



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

Wednesday, August 18, 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. D01/2021WL – Robert Land Academy	4
Property Address: 6727 South Chippawa Road	
A sign variance application has been applied for that requests two variances. The first variance that is required is to permit the height of the sign to be 3.6 metres (11.81 feet) whereas the Township's Sign By-law 2020-54 as amended by By-law 2021-72 identifies that the maximum height of a ground sign is 3.0 metres (9.84 feet). The second variance that is required is to permit the area per side of visible face to be 18.7 square metres (201.29 square feet) whereas the Township's Sign Bylaw 2020-54 as amended by By-law 2021-72 identifies that the maximum area per side of visible face of a ground sign on a non-residential zoned property is 9.0 square metres (96.88 square feet).	
b. A18/2021WL – Jovicic	21
Property Address: 7323 Sunset Place	
A minor variance application has been applied for that requests two variances for an attached private garage. The first variance that is required is to permit an attached garage to project from the house 3.9 metres (12.80 feet) further than allowed with a total projection from the house of 5.4 metres (17.72 feet) whereas Section 3.12.7 f) ii. of the	

Township's Zoning Bylaw 2017-70, as amended, identifies that a residential attached garage may project up to a maximum of 1.5 metres closer to the front lot line than the main front wall of the dwelling on the same lot (provided the front yard setback is met for the private garage). The second variance that is required is to permit an attached garage to be built 2.0 metres (6.56 feet) wider than allowed for a private garage with a total width of 11.2 metres (36.75 feet) whereas Section 3.12.7 h) of the Township's Zoning Bylaw 2017-70, as amended, identifies that the 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 current Zoning provisions are not desirable for the garage space and curb appeal needed for the lifestyle of the owner.

- c. A19/2021WL – Civitarese
Property Address: 7330 Sunset Place

36

The variance that is required is to permit an attached private garage to be built 1.3 metres (4.27 feet) wider than allowed for a private garage with a total width of 10.5 metres (34.45 feet) whereas Section 3.12.7 h) of the Township's Zoning Bylaw 2017-70, as amended, identifies that the 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 Bylaw. 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 current Zoning provision does not allow enough room for landscaping equipment and recreational items and will have to build another accessory building in the future if not approved.

- d. A20/2021WL – 121 Griffin St
Property Address: 121 Griffin St

49

A minor variance application has been applied for that requests two variances. The first variance that is required is to permit the front yard setback to be 0.0 metres (0.0 feet) whereas Table 17 from Part 7. Commercial Zones of the Township's Zoning Bylaw 2017-70, as amended, identifies that a Core Commercial property must have a minimum front yard setback of 6.0 (19.69 feet). The second variance that is required is to permit a one storey building height whereas Table 17 from Part 7. Commercial Zones of the Township's Zoning Bylaw 2017-70, as amended, identifies that the property must have a minimum of two storeys. The applicant has indicated that the front yard setback is

required as the Niagara Region will be requesting a Regional Road Widening of 3.8 – 4.0 metres to achieve a 13.1 metre from original street centerline. The Township's Zoning Bylaw 201770, as amended, identifies Griffin Street as the front yard however the property will treat Smits Cove as the front yard.

- e. B10/2021WL – Cronkwright (Agent: Jeff Piersma) 60
(Roll No.: 260201000115400): 2458 Regional Road 14

An application for a Surplus Farm Dwelling Severance has been submitted for 2458 Regional Road 14. The application proposes Parcel 1 – 0.957 hectares (2.37 acres), to be retained by the existing owners and Parcel 2 – 23.20 hectares (57.33 acres), to be sold to the current farmer. If approved a condition requiring that the agricultural lands will be zoned to prohibit any residential uses.

- f. B11/2021WL – Spring Creek Holdings Inc. (Agent: Fred VanderVelde) 77
(Roll No.: 260203001318400): 6159 Spring Creek Road

An application for a lot creation severance has been submitted for 6159 Spring Creek Road by Fred VanderVelde on behalf of Spring Creek Holdings Inc. The application proposes to sever off 9.84 hectares (24.32 acres) of employment land within the Smithville urban boundary. The retained employment land will be 2.37 hectares (5.86 acres) in size. The land proposing to be severed is currently vacant and underutilized.

5. MINUTES FOR APPROVAL

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: August 18th, 2021

REPORT NO: COA-025-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Robert Land Academy
File No. D01/2021WL

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

OVERVIEW:

- A Sign Variance application has been submitted by Robert Land Academy for the property known as Concession BF 1, Part Lot 3, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. Municipally known as 6726 South Chippewa Road.
- The applicant's initially applied for a building permit on May 26th 2021 and planning staff indicated that a sign variance would be required.
- The issue of how to process such a variance request was presented to Township Council on July 26th 2021 through staff report PD-93-2021.
- Council supported a recommendation that it should be the responsibility of the Committee of Adjustment members to make a decision on sign variances.
- This Sign Variance application has been applied for that requests two variances.
- The first variance that is required is to permit the height of the sign to be 3.6 metres (11.81 feet) whereas the Township's Sign By-law 2020-54 as amended by By-law 2021-72 identifies that the maximum height of a ground sign is 3.0 metres (9.84 feet).
- The second variance that is required is to permit the area per side of visible face to be 9.49 square metres (102.15 square feet) whereas the Township's Sign Bylaw 2020-54 as amended by By-law 2021-72 identifies that the maximum area per side of visible face of a ground sign on a non-residential zoned property is 9.0 square metres (96.88 square feet).
- Planning Staff recommend that the two variance be approval.

RECOMMENDATION:

1. THAT, the application for the Sign Variance made by Robert Land Academy as outlined in this memo, to permit a sign to be built with a total height of 3.6 metres, BE APPROVED.
2. THAT, the application for the Sign Variance made by Robert Land Academy as outlined in this memo, to permit a sign to be built with the area per side of visible face to be 9.49 square metres, BE APPROVED.

BACKGROUND:

The subject lands are situated on the east of South Chippewa Road and north of Canborough Road, being legally described as Concession BF 1, Part Lot 3, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. The subject property is municipally known as 6726 South Chippewa Road. The sign is proposed to be located at the corner of South Chippewa Road and Canborough Road. (See attachment 1 for a site sketch)

Robert Land Academy is requesting a sign variance for the property located at 6726 South Chippewa Road. The sign is proposed to be 3.6 metres in height, whereas 3 metres is the maximum sign height in the Township's sign by-law as well as a sign face area of 9.49 square metres whereas the required sign face area is 9 metres squared. The proposed sign complies with all other setbacks in the Township's Sign By-Law.

The subject property is approximately 166.49 acre (67.38 hectares) in size. The Township's Official Plan designates the property as Good General Agricultural with elements of the Natural Heritage System. The Township's Zoning By-law has zoned the property as Institutional with a site specific provision 'I-9', Environmental Conservation, and Environmental Protection. The site specific provision indicates that the permitted uses are as per the parent zone, plus: private school including associated dormitory, recreational and dining facilities. The site specific provision indicates that the regulations are as per the parent zone, except that the minimum lot area is existing and that the minimum lot frontage is existing. The sign is not proposed with in any of the elements of the Natural Heritage System or within any of the Environmental zones. The surrounding properties to 6726 South Chippewa Road have Agricultural zoning and Environmental zoning.

The applicant's initially applied for a building permit on May 26th 2021 and planning staff indicated that a sign variance would be required. The issue of how to process such a variance request was presented to Township Council on July 26th 2021 through staff report PD-93-2021. Council supported a recommendation that it should be the responsibility of the Committee of Adjustment members to make a decision on sign variances.

COMMENTS:

The applicant posted a yellow Public Notice sign on the property on July 30th 2021.

No comments came in for this application from the public.

The Niagara Region and the NPCA have no objections to the proposed sign variance.

The Township Public Works Department, Building Department, and By-law officer no objections to the proposed sign variance.

CONCLUSION:

Planning Staff have reviewed the current sign by-law and the proposed variances to the sign by-law. Staff have concluded that the variances can be supported in this instance because the variance are both minor in nature and appropriate for the extremely large lot size and nature of the surrounding area.

ATTACHMENTS:

1. Location Map
2. Sign Drawings
3. By-Law from Council passing the responsibilities to the COA
4. Comments

Prepared by:



Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



Legend

Location of existing sign and Proposed location of new sign. To be located greater than three metres from any property line in accordance with BY-LAW NO. 2020-54



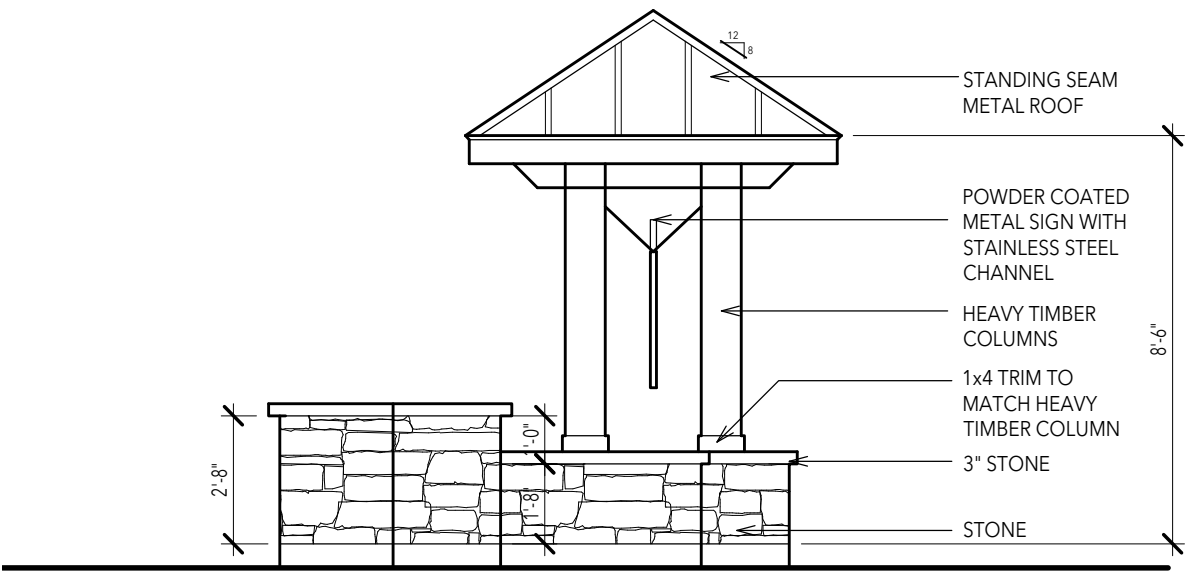
0.1 0 0.06 0.1 Kilometers

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.

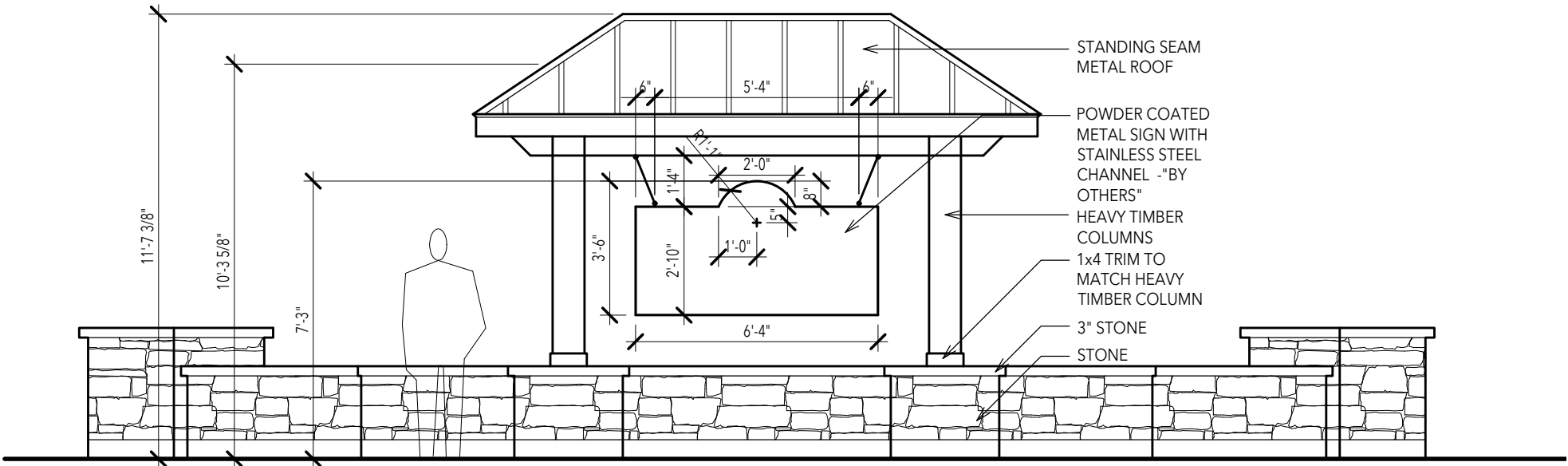


Notes



SIDE ELEVATION

SCALE 1/4"=1'-0"



FRONT ELEVATION

SCALE 1/4"=1'-0"

REPORT COUNCIL

DATE: July 26, 2021

REPORT NO: PD-93-2021

SUBJECT: Recommendation Report: Amendment to the Sign Bylaw 2020-54,
1. Delegating the variance process to the Committee of Adjustment,
2. Revising the Ground Sign and Pole Sign setback requirements to align with the Niagara Region requirements, and 3. Authorizing an approved Site Plan agreement to take precedence over the requirement to obtain a variance

CONTACT: Brian Treble, Director of Planning & Building
Tiana Dominick, By-law Enforcement Officer

OVERVIEW:

- **Currently, Section 4.9.3 of the Township of West Lincoln Sign Bylaw states that Council shall hear all applications and grant or deny a variance with respect to the sign bylaw.**
- **To streamline and expedite the process, it is recommended that the variance process be delegated to the Committee of Adjustment, where such proceedings are already established and practiced.**
- **The recommendation to delegate is being presented as a result of an increase in Sign Bylaw variance inquiries. Staff feel proficient in handling these applications internally and feel that the Committee of Adjustment could handle variance requests without the need for Council involvement.**
- **Additionally, staff seek to amend the setback requirements for Pole Signs and Ground Signs to align with the Niagara Region sign permit requirements, revising the setback from the Street Line/Property Line from 3 metres to 1 metre, and ensuring the sign is 5 metres from a driveway, and 8 metres from an intersection, aligns with the Regional bylaw.**
- **Staff also seek to include the authority for a Township approved Site Plan agreement that includes signage to be added to Section 2.3 Permit Exemptions of the Sign Bylaw, in order that site plan approval can exempt the application needing to apply and obtain a Sign Bylaw variance and permit if on a local road.**
- **These changes will not impact sign permit requirements along Regional Roads which fall under the Regional Sign Bylaw.**

RECOMMENDATION:

1. That, report PD-93-2021, regarding “Amendment to the Sign By-law 2020-54”, dated July 26, 2021 be RECEIVED and,
2. That, the bylaw attached as Attachment 1 to this report, which will provide Council with the authority to delegate the Sign Bylaw variance process to the Committee of Adjustment, amend the setback requirements for Pole Signs and Ground Signs, and allow Site Plan agreements to take precedence over the requirement to apply and obtain a local Sign Bylaw permit, be approved.
3. That, the by-law attached as Attachment 2 to this report, be approved to amend By-law 2018-108, giving delegation to the Committee of Adjustment for approval or denial of sign variances as per By-law 2020-54, Section 4.9.3, as amended.

ALIGNMENT TO STRATEGIC PLAN:

Theme #6

- Efficient, Fiscally, Responsible Operations

BACKGROUND:

The Township of West Lincoln Sign Bylaw was passed on June 29, 2020. The purpose of the said bylaw was to regulate the size, use, location and maintenance of signs within the Township of West Lincoln. Considering that the Sign Bylaw is fairly new, staff have recently begun to become acquainted with all of the provisions of the bylaw through Sign Permit application submissions, which has required the attention of Planning, Building, and Bylaw staff.

CURRENT SITUATION:

A few amendments are proposed to the sign by-law.

First, in a majority of cases, applicants comply with the bylaw. However, from time to time the sign bylaw does not make sense to a given situation and the applicant / owner has been directed to proceed with a variance process. A few of the proposed signs are unable to comply with the setback requirements outlined in Section 3.2.1 and Section 3.4.1. No various applications have been received too late.

While attempting to commence the variance application process, staff identified that Section 4.9.3 of the Sign Bylaw states that Council shall hear all applications and grant or deny a variance with respect to the bylaw. To streamline and expedite this process for potential variance applications, it is recommended that the variance process be delegated to the Committee of Adjustment where similar proceedings are already established and practiced.

Second, staff propose to modify Section 3.2.1 and Section 3.4.1 to include the following setbacks:

Setback from the Street Line / Property Line	1 metre
Setback from driveway	5 metres
Setback from intersection	8 metres

3.2.1 *"No person shall affix, erect or otherwise display or cause to be affixed, erected or otherwise displayed a **ground sign** located less than 1 metre from the Street Line / Property Line, less than 5 metres from a driveway, and less than 8 metres from an intersection."*

3.4.1 *"No person shall affix, erect or otherwise display or cause to be affixed, erected or otherwise displayed a **pole sign** located less than 1 metre from the Street Line / Property Line, less than 5 metres from a driveway, and less than 8 metres from an intersection."*

By enacting this setback requirement for Pole Signs and Ground Signs, it is likely that the number of variance applications will decrease, as there is more flexibility in regards to where a ground sign can be erected. Furthermore, if the responsibility to oversee variances was absorbed by the Committee of Adjustment, it is anticipated that the process would be simplified.

Third, staff also seek to include Township approved Site Plan agreements that include any and all signage within Section 2.3-Permit Exemptions in order to take precedence over the requirement to apply and obtain a Sign Bylaw permit.

2.3.2 (28) *Included in an approved site plan agreement. Site plan approval can also exempt the variance requirements as outlined in Section 4.9.3., where deemed appropriate.*

FINANCIAL IMPLICATIONS:

The introduction of these amendments to the Sign Bylaw 2020-54 does not have any financial implications.

INTER-DEPARTMENTAL COMMENTS:

Township Planning, Building and Bylaw Enforcement staff have had discussions about this report and support the recommendations as presented in this report.

CONCLUSION:

Staff recommends that the existing Sign Bylaw 2020-54 be amended to direct the Committee of Adjustment as the delegated authority for variances to the Sign Bylaw, and that the setback requirements for Pole Signs and Ground Signs be modified to align with the Niagara Region sign bylaw requirements. Additionally, staff seek to include Township approved Site Plan agreements as a Permit Exemption within Section 2.3 of the bylaw.

Also, that the existing Committee of Adjustment By-law (By-law 2018-108) be amended giving delegation to the Committee of Adjustment for approval or denial of sign variances.

ATTACHMENTS:

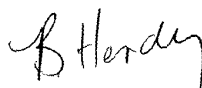
1. Draft Amending Sign By-law
2. Draft Amending Committee of Adjustment By-law

Prepared & Submitted by:



Brian Treble
Director of Planning & Building

Approved by:



Bev Hendry
CAO

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021-XX

**BEING A BY-LAW TO AMEND BY-LAW 2020-54 WHICH
IS TO REGULATE SIZE, *USE*, LOCATION AND
MAINTENANCE OF *SIGNS* IN THE TOWNSHIP OF
WEST LINCOLN**

WHEREAS the Council of the Corporation of the Township of West Lincoln enacted By-law 2020-54 which is to regulate size, *use*, location and maintenance of *signs* in the Township of West Lincoln;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln now deems it necessary to amend Section of By-law 2020-54;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That, **Section 4.9.3** of Section 4.9 “Variances of this By-law”, of By-law 2020-54 be deleted and variance delegation be given to Committee of Adjustment instead of Council, and the following Section be inserted in lieu thereof:

4.9.3 The Committee of Adjustment shall hear all applications and grant or deny a variance with respect to this by-law. All decisions of the Committee of Adjustment are final and binding.

2. That, **Section 3.2.1** of Section 3.2 “Ground Signs” of Section 3, of By-law 2020-54 be deleted and the following Section be inserted in lieu thereof:

3.2.1. No person shall affix, erect or otherwise display or cause to be affixed, erected or otherwise displayed a ground sign located less than 1 metre from the Street Line / Property Line, less than 5 metres from a driveway, and less than 8 metres from an intersection.

3. That **Section 3.4.1** of Section 3.4 “Pole Signs” of Section 3, of By-law 2020-54 be deleted and the following Section be inserted in lieu thereof:

3.4.1 No person shall affix, erect or otherwise display or cause to be affixed, erected or otherwise displayed a pole sign located less than 1 metre from the Street Line / Property Line, less than 5 metres from a driveway, and less than 8 metres from an intersection.

4. That, **Section 2.3.2 (28)** of Section 2.3 “Permit Exemptions” of Section 2, of By-law 2020-54 be added as follows:

2.3.2(28) Included in an approved site plan agreement. Site plan approval can also exempt the variance requirements as outlined in Section 4.9.3., where deemed appropriate.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
26th DAY OF JULY, 2021**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021-XX

BEING A BY-LAW TO AMEND BY-LAW 2018-108 WHICH APPOINTS A COMMITTEE OF ADJUSTMENT, DELEGATES THE AUTHORITY FOR CONSIDERING APPLICATIONS FOR MINOR VARIANCES AND CONSENTS, PROVIDES FOR COMPENSATION FOR THE MEMBERS OF THE COMMITTEE OF ADJUSTMENT, ADOPTS POLICIES, PROCEDURES AND CONDITIONS FOR THE OPERATION OF THE COMMITTEE OF ADJUSTMENT, AND ESTABLISHES A TARIFF OF FEES UNDER THE PLANNING ACT.

WHEREAS the Council of the Corporation of the Township of West Lincoln enacted By-law 2018-108 to appoint a Committee of Adjustment, to delegate the authority for considering applications for minor variances and consents, to provide for compensation for the members of the Committee of Adjustment, to adopt Policies, Procedures and Conditions for the Operation of the Committee of Adjustment, and to establish a Tariff of Fees under the Planning Act;

AND WHEREAS the Township of West Lincoln now deems it expedient to amend By-law 2018-108, as amended, to empower the Committee of Adjustment to make decisions on sign variance applications for the Township of West Lincoln;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. Adding the following as Clause 8 to By-law 2018-108, as amended and subsequently renumbering each clause thereafter respectively.
 - “8. That the Committee is hereby empowered to make decisions on sign variance applications in accordance with Section 4.9.3 of the Township of West Lincoln Sign By-law being By-law 2020-54.”

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
26th DAY OF JULY, 2021.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

Meghan Birbeck

From: Jennifer Bernard
Sent: August 13, 2021 10:09 AM
To: Meghan Birbeck
Subject: RE: Notice of Hearing for a Sign Variance for August Committee of Adjustment Meeting

Hi Meghan,

Public Works has no comment on this application.

Thanks,
Jenn



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COVID 19 Update July 15, 2021 – As Ontario enters Step Three of the Roadmap to Reopen, the Township will continue to offer select services by appointment only. Full information available in the latest [press release](#). Staff are available to assist the public, Monday - Friday, 9:00 am - 4:30 pm by phone at 905-957-3346, or by email. The best source of information is our [website](#) where you can also find specific email address and phone extensions.

From: Meghan Birbeck
Sent: August 4, 2021 10:54 AM
To: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; John Schonewille <jschonewille@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>
Subject: Notice of Hearing for a Sign Variance for August Committee of Adjustment Meeting

Good afternoon,

The Township of West Lincoln has one sign variance applications being heard at our August 18th committee of adjustment meeting.

Attached are the sign variance applications:

- D01/2021WL – 6727 South Chippawa Road (or known by the municipality as 6726) – Robert Land Academy –
Regarding the height and visible side area of the sign

Best,
Meghan



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Meghan Birbeck

From: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Sent: August 6, 2021 2:24 PM
To: Meghan Birbeck
Subject: RE: Notice of Hearing for a Sign Variance for August Committee of Adjustment Meeting

Hi Meghan,

Regional Planning & Development Services has no comments for this Minor Variance.

Many thanks & have a great weekend,

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

From: Meghan Birbeck <mbirbeck@westlincoln.ca>

Sent: Wednesday, August 04, 2021 10:54 AM

To: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; John Schonewille <jschonewille@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>

Subject: Notice of Hearing for a Sign Variance for August Committee of Adjustment Meeting

CAUTION: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

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The Township of West Lincoln has one sign variance applications being heard at our August 18th committee of adjustment meeting.

Attached are the sign variance applications:

- D01/2021WL – 6727 South Chippawa Road (or known by the municipality as 6726) – Robert Land Academy – Regarding the height and visible side area of the sign

Best,
Meghan

Meghan Birbeck



Planner I

Tel: 905-957-3346 ext. 5140

Email: mbirbeck@westlincoln.ca

Web: www.westlincoln.ca



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Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: August 5, 2021 10:43 AM
To: Meghan Birbeck
Subject: Proposed Minor Variance - 6727 Chippewa Road

Hello Meghan,

I can confirm that the NPCA will have no objections to the proposed minor variance for the proposed sign at 6727 Chippewa Road. The proposed sign will not fall within NPCA regulated features, hazards, or associated development buffers.

Due to the presence of other NPCA regulated features and hazards on site, I would recommend that any additional proposed development or site alteration still be submitted to the NPCA for review and approval.

Sincerely,

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

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

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly. Our Conservation Areas are currently open, but may have modified amenities and/or regulations.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [NPCA's Facebook Page](#) & [NPCA's Twitter page](#).

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DATE: August 18th, 2021

REPORT NO: COA-026-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by the Jovicic's
File No. A18/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Gordana and Ljubomir Jovicic for the property known as Condominium Plan Niagara North Condos being part of Concession 8, Part Lot 17, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara. Municipally known as 7323 Sunset Place.
- This Minor Variance application has been applied for to request two variances for an attached private garage.
- The first variance that is required is to permit an attached garage to project 3.9 metres (12.80 feet) further from the house and into the front yard than allowed with a total projection from the house of 5.4 metres (17.72 feet). Whereas Section 3.12.7 f) ii. of the Township's Zoning Bylaw 2017-70, as amended, identifies that a residential attached garage may project up to a maximum of 1.5 metres closer to the front lot line than the main front wall of the dwelling on the same lot (provided the front yard setback is met for the private garage).
- The second variance that is required is to permit an attached garage to be built 2.0 metres (6.56 feet) wider than allowed for a private garage with a total width of 11.2 metres (36.75 feet).
- Whereas Section 3.12.7 h) of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum garage width for an attached private garage shall be not more than 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 dwelling.
- The applicant has indicated that the reasoning for the larger width and larger project is because the current Zoning provisions are not desirable for the garage space and curb appeal needed for the lifestyle of the owner.
- The minor variance application has been reviewed against the four tests of a Minor Variance.
- Planning Staff do not recommend that the first variance be approved.
- Planning Staff recommend that the second variance can be supported and should be approved.

RECOMMENDATION:

1. THAT, the application for the Minor Variance made by Gordana and Ljubomir Jovicic as outlined in Report COA-026-21, to permit an attached private garage to be built with a total projection of 5.4 metres, NOT BE APPROVED.
2. THAT, the application for the Minor Variance made by Gordana and Ljubomir Jovicic as outlined in Report COA-026-21, to permit an attached private garage to be built with a total width of 11.2 metres, BE APPROVED.

BACKGROUND:

The subject lands are situated on the west of Regional Road 12 and north of Highway 20, being legally described as Concession 8, Part Lot 17, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara. The subject property is municipally known as 7323 Sunset Place. (See attachment 1 for a site sketch)

The subject property is approximately 1.5 acre (0.6 hectares) in size. The property is within a part of the Hamlet Settlement Area of Regional Road 12 and is zoned Rural Residential. The surrounding properties to 7323 Sunset Place have Rural Residential zoning and Service Commercial zoning. The applicant's initially applied for a building permit on May 11th to build their dwelling with an attached private garage. Planning staff identified that they were unable to sign off on the permit as the garage projected too far in front of the dwelling and had a wider garage than allowed in the Township's Zoning By-law 2017-70, as amended. After numerous conversations with the applicants the applicants decided to move forward with this minor variance application to address their garage's proposed projection and width.

This Minor Variance application has been applied for that requests two variances for an attached private garage. The first variance that is required is to permit an attached garage to project from the house 3.9 metres (12.80 feet) further than allowed with a total projection from the house of 5.4 metres (17.72 feet). Whereas Section 3.12.7 f) ii. of the Township's Zoning Bylaw 2017-70, as amended, identifies that a residential attached garage may project up to a maximum of 1.5 metres closer to the front lot line than the main front wall of the dwelling on the same lot (provided the front yard setback is met for the private garage). The second variance that is required is to permit an attached garage to be built 2.0 metres (6.56 feet) wider than allowed for a private garage with a total width of 11.2 metres (36.75 feet). Whereas Section 3.12.7 h) of the Township's Zoning Bylaw 2017-70, as amended, identifies that the 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 dwelling. The proposed garage is 36% of the façade of the dwelling. The applicant has indicated that the current Zoning provisions are not desirable for the garage space and curb appeal needed for the lifestyle of the owner.

CURRENT SITUATION:

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

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

Yes, for the width

Yes, for the projection

The property is designated to be within the Hamlet Settlement Area of Regional Road 12. The Township's Official Plan identifies that the predominant land use within the Township's Hamlet Settlement Areas shall be for single detached dwellings. Attached garages are permitted with single detached dwellings. Township staff are of the opinion that this minor variance meets the general intent and purpose of the Official Plan.

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

Yes, for the width

Yes, for the projection

The subject land is zoned Rural Residential under the Township's Zoning By-law 2017-70, as amended. The parcel of land is a 0.6 hectares (1.5 acre). The Rural Residential zone permits single detached dwellings as well as attached private garages.

Under the Township's Zoning By-Law 2017-70, as amended, attached garages 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. While the width of the proposed attached private garage is less than 50% of the total width of the dwelling on the lot at 35% it is proposed to be larger than 9.2 metres at 11.2 metres (36.75 feet). Therefore, the proposed garage is 2.0 metres (6.56 feet) wider than the Township's Zoning By-law 2017-70, as amended, permits.

Under the Township's Zoning By-Law 2017-70, as amended, attached garages in residential zones can project up to a maximum of 1.5 metres closer to the front lot line than the main front wall of the dwelling on the same lot (provided the front yard setback is met for the private garage). The proposed attached garage has a setback of 28.36 metres from the front lot line, which meets the rural residential zone required 15 metres front yard setback. While the proposed garage meets the front yard setback it is proposed to project more than 1.5 metres at 5.4 metres (17.72 feet). Therefore, the proposed garage is proposed to be 3.9 metres (12.80 feet) further in front of the dwelling than the Township's Zoning By-law 2017-70, as amended, permits.

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, for the width

No, for the projection

The applicant has proposed to construct a 96.13 square metre (991.68 square feet) attached private garage to their proposed dwelling with a width of 11.2 metres and a projection of 5.4 metres. The applicants submitted a building permit three months ago

Respecting Our Roots, Realizing Our Future

with Township staff, in which planning staff determined it had to go through a Minor Variance Application to permit the width and projection of the proposed attached garage. Accessory buildings are permitted on Rural Residential zoned properties. If the applicants proposed a detached garage the Township would permit a garage that would be 100 square metres (1,076.39 square feet). A detached garage would be able to be 3.87 square metres (41.66 square feet) larger then the proposed garage and the applicants would not have a width requirement, but would not be allowed to project at all in front of the dwelling. Since the proposed garage is smaller then a maximum permitted detached accessory building and less then 50% of the total width of the dwelling on the lot, Planning Staff are of the opinion that the requested variance for width is an appropriate development and use of land on this property.

However, in order for the garage to remain secondary to the dwelling and not be overpowering on the property, with a wider width, Planning Staff are of the opinion that the requested variance for projection is not appropriate development and use of land on this property. Planning staff have previously discussed with the applicant that they would be able to keep the planed layout of the proposed dwelling and attached garage and address the projection by rotating the placement of the building on the property.

Is the proposal minor in nature?

Yes, for the width

No, for the projection

The neighboring residential properties in the Hamlet of Regional Road 12 are permitted to construct an attached private garage in accordance with the Township's Zoning By-law. The applicants for 7323 Sunset Place are proposing to build an attached private garage that is not only wider but also projecting further from the house then is allowed.

The applicants proposed garage is 22% wider then the Township's Zoning By-law 2017-70, as amended, permits. However, the proposed garage is still less then 50% of the total width of the dwelling on the lot. The Township's Planning Staff believe that the width of the proposed attached garage is minor for the property. As a result, Planning Staff can support the requested width.

The applicants proposed garage is 260% further in front of the proposed dwelling then Township's Zoning By-law 2017-70, as amended, permits. Planning staff are in the opinion that the requested variance regarding projection is not minor in nature, especially in combination with the requested variance regarding width. Planning Staff cannot support the requested projection as a wider garage projected further in front of dwelling will lead to the garage not appearing to be secondary to the dwelling.

Planning Staff have discussed with the applicant that they can rotate the location of the proposed building on the property. Rotating the location of the proposed building will avoid the garage overpowering the property and maintain the applicants' current desired layout. Rotating the proposed building is possible and practical as the dwelling and attached garage have not yet been built on the 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 30th, 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 Department have no objection to the proposed application.

The NPCA has no objection to the proposed application.

The Niagara Region has not yet commented on the application.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on July 30th, 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 August 14th, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Gordana and Ljubomir Jovicic for the property municipally known as 7323 Sunset Place. The Minor Variance application is submitted to permit an attached garage to be built 3.9 metres (12.80 feet) further in front of the dwelling than allowed and 2.0 meters (6.56 feet) wider than allowed. Planning staff are of the opinion that the requested variance regarding width meets all four tests of a minor variance and as such, can recommend approval.

Planning staff are of the opinion that the other requested variance regarding projection does not meet all four tests of a minor variance and as such, cannot be recommended for approval.


ATTACHMENTS:

1. Site Sketch
2. Agency Comments

Prepared by:



Madysen Etzl
Planner I



Brian Treble, RPP, MCIP
Director of Planning and Building

Meghan Birbeck

From: Lyle Killins <lkillins@live.com>
Sent: August 12, 2021 11:46 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing for August Minor Variance Applications - West Lincoln

Hi Meghan,

The minor variance applications A-18/2021WL and A 19/2021 as submitted do not negatively affect Part 8, Ontario Building Code.

Thus, no objection to the applications as proposed.

Regards.

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

BCIN # 11112

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: August 3, 2021 2:10 PM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; susan.dunsmore@niagararegion.ca <susan.dunsmore@niagararegion.ca>; Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <m dipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Jessie Lechowicz <jlechowicz@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Ray Vachon <rvachon@westlincoln.ca>
Cc: Busnello, Pat <pat.busnello@niagararegion.ca>
Subject: Notice of Hearing for August Minor Variance Applications - West Lincoln

Good afternoon,

The Township of West Lincoln has three minor variance applications being heard at our August 18th committee of adjustment meeting.

These minor variance applications are

- A18/2021WL – 7323 Sunset Place – Wider garage and garage projection from the house
- A19/2021WL – 7330 Sunset Place – Wider garage
- A20/2021WL – 121 Griffin Street – Front yard setback and number of storeys

Attached is the full package for both consent applications.

Best,
Meghan

Meghan Birbeck

From: Jennifer Bernard
Sent: August 13, 2021 9:07 AM
To: Meghan Birbeck
Subject: RE: Notice of Hearing for August Minor Variance Applications - West Lincoln

Hi Meghan,

Public Works has no comments to provide on these variance applications.

Thanks,
Jenn



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

COVID 19 Update July 15, 2021 – As Ontario enters Step Three of the Roadmap to Reopen, the Township will continue to offer select services by appointment only. Full information available in the latest [press release](#). Staff are available to assist the public, Monday - Friday, 9:00 am - 4:30 pm by phone at 905-957-3346, or by email. The best source of information is our [website](#) where you can also find specific email address and phone extensions.

From: Meghan Birbeck
Sent: August 3, 2021 2:10 PM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; susan.dunsmore@niagararegion.ca; Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Jessie Lechowicz <jlechowicz@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Ray Vachon <rvachon@westlincoln.ca>
Cc: Busnello, Pat <pat.busnello@niagararegion.ca>
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Attached is the full package for both consent applications.

Best,
Meghan



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Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: August 5, 2021 10:14 AM
To: Meghan Birbeck
Cc: Madyson Etzl; Gerrit Boerema
Subject: Re: August 18th Committee of Adjustment Applications

Hello Meghan,

Thank you for your help, it is greatly appreciated. I can confirm that the NPCA will not have any objections to the proposed Minor Variances located at 7323 and 7330 Sunset Place due to a lack of NPCA regulated features or hazards on the subject properties.

I will provide my comments on 6159 Spring Creek Road in the near future.

Sincerely,

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

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

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Wednesday, August 4, 2021 11:53 AM
To: Nikolas Wensing <nwensing@npca.ca>
Cc: Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>
Subject: RE: August 18th Committee of Adjustment Applications

Hi Nikolas,

Thank you so much for the quick reply.

I will contact 6159 Spring Creek Road and inform them on the required payment.

Sunset place is a private subdivision.
The whole has a total ownership parcel of 465190000.
The parcels currently do not have MPCA Roll numbers.

Sunset place is west of Regional Road 12 (sometimes known as mountain road) and north of Highway 20. It is in the hamlet of Regional Road 12 which is just east of the Kimbo hamlet.

LEGEND

SA
SMOKE ALARMS:
TO CONFORM TO ARTICLE 9.10.19 OF THE O.B.C.
LOCATION: (9.10.19.3.3)
TO BE LOCATED IN EACH SLEEPING ROOM
TO BE LOCATED IN THE HALLWAY ATTACHED
TO SLEEPING ROOMS
TO BE ON EACH STOREY INCLUDING BASEMENT

POWER SUPPLY: (9.10.19.4)
TO BE INSTALLED WITH PERMANENT CONNECTIONS
TO AN ELECTRICAL CIRCUIT
TO BE PROVIDED WITH A BATTERY AS AN
ALTERNATIVE POWER SOURCE

INTERCONNECTION: (9.10.19.5)
ALL SMOKE ALARMS SHALL BE WIRED SO THAT
ONE ALARM WILL CAUSE ALL ALARMS TO SOUND

EXHAUST FANS:
TO CONFORM TO ARTICLE 9.32.3.5 OF THE O.B.C.
LOCATION: (9.32.3.5.2)
AN EXHAUST AIR INTAKE SHALL BE INSTALLED IN
EACH KITCHEN, BATHROOM AND WATER CLOSET
ROOM
ALTERNATIVE: (9.32.3.5.3)
SUPPLEMENTAL EXHAUST REQUIRED IN THIS
ARTICLE MAY BE PROVIDED BY MEANS OF A HRV
INSTALLED IN ACCORDANCE WITH ARTICLE
9.32.3.11.

CARBON MONOXIDE ALARMS:
TO CONFORM TO ARTICLE 6.2.12.2 OF THE O.B.C.
LOCATION: (6.2.12.2.3)
SHALL BE INSTALLED ADJACENT TO EACH
SLEEPING AREA IN EVERY SUITE OF RESIDENTIAL
OCCUPANCY THAT IS ADJACENT TO A STORAGE
GARAGE

GIRDER TRUSS:
TO CONFORM TO TRUSS DESIGN ATTACHED
ALL TRUSS DESIGNS TO BE SUPPLIED BY OTHERS

EXTERIOR LIGHT:
TO CONFORM TO ARTICLE 9.34.2.1 OF THE O.B.C.
ELECTRICAL PLAN TO BE COMPLETED
BY A CERTIFIED PROFESSIONAL
LOCATION: (9.34.2.1.11)
AN EXTERIOR LIGHTING OUTLET WITH FIXTURE
CONTROLLED BY A WALL SWITCH LOCATED
WITHIN THE BUILDING SHALL BE PROVIDED
AT EVERY ENTRANCE TO BUILDINGS OF
RESIDENTIAL OCCUPANCY

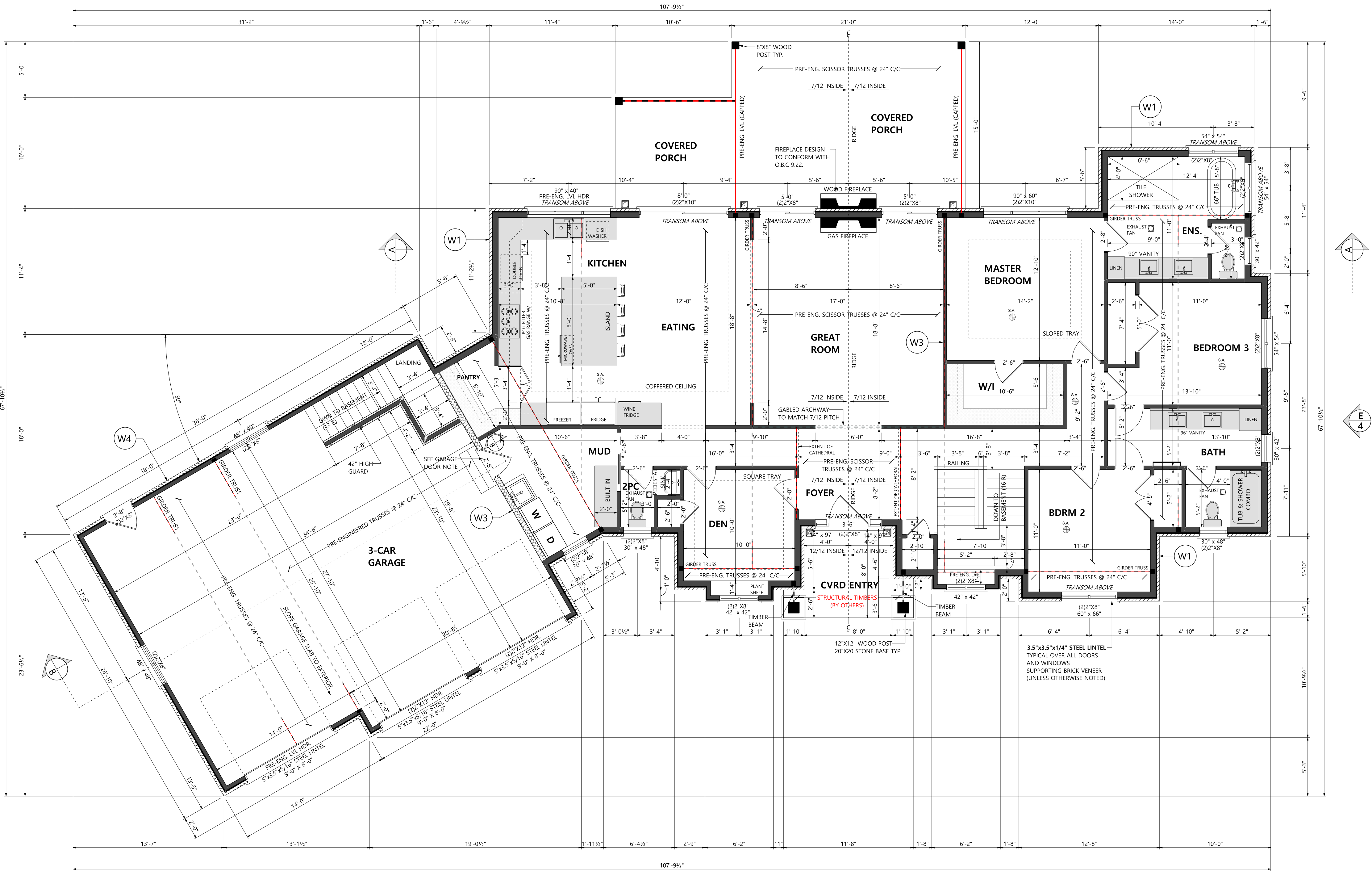
EGRESS FOR BEDROOMS:
TO CONFORM TO ARTICLE 9.5.10.1 OF THE O.B.C.
LOCATION: (9.5.10.1.11)
EVERY FLOOR LEVEL CONTAINING A BEDROOM
SHALL BE PROVIDED WITH AT LEAST ONE OUTSIDE
WINDOW THAT:
OPERATION
IS OPENABLE FROM THE INSIDE WITHOUT THE USE
OF TOOLS
DIMENSIONS
PROVIDES AND INDIVIDUAL UNOBSTRUCTED OPEN
PORTION HAVING A MIN. AREA OF 3.77SQFT WITH
NO DIMENSION LESS THAN 15"
MAINTAINS THE REQUIRED OPENING WITHOUT
THE NEED FOR ADDITIONAL SUPPORT
SHALL HAVE A MAXIMUM SILL HEIGHT OF 39"

STAIRS:
TO CONFORM TO ARTICLE 9.8 OF THE O.B.C.
SEE STAIR NOTES ON SPECIFICATION PAGE
FOR DETAILS

PRE-ENGINEERED LVL:
ALL PRE-ENG. LVLS TO BE DESIGNED AND
SIZED ACCORDING TO APPROVED THRID PARTY
CALCULATIONS

GARAGE DOOR:
TO CONFORM TO ARTICLE 9.10.13.15 OF THE O.B.C.
SPECIFICATIONS:
TO BE TIGHT FITTED & WEATHER STRIPPED
TO BE FITTED WITH SELF CLOSER

COOKTOP CLEARANCES:
TO CONFORM TO ARTICLE 9.10.22.2 OF THE O.B.C.
SPECIFICATIONS:
30" MIN. CLEARANCE BETWEEN
COMBUSTIBLE FRAMING FINISHES AND
CABINERY INSTALLED DIRECTLY ABOVE THE
COOKTOP (9.10.22.2.11)
24" MIN. CLEARANCE BETWEEN
NON-COMBUSTIBLE FRAMING FINISHES
AND CABINERY INSTALLED DIRECTLY
ABOVE THE COOKTOP
VENTILATION:
TO BE VENTED WITH NON-COMBUSTIBLE
DUCT TO EXTERIOR



MAIN FLOOR PLAN
SCALE: 3/16" = 1'-0"

W1 TYPICAL 2x6 STONE EXTERIOR WALL:
FACE STONE
7 GAUGE CORRUGATED
GALVANIZED METAL BRICK TIES
1" AIR SPACE
AIR BARRIER MEMBRANE
7/16" SHEATHING
2x6 STUDS @ 16" o.c.
R22 BATT INSULATION
VAPOUR BARRIER
1/2" DRYWALL
TAPED & SANDED

W2 TYPICAL 2x6 INTERIOR GARAGE WALL:
5/8" TYPE 'X' FIRE-RATED DRYWALL
TAPED & SANDED
6 mil POLY V.B.
2x6 STUDS @ 16" o.c.
R22 BATT INSULATION
1/2" DRYWALL
TAPED & SANDED

W3 TYPICAL INTERIOR WALL:
1/2" DRYWALL
TAPED & SANDED
2x4 STUDS @ 16" o.c.
1/2" DRYWALL
TAPED & SANDED

W4 TYPICAL 2x4 STONE EXTERIOR WALL:
FACE STONE
7 GAUGE CORRUGATED
GALVANIZED METAL BRICK TIES
1" AIR SPACE
AIR BARRIER MEMBRANE
7/16" SHEATHING
2x4 STUDS @ 16" o.c.

ALL CONTRACTORS TO VERIFY ALL
DIMENSIONS ON SITE & TO REPORT ALL
ERRORS AND/OR OMISSIONS TO THE
DESIGNER. ALL CONTRACTORS MUST
COMPLY WITH ALL CODES, BYLAWS &
OTHER AUTHORITIES HAVING
JURISDICTION OVER THE WORK.

ALL DIMENSIONS AND CONDITIONS TO BE
VERIFIED ON SITE. FIGURED DIMENSIONS
TAKE PRECEDENCE OVER SCALE. DO NOT
SCALE DRAWINGS

**Brian's Drafting
Service**

8973 Twenty Rd.
Smithville, ON, L0R 2A0
(289) 680-7480
brian.rintjema@gmail.com



The undersigned has reviewed and
takes responsibility for this design, and
has the qualifications and meets the
requirements set out in the Ontario
Building Code to design the work
shown on the attached documents.

Qualification Information

Brian Rintjema 106999
Name Signature BCIN

Registration Information

Brian's Drafting Service 113224
Firm BCIN

**JOVICIC
RESIDENCE**

7323 Sunset Place
West Lincoln, ON L0R 1M0

PAGE TITLE:

**MAIN FLOOR
PLAN**

AREA:
HEATED FLOOR AREA: 2360 SQFT (219.25 SQM)
GARAGE AREA: 1008 SQFT (93.65 SQM)
COVERED AREA: 484 SQFT (45.09 SQM)
TOTAL UNDER ROOF: 3852 SQFT (358.79 SQM)

PLOT FORMAT SIZE: 11 X 17
DRAWN BY: Brian Rintjema
DATE: FEBRUARY 11, 2021
SCALE: As Noted

SHEET NO.

1

ALL CONTRACTORS TO VERIFY ALL DIMENSIONS ON SITE & TO REPORT ALL ERRORS AND/OR OMISSIONS TO THE DESIGNER. ALL CONTRACTORS MUST COMPLY WITH ALL CODES, BYLAWS & OTHER AUTHORITIES HAVING JURISDICTION OVER THE WORK.

ALL DIMENSIONS AND CONDITIONS TO BE VERIFIED ON SITE. FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALE. DO NOT SCALE DRAWINGS

Brian's Drafting Service

8973 Twenty Rd.
Smithville, ON, L0R 2A0

(289) 680-7480

brian.rintjema@gmail.com



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

Qualification Information

Brian Rintjema
Name Signature
106999 BCIN

Registration Information

Brian's Drafting Service
Firm
1133224 BCIN

JOVICIC RESIDENCE

7323 Sunset Place
West Lincoln, ON L0R 1M0

PAGE TITLE:

FOUNDATION PLAN

PLOT FORMAT SIZE: 11 X 17
DRAWN BY: Brian Rintjema
DATE: FEBRUARY 11, 2021
SCALE: As Noted

SHEET NO.

2

F1 BASEMENT WALL
8" CONC. FND. WALL ON 6"x20" CONC. FTG.
DAMP-PROOFING BELOW GRADE
APPROVED DRAINAGE LAYER
2" RIGID R10 INSULATION C/W
2"x4" WALL STRAPPING @ 24" O.C. C/W R12 INSULATION
VAPOUR BARRIER

W4 TYPICAL INTERIOR WALL
1/2" DRYWALL
TAPED & SANDED
2x4 STUDS @ 16" o.c.
1/2" DRYWALL
TAPED & SANDED

LEGEND

SMOKE ALARMS:
TO CONFORM TO ARTICLE 9.10.19 OF THE O.B.C.
LOCATION: (9.10.19.3)
TO BE LOCATED IN EACH SLEEPING ROOM
TO BE LOCATED IN THE HALLWAY ATTACHED
TO SLEEPING ROOMS
TO BE ON EACH STOREY INCLUDING BASEMENT
POWER SUPPLY: (9.10.19.4)
TO BE INSTALLED WITH PERMANENT CONNECTIONS
TO AN ELECTRICAL CIRCUIT
TO BE PROVIDED WITH A BATTERY AS AN
ALTERNATIVE POWER SOURCE
INTERCONNECTION: (9.10.19.5)
ALL SMOKE ALARMS SHALL BE WIRED SO THAT
ONE ALARM WILL CAUSE ALL ALARMS TO SOUND

EXHAUST FANS:
TO CONFORM TO ARTICLE 9.32.3.5 OF THE O.B.C.
LOCATION: (9.32.3.5.2)
AN EXHAUST AIR INTAKE SHALL BE INSTALLED IN
EACH KITCHEN, BATHROOM AND WATER CLOSET
ROOM
ALTERNATIVE: (9.32.3.5.9)
SUPPLEMENTAL EXHAUST REQUIRED IN THIS
ARTICLE MAY BE PROVIDED BY MEANS OF A HRV
INSTALLED IN ACCORDANCE WITH ARTICLE
9.32.3.11.

HOT WATER:
TO CONFORM TO ARTICLE 9.31.4.3 OF THE O.B.C.
SUPPLY:
A WATER DISTRIBUTION SYSTEM SUPPLYING
HOT WATER TO PLUMBING FIXTURES SHALL
CONFORM TO THE REQUIREMENTS IN
SUBSECTION 7.6.5.
TEMPERATURE:
HOT WATER EQUIPMENT SHALL BE INSTALLED TO
BE INSTALLED TO PROVIDE AND ADEQUATE SUPPLY
OF HOT WATER WITH A TEMPERATURE RANGE
FROM 45° - 60 DEGREES CELSIUS

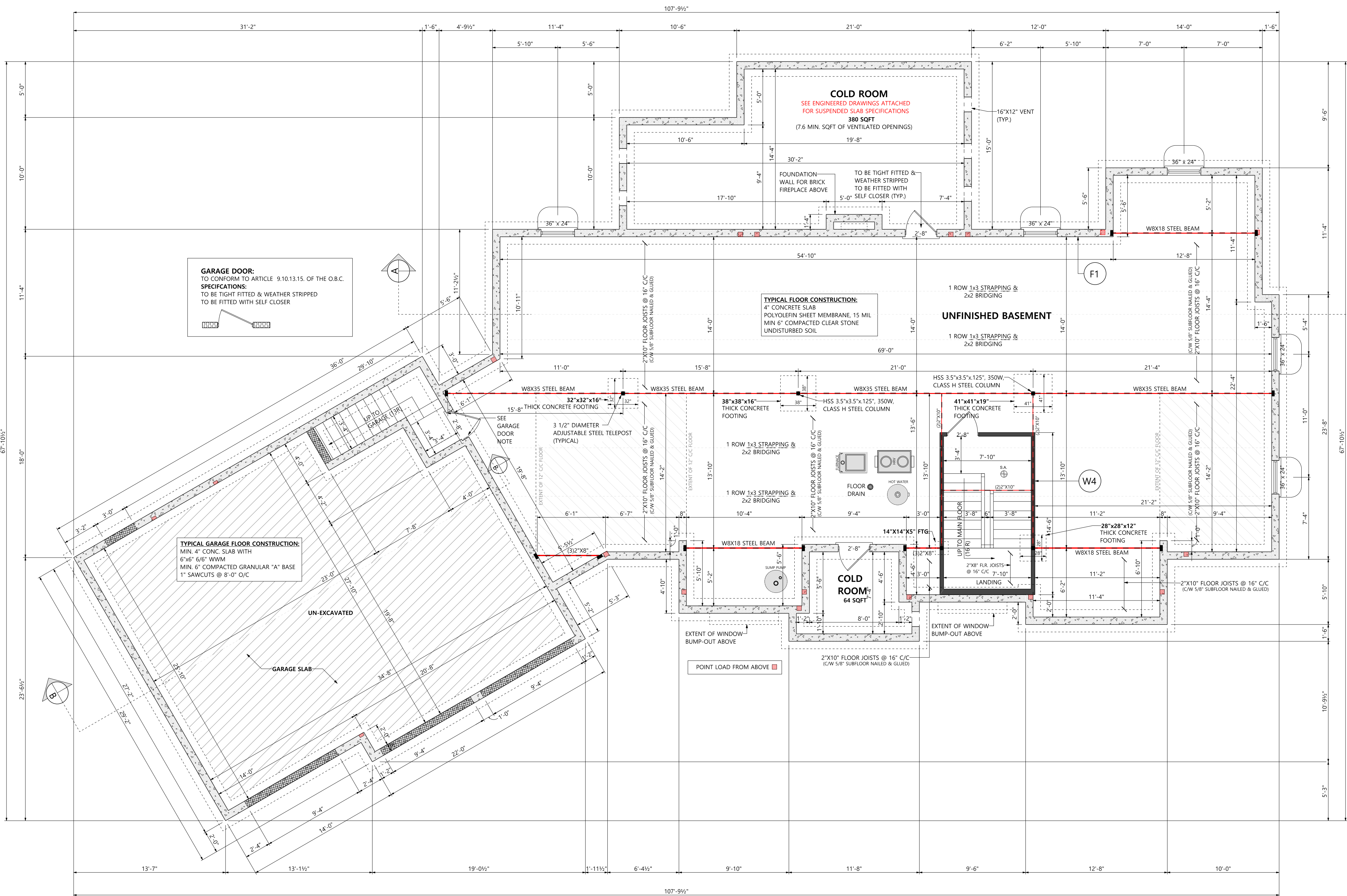
WINDOW WELLS:
TO CONFORM TO ARTICLE 9.9.10.1 OF THE O.B.C.
CLEARANCE:
WHERE A WINDOW OPENS INTO A WINDOW
WELL, A CLEARANCE OF NOT LESS THAN 21 3/4"
SHALL BE PROVIDED IN FRONT OF THE
WINDOW
ENCLOSURE:
WHERE THE SASH OF A WINDOW SWINGS
TOWARDS THE WINDOW WELL, THE OPERATION
OF THE SASH SHALL NOT REDUCE THE
CLEARANCE IN A MANNER THAT WOULD
RESTRICT ESCAPE IN AN EMERGENCY
WHERE A PROTECTIVE ENCLOSURE IS INSTALLED
OVER THE WINDOW WELL, SUCH ENCLOSURE
SHALL BE OPERABLE FROM THE INSIDE
WITHOUT THE USE OF KEYS, TOOLS OR SPECIAL
KNOWLEDGE IF THE OPENING MECHANISM

CONCRETE DOOR BUCK:
VERIFY LOCATION OF CONCRETE DOOR
BUCKS ON SITE

HEATING:
TO CONFORM TO ARTICLE 9.33 OF THE O.B.C.
DESIGN & INSTALLATION:
THE DESIGN AND INSTALLATION OF CENTRAL
HEATING SYSTEMS, INCLUDING REQUIREMENTS
FOR COMBUSTION AIR, SHALL CONFORM TO
PART 5
HVAC DESIGN:
THE DESIGN OF HVAC SYSTEMS SHALL BE
COMPLETED BY A THIRD PARTY CERTIFIED
PROFESSIONAL

SUMP PIT:
TO CONFORM TO ARTICLE 9.14.5.2 OF THE O.B.C.
WHERE GRAVITY DRAINAGE IS NOT PRACTICAL, A
COVERED SUMP WITH AN AUTOMATIC PUMP
SHALL BE INSTALLED TO DISCHARGE THE WATER
INTO A SEWER, DRAINAGE DITCH OR DRY WELL

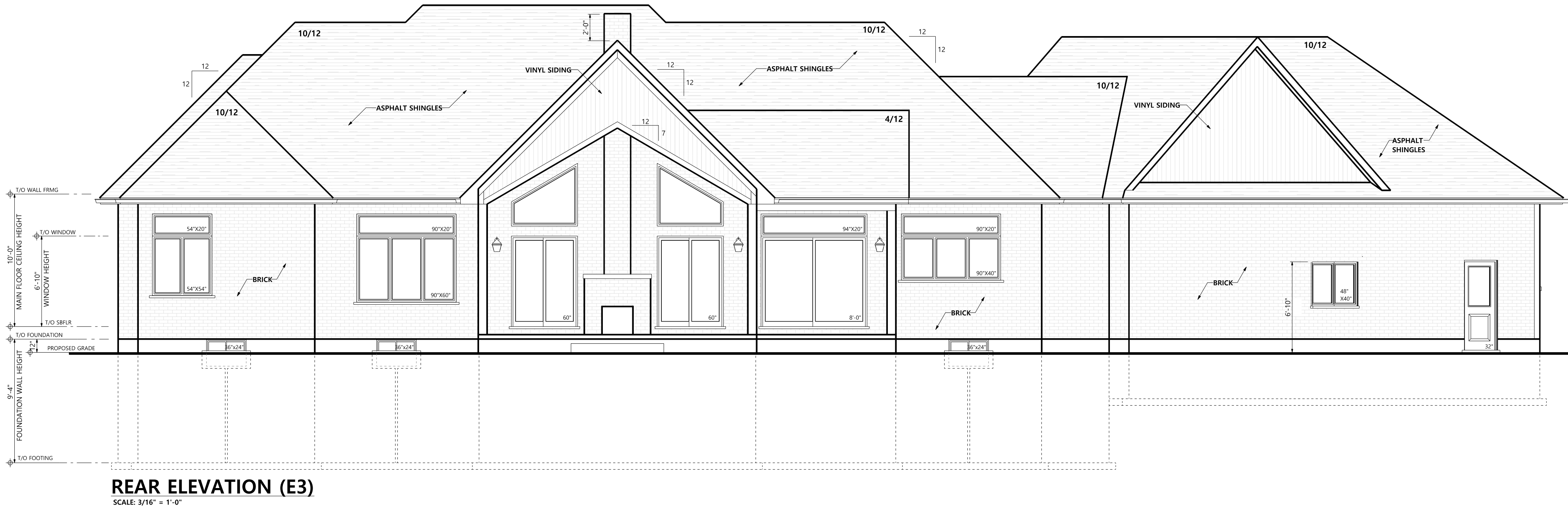
LID:
COVERS FOR SUMP PITS SHALL BE
DESIGNED TO RESIST REMOVAL BY CHILDREN
SEALED IN ACCORDANCE WITH SENTENCE
9.25.3.3 (16)
BEAM POCKET:
VERIFY DEPTH ON SITE
BEAM POCKET C/W 1/2" AIR SPACE ON ALL SIDES



FOUNDATION PLAN

SCALE: 3/16" = 1'-0"

COLD ROOM SLAB:
SPAN SHALL NOT EXCEED 8'-2" ALONG THE SHORTEST DIMENSION OF THE SLAB
REINFORCED WITH 10M BARS @ 8" C/C IN EACH DIRECTION
W/ 1" CLEAR COVER FROM BOTTOM OF THE SLAB TO THE FIRST LAYER OF THE BARS
AND THE SECOND LAYER OF BARS LAID DIRECTLY ON TOP OF THE LOWER LAYER
IN THE OPPOSITE DIRECTIONS
MINIMUM 3" BEARING ON FOUNDATION WALL
ANCHORED TO WALLS WITH 24" X 24" 10M BARS @ 24" C/C
SLAB TO BE SLOPED TO EFFECTIVELY SHED WATER AWAY FROM EXTERIOR WALL



ALL CONTRACTORS TO VERIFY ALL DIMENSIONS ON SITE & TO REPORT ALL ERRORS AND/OR OMISSIONS TO THE DESIGNER. ALL CONTRACTORS MUST COMPLY WITH ALL CODES, BYLAWS & OTHER AUTHORITIES HAVING JURISDICTION OVER THE WORK.

ALL DIMENSIONS AND CONDITIONS TO BE VERIFIED ON SITE. FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALE. DO NOT SCALE DRAWINGS

Brian's Drafting Service

8973 Twenty Rd.
Smithville, ON, L0R 2A0

(289) 680-7480

brian.rintjema@gmail.com



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

Qualification Information

Brian Rintjema
Name Signature BCIN 106999

Registration Information

Brian's Drafting Service
Firm BCIN 113224

JOVICIC RESIDENCE

7323 Sunset Place
West Lincoln, ON L0R 1M0

PAGE TITLE:

FRONT & REAR ELEVATIONS

PLOT FORMAT SIZE: 11 X 17
DRAWN BY: Brian Rintjema
DATE: FEBRUARY 11, 2021
SCALE: As Noted

SHEET NO.

3



TRUSS NOTE:

TRUSS MANUFACTURER TO PROVIDE TRUSS LAYOUT AND COMPONENT DETAILS TO THE DESIGNER PRIOR TO FABRICATION. CONTRACTOR MUST VERIFY WITH THE DESIGNER THAT THE STRUCTURE AND TRUSS LAYOUT HAS BEEN COORDINATED AND REVIEWED BY THE DESIGNER PRIOR TO COMMENCEMENT OF THE WOOD FRAMING WORK.

THE DESIGNER HAS ENGINEERED THE DESIGN OF THE SUPERSTRUCTURE SUPPORTING ALL ENGINEERED TRUSSES. GRAVITY LOADING TRANSFERRED BY THE ROOF TRUSS SYSTEM HAS BEEN CONSIDERED BY THE DESIGNER AS REQUIRED IN OBC SECTION 9.4. IT IS THE RESPONSIBILITY OF THE ROOF TRUSS DESIGNER/ SUPPLIER TO PROVIDE THE ENGINEERING FOR ALL PROPRIETARY TRUSS COMPONENTS - I.E. CHORDS, LATERAL WEB & CHORD BRACING FOR BUCKLING AND ANY RELATED LATERAL RESTRAINTS NEEDED THAT COULD BE TRANSFERRED BY THE RESULTANT FORCES WITHIN THE TRUSS MEMBERS.

ENGINEERING AND SPECIFICATIONS FOR TRUSSES TO BE ON SITE AT TIME OF FRAMING INSPECTION.

ROOF PLAN
SCALE: 3/16" = 1'-0"

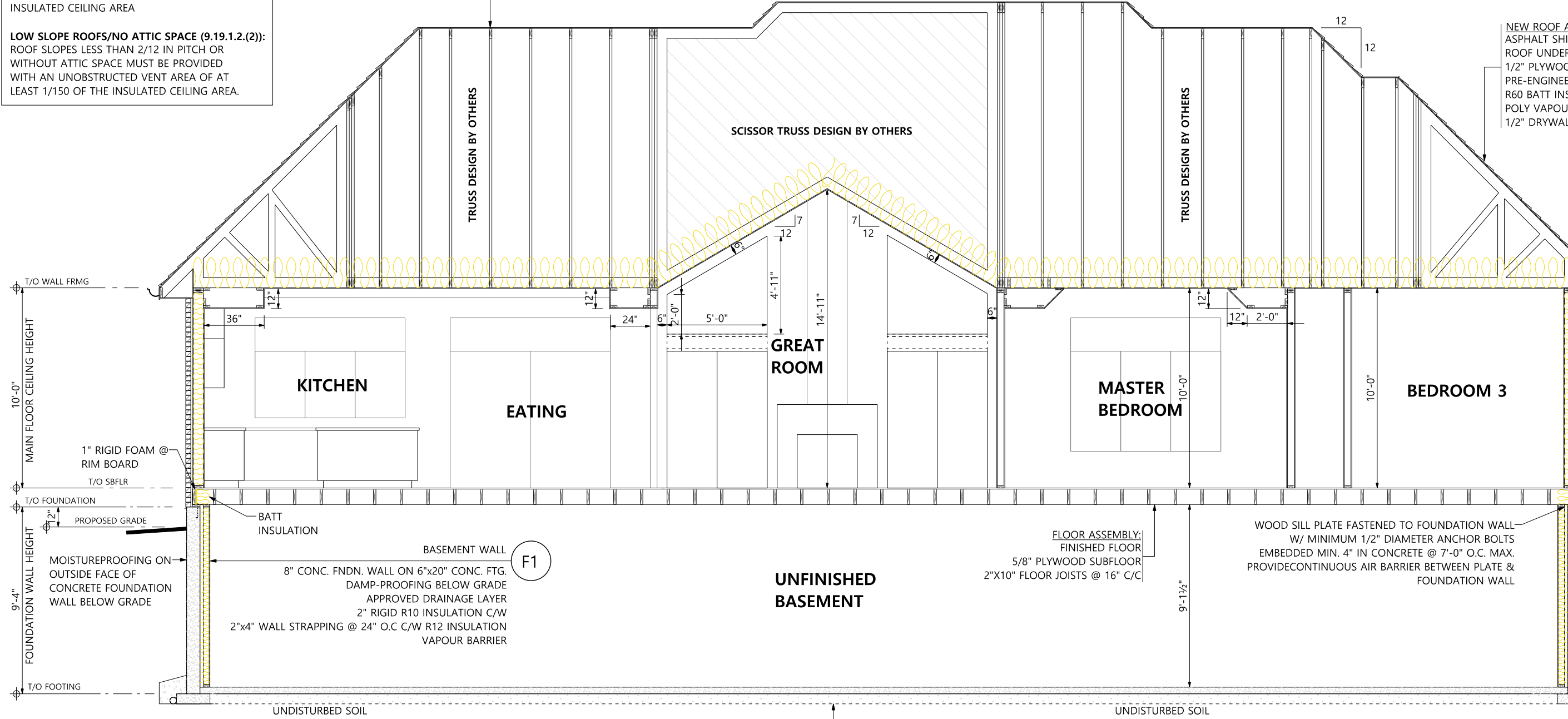
ROOF PLAN

4

ROOF VENTILATION:
ATTIC SPACES (9.19.1.2.(1)):
ALL ROOF OR ATTIC SPACES ABOVE INSULATED CEILINGS MUST BE VENTILATED BY PROVIDING VENTS TO THE SPACE BETWEEN THE INSULATION AND SHEATHING WITH AN UNOBSTRUCTED AREA OF 1/300 OF THE TOTAL INSULATED CEILING AREA.
LOW SLOPE ROOFS/NO ATTIC SPACE (9.19.1.2.(2)):
ROOF SLOPES LESS THAN 2/12 IN PITCH OR WITHOUT ATTIC SPACE MUST BE PROVIDED WITH AN UNOBSTRUCTED VENT AREA OF AT LEAST 1/150 OF THE INSULATED CEILING AREA.

FIRE BLOCKS:
SEPERATE CONCEALED ATTIC SPACE INTO COMPARTMENTS OF NOT MORE THAN 3230 SQFT NOT EXCEEDING 65'-0"

NEW ROOF ASSEMBLY:
ASPHALT SHINGLES
ROOF UNDERLAMENT
1/2" PLYWOOD SHEATHING
PRE-ENGINEERED TRUSSES @ 24" C/C
R60 BATT INSULATION W/ VENTILATED AIR SPACE ABOVE
POLY VAPOUR BARRIER
1/2" DRYWALL



CROSS SECTION A
SCALE: 1/8" = 1'-0"

WOOD FRAME CONSTRUCTION:

ALL WOOD USED TO BE SPRUCE-PINE-FIR NO. 1&2 GRADE UNLESS OTHERWISE NOTED

ALL CALCULATIONS FOR WOOD MEMBERS ARE BASED ON TABLES FROM THE CANADIAN WOOD COUNCIL SPAN BOOK

NOTCHING AND DRILLING:

TO CONFORM TO ARTICLE 9.23.5. OF THE O.B.C.

ROOF, FLOOR, OR CEILING MEMBERS

DRILLING SIZE: (9.23.5.1.)

HOLES DRILLED IN FRAMING MEMBERS:

MUST NOT BE LARGER THAN 1/4 THE DEPTH OF THE MEMBER

MUST NOT BE LOCATED CLOSER THAN 2" FROM THE EDGES

NOTCHING SIZE: (9.23.5.2.)

NOTCHES IN FRAMING MEMBERS:

MUST BE LOCATED ON THE TOP OF THE MEMBER

MUST BE WITHIN HALF THE JOIST DEPTH FROM THE EDGE OF BEARING

MUST BE NOT DEEPER THAN 1/3 THE JOIST DEPTH

WALL STUDS:

NOTCHING & DRILLING SIZE: (9.23.5.3.)

UNDAMAGED PORTION OF THE STUD IS NOT LESS THAN:

LOAD BEARING: 2/3 THE DEPTH OF THE STUD

NON-LOADBEARING: 1 1/2" DEEP

BEAMS TO SUPPORT FLOORS:

TO CONFORM TO ARTICLE 9.23.8. OF THE O.B.C.

BEARING: (9.23.8.1.)

BEAMS ARE TO HAVE EVEN AND LEVEL BEARING

AND ARE TO BE PROVIDED WITH AT LEAST 3 1/2" LENGTH OF BEARING AT END SUPPORTS

FLOOR JOISTS:

TO CONFORM TO ARTICLE 9.23.9. OF THE O.B.C.

BEARING: (9.23.9.1.)

FLOOR JOIST ARE REQUIRED TO HAVE A MIN. OF 1 1/2" LENGTH OF END BEARING

STRAPPING & BRIDGING: (9.23.9.4.)

WHERE STRAPPING IS SPECIFIED, IT MUST CONSIST OF:

1"x3" MIN. LUMBER NAILED TO THE UNDERSIDE OF FLOOR JOISTS

LOCATED NOT MORE THAN 6'-11" FROM EACH SUPPORT OR OTHER ROWS OF STRAPPING

FASTENED AT EACH END TO A SILL OR HEADER

WHERE BRIDGING IS SPECIFIED, IT MUST CONSIST OF:

1"x3" OR 2"x2" MIN. LUMBER

LOCATED NOT MORE THAN 6'-11" FROM EACH SUPPORT OR OTHER ROWS OF BRIDGING

ROOF & CEILING FRAMING:

TO CONFORM TO ARTICLE 9.23.13. OF THE O.B.C.

BEARING: (9.23.13.3.)

JOISTS AND RAFTERS ARE REQUIRED TO HAVE A MIN. OF 1 1/2" LENGTH OF END BEARING

TRUSSES:

TO CONFORM TO TRUSS DESIGN ATTACHED

ALL TRUSS DESIGNS TO BE SUPPLIED BY OTHERS

TRUSSES SHOULD NOT BE NOTCHED DRILLED OR TAMPED WITH

BASEMENT CONSTRUCTION:

EXCAVATION:

TO CONFORM TO ARTICLE 9.12.1 OF THE O.B.C.

EXCAVATIONS (9.12.1.2.) (9.12.1.3.)

EXCAVATIONS SHALL BE FREE OF ALL ORGANIC MATERIAL KEPT FREE OF STANDING WATER AND SHALL BE KEPT FREE FROM FREEZING DURING CONSTRUCTION

UNEXCAVATED (9.12.1.1.(1)):

REMOVE TOPSOIL AND VEGETABLE MATTER IN UNEXCAVATED AREAS UNDER BUILDING

TERMITES (9.12.1.1.(2)):

IN LOCALITIES WHERE TERMITE INFESTATION IS KNOWN TO BE A PROBLEM, ALL STUMPS, ROOTS AND WOOD DEBRIS SHALL BE REMOVED TO A MIN. OF 11 3/4" IN UNEXCAVATED AREAS UNDER BUILDING

UNDISTURBED SOIL (9.12.2.1.)

EXCAVATIONS FOR FOUNDATIONS MUST EXTEND TO UNDISTURBED SOIL

DEPTH (TABLE 9.12.2.2.):

FOUNDATION TO EXTEND MIN. 4'-0" BUT NOT LESS THAN DEPTH OF FROST PENETRATION

BACKFILL (9.12.3.):

TO BE GRADED TO PREVENT DRAINAGE TOWARDS THE FOUNDATION AFTER SETTLING

TO BE FREE OF PYRITIC MATERIALS, DELETERIOUS DEBRIS AND BOULDERS LARGER THAN 9 7/8" IN DIAMETER

FOOTINGS:

TO CONFORM TO ARTICLE 9.15.3. OF THE O.B.C.

SUPPORT: (9.15.3.2.)

FOOTINGS TO REST ON UNDISTURBED SOIL, ROCK OR COMPACTED GRANULAR FILL

TO BE BUILT ON STABLE SOILS WITH AN ALLOWABLE BEARING PRESSURE OF 75 kPa OR GREATER

(9.15.1.1.(1))

MAXIMUM SOIL BEARING PRESSURES:

DENSE SAND OR GRAVEL: 150 kPa

DENSE SILT: 100 kPa

STIFF CLAY: 150 kPa

FIRM CLAY: 100 kPa

TILL: 200 kPa

CLAY SHALE: 300 kPa

SOUND ROCK: 500 kPa

(9.4.4.1.)

CONCRETE:

TO CONFORM TO ARTICLE 9.3.1.6. OF THE O.B.C.

STRENGTH:

COMPRESSIVE STRENGTH OF UNREINFORCED CONCRETE AFTER 28 DAYS SHALL BE NOT LESS THAN:

32 MPa FOR GARAGE FLOORS

20 MPa FOR FOUNDATION WALLS & FOOTINGS

15MPa FOR ALL OTHER APPLICATIONS

(9.3.1.6.(1a))

AIR ENTRAINMENT:

CONCRETE USED FOR GARAGE FLOORS SHALL HAVE AIR ENTRAINMENT OF 5 TO 8%

(9.3.1.6.(1b))

WATER:

MAXIMUM WATER TO CEMENT RATIO: 0.45

(9.3.1.7.(1a))

GUARDS:

TO CONFORM TO ARTICLE 9.8.8. IN THE OBC

WHEN AN INTERIOR STAIR HAS MORE THAN 2 RISERS, THE SIDES OF THE STAIR AND THE LANDING OR FLOOR LEVEL AROUND THE STAIR WELL SHALL BE ENCLOSED BY WALL OR PROTECTED BY GUARDS

INTERIOR STAIRS AND LANDINGS: 36" MINIMUM HEIGHT

UNEXCAVATED (9.12.1.1.(1)):

REMOVE TOPSOIL AND VEGETABLE MATTER IN UNEXCAVATED AREAS UNDER BUILDING

TERMITES (9.12.1.1.(2)):

IN LOCALITIES WHERE TERMITE INFESTATION IS KNOWN TO BE A PROBLEM, ALL STUMPS, ROOTS AND WOOD DEBRIS SHALL BE REMOVED TO A MIN. OF 11 3/4" IN UNEXCAVATED AREAS UNDER BUILDING

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FOOTINGS:

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SUPPORT: (9.15.3.2.)

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CLAY SHALE: 300 kPa

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(9.4.4.1.)

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AIR ENTRAINMENT:

CONCRETE USED FOR GARAGE FLOORS SHALL HAVE AIR ENTRAINMENT OF 5 TO 8%

(9.3.1.6.(1b))

WATER:

MAXIMUM WATER TO CEMENT RATIO: 0.45

(9.3.1.7.(1a))

HANDRAILS:

TO CONFORM TO ARTICLE 9.8.7. IN THE OBC

WHEN AN INTERIOR STAIR HAS MORE THAN 2 RISERS, THE SIDES OF THE STAIR AND THE LANDING OR FLOOR LEVEL AROUND THE STAIR WELL SHALL BE ENCLOSED BY WALL OR PROTECTED BY GUARDS

INTERIOR STAIRS AND LANDINGS: 36" MINIMUM HEIGHT

UNEXCAVATED (9.12.1.1.(1)):

REMOVE TOPSOIL AND VEGETABLE MATTER IN UNEXCAVATED AREAS UNDER BUILDING

TERMITES (9.12.1.1.(2)):

IN LOCALITIES WHERE TERMITE INFESTATION IS KNOWN TO BE A PROBLEM, ALL STUMPS, ROOTS AND WOOD DEBRIS SHALL BE REMOVED TO A MIN. OF 11 3/4" IN UNEXCAVATED AREAS UNDER BUILDING

UNDISTURBED SOIL (9.12.2.1.)

EXCAVATIONS FOR FOUNDATIONS MUST EXTEND TO UNDISTURBED SOIL

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FOOTINGS:

TO CONFORM TO ARTICLE 9.15.3. OF THE O.B.C.

SUPPORT: (9.15.3.2.)

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STIFF CLAY: 150 kPa

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TILL: 200 kPa

CLAY SHALE: 300 kPa

SOUND ROCK: 500 kPa

(9.4.4.1.)

CONCRETE:

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(9.3.1.6.(1a))

AIR ENTRAINMENT:

CONCRETE USED FOR GARAGE FLOORS SHALL HAVE AIR ENTRAINMENT OF 5 TO 8%

(9.3.1.6.(1b))

WATER:

MAXIMUM WATER TO CEMENT RATIO: 0.45

(9.3.1.7.(1a))

STAIRS:

TO CONFORM TO ARTICLE 9.8. OF THE O.B.C.

WHEN AN INTERIOR STAIR HAS MORE THAN 2 RISERS, THE SIDES OF THE STAIR AND THE LANDING OR FLOOR LEVEL AROUND THE STAIR WELL SHALL BE ENCLOSED BY WALL OR PROTECTED BY GUARDS

INTERIOR STAIRS AND LANDINGS: 36" MINIMUM HEIGHT

UNEXCAVATED (9.12.1.1.(1)):

REMOVE TOPSOIL AND VEGETABLE MATTER IN UNEXCAVATED AREAS UNDER BUILDING

TERMITES (9.12.1.1.(2)):

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FOOTINGS:

TO CONFORM TO ARTICLE 9.15.3. OF THE O.B.C.

SUPPORT: (9.15.3.2.)

FOOTINGS TO REST ON UNDISTURBED SOIL, ROCK OR COMPACTED GRANULAR FILL

TO BE BUILT ON STABLE SOILS WITH AN ALLOWABLE BEARING PRESSURE OF 75 kPa OR GREATER

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CONCRETE:

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(9.3.1.6.(1b))

WATER:

MAXIMUM WATER TO CEMENT RATIO: 0.45

(9.3.1.7.(1a))

W6

W1

TYPICAL 2x4 STONE/BRICK EXTERIOR WALL:
FACE STONE/BRICK
7 GAUGE CORRUGATED GALVANIZED METAL BRICK TIES
1" AIR SPACE
AIR BARRIER MEMBRANE
7/16" SHEATHING
2x4 STUDS @ 16" O.C.

TYPICAL 2x6 BRICK EXTERIOR WALL:
FACE BRICK
7 GAUGE CORRUGATED GALVANIZED METAL BRICK TIES
1" AIR SPACE
AIR BARRIER MEMBRANE
7/16" SHEATHING
2x6 STUDS @ 16" O.C.
R22 BATT INSULATION
VAPOUR BARRIER
1/2" DRYWALL
TAPED & SANDED

PRE-FINISHED METAL FACIA OVER 2"x6" SURFACIA
PRE-FINISHED STEEL SAWSTROUGH W/ CONTINUOUS LEAFGUARD
SOFFIT VENT IN PRE-FINISHED ALUM. SOFFIT
2% SLOPE AWAY FROM BUILDING
4" PERIMETER WEeping TILE IN MIN. 12" CLEAR COURSE STONE (TYP.)
20"x6" DEEP POURED CONC. FTG. (TYPICAL) FOOTING TO BEAR ON UNDISTURBED SOIL

WOOD SILL PLATE FASTENED TO FOUNDATION WALL W/ MINIMUM 1/2" DIAMETER ANCHOR BOLTS EMBEDDED MIN. 4" IN CONCRETE @ 7'-0" O.C. MAX. PROVIDECONTINUOUS AIR BARRIER BETWEEN PLATE & FOUNDATION WALL

FLOOR ASSEMBLY:
FINISHED FLOOR
5/8" PLYWOOD SUBFLOOR
2"x10" FLOOR JOISTS @ 16" C/C

BASEMENT WALL:
8" CONC. FNDL. WALL ON 6"x20" CONC. FTG. DAMP-PRO

DATE: August 18th, 2021

REPORT NO: COA-027-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by the Civitarese's
File No. A19/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Danny Civitarese on behalf of Daniel Civitarese and Ana Batlnzc for the property known as Condominium Plan Niagara North Condo being part Concession 8, Part Lot 17, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara. Municipally known as 7330 Sunset Place.
- This Minor Variance application has been applied for to permit an attached garage to be built 1.3 metres (4.27 feet) wider than allowed for a private garage with a total width of 10.5 metres (34.45 feet).
- Whereas Section 3.12.7 h) of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum garage width for an attached private garage shall be not more than 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 dwelling.
- The applicant has indicated that the current Zoning provision does not allow enough room for landscaping equipment and recreational items and that they will have to build another accessory building in the future if the variance is not approved.
- 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 Danny Civitarese on behalf of Daniel Civitarese and Ana Batlnzc as outlined in Report COA-027-21, to permit an attached private garage to be built with a total width of 10.5 metres, BE APPROVED.

BACKGROUND:

The subject lands are situated on the west of Regional Road 12 and north of Highway 20, being legally described as Condominium Plan Niagara North Condos being part of Concession 8, Part Lot 17, in the former Township of South Grimsby, now in the

Township of West Lincoln, Region of Niagara. The subject property is municipally known as 7330 Sunset Place. (See attachment 1 for a site sketch)

The subject property is approximately 1.9 acres (0.8 hectares) in size. The property is within a part of the Hamlet Settlement Area of Regional Road 12 and is zoned Rural Residential. The surrounding properties to 7330 Sunset Place have Rural Residential zoning and Service Commercial zoning. The applicant's initially applied for a building permit on May 20th to build their dwelling with an attached private garage. Planning staff identified that they were unable to sign off on the permit as the garage had a wider garage than allowed in the Township's Zoning By-law 2017-70, as amended. After numerous conversations with the applicants, the applicants decided to move forward with this minor variance application to address their garage's width.

This Minor Variance application has been applied for to permit an attached garage to be built 1.3 metres (4.27 feet) wider than allowed for a private garage with a total width of 10.5 metres (34.45 feet). Whereas Section 3.12.7 h) of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum garage width for an attached private garage shall be not more than 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 dwelling. The applicant has indicated that the current Zoning provision does not allow enough room for landscaping equipment and recreational items and that they will have to build another accessory building in the future if the variance is not approved.

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 Regional Road 12. The Township's Official Plan identifies that the predominant land use within the Township's Hamlet Settlement Areas shall be for single detached dwellings. Attached garages are permitted with single detached dwellings. Township staff are of the opinion that this minor variance meets the general intent and purpose of the Official Plan.

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

The subject land is zoned Rural Residential under the Township's Zoning By-law 2017-70, as amended. The parcel of land is 0.8 hectares (1.9 acre). The Rural Residential zone permits single detached dwellings as well as attached private garages.

Under the Township's Zoning By-Law 2017-70, as amended, attached garages 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. While the width of the proposed attached private garage is less than 50% of the total width of the dwelling on the lot at

34% it is proposed to be larger than 9.2 metres at 10.5 metres (34.45 feet). Therefore, the proposed garage is 1.3 metres (4.27 feet) wider than the Township's Zoning By-law 2017-70, as amended, permits. The Township Planning Staff are of the opinion that the minor variance meets the general intent and purpose of the Township's Zoning Bylaw given the extremely large lot size and nature of the surrounding development.

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

Yes

The applicant has proposed to construct a 78.18 square metre (841.52 square feet) attached private garage to their proposed dwelling with a width of 10.5 metres. The applicants submitted a building permit three 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 proposed attached garage. Accessory buildings are permitted on Rural Residential zoned properties. If the applicants applied for a detached garage they would be able to permit a garage that would be 100 square metres (1,076.39 square feet). A detached garage would be able to be 21.82 square metres (234.87 square feet) larger than the proposed garage and the applicants would not have a width requirement. Since the proposed garage is smaller than a maximum permitted detached accessory building and less than 50% of the total width of the dwelling on the lot, Planning Staff are of the opinion that the requested variance for width is an appropriate development and use of land on this property.

Is the proposal minor in nature?

Yes

The size of the proposed attached garage is appropriate for the property. The neighboring residential properties in the Hamlet of Regional Road 12 are permitted to construct an attached private garage. The applicants are proposing to build an attached private garage that is wider than allowed. The applicants proposed garage is 14% wider than the Township's Zoning By-law 2017-70, as amended, permits. Planning staff are of the opinion that the requested variance regarding width 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 30th, 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 objection to the proposed application.

The NPCA has no objection to the proposed application.

The Niagara Region has not yet provided comments for the application.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on July 30th, 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 August 14th, during the preparation of this report.


CONCLUSION:

A Minor Variance application has been submitted by Danny Civitarese on behalf of Daniel Civitarese and Ana Batlnzc for the property municipally known as 7330 Sunset Place. The Minor Variance application is submitted to permit an attached garage to be built 1.3 meters (4.27 feet) wider than allowed. Planning staff are of the opinion that the requested variance regarding width meets all four tests of a minor variance and as such, can recommend approval.

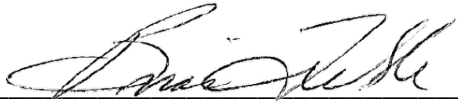
ATTACHMENTS:

1. Site Sketch
2. Agency Comments

Prepared by:



Madyson Etzi
Planner I



Brian Treble, RPP, MCIP
Director of Planning and Building

Meghan Birbeck

From: Lyle Killins <lkillins@live.com>
Sent: August 12, 2021 11:46 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing for August Minor Variance Applications - West Lincoln

Hi Meghan,

The minor variance applications A-18/2021WL and A 19/2021 as submitted do not negatively affect Part 8, Ontario Building Code.

Thus ,no objection to the applications as proposed.

Regards.

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

BCIN # 11112

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: August 3, 2021 2:10 PM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; susan.dunsmore@niagararegion.ca <susan.dunsmore@niagararegion.ca>; Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <m dipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Jessie Lechowicz <jlechowicz@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Ray Vachon <rvachon@westlincoln.ca>
Cc: Busnello, Pat <pat.busnello@niagararegion.ca>
Subject: Notice of Hearing for August Minor Variance Applications - West Lincoln

Good afternoon,

The Township of West Lincoln has three minor variance applications being heard at our August 18th committee of adjustment meeting.

These minor variance applications are

- A18/2021WL – 7323 Sunset Place – Wider garage and garage projection from the house
- A19/2021WL – 7330 Sunset Place – Wider garage
- A20/2021WL – 121 Griffin Street – Front yard setback and number of storeys

Attached is the full package for both consent applications.

Best,
Meghan

Meghan Birbeck

From: Jennifer Bernard
Sent: August 13, 2021 9:07 AM
To: Meghan Birbeck
Subject: RE: Notice of Hearing for August Minor Variance Applications - West Lincoln

Hi Meghan,

Public Works has no comments to provide on these variance applications.

Thanks,
Jenn



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

COVID 19 Update July 15, 2021 – As Ontario enters Step Three of the Roadmap to Reopen, the Township will continue to offer select services by appointment only. Full information available in the latest [press release](#). Staff are available to assist the public, Monday - Friday, 9:00 am - 4:30 pm by phone at 905-957-3346, or by email. The best source of information is our [website](#) where you can also find specific email address and phone extensions.

From: Meghan Birbeck
Sent: August 3, 2021 2:10 PM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; susan.dunsmore@niagararegion.ca; Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Jessie Lechowicz <jlechowicz@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Ray Vachon <rvachon@westlincoln.ca>
Cc: Busnello, Pat <pat.busnello@niagararegion.ca>
Subject: Notice of Hearing for August Minor Variance Applications - West Lincoln

Good afternoon,

Attachment No. 1 to COA-027-21

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These minor variance applications are

- A18/2021WL – 7323 Sunset Place – Wider garage and garage projection from the house
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- A20/2021WL – 121 Griffin Street – Front yard setback and number of storeys

Attached is the full package for both consent applications.

Best,
Meghan



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Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: August 5, 2021 10:14 AM
To: Meghan Birbeck
Cc: Madyson Etzl; Gerrit Boerema
Subject: Re: August 18th Committee of Adjustment Applications

Hello Meghan,

Thank you for your help, it is greatly appreciated. I can confirm that the NPCA will not have any objections to the proposed Minor Variances located at 7323 and 7330 Sunset Place due to a lack of NPCA regulated features or hazards on the subject properties.

I will provide my comments on 6159 Spring Creek Road in the near future.

Sincerely,

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

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

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Wednesday, August 4, 2021 11:53 AM
To: Nikolas Wensing <nwensing@npca.ca>
Cc: Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>
Subject: RE: August 18th Committee of Adjustment Applications

Hi Nikolas,

Thank you so much for the quick reply.

I will contact 6159 Spring Creek Road and inform them on the required payment.

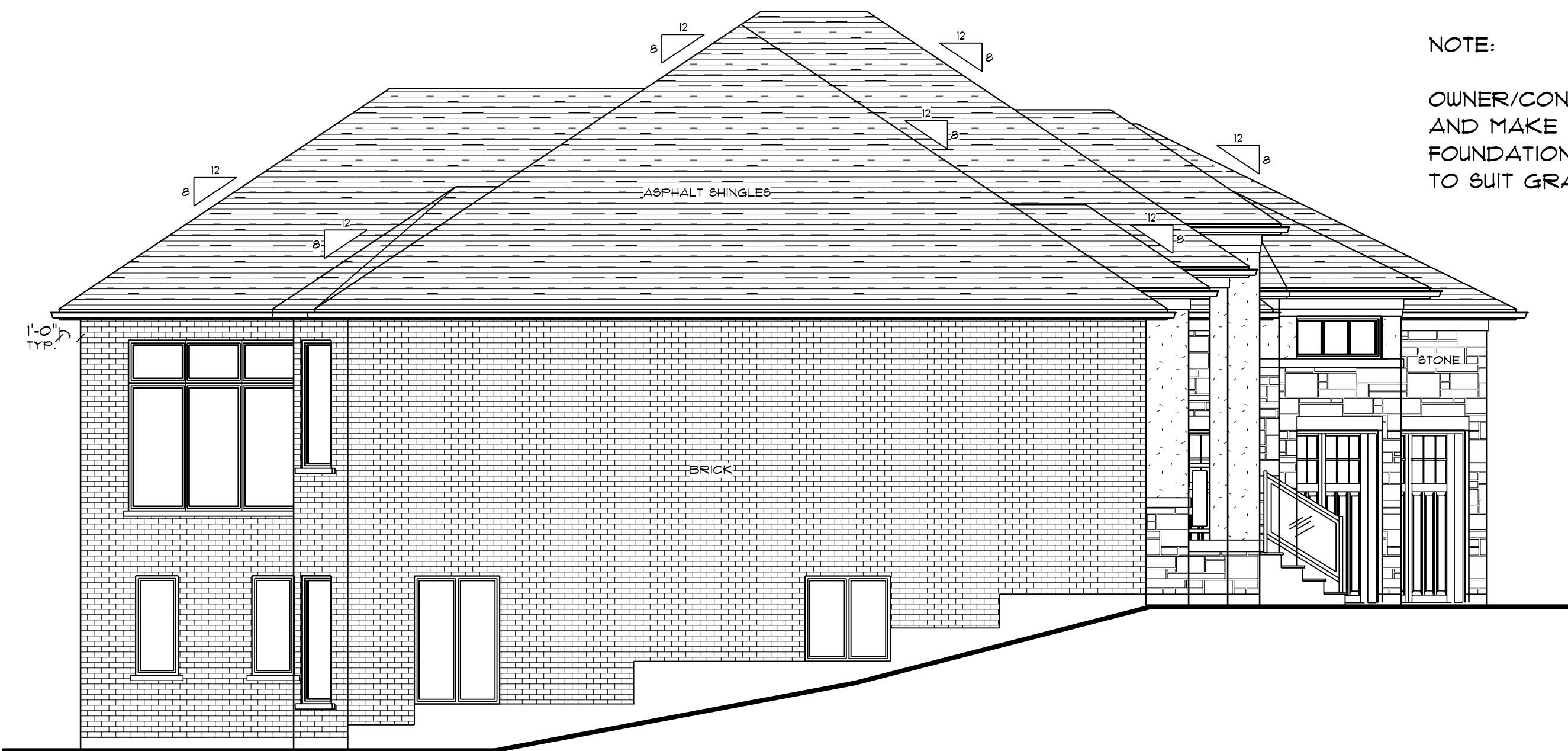
Sunset place is a private subdivision.
The whole has a total ownership parcel of 465190000.
The parcels currently do not have MPCA Roll numbers.

Sunset place is west of Regional Road 12 (sometimes known as mountain road) and north of Highway 20. It is in the hamlet of Regional Road 12 which is just east of the Kimbo hamlet.

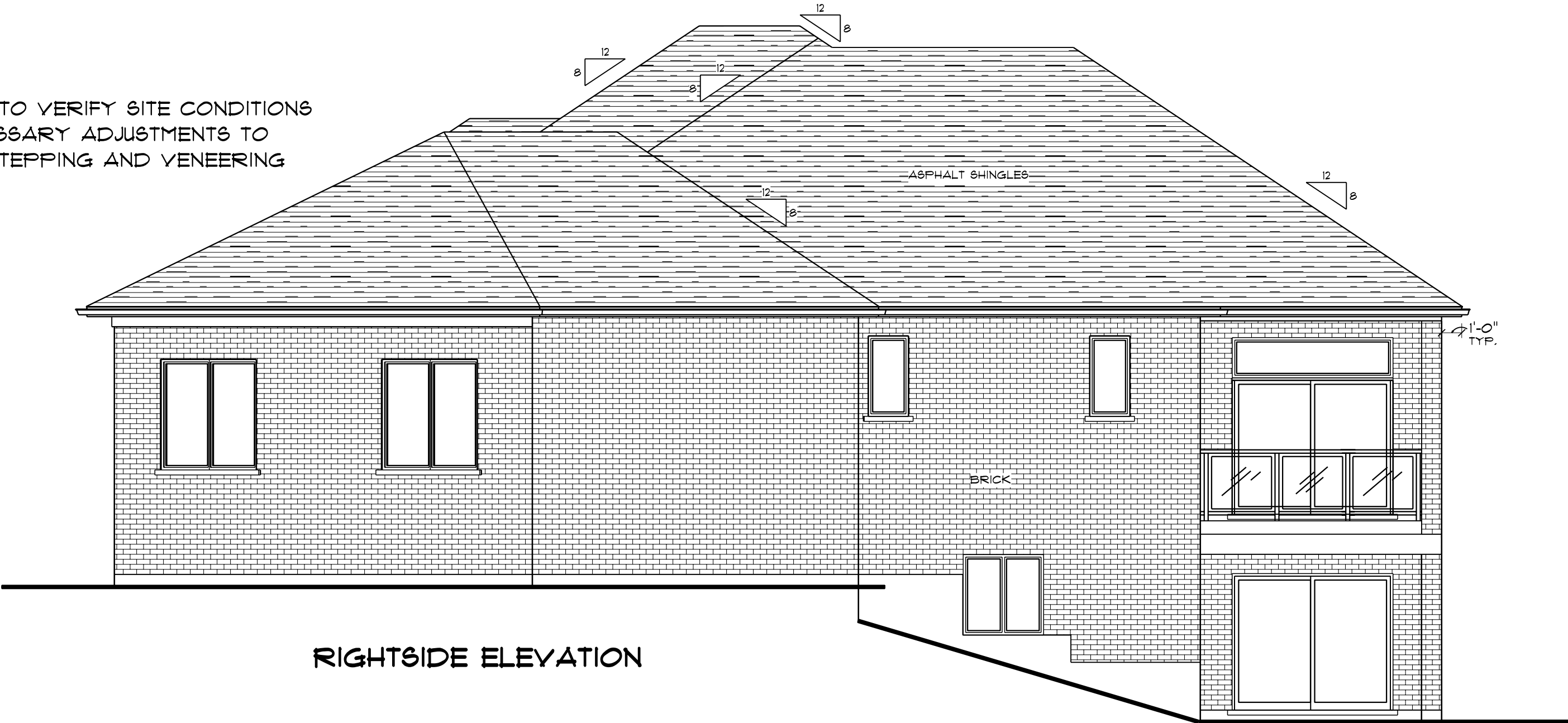
These drawings are the property of DeFILIPPIS DESIGN and are not to be copied, reproduced or used without the express written consent of the designer.



FRONT ELEVATION



LEFTSIDE ELEVATION



RIGHTSIDE ELEVATION



REAR ELEVATION

NOTE:

OWNER/CONTRACTOR TO VERIFY SITE CONDITIONS AND MAKE ANY NECESSARY ADJUSTMENTS TO FOUNDATION HEIGHT, STEPPING AND VENEERING TO SUIT GRADE.

NOTE:

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

The undersigned has reviewed and takes responsibility for this design, has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

REGISTRATION AND QUALIFICATION INFORMATION

Required unless design is exempt under 2, 17, 5, 1 and/or 2, 17, 4, 1 of the building code

FIRM BCIN 28695


INDIVIDUAL BCIN 19362

NICK DEFILIPPIS

NAME SIGNATURE

The above signature must be in red to be valid.

DO NOT SCALE
DRAWINGS



DeFILIPPIS DESIGN
687 BARTON STREET, SUITE 201
STONEY CREEK, ONTARIO L8E 5L6
(905) 643-2250 FAX (905) 643-1095

CIVITARESE RESIDENCE		
SCALE: 3/16"=1'-0"	APPROVED BY:	DRAWN BY:
DATE: MAR, '21		REVISED:
SH 1 OF 4		DRAWING NUMBER: 1S - 532

NOTE:

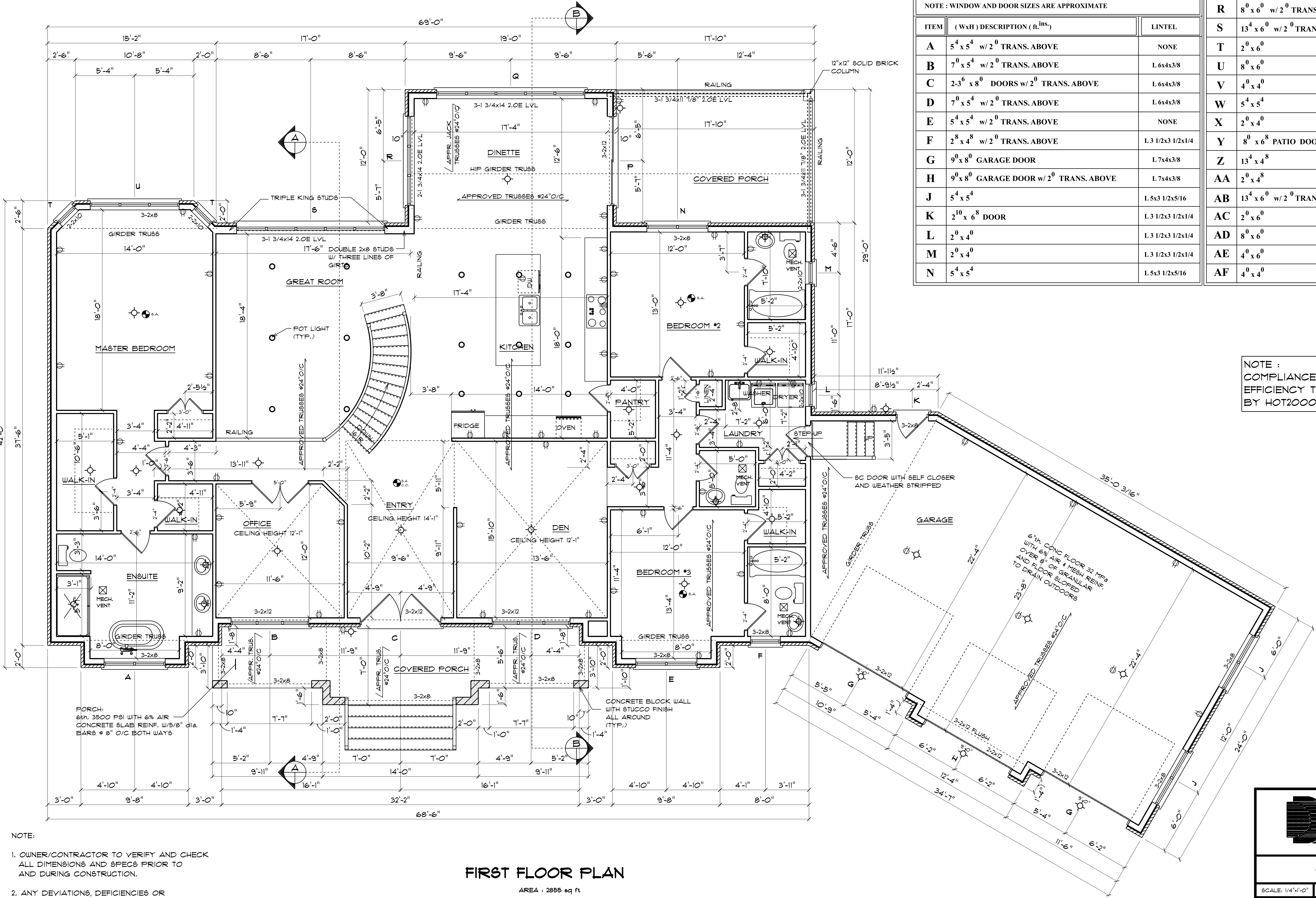
ROOM DIMENSIONS ARE BASED ON 10"th. EXTERIOR BRICK WALLS, 6" th. EXTERIOR SIDING WALLS, AND 4" th. INTERIOR WALLS UNLESS NOTED OTHERWISE.

These drawings are the property of DeFILIPPIS DESIGN and are not to be copied, reproduced or used without the express written consent of the designer.

WINDOW SCHEDULE		
CIVITARESE RESIDENCE		
NOTE : WINDOW AND DOOR SIZES ARE APPROXIMATE		
ITEM	(WxH) DESCRIPTION (R. INCHES)	LINTEL
A	5'4" x 5'4" w/ 2' 0" TRANS. ABOVE	NONE
B	7'0" x 5'4" w/ 2' 0" TRANS. ABOVE	L 6x4x3/8
C	2-3'6" x 8'0" DOORS w/ 2' 0" TRANS. ABOVE	L 6x4x3/8
D	7'0" x 5'4" w/ 2' 0" TRANS. ABOVE	L 6x4x3/8
E	5'4" x 5'4" w/ 2' 0" TRANS. ABOVE	NONE
F	2'8" x 4'8" w/ 2' 0" TRANS. ABOVE	L 3 1/2x3 1/2x1/4
G	9'0" x 8'0" GARAGE DOOR	L 7x4x3/8
H	9'0" x 8'0" GARAGE DOOR w/ 2' 0" TRANS. ABOVE	L 7x4x3/8
J	5'4" x 5'4"	L 5x3 1/2x5/16
K	2'10" x 6'8" DOOR	L 3 1/2x3 1/2x1/4
L	2'0" x 4'0"	L 3 1/2x3 1/2x1/4
M	2'0" x 4'0"	L 3 1/2x3 1/2x1/4
N	5'4" x 5'4"	L 5x3 1/2x5/16

P	8'0" x 6'8" PATIO DOOR w/ 2' 0" TRANS. ABOVE	L 6x4x3/8
Q	13'4" x 6'0" w/ 2' 0" TRANS. ABOVE	L 7x4x3/8
R	8'0" x 6'0" w/ 2' 0" TRANS. ABOVE	L 6x4x3/8
S	13'4" x 6'0" w/ 2' 0" TRANS. ABOVE	L 7x4x3/8
T	2'0" x 6'0"	L 3 1/2x3 1/2x1/4
U	8'0" x 6'0"	L 6x4x3/8
V	4'0" x 4'0"	L 3 1/2x3 1/2x1/4
W	5'4" x 5'4"	L 5x3 1/2x5/16
X	2'0" x 4'0"	L 3 1/2x3 1/2x1/4
Y	8'0" x 6'8" PATIO DOOR	L 6x4x3/8
Z	13'4" x 4'8"	L 7x4x3/8
AA	2'0" x 4'8"	L 3 1/2x3 1/2x1/4
AB	13'4" x 6'0" w/ 2' 0" TRANS. ABOVE	L 7x4x3/8
AC	2'0" x 6'0"	L 3 1/2x3 1/2x1/4
AD	8'0" x 6'0"	L 6x4x3/8
AE	4'0" x 6'0"	L 3 1/2x3 1/2x1/4
AF	4'0" x 4'0"	L 3 1/2x3 1/2x1/4

NOTE :
COMPLIANCE TO ENERGY
EFFICIENCY TO BE DETERMINED
BY HOT2000 CONSULTANTS.

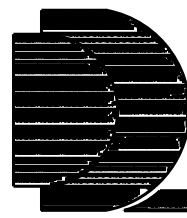


FIRST FLOOR PLAN

AREA : 2855 sq ft

NOTE:

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

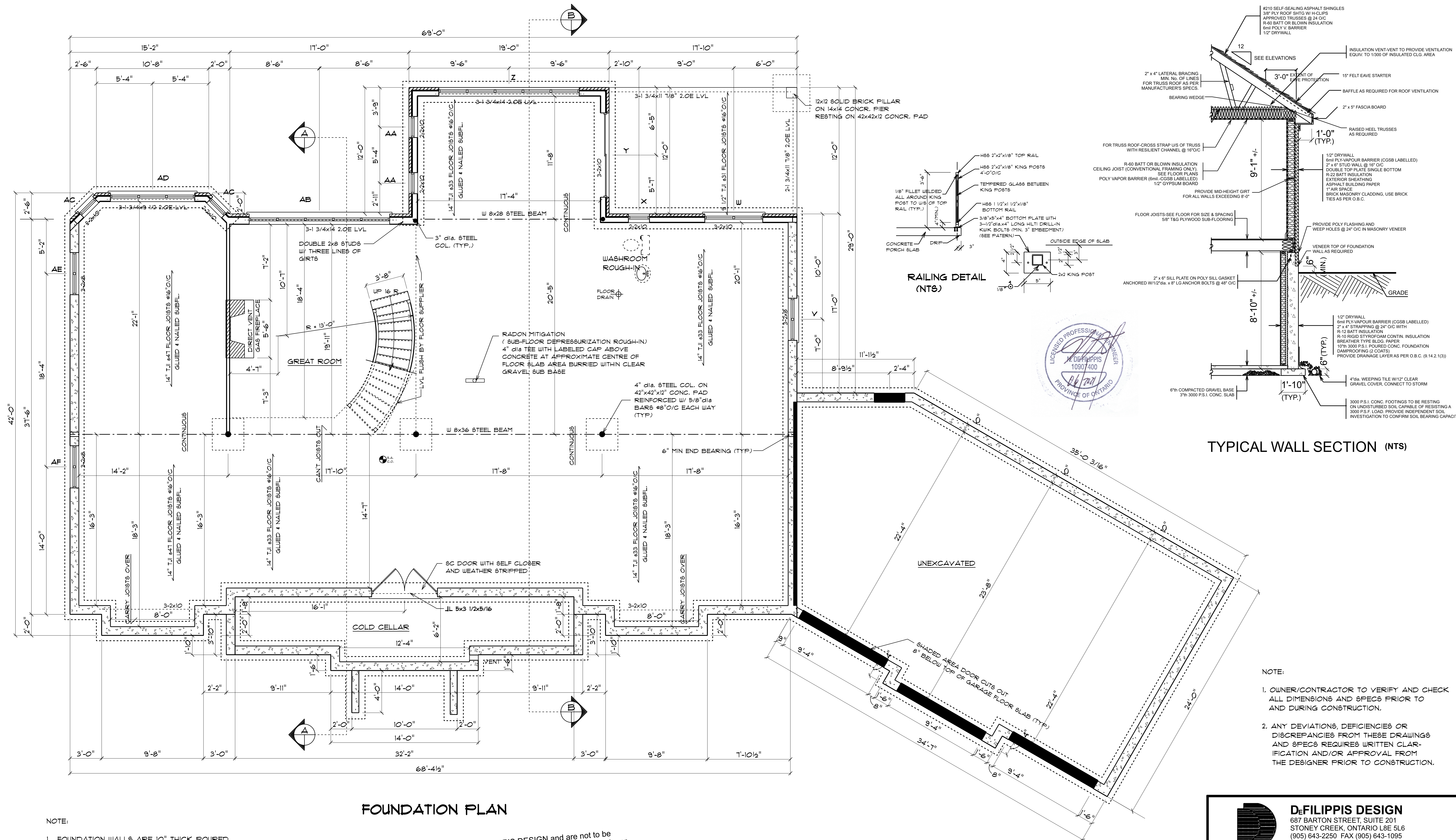


DeFILIPPIS DESIGN
687 BARTON STREET, SUITE 201
STONEY CREEK, ONTARIO L8E 5L6
(905) 643-2250 FAX (905) 643-1095

CIVITARESE RESIDENCE

SCALE: 1/4"=1'-0"	APPROVED BY:	DRAWN BY:
DATE: MAR. '21		REVISED:
SH 2 OF 4		DRAWING NUMBER: 1S - 532

DO NOT SCALE
DRAWINGS

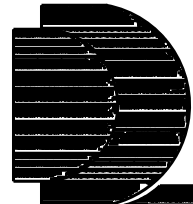


- NOTE:
1. FOUNDATION WALLS ARE 10" THICK FOURED CONCRETE UNLESS NOTED OTHERWISE.
 2. DROP TOP OF GARAGE FOUNDATION WALLS TO SUIT GRADE.
 3. ALL STEPS IN TOP OF FOUNDATION WALL FOR VENEERING ARE THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO SUIT INDIVIDUAL SITE GRADES.
 4. PROVIDE LIGHTS AND OUTLETS TO SUIT AND IN CONFORMANCE WITH APPLICABLE CODES.
 5. HEAT-LOSS AND DUCT LAYOUT BY OTHERS.

FOUNDATION PLAN

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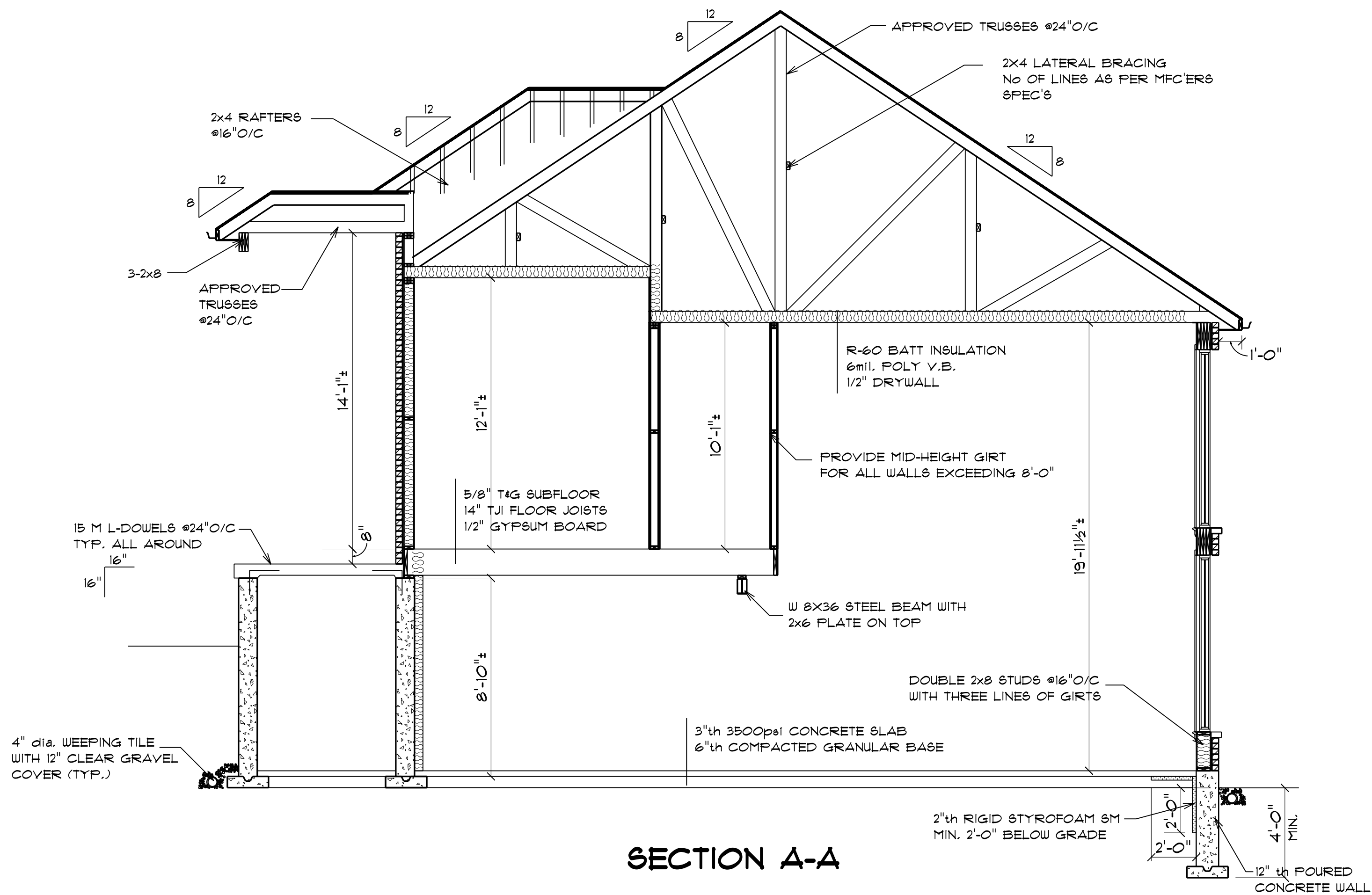
- NOTE:
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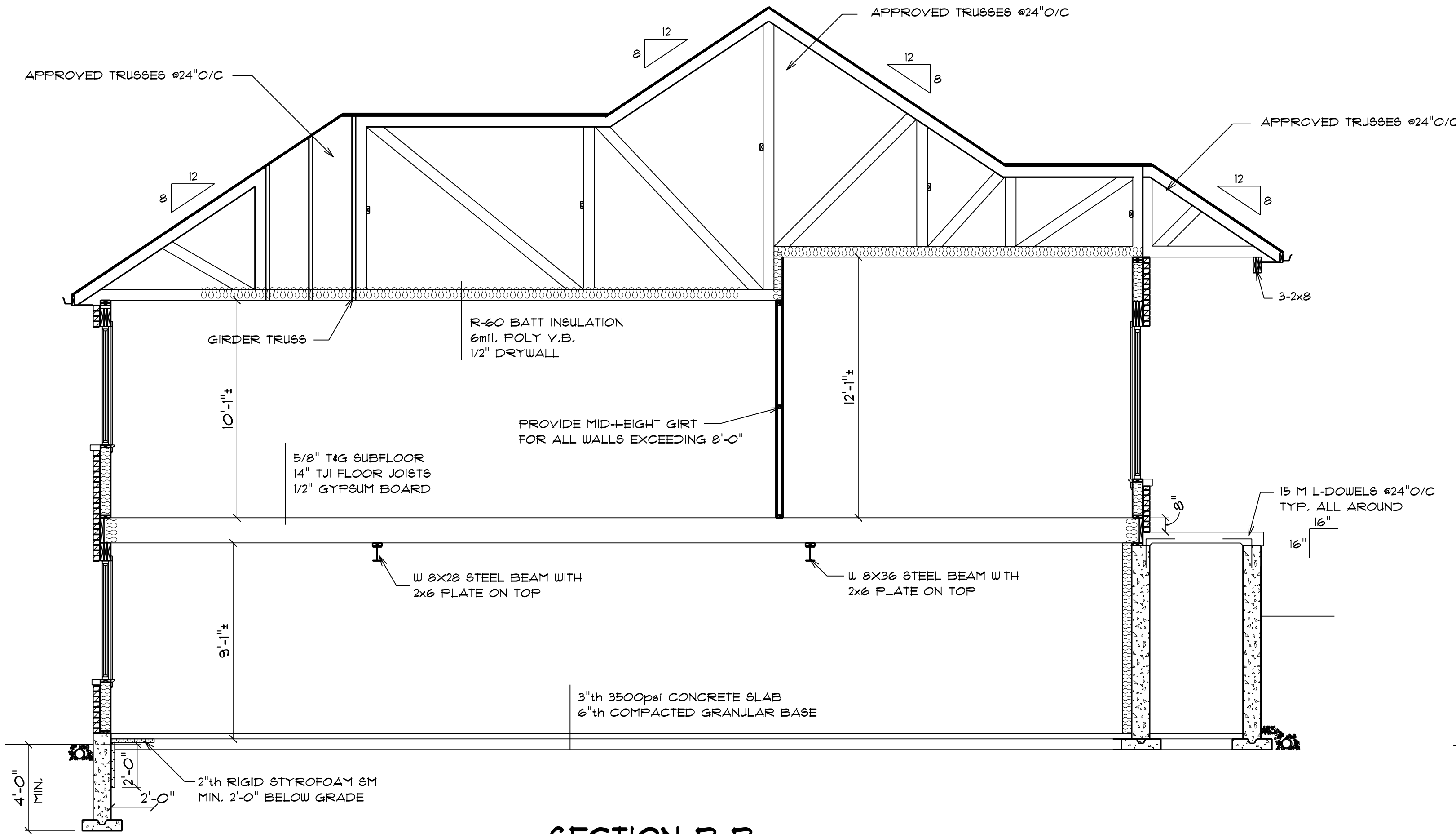
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(905) 643-2250 FAX (905) 643-1095

CIVITARESE RESIDENCE		
SCALE: 1/4"=1'-0"	APPROVED BY:	DRAWN BY:
DATE: MAR. '21		REVISED:
SH 3 OF 4		DRAWING NUMBER: 1S - 532

DO NOT SCALE
DRAWINGS



SECTION A-A

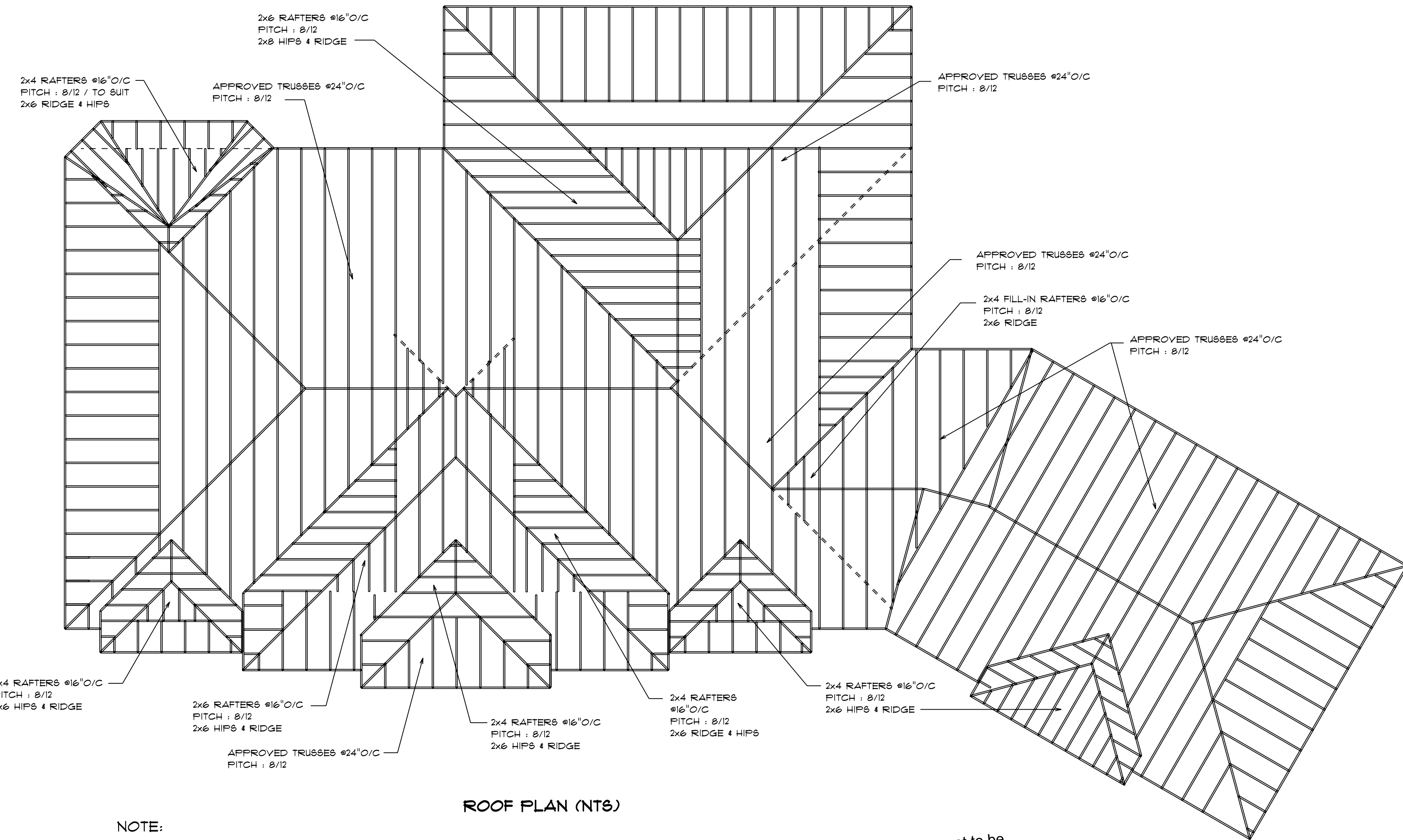


SECTION B-B

NOTE:

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- ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

DO NOT SCALE
DRAWINGS



ROOF PLAN (NTS)

NOTE:

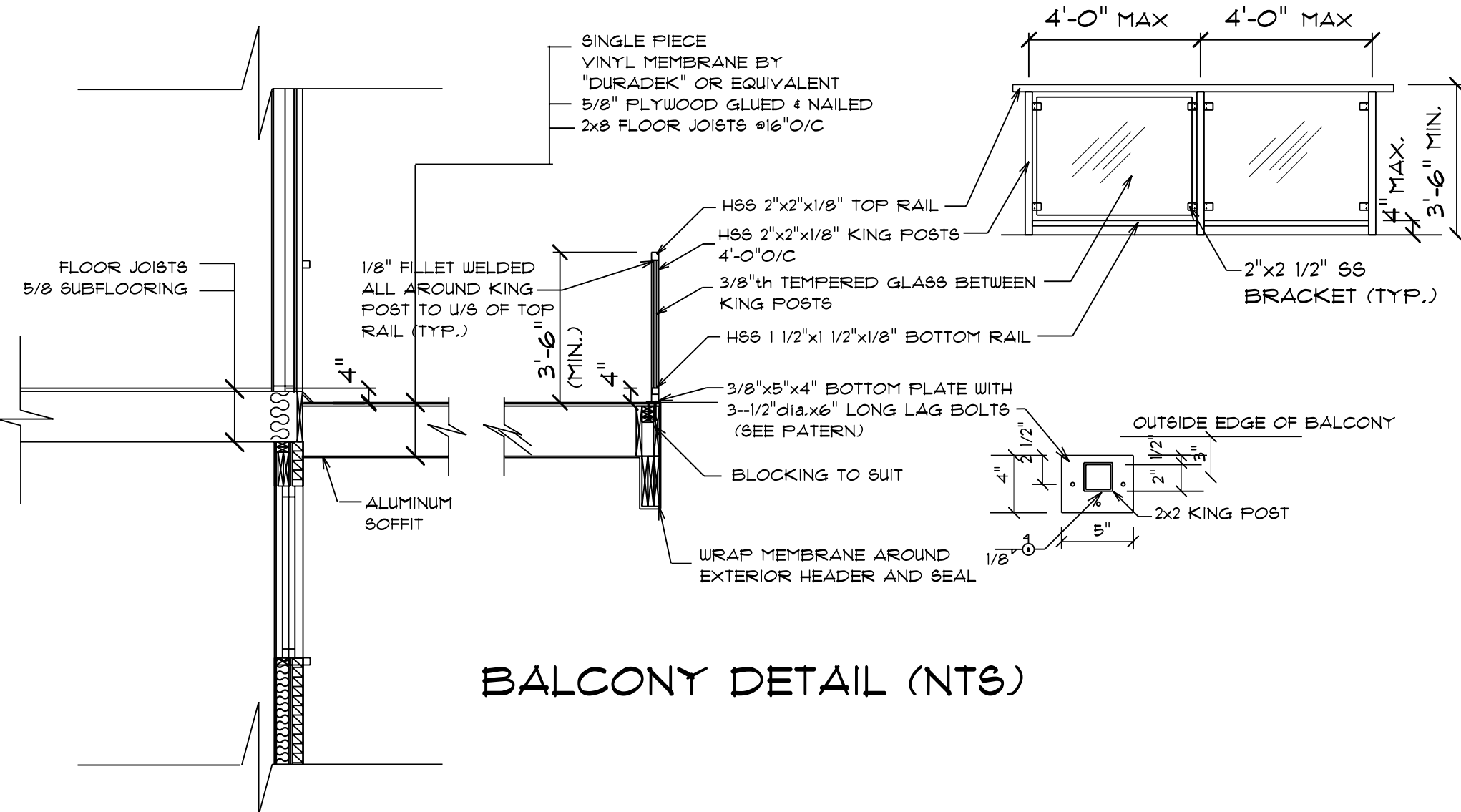
- ERECT AND Laterally BRACE TRUSSES IN CONFORMANCE WITH MANUFACTURERS SPECIFICATIONS.
- DO NOT USE THIS ROOF PLAN TO DETERMINE MATERIAL QUANTITIES OF ROOF FRAMING MEMBERS.
- PROVIDE ICE & WATER SHIELD UNDER ROOF SHINGLES AT ALL LOW SLOPE AND ROOF VALLEY LOCATIONS.

These drawings are the property of DeFILIPPIS DESIGN and are not to be copied, reproduced or used without the express written consent of the designer.

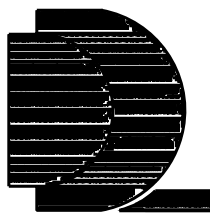


GENERAL NOTES

- ALL MATERIALS AND CONSTRUCTION TO STRICTLY CONFORM TO STANDARDS SET OUT BY THE ONTARIO BUILDING CODE.
- ALL LUMBER TO BE A MINIMUM OF NO. 1 CONST. GRADE SPRUCE.
- ALL CEILING OR FLOOR OPENINGS TO HAVE DOUBLE TRIMMER AND HEADER JOISTS.
- ALL PARTITIONS PARALLEL TO FLOOR JOISTS TO HAVE DOUBLE FLOOR JOISTS BENEATH THEM.
- ALL JOISTS ENDINGS AT A HEADER WITHOUT END BEARING, TO HAVE METAL JOISTS HANGER SUPPORTS.
- PROVIDE 2 x 2 CROSS-BRIDGING BETWEEN JOISTS. ONE LINE OF BRIDGING PER 4'-6" OF SPAN.
- ALL WINDOWS, DOORS AND ARCHWAYS TO HAVE INTERIOR WOOD LINTEL BEAMS.
FOR OPENINGS UP TO 4'-0" USE 2-2 x 8
UP TO 6'-0" USE 2-2 x 10
UP TO 8'-0" USE 2-2 x 12
FOR GARAGE DOOR - SEE PLAN VIEW
- INTERIOR WALLS OF GARAGE ADJOINING LIVING QUARTERS TO BE BUILT SIMILAR TO TYPICAL WALL SECTION. REPLACE BRICK VENEER WITH DRYWALL CLADDING.
- BASEMENT ACCESS--MIN. RUN 9.5'-MAX. RISE 1 1/8". STAIRCASE TO CONFORM TO O.B.C. SUBSECTION, 9.8.3.
- CHIMNEY AND FIREPLACE TO BE BUILT IN ACCORDANCE WITH O.B.C. MIN. CHIMNEY HT.-2'-0" ABOVE ANY ADJACENT ROOFTOP WITHIN 10'-0".(SEE NOTE 17)
- BASEMENT WINDOWS BELOW GRADE TO HAVE CORRUGATED GALVANIZED WINDOW WELLS(WITH DRAIN), TO EXTERIOR WEPPING TILE.
- PROVIDE ALL FLASHING AS PER SUBSECTION, 9.20.13 OF O.B.C.
- ALL FOOTINGS TO BE A MINIMUM OF 4'-0" BELOW GRADE AND TO BE RESTING ON ADEQUATE BEARING UNDISTURBED SOIL. IF OVEREXCAVATED, BUILD UP FOOTING THICKNESS AND/OR FOUNDATION WALL HEIGHT.
- SUB-SOIL CONDITIONS MAY REQUIRE INVESTIGATION AND ARE BEYOND THE SCOPE OF THESE DRAWINGS.
- PROVIDE MECHANICAL VENTILATION IN FIRST FLOOR WASHROOM.
- ALL HEATING, PLUMBING AND ELECTRICAL TO CONFORM TO APPLICABLE CODES.
- FOR CENTRAL FORCED AIR, GAS HEATING, INSTALL DIRECT VENT AS PER O.B.C. PROVIDE HRV AIR TO AIR EXCHANGER AS REQUIRED BY PART 6 OF THE O.B.C.
- ALL INTERIOR AND EXTERIOR DIMENSIONS BASED ON 4'11" INT. WALLS, 10'11" EXT. BRICK WALLS, AND 6'11" EXTERIOR SIDING OR STUCCO WALLS.
- ALL DIMENSIONS SHOULD BE VERIFIED BY CONTRACTOR PRIOR TO AND DURING CONST. VARIATIONS FROM THE DRAWINGS AND SPECS REQUIRES PRIOR APPROVAL OF DESIGNER.
- ALL CONSTRUCTION REQUIRES PERIODIC MUNICIPAL INSPECTION.



BALCONY DETAIL (NTS)



DeFILIPPIS DESIGN
687 BARTON STREET, SUITE 201
STONEY CREEK, ONTARIO L8E 5L6
(905) 643-2250 FAX (905) 643-1095

CIVITARESE RESIDENCE		
SCALE: 1/4"=1'-0"	APPROVED BY:	DRAWN BY:
DATE: MAR, '21		REVISED:
SH 4 OF 4		DRAWING NUMBER: 1S - 532

DATE: August 18, 2021

REPORT NO: COA-028-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Dr. Roman Kulyk – 121 Griffin Street
File No. A20/2021WL

CONTACT: Gerrit Boerema, Planner II

OVERVIEW:

- A minor variance application has been submitted by Dr. Roman Kulyk, on behalf of the current property owners, James and Diane Barclay, for the property municipally known as 121 Griffin Street (Regional Road 14).
- Dr. Kulyk is purchasing the property and has proposed to demolish the existing house and construct a new commercial building on the subject property.
- The subject property is designated as Downtown Commercial and is zoned Commercial 'C1' in the Township's zoning bylaw.
- The applicants have requested two variances to the zoning bylaw:
 - Part 7, Table 17 to permit a rear yard setback of 0 metres whereas a rear yard setback of 6 metres is required; and,
 - Part 7, Table 17 to permit a one storey building whereas the zoning bylaw now requires a minimum building height in Commercial 'C1' zones of two storeys.
- As the property abuts three separate road allowances (Griffin Street, Smits Cove & Smits Cove Cul-de-sac) the technical frontage of the property, being the shortest lot line abutting a street, is on the Smits Cove Cul-de-sac, making the lot line abutting Regional Road 20 the rear yard. The zoning bylaw permits a 0.0 metre front yard setback along Griffin Street, but not a 0.0 metre rear yard, even though from a logical perspective, the front yard in this scenario is along Griffin Street.
- In addition, the Region of Niagara is requesting a road allowance widening ranging from between 3.8 and 4 metres along Griffin Street (Regional Road 14) which contributes to the zoning deficiency.
- If approved, the resulting permitted setbacks would be a 0m rear yard setback to Griffin Street, 6m front yard setback to Smits Cove Cul-de-Sac, 6m exterior side yard to Smits Cove and a 0 metre interior side yard to the northerly lot line.
- As of July 26, 2021 a new bylaw regulation has been implemented requiring that new commercial development within the Commercial 'C1' zone be a minimum of two storeys in alignment with the Official Plan. At the time of planning for this application, the zoning bylaw had no minimum requirements and therefore the applicants have planned for and designed a one-storey building.
- Planning Staff have reviewed the minor variance request against the four tests of a minor variance and can recommend support of this application, subject to one condition.

RECOMMENDATION:

1. THAT, the application for the Minor Variance made by Roman Kulyk, as outlined in Report COA-028-20, to permit a one storey building with a technical rear yard setback of no less than 0.0 metres to the lot line abutting Griffin Street (RR 14), following the transfer of land to the Regional Road allowance, BE APPROVED, subject to the following condition:
 - a) That the proposed building be designed and constructed such that the lower level has direct access to Griffin Street through a separate entrance.

BACKGROUND:

The subject lands are legally described as Part Lot 36, Plan M92, in the former Township of South Grimsby, now in the Township of West Lincoln and are municipally known as 121 Griffin Street. The property is located on the northwest corner of Smits Cove and Griffin Street (RR 14).

The approximately 2,200 square metre (.54 acre) property currently has a dwelling, accessory building and other accessory structures which are accessed by a driveway off of Griffin Street. The property is designated as being within the Commercial Core area and is zoned Commercial 'C1'.

Dr. Kulyk has purchased the property with the intentions of removing the existing residential buildings and structures to construct a new dentistry office. The existing property contains an older dwelling that may be one of the original houses in Smithville, however, the dwelling is not listed on the historical registrar as a designated property. It appears that many alterations have impacted the historical value of the building. The applicant has proposed a new building which is in keeping in character with the Downtown Core. The new development requires two variances, the first being for a rear yard setback reduction and the second to allow for a one storey building in the commercial core whereas a minimum of two storeys is required.

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 within the Smithville Urban boundary and is designated as part of the Commercial Core in the Township's Official Plan. It is the intent of this plan that the Commercial Core of Smithville promote the economic revitalization of the downtown (6.7.1). It is further the intent of the Official Plan to ensure that new development be designed to be compatible with the character and image of the area and will not create adverse impacts on adjacent areas within Downtown.

The first variance request is for a rear yard setback of no less than 0 metres from the rear property line, which in this instance is the property line abutting Griffin Street

Respecting Our Roots, Realizing Our Future

(Regional Road 14), even though the house and driveway both front onto Griffin Street.

The Zoning Bylaw defines a front property line as being the shortest property line that abuts a public street. The subject property has three property lines that abut public streets with the shortest line being along the Smits Cove Cul-de-sac at the west side. The rear property line is defined as the property line opposite to the front property line, which in this instance is Griffin Street. The zoning bylaw does not take into consideration the location of the existing house or driveway for the purposes of defining lot lines and yards.

The rear yard setback requirement for the Commercial 'C1' zone is 6 metres, which was initially proposed at the time of pre-consultation, however, the Region of Niagara has now requested a varying road widening of approximately 4 metres which will result in a deficient setback from the new property lines following the transfer of land to the Region.

The zoning bylaw permits a 0 metre minimum front yard and exterior side yard setback along Griffin Street (RR 14) with the intent of keeping buildings closer to the road. This is in alignment with the Township Official Plan and Urban Design Manual which in Policy 6.7.5 b) ii. Requires that new buildings within the commercial core shall be built up to the street-line and no parking, driveways or lanes shall be located between the buildings and the main street.

The first minor variance request is in alignment with the Official Plan in that the new building is proposed to be built closer to the main street with parking in behind.

The second variance is to permit a new building with a minimum height of one storey whereas the zoning bylaw requires a minimum height of two storeys. The Zoning Bylaw was recently (July 26, 2021) amended to include this new minimum height requirement of two storeys to be in alignment with the Official Plan Policy 6.7.5 d) where it states that new buildings shall have a minimum height of 2 storeys.

The applicants attended a pre-consultation meeting back on June 3rd 2021. At that time the zoning bylaw did not have a minimum height requirement so the applicants based their plan on the zoning at the time. The proposed building is located at a higher elevation than Griffin Street and is designed in such a way that the basement is lifted higher and direct access to the lower level will be provided from both the public street and the car park. This will allow the lower storey to be used as a commercial space as well and will allow the entire building to function as if it was a two storey building. As such, planning staff are of the opinion that the variance application meets the general intent of the Township's Official Plan.

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

The subject land is zoned Core Commercial 'C1' in the Township's Zoning By-law 2017-70, as amended. The Commercial 'C1' zone permits a variety of uses including a

Respecting Our Roots, Realizing Our Future

medical office.

The applicants are proposing to remove the existing building and structures from the property and redevelop the property with a new medical office building and parking area.

The Core Commercial 'C1' zone does not have any minimum lot area or lot frontage requirements. The 'C1' zone, only found within Smithville's Commercial Core, also permits a zero metre front and exterior yard setback where they abut Regional Road 20 (West Street & St. Catharines Street) or Regional Road 14 (Station Street, Griffin Street & Canborough Street). This is aligned with the Official Plan which requires new development within the Commercial Core to be developed close to the street.

However, as mentioned previously in this report, the technical front yard for the purposes of zoning is the shortest lot line abutting a street, which on this property is the Smits Cove Cul-de-sac. This results in the property line abutting Regional Road 14 (Griffin Street) as being the rear property line, which has a minimum setback requirement of 6 metres. This setback was proposed to be met, however, the Region at the time of pre-consultation requested a road widening of approximately 4 metres, which would result in a deficient setback.

As the zoning intends to implement the Official Plan by having development closer to the main public street, the proposed minor variance meets the general intent of the Township Zoning Bylaw.

If approved, the resulting permitted setbacks would be:

- Rear yard Setback to Griffin Street – 0 metres
- Front Yard setback to Smits Cove Cul de Sac – 6 metres (unchanged)
- Exterior Side yard setback to Smits Cove – 6 metres (unchanged)
- Interior side yard to north – 0 metres (unchanged)

As of July 26, 2021, the Core Commercial 'C1' zone requires a minimum height of two storeys for new development within the Commercial Core. This was added through a Township led Zoning Bylaw Amendment which commenced after the pre-consultation meeting was held with the applicants. As such, Planning staff recognize that this development was designed with regards to the previous zoning regulations not requiring a minimum of two storeys.

The current design concept includes an entrance to both the lower and upper levels from both Griffin Street and the parking lot to the rear of the building making use of the elevation differences between Griffin street and the subject property. The lower level is also proposed to be lifted out of the ground farther than a typical basement and therefore the proposed design functions somewhat as a two storey building.

As such, Township staff are of the opinion that both requested minor variances in this application meet the general intent of the Township Zoning Bylaw.

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

The applicant has proposed a new commercial building, being a medical office, within the Commercial Core designation area of the Official Plan and within the Core Commercial 'C1' zone of the Township Zoning Bylaw.

The intent of the Commercial Core area is to be a mixed use area which includes suitable commercial uses in addition to residential uses creating a complete community.

The medical office use has minimal impacts on neighbouring land uses which include the masonic hall, which is proposed to be redeveloped for residential purposes, and other medium and low density uses surrounding the site.

Therefore, staff are of the opinion that this development is a desirable and appropriate use for the land.

Is the proposal minor in nature?
Yes

The applicant has proposed two variances to the zoning bylaw, both of which staff believe are minor. The first variance, being to permit a rear yard setback of 0 metres to Regional Road 14 (Griffin Street) is in alignment with the Official Plan and zoning bylaw. It is only due to the technical definition of front property line that this variance is required.

The second variance, being to permit a single storey as opposed to a minimum of two storeys is also minor in that the lower level of the building, due to the elevation of the property and design of the building, will function in part as a main floor with access from the street and parking areas. However, there will be no upper storey residential use.

For these reasons above and as detailed in this report, Staff are of the opinion that both variances are 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 July 30th, 2021. A yellow sign was also posted on the property.

Township Public Works Department and Building Department have no objections to the application as proposed.

The Niagara Peninsula Conservation Authority (NPCA) have identified that there does not appear to be any NPCA regulated features or hazards on this subject property. As

such, the NPCA does not object to the proposed application.

The Niagara Region has not yet commented on this application.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on July 30, 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.

Two members of the public asked a few questions about the proposal but no one submitted any formal written comments.

CONCLUSION:

A Minor Variance application has been submitted by Dr. Roman Kulyk on behalf of the current owners of 121 Griffin Street to permit a reduced rear yard setback of 0 metres and to permit the construction of a one storey commercial building, whereas a rear yard setback of 6 metres and a minimum building height of two storeys is required.


The variances are requested as part of the sites redevelopment to construct a new dental office building on the subject lands.

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


ATTACHMENTS:

1. Location Map
2. Site Plan and Elevation Drawings
3. Agency comments

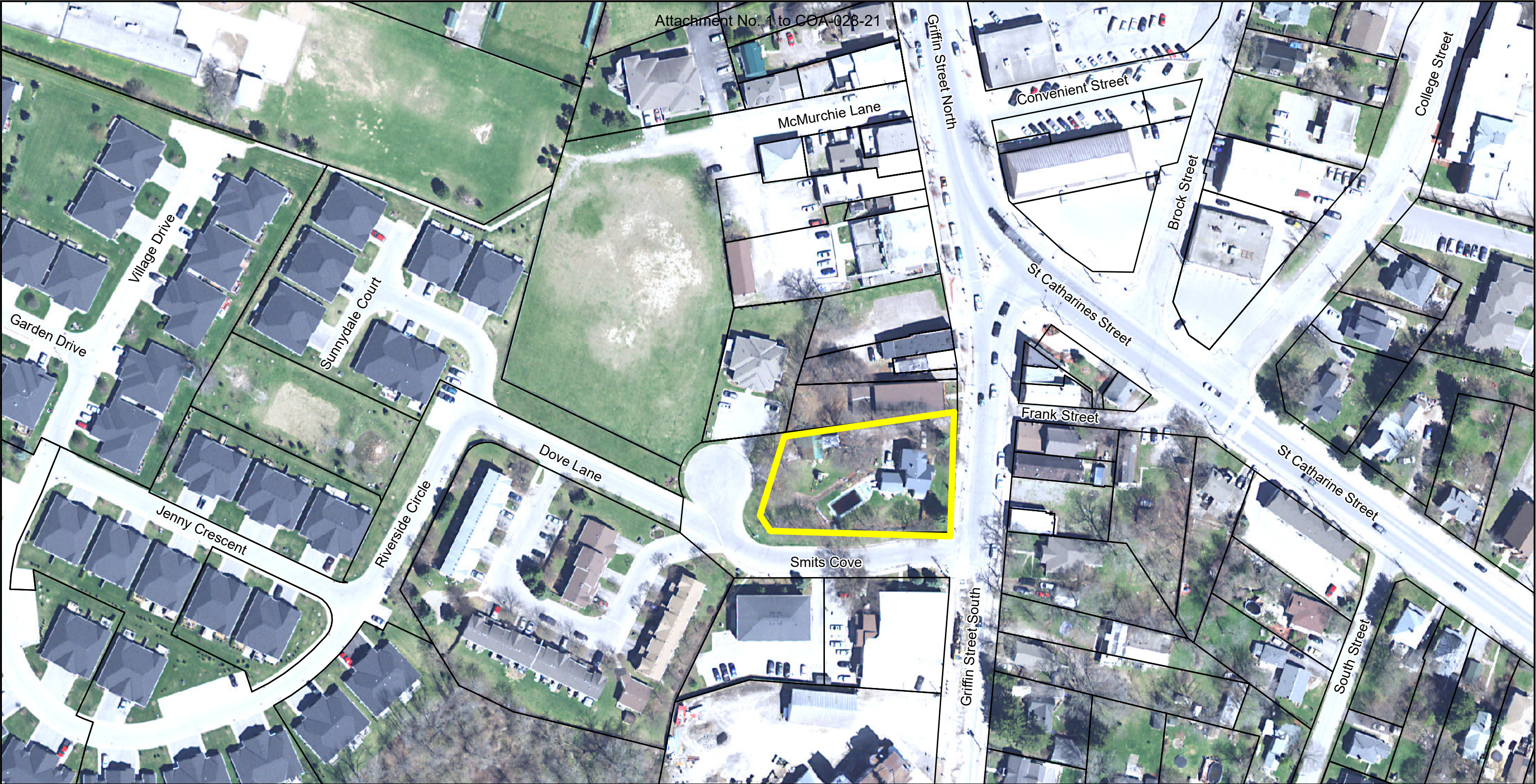
Prepared by:



Gerrit Boerema
Planner II

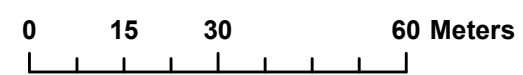


Brian Treble, RPP, MCIP
Director of Planning and Building



Attachment 1 - Location Map

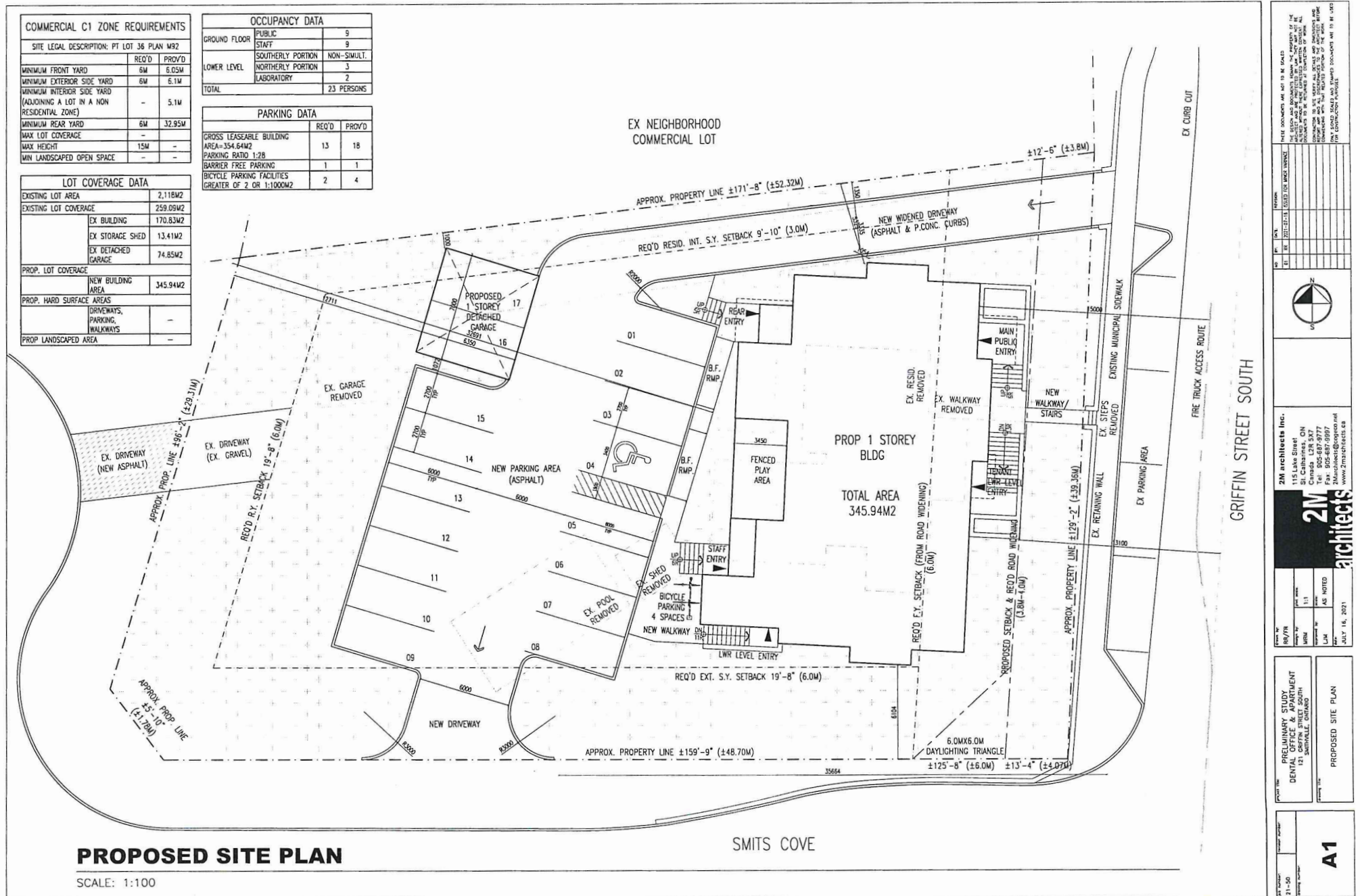
121 Griffin Street



Legend

- Subject Lands
- Smithville Urban Boundary
- AssessmentParcels





Meghan Birbeck

From: Jennifer Bernard
Sent: August 13, 2021 9:07 AM
To: Meghan Birbeck
Subject: RE: Notice of Hearing for August Minor Variance Applications - West Lincoln

Hi Meghan,

Public Works has no comments to provide on these variance applications.

Thanks,
Jenn



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

COVID 19 Update July 15, 2021 – As Ontario enters Step Three of the Roadmap to Reopen, the Township will continue to offer select services by appointment only. Full information available in the latest [press release](#). Staff are available to assist the public, Monday - Friday, 9:00 am - 4:30 pm by phone at 905-957-3346, or by email. The best source of information is our [website](#) where you can also find specific email address and phone extensions.

From: Meghan Birbeck
Sent: August 3, 2021 2:10 PM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; susan.dunsmore@niagararegion.ca; Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Jessie Lechowicz <jlechowicz@westlincoln.ca>; Lyle Killins <lkillsins@live.com>; Ray Vachon <rvachon@westlincoln.ca>
Cc: Busnello, Pat <pat.busnello@niagararegion.ca>
Subject: Notice of Hearing for August Minor Variance Applications - West Lincoln

Good afternoon,

Attachment No. 3 to COA-028-21

The Township of West Lincoln has three minor variance applications being heard at our August 18th committee of adjustment meeting.

These minor variance applications are

- A18/2021WL – 7323 Sunset Place – Wider garage and garage projection from the house
- A19/2021WL – 7330 Sunset Place – Wider garage
- A20/2021WL – 121 Griffin Street – Front yard setback and number of storeys

Attached is the full package for both consent applications.

Best,
Meghan



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

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Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: August 4, 2021 10:13 AM
To: Meghan Birbeck
Subject: August 18th Committee of Adjustment Applications

Hello Meghan,

Please see the below comments on the five Committee of Adjustment applications circulated to the NPCA for review and approval. In some cases, I have provided finalized comments, and in other cases, fees and/or more information will be required by the NPCA can provide comments.

2458 Smithville Road

The NPCA will have no objections to the proposed severance at 2458 Smithville Road. The proposed lot lines do not bisect any NPCA regulated features or hazards. No review fee will be required.

6159 Spring Creek Road

The NPCA will require that the review fee of \$570.00 be submitted to the NPCA before the review of the consent application at 6159 Spring Creek Road can occur. I will reach out to Fred Vandervelde with instructions for submitting the fee.

7323 and 7330 Sunset Place

Please the ARN and/or PIN numbers for both 7323 and 7330 Sunset Place so that the correct parcels can be located on the NPCA's regulated mapping.

121 Griffin Street

The NPCA will have no objections to the proposed Minor Variance(s) as there are no NPCA regulated features or hazards on the subject property.

Sincerely,

Nikolas Wensing, B.A., MPlan

Watershed Planner

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

nwensing@npca.ca

www.npca.ca

DATE: August 18, 2021

REPORT NO: COA-029-21

SUBJECT: **Recommendation Report**
File No. (B10/2021WL) – Conkwright/Piersma
Property Address: 2458 Smithville Road (Regional Road 14)

CONTACT: Gerrit Boerema, Planner II

OVERVIEW:

- A surplus farm dwelling severance application has been submitted by Jeff Piersma, a local farmer, on behalf of the property owners of 2458 Smithville Road (RR14), Paul and Lorraine Cronkwright.
- The existing residential dwelling is proposed to be severed at a size of ± 0.957 hectares (± 2.37 acres) and kept by the Conkwrights.
- The remnant agricultural land, approximately 23.2 hectares (57.33 acres) in size is proposed to be transferred to Jeff Piersma, a local farmer
- If the application is approved, a Zoning By-law Amendment application will be required to rezone the agricultural lands to Agricultural Purposes Only to prohibit future residential uses, and rezone the severed residential lands to a Rural Residential zone.
- Staff have added a condition that both the home farm and the remnant agricultural lands be in identical ownership in order to meet the township requirements of being a surplus farm dwelling severance.
- 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.

RECOMMENDATION:

That, report COA-029-21, regarding an application for Consent made by Jeff Piersma and Paul and Lorraine Conkwright, BE APPROVED; subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That the applicant provide the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. That the applicant applies for, and receives approval of, a Zoning by-law amendment application that rezones the severed residential parcel to an appropriate rural residential zone addressing any zoning deficiencies including MDS I setbacks, lot frontage and accessory building floor area, and rezone the remnant agricultural lands to preclude any future residential use.

4. That, the applicants submit to the Township a letter from a qualified individual that the sewage system servicing the dwelling complies with the requirements of Part 8 (Sewage Systems) of the Ontario Building Code to the satisfaction of the Township of West Lincoln's Building Department.
5. That an undertaking be completed and submitted to the Township stating the severed farmland and another parcel of farmland with an existing house on the property are in the same name, which will qualify the farmer for a surplus farm dwelling severance.
6. That any unused wells be decommissioned to the satisfaction of the Director of Planning & Building, or designate, if required.
7. That an entrance permit be obtained and entrance constructed for the retained agricultural lands if no entrance exists.
8. That a cash-in-lieu of parkland dedication fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
9. That the owner dedicates a 3.05 metre road widening to the Niagara Region across the Regional Road 14 frontage of Parcel 1 to the satisfaction of the Niagara Region. All costs for providing the necessary survey plan and all related documents are the responsibility of the applicant.
10. 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.
11. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
12. That all conditions of consent be fulfilled within one (1) year from the date of the notice of decision pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

ALIGNMENT TO STRATEGIC PLAN

- **Theme**
 - Strategic, responsible growth

BACKGROUND:

A surplus farm dwelling severance application has been submitted by Jeff Piersma

(local farmer) and Paul and Lorraine Conkwright (current owners) for 2458 Smithville Road (Regional Road 14). This application proposes to sever 0.957 hectares (2.37 acres) currently being used as part of an existing residence as surplus to the farmers needs. The remnant agricultural lands are proposed to be 23.2 hectares in size.

The Conkwrights who currently own the entire parcel, wish to sever off the farmland and sell to Jeff Piersma, who currently farms the property and farms locally. The property is located on the west side of Smithville Road, south of Twenty Road/Townline Road and north of the Caistor Gainsborough Townline Road intersection.

Jeff Piersma has provided documentation showing that he currently farms approximately 465 acres of land, the majority of which is rented. Mr. Piersma currently resides at 7645 Range Road 1, which is a 33-hectare dairy farm.

CURRENT SITUATION:

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. In accordance with Policy 2.3.4.1 c) of the PPS, lot creation in prime agricultural areas is discouraged and may only be permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and, the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. Evidence has been provided that Jeff Piersma is a bona-fide farmer, and thus, qualifies for a surplus farm severance, provided that the remnant farmland be in the same ownership as another farm owned by the farmer containing the primary dwelling.

In order to conform to Provincial Policy, the retained agricultural lands will need to be rezoned to Agricultural Purposes Only (APO). Rezoning the agricultural lands to APO will be added as a condition to ensure the application conforms to Provincial Policy. The severed residential dwelling will also need to be rezoned to Rural Residential (RuR) to recognize the existing residential use.

The proposed residential lot is a larger size than what is typically proposed as a surplus farm dwelling severance at an area of 0.957 hectares, however, the proposed lot is needed to be larger to accommodate the septic, dwelling, accessory building, most of the existing grassed areas and the driveway. As the house is set back a bit farther from the road, the driveway contributes to a large portion of proposed residential lot. Further discussion on the lot size can be found within the review of the Township of West Lincoln Official Plan later in this report.

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

investments. Section 4 of the Growth Plan provides policy direction related to protecting natural features and areas and the diverse agricultural land base throughout the Greater Golden Horseshoe. In relation to the proposed severance application Section 4.2.6 (Agricultural Systems) of the P2G applies.

Section 4.2.6 of the Growth Plan provides policies respecting the Province's Agricultural System. In particular, Policy 4.2.6.5 identifies that the retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged. The proposed severance does not affect the continued agricultural use of the severed lands. It is a requirement for the severed agricultural lands to be rezoned to Agricultural Purposes Only ('APO'). This will ensure the retained lands are not used for residential purposes in perpetuity.

Greenbelt Plan (2017)

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

Regional Official Plan

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

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

Policy 5.B.8.1 sets out the circumstances under which consents within Good General Agricultural Areas may be permitted. In accordance with Policy 5.B.8.1 c) lot creation for a residence surplus to a farming operation as a result of farm consolidation, provided that new residential dwellings are prohibited in perpetuity on any vacant remnant parcel of land created by the severance and conditional upon obtaining approval of a rezoning to preclude its use for residential purposes is permitted. As noted previously, a rezoning application has been added as a condition of approval.

The ROP also states that the size of any new lot does not exceed an area of 0.4 hectares except to the extent of any additional area deemed necessary to support a private water supply and sewage disposal system. The proposed severed residential lot 0.957 hectares, which is more than double the area described in the Regional Policy. A full discussion on the size of the proposed lot can be found in the next section, under the Township Official Plan review.

Township of West Lincoln Official Plan

The subject lands are designated as Good General Agriculture in the Township's Official Plan (OP). The Township Official Plan allows for surplus farm severances in the Good General Agricultural area where it can meet the policies below. Planning have provided additional comments in bold.

Section 18.13.2 g)

Consents will not be allowed which have the effect of creating lots for non-farm uses. Non-farm rural residential lots will not be allowed with the exception of Surplus Farm Dwelling severances. In the Good General Agricultural Area where a dwelling is acquired through farm consolidation and is surplus to the needs of the farm operation it may be severed subject to the following:

- i. The residence is surplus to a farm operator (bona-fide farmer); and*

Based on the information provided, Mr. Piersma is a local bona-fide farmer and resides on another farm parcel in the vicinity of the subject lands and therefore the Conkwright's house is surplus to his needs.

- ii. That the residence subject to the application for consent is at least 10 years of age, as of the date of application; and,*

According to MPAC, the dwelling was constructed in 1993 which would make it 28 years old and eligible to be severed as a surplus farm dwelling severance.

- iii. It is the intention to utilize the existing dwelling and the Council and/or Building Inspector will not issue a demolition permit or building permit for a new residence unless the existing residence has been occupied for a reasonable length of time, or has, after transfer, been partially destroyed by fire or other natural disaster; and,*

The Conkwrights wish to continue to own and live in the residential dwelling on the property and only wish to have the farmland continue to be used by Mr. Piersma, the local farmer currently farming the property.

- iv. Where a barn exists in the immediate vicinity to the surplus residence on the lands that are subject to the consent, the Committee may require the demolition of the barn; and,*

There don't appear to be any barns in the vicinity that need to be removed as part of this application. Please see vi, for additional comments related to MDS separation.

- v. That the area to be severed and the remnant parcel shall comply with the provisions of the Zoning By-law. In greater detail, the retained agricultural lands shall have a minimum of 10 hectares being actively used for the growing of crops, the raising of livestock or the raising of other animals for food, fur or fiber; and,*

The subject property does not meet the 40 hectares (100 acres) minimum lot area requirement of the zoning bylaw and therefore a condition has been added requiring the applicants to go through a zoning amendment application to

permit a smaller lot size. Nearly all of the 23.2 hectares of the proposed remnant farmland is currently being farmed and therefore meets the intent of the policy.

vi. That the consent complies with the Minimum Distance Separation Formula I; and,

There are horse barns, currently unoccupied, on the neighbouring parcel with the closest barn being approximately 170 metres away. A Minimum Distance Separation Formula I for the total area of the horse barns on the adjacent property yields a setback of approximately 190 metres. As the house and barns have existed for nearly 30 years, a condition has been added that the MDS I setback be addressed through the required zoning amendment application.

vii. The separated residential parcel has a lot size of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support the residence and the private services required to serve that residence, as determined through a septic evaluation. Under no circumstances shall a severed residential lot be greater than 1.0 hectares. The created lot must be of regular shape (i.e. rectangular or square) whenever possible; and,

The proposed residential lot is approximately 0.957 hectares, or 2.2 acres in area. This is over double the permitted size, however, it is less than the maximum 1 hectare threshold in the policy. The larger lot size is in part due to the location of the existing dwelling being approximately 200 metres from Smithville Road. The driveway alone contributes to approximately 3,000 square metres or $\frac{3}{4}$ of an acre. The proposed lot has been narrowed along the driveway to reduce the lot size and to follow the existing farmed area boundary. The lot also captures the existing septic system (in front of the dwelling), the 290 square metre accessory building and most of the grassed area not currently used for farming. There is a potential to reduce the rear yard further to make the lot smaller, however that would only reduce the lot size by approximately 1,000 square metres or $\frac{1}{4}$ of an acre. Planning staff met on site with the owners to review the lot size.

The lot is an irregular shape to both keep the lot size within the permitted 1 hectare and to generally follow the boundary of the farmed/grassed area. Although it is not preferred, the proposed lot does abut the northerly adjacent lot so the irregularity of the lot does not have a significant impact on the operation of farm equipment.

viii. The remnant farmland shall be rezoned Agricultural Purposes Only (APO) in perpetuity or be merged on title with an abutting piece of Agricultural lands, provided the lands are not already zoned Agricultural Purposes Only (APO); and,

A condition has been added requiring that the farmland be rezoned to Agricultural Purposes Only.

ix. *Where there are two or more dwellings legally existing on one lot, and neither was built for the purpose of a permanent farm help house, only one surplus farm severance shall be permitted in compliance with this policy; and,*

There is only one dwelling on the subject property which was constructed as the primary dwelling and not a farm help house.

x. *Farm Help houses are not eligible for surplus farm dwelling severances.*

The subject dwelling is not a farm help house.

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

Township Zoning By-law

The property is currently zoned Agricultural 'A' with a very small portion of the lot zoned Environmental Protection 'EP' and Environmental Conservation 'EC'. In order to meet zoning regulations, the retained agricultural land is required to be rezoned from Agricultural 'A' to Agricultural Purposes Only 'APO' with a site specific exception. This site specific exception is required to recognize a deficient lot size of 23.2 hectares whereas 39 hectares is required. The severed farm dwelling will need to be rezoned from Agricultural 'A' to Rural Residential 'RuR'. The rural residential zone also needs to address the minimum lot frontage requirement and Minimum Distance Separation I formula, which appear to both be deficient.

The rezoning will also need to take into consideration the size of the accessory building, which is approximately 290 square metres, whereas the rural residential zone only permits a maximum of 120 square metres per accessory building, to a maximum of 200 square meters for the property. A zoning condition has been added.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS

Circulation was provided to interested agencies on July 30th, 2021, by way of mail, e-mail and notice posted on the subject property

Township Public Works Department, and Building Department have no objections to the application as proposed.

The Region of Niagara has provided comments with regards to the application and they have no objections. They have requested two conditions be added to the consent. The first condition is to rezone the agricultural lands to Agricultural Purposes Only and the second condition is in regards to a road widening of 3 metres along Parcel 1. Both of these have been added as conditions for consent.

The Niagara Peninsula Conservation Authority have provided comments that they

have no objection to the proposed application.

PUBLIC COMMENTS:

Circulation by way of mail was given to property owners within a 120m radius of the subject property on July 30th, 2021. No comments have been received from the public as of the completion of this report.


CONCLUSION

Planning Staff have reviewed all applicable Provincial, Regional and Township policies as they relate to the proposed application and conclude that the proposal meets the intent of these policies. Accordingly, we recommend approval of the consent application for Mr. Jeff Piersma and Paul and Lorraine Conkwrights to sever 0.957 hectares of residential land from 2458 Smithville Road (RR 14) as part of a surplus farm dwelling severance and retain 23.2 hectares of agricultural land. Township Staff are satisfied that the application meets all criteria and can thus recommend approval of this application, with the appropriate 11 conditions.


ATTACHMENTS

1. Severance Sketch
2. Agency Comments
3. Owned/Rented Farmland List

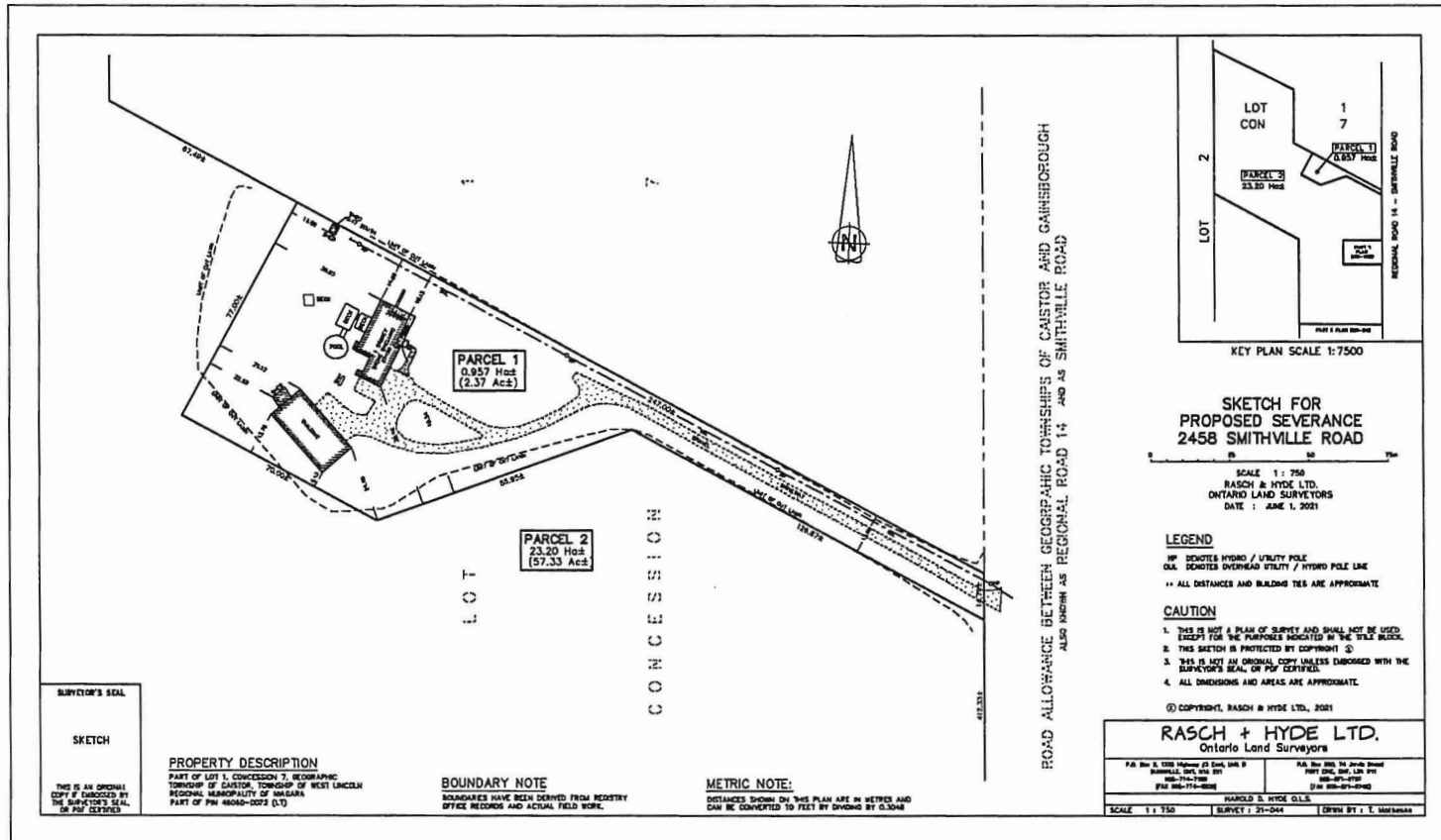
Prepared by:



Gerrit Boerema
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: August 4, 2021 10:13 AM
To: Meghan Birbeck
Subject: August 18th Committee of Adjustment Applications

Hello Meghan,

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7323 and 7330 Sunset Place

Please the ARN and/or PIN numbers for both 7323 and 7330 Sunset Place so that the correct parcels can be located on the NPCA's regulated mapping.

121 Griffin Street

The NPCA will have no objections to the proposed Minor Variance(s) as there are no NPCA regulated features or hazards on the subject property.

Sincerely,

Nikolas Wensing, B.A., MPlan

Watershed Planner

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

nwensing@npca.ca

www.npca.ca

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly. Our Conservation Areas are currently open, but may have modified amenities and/or regulations.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [NPCA's Facebook Page](#) & [NPCA's Twitter page](#).

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

Planning and Development Services

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

Via Email Only

August 13, 2021

File No.: D.06.12.CS-21-0069

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

Dear Ms. Birbeck:

**Re: Provincial and Regional Comments
Proposed Consent for Surplus Farm Dwelling
Township File No.: B10/2021WL
Agent: Jeff Piersma
Address: 2458 Regional Road 14
Township of West Lincoln**

Regional Planning and Development Services staff reviewed the information circulated with the above-noted consent application for the subject property municipally known as 2458 Regional Road 14 in the Township of West Lincoln. The applicant proposes to sever a 0.957 ha parcel (shown as Parcel 1 on the submitted sketch), containing an existing single-detached dwelling, pool, and accessory buildings, as a surplus farm dwelling. The remaining 23.20 ha of land (Parcel 2) will be purchased for continued agricultural use.

Pre-consultation meetings to discuss this proposal were held on February 4, 2021, November 21, 2019 and June 25, 2018, with the applicant and staff from the Region and Township in attendance.

Regional staff provide the following comments from a Provincial and Regional perspective to assist the Committee in considering the application.

Provincial and Regional Policies

The Provincial Policy Statement, 2020 (PPS) identifies the subject property within the Prime Agricultural Area and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan) identifies the property within the Agricultural System.

The Regional Official Plan (ROP) designates the subject property Good General Agricultural Area, where the policies permit agriculture, agricultural-related, and on-farm diversified uses.

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be managed and protected. Accordingly, the policies of the PPS and ROP restrict lot creation in agricultural areas, and only permit severances for agricultural lots, minor boundary adjustments, and the disposal of a residence surplus to a farming operation as a result of a farm consolidation, all subject to specific criteria.

The ROP also requires that all proposed residential lots created through consent in agricultural areas meet additional conditions. This includes a lot area of sufficient size to support a well and private septic disposal system, sufficient frontage and safe access to an existing public road. The proposed lot should also be located to minimize the impact on the remaining farm operation. Regional staff provide a discussion on these requirements and criteria in the following sections.

Surplus Farm Dwelling Consent

Provincial and Regional policies permit lot creation in agricultural areas for a residence surplus to a farming operation as a result of farm consolidation, subject to specific criteria. The PPS defines a farm consolidation as the acquisition of additional farm parcels to be operated as one farm parcel. The information submitted with the application confirms that the purchaser of Parcel 2 farms approximately 630 acres of land within the Niagara Region. The purchasing farmer uses these lands for dairy farming and the production of cash crops (hay). The purchasing farmer indicated that their primary residence is located at 7645 Range Road 1 in the Township of West Lincoln. Therefore, the dwelling located at the subject property, 2458 Regional Road 14 (Parcel 1) is surplus to the farm operation's needs.

For the disposal of a surplus farm dwelling, Provincial and Regional policies also require that the construction of a new residential dwelling be prohibited on the vacant agricultural parcel. Therefore, as a condition of approval, Regional staff requests that Parcel 2 be zoned to preclude a future farm residence (i.e. zoned 'Agricultural Purposes Only').

Proposed Lot Size

The ROP provides that the size of any new lot shall not exceed an area of 0.4 hectares (1 acre), except to the extent of any additional area deemed necessary to support a private water supply and sewage disposal system. As proposed, the lot area for Parcel 1 (0.957 ha) exceeds the ROP maximum lot size requirement. It is Regional staff's understanding that the proposed lot size was determined based on the locations of the existing dwelling, accessory structures, pool, and driveway on the subject property. Regional staff is satisfied with the size of the proposed residential lot (Parcel 1) as it maintains an appropriate lot configuration, which accommodates the continued and efficient farming of the agricultural lands.

The Township of West Lincoln is responsible for their own private septic system review. As such, the Committee should refer to the Township's comments with respect to private water and sewage disposal systems. The Township should be satisfied that the proposed size of Parcel 1 is required to support private services. Regional staff note that, subject to the location of the existing private sewage system and the Township's private servicing requirements, the rear lot line could be moved to the east, which may achieve a slight reduction in the overall size of Parcel 1.

Minimum Distance Separation

Provincial and Regional policies require that new development comply with the Minimum Distance Separation (MDS) formulae developed by the Ontario Ministry of Agriculture, Food and Rural Affairs. Municipalities apply this formulae to separate uses and reduce incompatibility concerns about odour from livestock facilities. Regional staff note that local municipalities are responsible for ensuring that MDS setbacks are met when reviewing land use planning applications or building permits. As such, the Committee should look to comments from the Township regarding the MDS setbacks.

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 (PSW), Significant Woodland and Type 2 (Important) Fish Habitat. Consistent with 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, and 15 m of Type 2 Fish Habitat. Since the proposed surplus farm dwelling severance is located outside of the above-noted setbacks, Environmental Planning staff offer no objection to the consent application.

Regional Road Allowance

Regional staff note that the subject property has frontage along Regional Road 14 (Smithville Road). This section of the road does not meet the recommended policy width of 26.2 metres in the ROP. Therefore, in accordance with the ROP, Regional staff request that the following widening be granted gratuitously to the Region:

- A 3.05 metre road widening across the Regional Road 14 (Smithville Road) frontage of Parcel 1 to achieve a 13.1 metres road width measured from the original centerline of the Regional road allowance.

Please note that the information provided above is an approximation of the road widening requirement and that the actual width of the required widening will need to be confirmed by an Ontario Land Surveyor.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the Plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land

D.06.12.CS-21-0069

August 13, 2021

surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Regional Contact Information:

For inquiries specific to the transfer of property to the Region –

Norma Price, Law Clerk, 905-980-6000 ext. 3339.

E-mail norma.price@niagararegion.ca

For inquiries specific to the review of the preliminary survey plan –

Normans Taurins, Manager, Surveys & Property Information, 905-980-6000 ext. 3325.

E-mail: normans.taurins@niagararegion.ca

Regional Permit Requirements

Regional staff acknowledge that no construction works are proposed within the Regional road allowance as part of this application. Please be advised that prior to any construction taking place within the Regional Road 14 (Smithville Road) road allowance, the applicant must obtain the necessary Regional Construction Encroachment and/or Entrance permits from Niagara Region's Transportation Services Division, Public Works Department. Regional Road Permit applications can be made online through the Region's website using the following link:

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

Conclusions

Regional Planning and Development Services are supportive of the proposed consent application from a Provincial and Regional perspective, subject to the satisfaction of any local requirements and the following conditions:

1. That the owner obtain approval of a Zoning By-law Amendment, rezoning Parcel 2 to 'Agricultural Purposes Only' (APO) to preclude the construction of a dwelling in perpetuity; and,
2. That the owner dedicate a 3.05 metre road widening to the Niagara Region across the Regional Road 14 frontage of Parcel 1 to the satisfaction of the Niagara Region. All costs for providing the necessary survey plan and all related documents are the responsibility of the applicant.

Subject to the satisfaction of the above conditions, Regional staff maintain that the consent application is consistent with the PPS, and conforms with Provincial plans and the ROP.

D.06.12.CS-21-0069

August 13, 2021

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

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

Kind regards,



Siobhan Kelly
Development Planning Student

cc: Aimee Alderman, MCIP, RPP, Senior Development Planner, Niagara Region
Robert Alguire, CET, Development Approvals Technician, Niagara Region
Lori Karlewicz, Planning Ecologist, Niagara Region

Piersma Farm Owned and Rented

Location	Acres
part lot 3 Range rd 1 South grimsby	10
7913 range rd 1 smithville	20
7823 Range rd 1 Smithville	12
3920 smithville rd smithville	60
123-151 Elm Tree rd Grimsby	42
3974 Mountainview rd beamsville	14
564 kemp rd beamsville	42
3676 Lakeshore rd vineland	25
7294 Regional rd 20 smithville	10
7378 regional rd 20 smithville	20
elm tree Rd Grimsby across from cemetery	12
169 Church rd Grimsby	57
Short Rd North of Twenty rd smithville	84
8183 Range rd 1 Smtihville	12
334 Mud St Grimsby	45

DATE: August 18th, 2021

REPORT NO: COA-030-21

SUBJECT: **Recommendation Report**
Application for Consent by Spring Creek Holdings Inc.
File No. B11/2021WL

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

OVERVIEW:

- An application for a lot creation severance has been submitted by Spring Creek Holdings Inc.
- Spring Creek Holdings Inc. own a property zoned Industrial Employment 'M2' and Environmental Protection that is 12.23 hectares (30.20 acres) in size, municipally known as 6159 Spring Creek Road.
- The application proposes to sever off 9.84 hectares (24.32 acres) of employment land within the Smithville urban boundary.
- The retained employment land will be 2.37 hectares (5.86 acres) in size.
- The land proposing to be severed is currently vacant and underutilized.
- 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-030-21, regarding an application for Consent made by Spring Creek 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 for employment lands as required by the Township's cash in lieu of parkland dedication bylaw.

4. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
5. That the applicants revise the Severance Plan to indicate that the proposed eastern lot line does not encroach past the 192.25m flood contour, and that the applicants receive support from the Niagara Peninsula Conservation Authority.
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.
8. Severed lands to be adequately serviced with sewer and water connections to the satisfaction of the Township of West Lincoln Public Works Department. To be reviewed at Site Plan/Development Agreement stage.

ALIGNMENT TO STRATEGIC PLAN

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

BACKGROUND:

A consent application has been submitted by Spring Creek Holdings Inc. for their property zoned Industrial Employment 'M2' and Environmental Protection 'EP' that is 30.23 acres (12.23 hectares) in size, municipally known as 6159 Spring Creek Road. This application proposes to sever off 9.84 hectares (24.32 acres) of employment land within the Smithville Urban Boundary. The retained employment land will be 2.37 hectares (5.86 acres) in size. The subject lands to be severed are legally described as Concession 8 Pt Lot 5, RP30R15101 Part 2, in the former Township of South Grimsby, now in the Township of West Lincoln.

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 addresses the topics of 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 severed as an additional employment parcel, doing this will help increase the areas and potential lots for employment uses which will 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.

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

Staff have review 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 30th, 2021.

The Niagara Region has no objection to the application.

The Township's Public Works Department has no objection to the application.

The Niagara Peninsula Conservation Authority (NPCA) have indicated that the proposed eastern lot line is located near a regulated Flood Hazard. In accordance with Section 4.2.15 of the NPCA Policy Document, the NPCA will not support lot creation within a Flood Hazard. The NPCA will require that the proposed Severance Plan be revised to indicate that the proposed eastern lot line does not encroach past the 192.25m flood contour. The applicant will need to revise the Severance Plan to indicate this detail and submit the plan to the NPCA for review and approval. As a result, a condition has been added for the applicant to revise the severance plan and receive support from the NPCA.

PUBLIC COMMENTS:

Circulation by way of mail was given to property owners within a 120m radius of the subject property on July 30th, 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 August 13th, 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 Spring Creek Holdings Inc. to sever off 9.84 hectares (24.2 acres) of employment land within the Smithville Urban Boundary. The retained employment land will be 2.37 hectares (5.86 acres in size. This severance will occur so that this specific 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

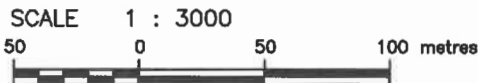
1. Severance Sketch
2. Agency Comments

Prepared by:

Madyson Etzl
Planner II

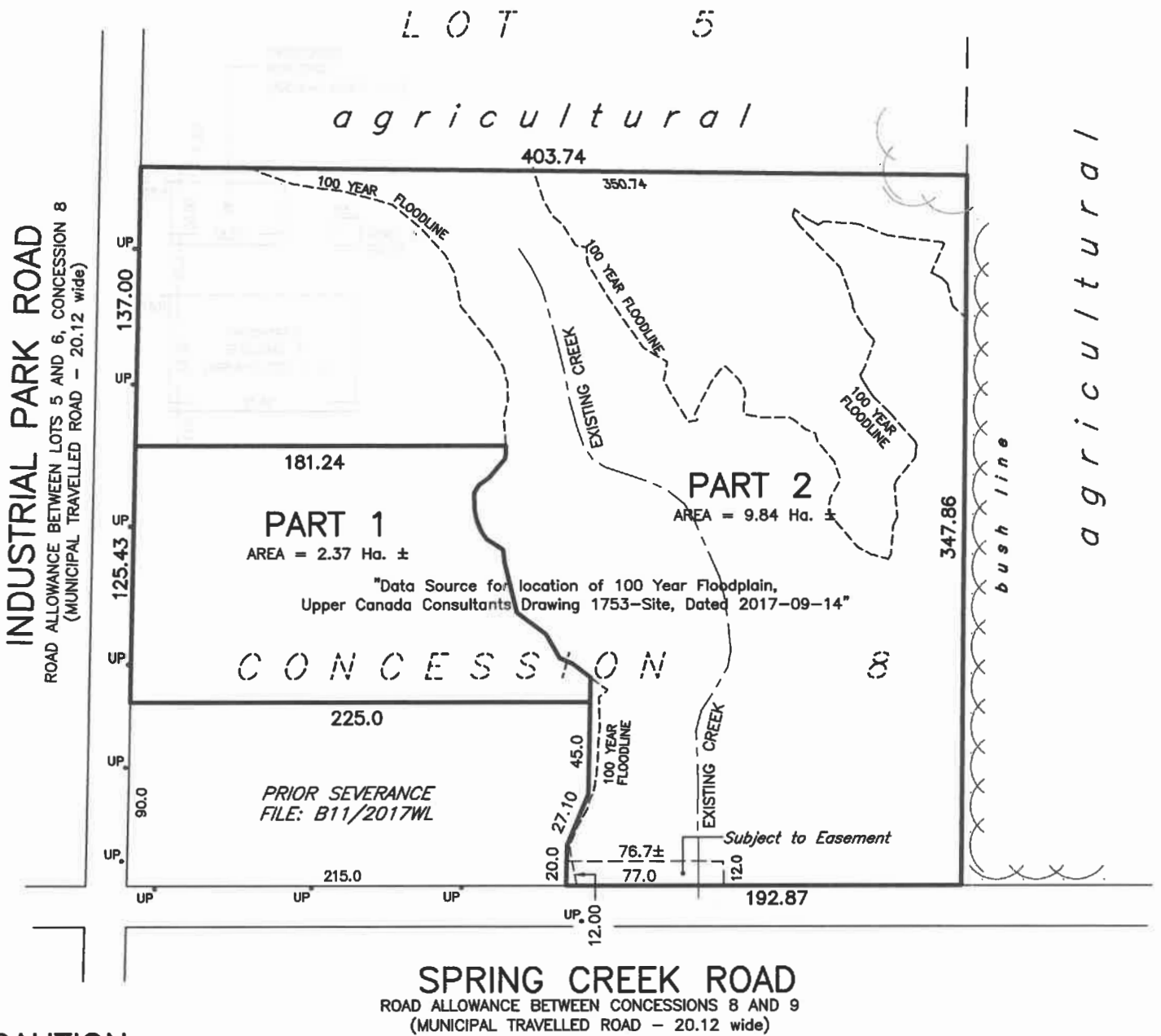
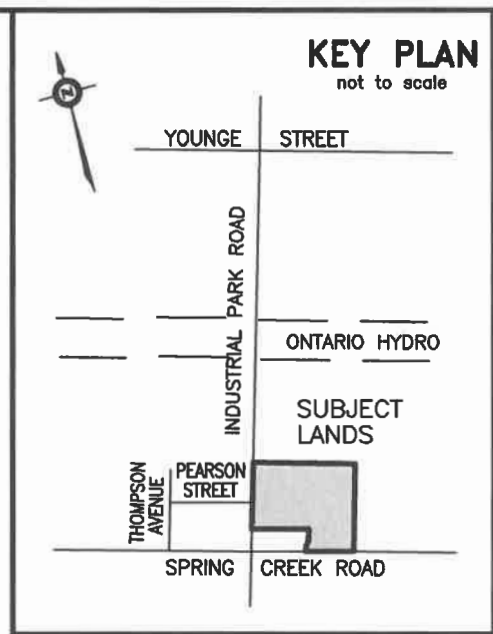
Brian Treble, RPP, MCIP
Director of Planning and Building

SKETCH FOR SEVERANCE APPLICATION



ROY S. KIRKUP, O.L.S.

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Meghan Birbeck

From: Jennifer Bernard
Sent: August 13, 2021 10:05 AM
To: Meghan Birbeck
Subject: RE: Notice of Hearing for August Consent Applications - West Lincoln

Hi Meghan,

Public Works has no comments on these consent applications.

Thanks,
Jenn



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COVID 19 Update July 15, 2021 – As Ontario enters Step Three of the Roadmap to Reopen, the Township will continue to offer select services by appointment only. Full information available in the latest [press release](#). Staff are available to assist the public, Monday - Friday, 9:00 am - 4:30 pm by phone at 905-957-3346, or by email. The best source of information is our [website](#) where you can also find specific email address and phone extensions.

From: Meghan Birbeck
Sent: August 3, 2021 11:41 AM
To: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Jessie Lechowicz <jlechowicz@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Ray Vachon <rvachon@westlincoln.ca>
Cc: Development Planning Applications <devtplanningapplications@niagararegion.ca>; susan.dunsmore@niagararegion.ca; Busnello, Pat <pat.busnello@niagararegion.ca>
Subject: Notice of Hearing for August Consent Applications - West Lincoln

Good afternoon,

Attachment No. 2 to COA-030-21

The Township of West Lincoln has two consent applications being heard at our August 18th committee of adjustment meeting.

These consent applications are

- B10/2021WL – Crockwright – Surplus Farm Dwelling Severance
- B11/2021WL – Spring Creek Holdings – Lot Creation Severance

Attached is the full package for both consent applications.

Best,
Meghan



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Meghan Birbeck

From: Lyle Killins <lkillins@live.com>
Sent: August 10, 2021 12:25 PM
To: Meghan Birbeck
Subject: File B11- 2021 WL

Hi Meghan

Property is serviced with municipal sewers thus, Part 8 Ontario Building Code not applicable.

No comments required.

Regards

Lyle

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

August 10, 2021

File No.: D.06.12.CS-21-0070

Meghan Birbeck, Planner I
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.: B11/2021WL
Address: 6159 Spring Creek 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 9.84 hectares (24.32 acres) of employment land within the Smithville urban boundary. The retained employment land will be 2.37 hectares (5.86 acres) in size. The land proposing to be severed is currently vacant and underutilized. 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 (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 m of PSW, within 50 m of Significant Woodland and within 15 m of Type 2 Fish Habitat.

The proposed lot is outside of the above-noted setbacks. As such, there are no requirements and Environmental Planning offers no objection to the Consent application.

D.06.12.CS-21-0070

August 10, 2021

Regional Infrastructure

Please be advised that there is existing Regional infrastructure consisting of Regional trunk watermains and sanitary forcemains located along this section of 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

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: August 13, 2021 2:08 PM
To: Meghan Birbeck
Subject: NPCA Comments on B11/2021WL – Spring Creek Holdings – Lot Creation Severance

Hello Meghan,

Please see below the NPCA's comments on Town of West Lincoln File No. B11/2021WL.

The NPCA notes the presence of a regulated Flood Hazard on the subject property located at 6159 Spring Creek Road, West Lincoln ARN 260203001318400.

The NPCA notes that the proposed eastern lot line is located near a regulated Flood Hazard. In accordance with Section 4.2.15 of the NPCA Policy Document, the NPCA will not support lot creation within a Flood Hazard. The NPCA will require that the proposed Severance Plan be revised to indicate that the proposed eastern lot line does not encroach past the 192.25m flood contour. The applicant will need to revise the Severance Plan to indicate this detail and submit the plan to the NPCA for review and approval.

The NPCA would like to suggest that this Consent application be deferred until we have the opportunity to review the requested revised Severance Plan mentioned above.

Please let me know if you have any questions.

Sincerely,

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

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 228
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Attachment No. 2 to COA-030-21

are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.