON L0S 1C0

SUBJECT: N.P.C.A. PERMIT NO. 202001268 FOR THE PURPOSE OF A GARAGE ADDITION AT 4552 SIXTEEN ROAD ARN 260202000425506, IN THE TOWNSHIP OF WEST LINCOLN.

Attached is a Niagara Peninsula Conservation Authority Permit and associated Conditions regarding the approval of the above-noted works, pursuant to the Conservation Authorities Act and Ontario Regulation 155/06, known as the NPCA's Regulation of Development, Interference with Wetlands, and Alterations to Shorelines and Wetlands.

All works must be completed in accordance with the approved Permit, the attached Schedule 'A', and the attached Site Plan titled "Town of West Lincoln – Site Plan" by J.D. Barnes Limited dated September 17th, 2020 displaying the NPCA stamp (which forms part of the permit) within the time period specified therein.

The issuance of this permit does not release you from compliance with any other applicable federal, provincial or municipal statutes, regulations or by-laws.

Should you have any questions regarding this permit please contact Nikolas Wensing, Watershed Planner, at (905) 788-3135 extension 228.

Yours truly,

A handwritten signature in blue ink, appearing to read "Chandra", written over a horizontal line.

Chandra Sharma, MCIP, RPP
Chief Administrative Officer/Secretary Treasurer
Niagara Peninsula Conservation Authority

Prepared by,

A handwritten signature in blue ink, appearing to read "Nikolas Wensing", written over a horizontal line.

Nikolas Wensing, Watershed Planner,
Niagara Peninsula Conservation Authority



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
 Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

N.P.C.A. PERMIT

PERMIT NO. 202100294

This permit is issued under the authority of the **Conservation Authorities Act**, and is subject to the provisions of the **Regulation of Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses** (Ontario Regulation 155/06), and is subject to the specific terms and conditions contained herein.

Note: The issuance of this permit does not relieve the applicant from the responsibility of acquiring any other agency, board, government, etc., approval as may be required nor does it relieve the permittee from the requirements of any legislation.

The Permit is Issued to:

Name of Permittee	John and Jolina Vadermeulen; c/o Vyn Building Services Ltd.
Post Office Address	6001 Vaughan Road, St. Anns, ON L0S 1C0
Tel. (905) 961-7820	E-Mail: vynbuilding@gmail.com

Effective from **April 12, 2021** to and including **April 12, 2023**

At the following location:


Address	4552 Sixteen Road
City/Province	West Lincoln, Ontario
Postal Code	L0R 1V0
Municipality	West Lincoln

As per your application dated: December 29, 2020

For the purpose of a GARAGE ADDITION

All works must be completed in accordance with the approved Permit, the attached Schedule 'A', and the attached Site Plan titled "Town of West Lincoln – Site Plan" by J.D. Barnes Limited dated September 17th, 2020 displaying the NPCA stamp, within the above noted time period.

Permit Approved By:

Place of Issue Welland	Date April 12, 2021
Chief Administrative Officer/Secretary Treasurer 	



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

PERMIT SCHEDULE 'A'

This Permit No. 202100294 is issued subject to compliance with the following conditions:

1. Prior to construction, erosion control measures (i.e. silt fence, straw bales, silt curtain) shall be installed and maintained in good condition until all disturbed areas have been vegetated and stabilized with native materials to a pre-disturbed state or better. **NPCA requests photo documentation of the installed erosion control measures be forwarded permits@npca.ca. Absolutely no dirty water or debris is to be discharged to the Watercourse.**
2. The permittee covenants to indemnify and forever save and keep harmless the Niagara Peninsula Conservation Authority, its officers, servants and agents from and against any and all claims, demands, suits, actions, damages, loss, cost or expenses arising out of any injury to persons, including death, or loss or damage to property of others which may be or be alleged to be caused by or suffered as a result of or in any manner associated with the exercise of any right or privilege granted to the permittee by this permit.
3. Work carried out in contravention of this permit and/or violation of any of the conditions contained herein constitutes an offence under the Conservation Authorities Act. Pursuant to the Act: **"Every person who contravenes a regulation made under subsection (1) or the terms and conditions of a permission of an authority in a regulation made under clause (1) (b) or (c) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to a term of imprisonment of not more than three months."**
4. The Permittee shall keep this permit or a true copy thereof on the work permit area.
5. The person in charge of the operation conducted under this permit shall produce and show this permit or the true copy kept on the work area to any Conservation Authority officer whenever requested by the officer.
6. Please advise the Niagara Peninsula Conservation Authority, via e-mail (permits@npca.ca), a minimum of 24 hours prior to commencing any works related to this permit and no later than two (2) weeks upon completion of the works. Please reference the file number along with the permit number in your correspondence.
7. That authorized representatives of the Niagara Peninsula Conservation Authority will be granted entry at any time into lands and buildings which are the subject of this permit application in order to make such surveys, examinations, investigations, inspections or other arrangements which such representatives deem necessary.
8. That all complaints arising from the proposed works authorized under this permit shall be reported immediately by the permittee to the Niagara Peninsula Conservation Authority. The permittee shall indicate any action which has been taken, or is planned to be taken, with regard to each complaint.



**NIAGARA PENINSULA
CONSERVATION
AUTHORITY**

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

9. The Niagara Peninsula Conservation Authority may cancel this permit or may change any of the conditions at any time and without prior notice if it is determined that:
 - a. The works are not in conformance to the intent of the permission granted;
 - b. The information presented to obtain a permit is false;
 - c. The works or method of construction, have detrimental impacts on the environment.
10. Construction shall be limited to the proposed area depicted on the approved drawing.
11. All materials and equipment used for the purpose of site preparation and project completion shall be operated and stored in a manner that prevents any deleterious substance (e.g. petroleum products, silt, debris, etc.) from entering the Watercourse.
12. Any equipment maintenance and refueling operations shall be set back sufficiently to prevent spills from entering the Watercourse.
13. Any stockpiled materials shall be stored and stabilized away from the watercourse.
14. Only clean material free of fine particulate matter should be placed near the water.
15. Vehicles and equipment should not enter the water, and should be kept away from the slope to prevent destabilization of the slope and damage to the existing shore protection.
16. This project must not cause any negative impacts to the Watercourse.
17. All works being proposed shall be conducted solely on the property owned by the owners. Should any works be proposed outside of the property lines, written permission by the impacted landowners must be submitted to the NPCA and approved prior to the works proceeding.

-End of Page-

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: July 15, 2021
Re: File A15/2021WL – Vandermeulen

A review has been completed of this minor variance application for 4552 Sixteen Rd to build a private garage that is wider than what is permitted in the Township's Zoning By-law 2017-70.

Public Works has no objection to this application.

Meghan Birbeck

From: Lyle Killins <lkillins@live.com>
Sent: July 14, 2021 1:16 PM
To: Meghan Birbeck
Subject: Re: West Lincoln, Notice of Hearing for July 21

Hi Meghan,

The three applications specifically A14,A15 and A16/2021WL fulfill the requirements of Tables 8.2.1.6. A and B., Part 8 Ontario Building Code.

Thus, no objection to the applications as proposed.

Please call should additional information be required.

Regards .

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

BCIN #11112

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: July 5, 2021 12:46 PM
To: Lyle Killins <lkillins@live.com>
Subject: FW: West Lincoln, Notice of Hearing for July 21

Good afternoon,

There are three rural applications to be heard at the Township of West Lincoln's July 21st Committee of Adjustment Hearing.

1. Minor Variance – A14/2021WL – Velekoop – 3828 Concession 4 Rd
2. Minor Variance – A15/2021WL – Vandermeulen – 4552 Sixteen Rd
3. Minor Variance – A16/2021WL – Twenty View Farms – 7224 Twenty Rd

Please see find the full package for the applications attached. I will also print them and place them in your folder.

Thank you so much,
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>
---	--

Meghan Birbeck

From: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Sent: July 14, 2021 8:07 AM
To: Meghan Birbeck
Cc: Development Planning Applications; Karlewicz, Lori
Subject: Regional Response - 4552 Sixteen Road, West Lincoln

Hi Meghan,

Regional Planning and Development Services staff has reviewed the proposed Minor Variance for 4552 Sixteen Road in West Lincoln, to permit a private garage that is approximately 55 centimetres wider than permitted by the Township's Zoning By-law. The following comments are offered from a Provincial and Regional perspective:

The subject property exhibits potential for the discovery of archaeological resources due to proximity to a watercourse to the east of the property, and a registered archaeological site within 300 metres. The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on available aerial imagery, it does not appear that the area of the proposed garage has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Prior to the construction of the proposed garage, the Committee should be satisfied that the location of any construction works has been subjected to ground disturbance or require the completion of at least a Stage 1 Archaeological Assessment to address cultural heritage policies. It is recommended that the applicant provide information (including the envelope of previous disturbance/construction works, location of any fill placed on the site, grading works, etc.) to the Committee to confirm the requirement for an archaeological assessment.

The subject property is adjacent to the Region's Core Natural Heritage System (CNHS), consisting of Type 1 (Critical) Fish Habitat. Consistent with Regional Official Plan (ROP) Policy 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 30 metres of Type 1 Fish Habitat. The proposed garage is located more than 30 metres from Type 1 Fish Habitat and is within the existing development footprint; as such, Environmental Planning staff offer no objection to the proposed Minor Variance.

Should you have any questions regarding the above comments, please do not hesitate to contact me.

Thank you,

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

DATE: July 21st, 2021

REPORT NO: COA-022-21

SUBJECT: **Recommendation Report**
Application for Minor Variance for Bert Vis Flooring
File No. A17/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Andrew Frandsen of Ontario Outbuilding LTD. For Bert Vis Flooring for the property legally known as Concession 9, Part Lot 6, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara. Municipally known as 214 St Catharine Street, Smithville.
- This Minor Variance application has been applied for to permit an addition to be built onto the main commercial building to extend on to the portion of their property zoned Development.
- Whereas Section 12.2 of the Township's Zoning Bylaw 2017-70, as amended, identifies additions are not permitted on Development zones.
- The agent and the applicant have indicated that a portion of their existing warehouse has previously been constructed on the area of their property zoned Development and that they require the addition to expand their warehouse space.
- Therefore, this variance can be interpreted as the enlargement of a now conforming 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 as submitted on behalf of Bert Vis Flooring as outlined in Report COA-022-21, to permit an addition to the existing building located on the portion of their property zoned Development, BE APPROVED subject to the following conditions:
 - a. That the addition is not larger than 19 metres by 28 metres while zoned Development.

BACKGROUND:

The subject lands are situated on the south side of St Catharine Street, the east side of Canborough Street, and north of Townline Road being legally described as Concession 9, Part Lot 6, in the former Township of South Grimsby, now in the Township of West

Lincoln, Region of Niagara. The subject property is municipally known as 214 St Catharine Street. (See attachment 1 for a site sketch)

The subject property is approximately 2.77 acres (1.12 hectares) in size. The property is within the Smithville Urban Settlement Area. The majority of the property is designated as service commercial and the rear of the property is a part of the Natural Heritage System. The north ± 0.62 acres (± 0.25 hectares) of the property that fronts St Catharine Street is zoned Service Commercial (C3) while the rear ± 1.22 acres (± 0.50 hectares) is zoned Development (D) and the rest of the property is zoned Environmental Conservation (EC) and Environmental Protection (EP). The surrounding properties to 214 St Catharine Street are also a part of the Smithville Settlement Area and have mix of residential, commercial, and environmental designations.

The property's existing building's footprint is roughly 1,037.10 square metres (11,163.25 square feet). About 64% (663.72 square metres) of the existing footprint is located on the portion of the property zoned Service Commercial (C3), with the remaining 36% (373.38 square metres) of the existing footprint being located on the portion of the property zoned Development (D). This Minor Variance application has been applied for to permit an addition to be built on the portion of their property zoned Development. Whereas Section 12.2 of the Township's Zoning Bylaw 2017-70, as amended, identifies additions are not permitted on Development zones. The agent and the applicant have indicated that a portion of their existing warehouse has previously been constructed on the area of their property zoned Development and that they require the addition to expand their warehouse space. This makes the existing building non-conforming. Expansions and enlargements of non-conforming buildings can occur biased on minor variance applications.

CURRENT SITUATION:

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

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

Yes

The property is designated to be within the Smithville Urban Settlement Area and the majority of the property is designated as service commercial and the rear of the property is a part of the Natural Heritage System. Within the service commercial designation, permitted uses include those which rely on vehicular traffic for their economic existence as well as uses which require relatively large land areas that are not available in downtown, and uses serving tourists and visitors to the area.

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

Township staff are of the opinion that this minor variance meets the general intent and purpose of the Official Plan as the proposed use is permitted and fits with the character

Respecting Our Roots, Realizing Our Future

of the property. Furthermore, the proposed addition is located within the service commercial designation of the property and outside of the Natural Heritage System.

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

There are four different zones for the subject land. The north ± 0.62 acres (± 0.25 hectares) of the property that front St Catharine Street is zoned Service Commercial (C3) the following ± 1.22 acres (± 0.50 hectares) is zoned Development (D) and the rest of the property is zoned Environmental Conservation (EC) and Environmental Protection (EP).

The property's existing building's footprint is roughly 1,037.10 square metres (11,163.25 square feet). About 64% (663.72 square metres) of the existing footprint is located on the portion of the property zoned Service Commercial (C3), with the remaining 36% (373.38 square metres) of the existing building's footprint being located on the portion of the property zoned Development (D). The applicant is proposing to build a 501.67 square metre (5,399.93 square feet) addition to the rear of their existing building fully within the portion of their property zoned Development (D). With the proposed addition the total building will be roughly 1,538.77 square metres (16,563.18 square feet) and roughly half of the building will be located within the Development (D) zone (57%). Below is a chart that breaks down the location of the existing and proposed building by zone on the property.

Breakdown of location of building / zone

	Existing		Proposed + Existing	
Location of building	%	SM	%	SM
Service Commercial Zone	64%	663.72 m ²	43%	663.72 m ²
Development Zone	36%	373.38 m ²	57%	875.05 m ²
Total	100%	1,037.10 m ²	100%	1,538.77 m ²

As the applicants already have a sizable portion of their existing building located within the Development zone of 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. However, Township Planning Staff believe that a condition is needed for this application to insure that the future of this property continues to maintain the general intent and purpose of the Township's Zoning Bylaw. This condition is that the addition is not larger than the proposed 19 metres by 28 metres.

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

The applicant has proposed to construct a 501.67 square metre addition that is 18.04 metres by 27.43 metres. The proposed addition is to be located fully to the rear of their existing building away from St. Catharine Street. The addition is proposed to help expand their commercial operation. As the front of the property is zoned service commercial in the Township's Zoning By-law and the majority is designated as service

commercial in the Township's Official Plan, Planning Staff are of the opinion that the requested variance is an appropriate development and use of the land to support the long term business that has operated on the property. Township staff will attempt to correct zoning in a future boundary review.

Is the proposal minor in nature?

Yes

The size of the proposed addition is appropriate for the property. The roughly 36% of the buildings footprints is already located within the area of the property zoned Development (D). The proposed addition will be increasing the footprint within the Development (D) zone by 21%. The addition will result in splitting the commercial operation in half between the service commercial and development zones.

Planning staff are of the opinion that with the recommended condition that the requested variance is minor in nature for this specific property. As mention the recommended condition will help to ensure that the future of this property does not result in more than the proposed 57% of the total building being located within the Development (D) zone. The recommended condition that help to ensure this are that the addition is not larger than the proposed 19 metres by 28 metres.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on July 2nd, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Public Works and the Region's comments have been attached to the bottom of this report.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on July 2nd, 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 July 16th, as of the preparation of this report.


CONCLUSION:

A Minor Variance application has been submitted by Andrew Frandsen of Ontario Outbuilding LTD. For Ralph Vis for the property municipally known as 214 St Catharine Street. The Minor Variance application is submitted to permit an addition to be built on the portion of their property zoned Development 'D'. 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, with a condition, as it represents good planning.

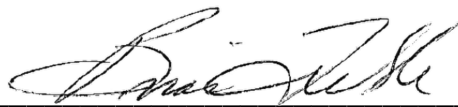
ATTACHMENTS:

1. Site Sketch
2. Agency Comments

Prepared by:



Madyson Etzl
Planner I

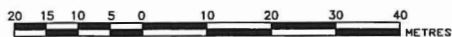


Brian Treble, RPP, MCIP
Director of Planning and Building

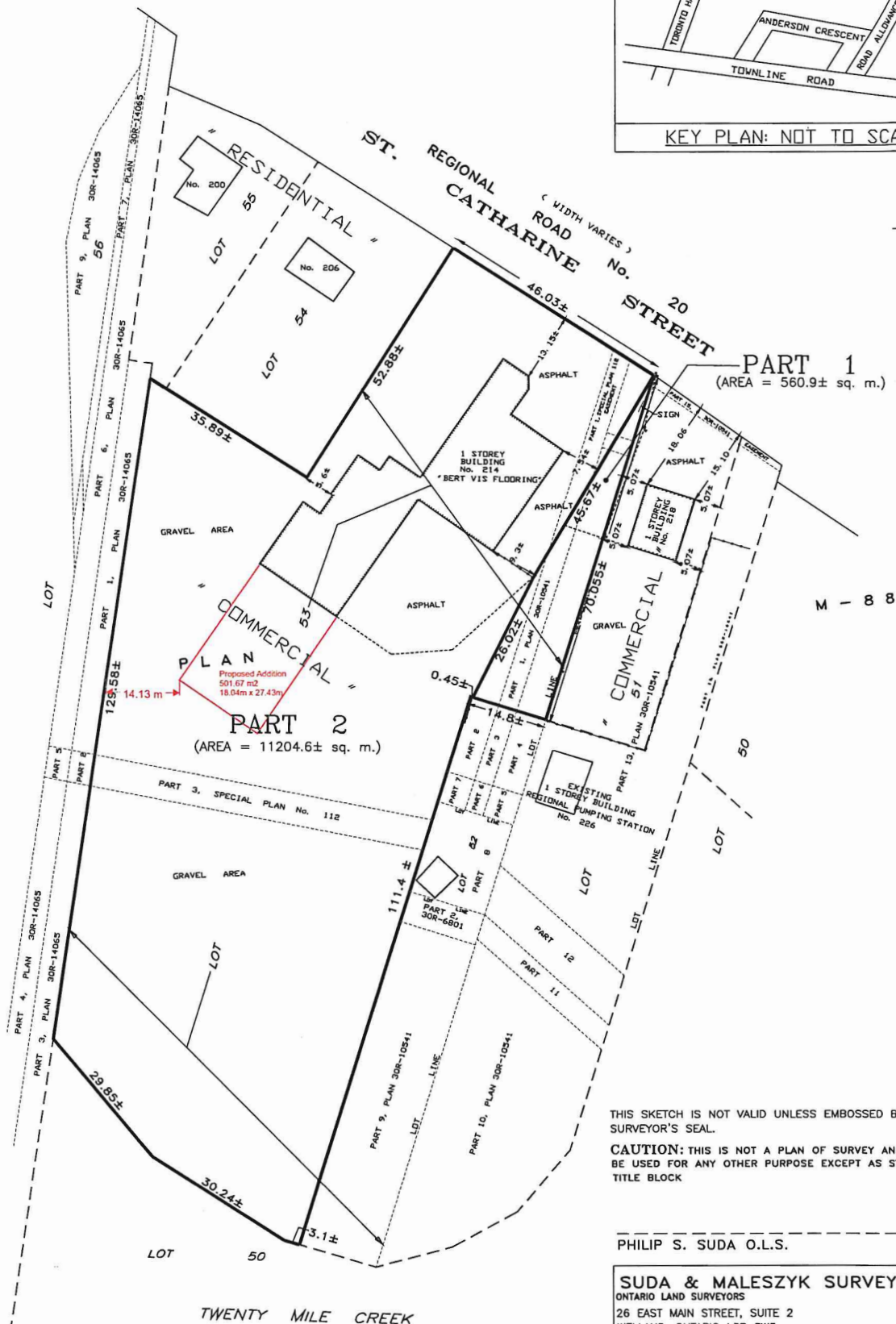
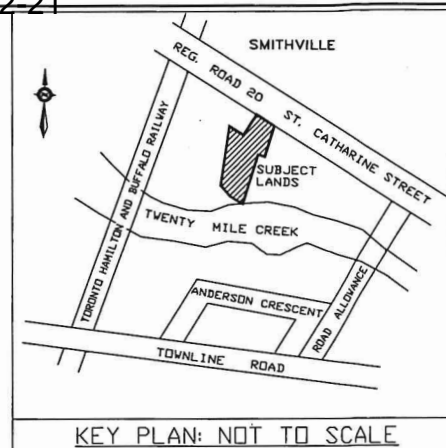
IN THE

TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1 : 750



2018



**CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT
BE USED FOR ANY OTHER PURPOSE EXCEPT AS STATED IN THE
TITLE BLOCK**

PHILIP S. SUDA O.L.S.

DATE _____

SUDA & MALESZYK SURVEYING INC.
ONTARIO LAND SURVEYORS
26 EAST MAIN STREET, SUITE 2
WELLAND, ONTARIO L3B 3W3
TEL: (905) 732-7651 FAX: (905) 732-7660

FILE: 18-38

JOB No:	5553
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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

July 9, 2021

File No.: D.17.12.MV-21-0066

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

Dear Ms. Birbeck:

**Re: Minor Variance Application
Regional and Provincial Comments
Township File No.: A17/2021WL
Address: 214 St. Catharines Street, Township of West Lincoln**

Regional Planning and Development Services staff has completed a review for the above-mentioned Minor Variance application which requests an addition be built on the portion of the subject property zoned Development whereas Section 12.2 of the Township's Zoning By-law, 2017-70, as amended, identifies additions are not permitted on Development zones. The addition has been requested to expand the existing warehouse space. The following Provincial and Regional comments are provided to assist the Committee in considering this application.

Core Natural Heritage System

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Lower Twenty Mile Creek Provincially Significant Wetland Complex, Significant Woodland, Significant Valleyland, and Type 1 (Critical) Fish Habitat. Consistent with Regional Official Plan (ROP) Policy 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 120 m of PSW, 50 m of Significant Woodland/Significant Valleyland and within 30 m of Type 1 Fish Habitat.

The minor variance application is for an addition to the existing warehouse. The addition is within 120 m of PSW, however, is restricted to the existing development footprint/gravel area. As such, there are no requirements and Environmental planning staff offer no objection to the minor variance.

Regional Permit Requirements

Region staff acknowledge that no construction works are currently proposed within the Regional Road 20 (St. Catharines Street) road allowance. Prior to any construction works or entrance alteration taking place within the Regional road allowance, a Regional Construction Encroachment and/or Entrance Permit would be required. The required Regional Road Permits must be obtained from Niagara Region's Transportation Services Division, Public Works Department. Applications can be made online through the Region's website using the following link:
<http://niagararegion.ca/living/roads/permits/default.aspx>

Conclusion

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

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

Best Regards,



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

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

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: July 15, 2021
Re: File A17/2021WL – Ralph Visa

A review has been completed of this minor variance application for 214 St. Catharines St to permit an addition to be built on the portion of their property zoned Development whereas the Township's Zoning By-law 2017-70 does not permit additions on Development zones.

Public Works has no objection to this application.

DATE: July 21st, 2021

REPORT NO: COA-023-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Twenty View Farms
File No. A14/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Twenty View Farms for the property legally known as Concession 7, Part Lot 2, RP 30R14933 Parts 8 to 10, in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. The property is municipally known as 7224 Twenty Road.
- This Minor Variance application has been submitted to permit an accessory building to be located 75 metres (246.06 ft) from the property's main agricultural building whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the nearest point of a wall of an accessory building must be located within 50 metres (164.04 ft) of the main building.
- This variance is required as the applicants are hoping to construct an addition on their main building in the future and this variance would allow the large farm equipment to successfully maneuver around the buildings.
- Table 1-1 of the Township's Zoning By-Law states accessory buildings shall be located within 50 metres of the main agricultural building on the property.
- This application has now been reviewed against the four tests of a Minor Variance and

RECOMMENDATION:

1. THAT, the application for a Minor Variance made by Twenty View Farms as outlined in Report COA-023-21, to recognize a proposed 334.5 square metre accessory building and future building expansion to be located 75 metres from the main agricultural building whereas Table 1-1 of the Township's Zoning By-Law requires accessory buildings to be located within 50 metres of the main building on the property, BE APPROVED.

BACKGROUND:

The subject lands are situated on the south side of Twenty Road, west of Smithville Road and east of Allen Road, being legally described as Concession 7, Part Lot 2, RP 30R14933 Parts 8 to 10, in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. The property is municipally known as 7224 Twenty Road. (See attachment 1 for a site sketch)

This application for Minor Variance has been applied for to permit an accessory building

to be located 75 metres from the property's main agricultural building, whereas Table 1-1 of the Townships Zoning By-law states that "The nearest point of a wall of the accessory building must be located within 50 metres of the main building. The applicants are proposing to construct a 334.5 metre squared accessory building for storage for the agricultural operation as well as a future building addition to this specific building. The applicant is requesting the 25 metre additional setback to allow for the large farming equipment to turn around and access the existing buildings without any obstructions.

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 334.5 square metre agricultural accessory building is accessory to the existing agricultural buildings on the property, and would not significantly impact the environment, ability to farm, nor negatively impact neighbouring residential properties.

Township Planning Staff are of the opinion that this minor variance meets the general intent and purpose of the Official Plan as the proposed use is a permitted agricultural building and use and generally fits the character of the surrounding area.

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

Yes

The subject land is zoned Agricultural 'A' in the Township's Zoning By-law 2017-70, as amended. The parcel is 34.46 hectares (85.15 acres). The agricultural zone permits main agricultural buildings and their associated accessory buildings. The proposed accessory building (storage building) is a permitted use and structure under the regulations of the Agricultural Zone.

Under Table 1-1 of the Township's Zoning By-law accessory buildings shall be no further than 50 metres from the main building on the property. This ensures that the buildings are constructed in clusters to preserve agricultural land and to minimize the potential for large accessory buildings to be used to operate large businesses out of. (Please see attached site sketch) As this is for storage purposes for a large agricultural business in West Lincoln. Township staff are of the opinion that this application meets the general intent of the Township Zoning Bylaw.

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

Yes

The applicant is proposing to construct a 334.5 square metre agricultural accessory building on the property located at 7224 Twenty Road. The building is proposed to be located 75 metres from the existing main agricultural building whereas 50 metres is required from the nearest wall of the main building to nearest wall of the accessory buildings.

The accessory building is proposed to be used for the agricultural business that the applicants have ran from this property for numerous years. Building locations are intended to be clustered so that farmers are able to maximize their yield through careful crop planning, planting, monitoring, and harvesting, all using the most advanced equipment. Surrounding properties are also zoned agricultural and are currently being cash cropped. Planning staff are of the opinion that this building aids in helping this business grow and the agricultural sector in West Lincoln grow as well. Therefore staff feel that this is appropriate development of the land and that the building location is appropriate in this situation.

Is the proposal minor in nature? Yes

The subject application is requesting to permit a proposed accessory building to be located 75 metres from the main agricultural building whereas 50 metres is the required maximum distance from the setback. The purpose of the Township's Zoning By-law 2017-70 requiring accessory buildings to be located within 50 metres is to ensure that uses are expanding in clusters to preserve agricultural land and to minimize the potential for large accessory buildings to be used to operate large businesses out of. (Please see attached site sketch)

As this agricultural operation is large in size, has large farming equipment, extra space between buildings is required. Twenty View farms is an Agri-Service company helping local farms maximize their yield. The location of this building supports a legitimate agricultural operation expansion. The applicants do this through careful crop planning, planting, monitoring, and harvesting.

Planning staff note that as this property is a large agricultural property, and therefore has limited neighbours, the setback can be considered minor in nature, and will not affect neighbouring properties. For the reasons above and as detailed in this report, Staff is of the opinion that this variance is minor in nature.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on Monday July 5th 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

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

The Region's comments have been attached to the bottom of this report.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on Monday July 5th 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 July 16th 2021 as of the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Twenty View Farms for the property municipally known as 7224 Twenty Road. The Minor Variance application was submitted to permit an agricultural accessory building to be located 75 metres from the main agricultural building whereas Table 1-1 of the zoning bylaw requires that accessory buildings shall be no further than 50 metres. Planning staff are of the opinion that this application meets all four tests of a minor variance, and as such, can recommend approval of this application.

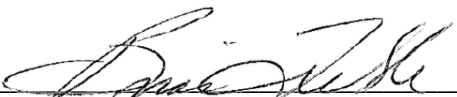
ATTACHMENTS:

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

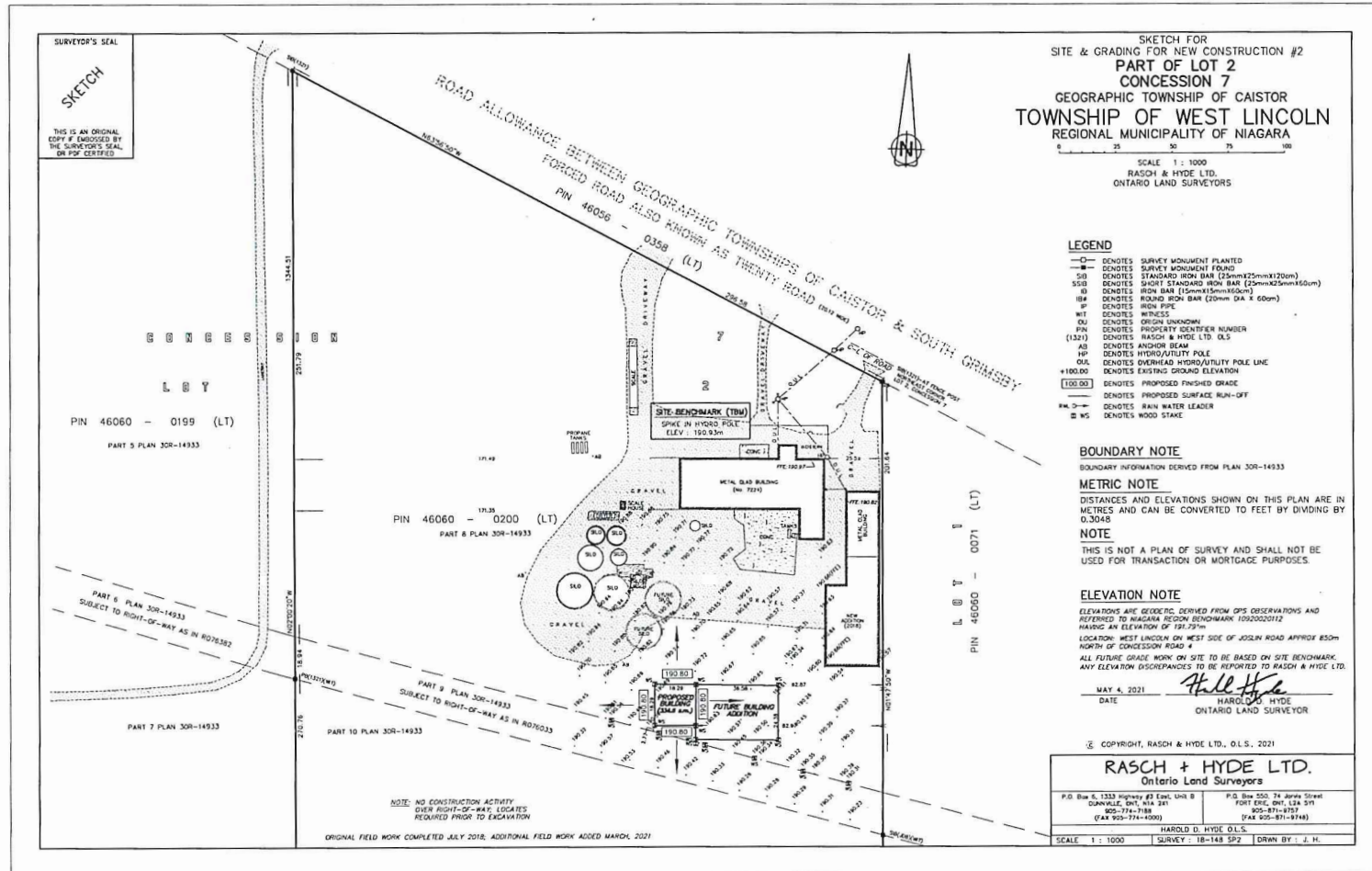
Prepared by:



Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



- 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*.

Meghan Birbeck

From: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Sent: July 14, 2021 8:09 AM
To: Meghan Birbeck
Cc: Development Planning Applications; Karlewicz, Lori
Subject: Regional Response - 7224 Twenty Road, West Lincoln

Hi Meghan,

Regional Planning and Development Services staff has reviewed the proposed Minor Variance for 7224 Twenty Road in West Lincoln, to permit an accessory building further from the property's main dwelling than the Township's Zoning By-law permits. The following comments are offered from a Provincial and Regional perspective:

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

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Lower Twenty Mile Creek Provincially Significant Wetland Complex (PSW), Significant Woodland and Type 2 (Important) Fish Habitat. Consistent with Regional Official Plan (ROP) Policy 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 120 metres of PSW, 50 metres of Significant Woodland and 15 metres of Type 2 Fish Habitat. The proposed accessory building is located outside of the above-noted setbacks and, as such, Environmental planning staff offer no objection to the proposed Minor Variance.

Should you have any questions regarding the above comments, please do not hesitate to contact me.

Thank you,

Aimee Alderman, MSc, MCIP, RPP
Senior Development Planner
Planning and Development Services
Regional Municipality of Niagara | www.niagararegion.ca

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: July 15, 2021
Re: File A16/2021WL – Twenty View Farms

A review has been completed of this minor variance application for 7224 Twenty Rd to permit an existing accessory building to be located 75m from the property's main dwelling whereas the Township's Zoning By-law 2017-70 requires an accessory building to be located within 50m of the main building.

Public Works has no objection to this application.

Meghan Birbeck

From: Lyle Killins <lkillins@live.com>
Sent: July 14, 2021 1:16 PM
To: Meghan Birbeck
Subject: Re: West Lincoln, Notice of Hearing for July 21

Hi Meghan,

The three applications specifically A14,A15 and A16/2021WL fulfill the requirements of Tables 8.2.1.6. A and B., Part 8 Ontario Building Code.

Thus, no objection to the applications as proposed.

Please call should additional information be required.

Regards .

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

BCIN #11112

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: July 5, 2021 12:46 PM
To: Lyle Killins <lkillins@live.com>
Subject: FW: West Lincoln, Notice of Hearing for July 21

Good afternoon,

There are three rural applications to be heard at the Township of West Lincoln's July 21st Committee of Adjustment Hearing.

1. Minor Variance – A14/2021WL – Velekoop – 3828 Concession 4 Rd
2. Minor Variance – A15/2021WL – Vandermeulen – 4552 Sixteen Rd
3. Minor Variance – A16/2021WL – Twenty View Farms – 7224 Twenty Rd

Please see find the full package for the applications attached. I will also print them and place them in your folder.

Thank you so much,
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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DATE: July 21st, 2021

REPORT NO: COA-024-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Jonathan Vellekoop
File No. A14/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Jonathan Vellekoop for the property legally known as Concession 4, Part Lot 24, RP30R5224 Part 1, RP30R11698 Part 1, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. The property is municipally known as 3828 Concession Four Road.
- This Minor Variance application has been submitted due to a zoning compliance infraction caused by building without a permit.
- Planning staff notified the applicant of the deficiency and later found out that the 409 square metre agricultural accessory building was constructed 98.73 metres from the main residential dwelling whereas Table 1-1 of the Township's Zoning By-Law states accessory buildings shall be located within 50 metres of the residential dwelling on the property.
- The applicant has constructed the accessory building to the south-west of the main one storey dwelling.
- This application has now been reviewed against the four tests of a Minor Variance and can be recommended for approval.

RECOMMENDATION:

1. THAT, the application for a Minor Variance made by Jonathan Vellekoop as outlined in Report COA-024-21, to recognize a 409 square metre accessory building to be located 98.73 metres from the main residential building whereas Table 1-1 of the Township's Zoning By-Law requires accessory buildings to be located within 50 metres of the main residential building, BE APPROVED, subject to the following condition:
 - a. That the applicants obtain an NPCA permit for the accessory building.

BACKGROUND:

The subject lands are situated on the south side of Concession four road, west of Victoria Avenue and East of Rosedene Road, being legally described as Concession 4, Part Lot 24, RP30R5224 Part 1, RP30R11698 Part 1, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. The subject property is municipally known as 3828 Concession Four Road. (See attachment 1 for a site sketch)

An application for a Minor Variance has been made to recognize the newly constructed 409 square metre accessory building (greenhouse) that is located 98.73 metres from the main building, whereas Table 1-1 of the Township's Zoning By-Law states that "The nearest point of a wall of the accessory building must be located within 50 metres of the main building." The applicant previously submitted a building permit application to construct a new accessory building on September 25th 2020. A planning review was started and the correspondence between the applicant and planning staff regarding location of accessory building occurred, and confirmed the need for a minor variance application to recognize the location of the accessory building in relation to the main building on the property.

CURRENT SITUATION:

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

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

Yes

The property is designated as Good General Agriculture under the Township's Official Plan. The Good General Agricultural Zone comprises those lands designated as the second highest level of protection and preservation for agricultural purposes. Residential and accessory residential uses are permitted in the Good General Agricultural designation. The newly constructed 409 square metre accessory greenhouse is accessory to the existing residence on the property, and would not significantly impact the environment nor negatively impact neighbouring residential properties.

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

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

Yes

The subject land is zoned Agricultural 'A' in the Township's Zoning By-law 2017-70, as amended. The parcel is 2.39 hectares (5.91 acres) The agricultural zone permits single detached dwellings and their associated accessory buildings. The proposed accessory building (greenhouse) is a permitted use under the regulations of the Agricultural Zone.

Under Table 1-1 of the Townships Zoning By-law accessory buildings shall be no further than 50 metres from the main dwelling. This ensures that the Township of West Lincoln planning department is planning and developing in clusters to preserve agricultural land and to minimize the potential for large accessory buildings to be used to operate large businesses out of. The applicant has constructed the accessory building 98 metres from the dwelling, 48 metres further than the required setback is. This proposal did not meet the general intent and purpose of the zoning by-law, planning staff can see that the existing land is not farmed, therefore the constructed building is not taking up viable farm land. Planning staff also recognize that this may have been the only flat piece of

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land on the property that was not already occupied as well.

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

Yes

The applicant has previously constructed a 409 square metre accessory building. The building was constructed without a building permit and without proper compliance to the Township's Zoning By-Law for agricultural accessory buildings. The building is currently being used by the applicants as a hobby greenhouse. Agriculturally zoned properties permit agricultural accessory buildings.

The applicant has stated that the development was constructed in this specific location to allow for access from the existing pond on the property for pumping water into the greenhouse for irrigation for the plants, this also allowed for the water pipes to be shorter in length to reduce the frost and freezing of them in the cooler months. The existing green space on the east side of the driveway is currently holds the existing septic system for the property, as well as a soccer field, and baseball field. Upon further site visits it was also noted that this portion of the property is the only portion that is flat for a block for the building to be placed on. As such, Planning staff feel that this accessory greenhouse can be considered appropriate development of the land.

Is the proposal minor in nature?

Yes

The subject application is requesting to recognize an existing accessory building that is located further than 50 metres from the main dwelling. The purpose of the Township's Zoning By-law 2017-70 requiring accessory buildings to be located within 50 metres is to ensure that we are planning and developing in clusters to preserve agricultural land and to minimize the potential for large accessory buildings to be used to operate large businesses out of.

The chosen location for the accessory greenhouse was to maintain close proximity to the existing pond to allow the applicant to have proper water collection for the greenhouses irrigation system. This location allowed the applicant to prevent running the drain lines across the existing driveway. The location was also chosen due to this area of the property being the only flat piece of the property which was not currently being used for anything. The lands within the 50 metres of the existing dwelling is where the existing septic lines and septic tank is located.

Planning staff note that as this property is a large agricultural property, and therefore has limited neighbours, the setback can be considered minor in nature, and will not affect neighbouring properties. For the reasons above and as detailed in this report, Staff is of the opinion that this variance is minor in nature.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on Monday July 5th

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

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

The Regional's comments have been attached to the bottom of this report.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on Monday July 5th 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 July 16th 2021 at the time of preparing this report.


CONCLUSION:

A Minor Variance application has been submitted by John Vellekoop for the property municipally known as 3828 Concession 4 Road. The Minor Variance application was submitted due to a zoning by-law infraction being caught and mentioned to the owner at planning review stage. The applicant proceeded to construct the accessory building without a building permit, therefore this application is now requesting to recognize the newly constructed 409 square metre accessory greenhouse that is located further than 50 metres from the main dwelling. Planning staff are of the opinion that this application meets all four tests of a minor variance, and as such, can recommend approval of this application.

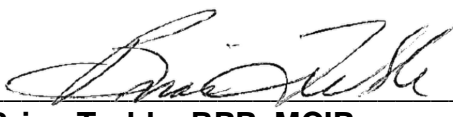
ATTACHMENTS:

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

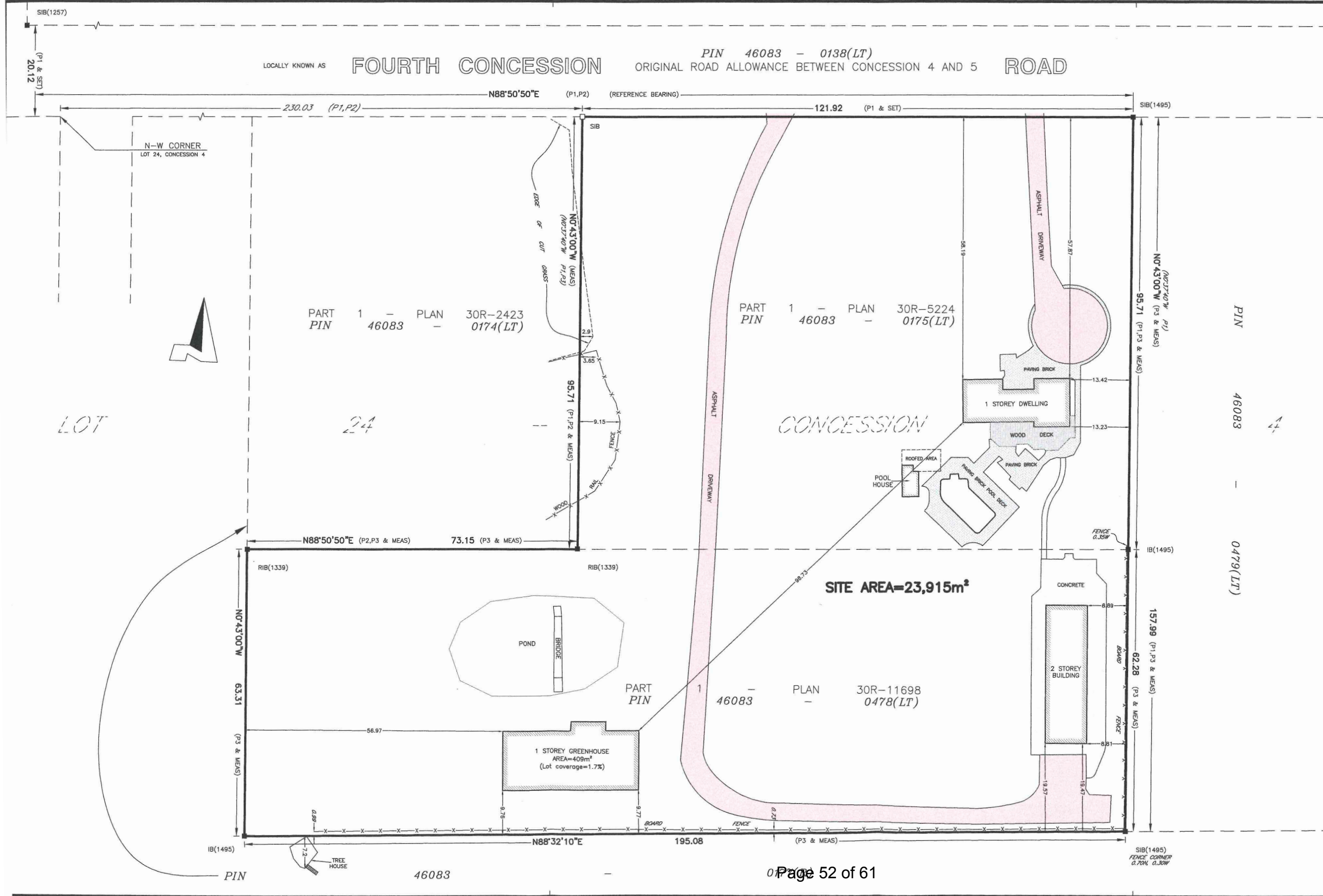
Prepared by:



Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



PLAN OF SURVEY OF
PART OF LOT 24, CONCESSION 4
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH
IN THE
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 600
DONALD G. CHAMBERS
ONTARIO LAND SURVEYOR

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NOTES
ALL BUILDING TIES ARE PERPENDICULAR TO PROPERTY LINES UNLESS SHOWN OTHERWISE.
ALL TIES ARE TO SIDING UNLESS OTHERWISE NOTED.
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF THE FOURTH CONCESSION ROAD AS SHOWN ON PLAN 30R-5224 ON A COURSE OF N88°50'50"E.

LEGEND		
—■—	DENOTES	SURVEY MONUMENT FOUND
—□—		SURVEY MONUMENT SET
SIB		STANDARD IRON BAR
SSIB		SHORT STANDARD IRON BAR
CC		CUT CROSS
IB		IRON BAR
CP		CONCRETE PIN
RIB		ROUND IRON BAR
IP		IRON PIPE
MEAS		MEASURED
WIT		WITNESS
OU		ORIGIN UNKNOWN
N/S/E/W		NORTH/SOUTH/EAST/WEST
NKA		NOW KNOWN AS
PIN		PROPERTY IDENTIFICATION NUMBER
P1		DEPOSITED PLAN 30R-5224
P2		DEPOSITED PLAN 30R-2423
P3		DEPOSITED PLAN 30R-11698
1257		R. LAROCQUE, O.L.S.
1339		W. A. MASCOE, O.L.S.
1495		P. D. REITSMA, O.L.S.

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

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGULATIONS MADE UNDER THEM;
2) THE SURVEY WAS COMPLETED ON THE 24th DAY OF NOVEMBER, 2020.

Dec. 2, 2020
DATE
DONALD G. CHAMBERS, B. Sc., O.L.S.

CHAMBERS AND ASSOCIATES SURVEYING LTD.
12 THOROLD ROAD EAST
WELLAND ONTARIO
L3C 3T2
(905) 735-7841 / 735-7844
FAX (905) 735-7333
www.cas-surveying.com

DRAWN BY: D. H. T. MSCAD: 87358-4_MS DWG: 87358-4 FILE No: 87-35

- 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*.

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: July 15, 2021
Re: File A14/2021WL – Velekoop

A review has been completed of this minor variance application for 3828 Concession 4 Rd to permit an existing accessory building to remain located 98.73m from the property's main dwelling whereas the Township's Zoning By-law 2017-70 requires an accessory building to be located within 50m of the main building.

Public Works has no objection to this application.

Meghan Birbeck

From: Lyle Killins <lkillins@live.com>
Sent: July 14, 2021 1:16 PM
To: Meghan Birbeck
Subject: Re: West Lincoln, Notice of Hearing for July 21

Hi Meghan,

The three applications specifically A14,A15 and A16/2021WL fulfill the requirements of Tables 8.2.1.6. A and B., Part 8 Ontario Building Code.

Thus, no objection to the applications as proposed.

Please call should additional information be required.

Regards .

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

BCIN #11112

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: July 5, 2021 12:46 PM
To: Lyle Killins <lkillins@live.com>
Subject: FW: West Lincoln, Notice of Hearing for July 21

Good afternoon,

There are three rural applications to be heard at the Township of West Lincoln's July 21st Committee of Adjustment Hearing.

1. Minor Variance – A14/2021WL – Velekoop – 3828 Concession 4 Rd
2. Minor Variance – A15/2021WL – Vandermeulen – 4552 Sixteen Rd
3. Minor Variance – A16/2021WL – Twenty View Farms – 7224 Twenty Rd

Please see find the full package for the applications attached. I will also print them and place them in your folder.

Thank you so much,
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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Meghan Birbeck

From: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Sent: July 14, 2021 8:10 AM
To: Meghan Birbeck
Cc: Development Planning Applications; Karlewicz, Lori
Subject: Regional Response - 3828 Concession 4 Road, West Lincoln

Hi Meghan,

Regional Planning and Development Services staff has reviewed the proposed Minor Variance for 3828 Concession 4 Road in West Lincoln, to permit that an existing accessory building remain further from the property's main dwelling than allowed in the Township's Zoning By-law. The following comments are offered from a Provincial and Regional perspective:

The subject property exhibits potential for the discovery of archaeological resources due to proximity to a watercourse to the west of the property. The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on available aerial imagery, it does not appear that the area of the accessory building has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Given that the accessory building has been constructed, Regional staff do not require the completion of an archaeological assessment; however, the applicant should be made aware that at least a Stage 1 Archaeological Assessment may be requested with future Planning Act applications to facilitate development on the subject property.

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Type 2 (Important) Fish Habitat. Consistent with Regional Official Plan (ROP) Policy 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 15 metres of Type 2 Fish Habitat. The Variance is proposed to permit an existing accessory building to remain. The building is located more than 15 metres from Type 2 Fish Habitat, and as such Environmental planning staff offer no objection to the proposed Minor Variance.

Should you have any questions regarding the above comments, please do not hesitate to contact me.

Thank you,

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



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

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

Present: Bonnie Baarda
Dick Van Dyke
Deborah Coon-Petersen

Staff: Brian Treble
Gerrit Boerema
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 no requests for withdrawal or adjournment.

4. APPLICATIONS

a. A04/2021WL – 7441 South Chippawa Road

To permit a pet grooming business to be located within the existing dwelling on the subject property at a distance of 6 metres (19.69 feet) to the east side yard lot line, whereas Section 3.8.2. (c) of the Township Zoning Bylaw 2017-70, as amended, requires a pet care establishment to

have a minimum setback of 75 metres (246.06 feet) measured to all lot lines where the adjoining lot is used or permitted to be used for a dwelling. The Township planning report recommended approving the variance with conditions.

Mr. Boerema gave a presentation of the application to Committee members and verbally added in extra conditions that the Township's septic inspector provide after the report was circulated. The applicant, Ms. Jodi Reid-Wilhelm, spoke briefly to say that she agreed with everything that had been previously discussed by Mr. Boerema.

Member Van Dyke inquired if there would be signage for the business on the road. The applicant indicated that she did plan on putting a sign by the road on the property line. Ms. Birbeck mentioned that conversations regarding the sign is not within the scope of the decision making this evening. Member Van Dyke indicated that applicant answered the question and followed up by mentioning that he did not also believe that signage was within the committee's responsibilities but was curious. Mr. Boerema provided one final note to indicate that the Township has removed all references to signs regulations from the Zoning By-law and the Township now has a dedicated Sign By-law that would provide some regulations on the size that the applicant could put up at the end of the road. Chair Baarda advised the applicant to contact the Township office to see what the sign regulations are and to act accordingly.

Mr. Treble finished by clarifying to the applicant how to go about clearing the septic conditions. The applicant was satisfied with Mr. Trebles explanation.

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

Member Coon-Petersen motioned to approve the application with the conditions as listed in the planning staff report and to add two more conditions about the septic system:

- That, documentation be provided by the applicant indicating compliance with Part 8, Ontario Building Code.
- That, the document be reviewed and approved by the West Lincoln Building Department

Member Van Dyke seconded the motion.

-All in favour

-Carried

b. A05/2021WL - Penny Poliquin

To permit the increase in the maximum outside storage on the subject property to 30% whereas Section 7.3 of the Township Zoning Bylaw 2017-70, as amended, permits a maximum of 5% of the lot area. This variance is to permit rotating ship inventory to be located outside of the shop. The Township planning report recommended approving an amended variance for the maximum outside storage at 25% with a condition.

Mr. Boerema gave a presentation of the application to Committee members. The applicant, Ms. Penny Poliquin, spoke briefly to say that she agreed with everything that had been previously discussed by Mr. Boerema.

The committee of adjustment members did not have any questions for the applicant.

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

Member Van Dyke motioned to approve the amended application with the condition.

Member Coon-Petersen seconded the motion.

-All in favour

-Carried

c. B03/2020WL - Caistorville United Church

The applicants are requesting the Committee of Adjustment change the conditions of provisional consent to amend condition 1 of the consent and to add in a new condition. The road closing and conveyance materials of the initial consent are now with the Legal Counsels for all parties. In order to make the process work and to achieve the planned end result of the initial application Legal Counsels advise that the above noted consent conditions should be amended. The Township planning report recommended modifying the approved consent application that was approved on October 28th, 2020 in favour of legal council recommendations.

Mr. Treble gave a presentation of the application to Committee members. The lawyer from the church, Mr. Attema, spoke briefly to say that he agreed with everything that had been previously discussed by Mr. Treble.

Member Van Dyke asked for clarification on if Mr. Attema would have to take an affirmation if he wanted to make a comment. Further stating that his understanding was that since Mr. Attema was an officer of the court an affirmation it is not required. Mr. Treble indicated that he felt similarly to Member Van Dyke but that Mr. Attema would know best. Mr. Attema said he was not aware of that. Mr. Treble said that this discussion had come up before and that he did not feel that an affirmation was require since Mr. Attema was an officer of the court.

There were no further questions from the committee.

Chair Baarda indicated that it seemed fitting that the church was on lands that resembled a musical note because church music has stud that test of time for centuries.

Mr. Treble indicated that a decision must be made on whether the change of conditions is major or minor. That if it is a major change of conditions staff need to do a circulation of notice to agencies and interested parties but if it is minor there is not circulation required except to the applicant. In Mr. Trebles mind it is minor because the end results stay the same and the community will know no different.

Member Coon-Petersen motioned to approve the application with the conditions recommended by legal council and to indicate that it is a minor change.

Member Van Dyke seconded the motion.

-All in favour

-Carried

5. MINUTES FOR APPROVAL

There were none.

6. NEW BUSINESS

There were none.

7. ADJOURNMENT

That, this Committee does now adjourn at the hour of 7:38 pm

BONNIE BAARDA, CHAIR

MEGHAN BIRBECK,
SECRETARY-TREASURER