

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

Wednesday, September 22, 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.

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	Pages
<b>1. CHAIR</b>	
The Chair will call to Order the evening's proceedings.	
<b>2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST</b>	
<b>3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT</b>	
<b>4. APPLICATIONS</b>	
a. A21/2021WL – Stephanie & Bohdan Krywiak Property Address: 9758 Concession 5 Road A minor variance application has been applied for that is required to permit a total lot coverage of 12.5% for a proposed pool house whereas Table 12 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an agricultural property can have a maximum lot coverage of 10%. The applicant has indicated that they will be removing a greenhouse/shed on their property to help reduce the extent that their proposed pool house will be increasing their overall lot coverage.	3
b. A22/2021WL – Neil Wood Property Address: 679 Boyle Road A minor variance application has been applied for that is required to permit a property to build a proposed dwelling on the property's existing footings. This variance requires a front yard setback of 7.33 metres (24.05 feet) whereas Table 12 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an agricultural property can have a minimum front yard setback of 15 metres for a dwelling (49.21 feet). The current owners purchased the property with the previous dwelling already being removed and are now hoping to build their proposed home where the previous dwelling existed.	25

## c. A23/2021WL – Jeffery Carter

Property Address: 3982 Concession 1 Road

A minor variance application has been applied for that requests multiple variances. The first set of variances that are required is to permit a proposed accessory building to be built 18.9 metres (62 feet) closer to the front lot line than property's main building whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory building cannot be built closer to the front lot line than the main building. The second set of variances that are required is to permit a proposed accessory building to be built with a size of 208 square metres (2,238.89 square feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory building cannot be built larger than 100 square metres (1,076.39 square feet). The owners are requesting these variances to replace an existing building of a similar size that they have indicated is not in very good conditions.

## d. B12/2021WL – Kevin Shirton

(Roll No.: 260201000129400): 7807 Concession 3

An application for a lot addition to a neighboring Agricultural parcel has been submitted for 1685 Smithville Road from the adjacent Agricultural property. The owner of the adjacent Agricultural property is proposing to sever off 5.48 hectares (13.56 acres) and retain 31.85 hectares (78.7 acres). The land proposing to be severed will allow the benefitting property to become an actual farm class property with over 100 acres, which will help the future of their farm.

## 5. MINUTES FOR APPROVAL

## 6. NEW BUSINESS

## 7. ADJOURNMENT

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

**DATE:** Sept 22<sup>nd</sup>, 2021

**REPORT NO:** COA-031-21

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by Stephanie & Bohdan Krywiak  
File No. A21/2021WL

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

**OVERVIEW:**

- A minor Variance application has been submitted by Stephanie & Bohdan Krywiak for the property legally known as Concession 5, Part Lot 22, RP 30R7668; PART 1; in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. Municipally known as 9758 Concession Road 5.
- This Minor Variance application has been applied for to request a variance to permit a total lot coverage of 12.5% for a proposed accessory building whereas Table 12 of the Township Zoning Bylaw 2017-70, as amended, identifies that an agricultural property can have a maximum lot coverage of 10%.
- The property already has two existing accessory building, a garage and greenhouse, and are now hoping to build a pool cabana.
- Currently the property has a lot coverage of 12.24% and to help reduce the degree to which the pool cabana would further increase the lot coverage and to avoid requesting a second variance for a third accessory building the applicants have agreed to remove their greenhouse (garden shed).
- Removing the greenhouse (63.92 square metres) and adding the pool cabana (71.38 square metres) results in a lot coverage of 12.42%.
- It should be noted that the greenhouse was built somewhere between 2006 and 2010, and that no building permits were found for its erection.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval; subject to a condition
- Specifically, that the greenhouse (garden shed) be removed prior to the applicant applying for a building permit for the pool cabana.

**RECOMMENDATION:**

1. THAT, the application for the Minor Variance made by Stephanie & Bohdan Krywiak as outlined in Report COA-031-21, to permit an accessory building to be built resulting in a total lot coverage of 12.5 percent, BE APPROVED; subject to the following conditions:
  - a. That, the greenhouse (garden shed) be removed prior to the applicant applying for a building permit for the pool cabana.

**BACKGROUND:**

The subject lands are situated on the south side of Concession 5 Road, east of Westbrook Road and west of Burns Road, being legally described as Concession 5, Part Lot 22, RP 30R7668; PART 1, in the former Township of Caistor, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 9758 Concession Road 5. (See attachment 1 for a site sketch)

The subject property is approximately 1 acre (0.4 hectares) in size. The property has is designation as Agricultural and is zoned Agricultural. The surrounding properties to 9758 Concession Road 5 also share the same designation and zoning.

This Minor Variance application has been applied for to request a variance to permit a total lot coverage of 12.5% for a proposed accessory building whereas Table 12 of the Township Zoning Bylaw 2017-70, as amended, identifies that an agricultural property can have a maximum lot coverage of 10%.

The property already has two existing accessory building, a garage and greenhouse, and are now hoping to build a pool cabana. Currently the property has a lot coverage of 12.24% and to help reduce the degree to which the pool cabana would further increase the lot coverage and to avoid requesting a second variance for a third accessory building the applicants have agreed to remove their greenhouse (garden shed). Removing the greenhouse (63.92 square metres) and adding the pool cabana (71.38 square metres) results in a lot coverage of 12.42%. It should be noted that the greenhouse was built somewhere between 2006 and 2010, and that no building permits were found for its erection.

**CURRENT SITUATION:**

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

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

The property is designated as Good General Agriculture under the Township's Official Plan. The Good General Agricultural Zone comprises those lands designated as the second highest level of protection and preservation for agricultural purposes. Residential and accessory residential uses are permitted in the Good General Agricultural designation. The agricultural property in question is considered to be a small holding property as it is approximately 1 acre (0.4 hectares) in size.

The minor variance application is proposing to increase the total maximum lot coverage on their property by 2.5% (101.21 square metres) and increasing the current lot coverage by 0.18% (7.47 square metres), to permit a proposed accessory building (pool cabana) to have a lot coverage of 12.5% (506.04 square metres). The proposed building would be accessory to the existing residence on the property, and would not significantly impact the environment nor negatively impact neighbouring residential properties.

Township Planning Staff are of the opinion that the requested minor variance meets the general intent and purpose of the Official Plan as the proposed uses are permitted and generally fits the character of the surrounding area, subject to the condition that keeps coverage to 12.5%.

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

The subject land is zoned Agricultural 'A' in the Township's Zoning By-law 2017-70, as amended, and is 1 acre (0.4 hectares) in size. The Agricultural zone permits single detached dwellings and their associated accessory buildings. The proposed accessory building is a permitted use under the regulations of the Agricultural Zone.

Under Table 12 of the Township's Zoning By-law 2017-70, as amended, it indicates that the total lot coverage on an Agricultural zoned property is 10% of the lot area. Currently this property has a lot coverage of 12.24% and is requesting a lot coverage of 12.5%. Prior to the 2017 compressive review the lot coverage may have allowed for the current lot coverage to be greater than 10%. However, the Township cannot actually find a building permit for the greenhouse (garden shed), which was built somewhere between 2006 and 2010. To help reduce the degree to which the pool cabana would further increase the lot coverage and to avoid requesting a second variance for a third accessory building the applicants have agreed to remove their greenhouse (garden shed). Removing the greenhouse (63.92 square metres) and adding the pool cabana (71.38 square metres) results in a lot coverage of 12.42%.

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

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

The applicant has proposed to construct an accessory building that would exceed the total lot coverage on their property. By removing the greenhouse (garden shed) and, if granted, building the pool cabana the total lot coverage will only be increasing by 0.18% (7.47 square metres). In addition, the total number of accessory buildings on the property will not change as the existing detached garage (98.03 square metres) will remain and the proposed pool cabana (71.38 square metres) would replace the existing greenhouse (63.92 square metres).

As such, Planning Staff are of the opinion that the requested variance is appropriate development and use of the land.

**Is the proposal minor in nature?**  
**Yes**

The subject application is requesting to permit a proposed accessory building to increase the total lot coverage on the property. Initially the applicants wanted to build their proposed pool cabana and keep both of their other accessory buildings, garage and greenhouse. With doing this the applicant would have required two variances; the first for a third accessory building and the second to allow a total lot coverage of 14%.

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Planning staff discussed this initial scenario with the applicants and indicated that they did not believe the initial request was minor as the property was already over the total lot coverage and at their max number of allowable accessory buildings.

The applicants have now tried to reduce the degree to which they are requesting to deviate from the Township's Zoning By-law by indicating that they would remove the greenhouse if they are able to build their pool cabana. By removing the greenhouse, the applicants are only requesting to increase the current lot coverage by 0.18% (7.47 square metres) but in order to conform to the Township's current Zoning by-law they are requesting to increase the lot coverage by 2.5% (101.21 square metres) as the Township's Zoning By-law maximum lot coverage requirement is 10%.

As such, planning staff are of the opinion that the requested variance is minor in nature.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this application.

**INTER-DEPARTMENTAL COMMENTS:**

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

Niagara Peninsula Conservation Authority (NPCA) staff have reviewed the photos of the subject property which were submitted for NPCA review and approval. Based on NPCA's staff's review of the submitted photos, NPCA staff are satisfied that the proposed cabana will not interfere with any NPCA regulated features. As such, the NPCA will have no objections to the proposed minor variance application.

The Township's Septic Inspector and Public Works Department both do not object to this application.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands September 2<sup>nd</sup> 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 Sept 17<sup>th</sup>, during the preparation of this report.

**CONCLUSION:**

A Minor Variance application has been submitted by Stephanie & Bohdan Krywiak for the property municipally known as 9758 Concession Road 5. The Minor Variance application is submitted to permit a total lot coverage of 12.5% for a proposed accessory building whereas Table 12 of the Township Zoning Bylaw 2017-70, as amended, identifies that an agricultural property can have a maximum lot coverage of 10%. Planning staff are of the opinion that this application meets all four tests of a minor

variance, and as such, can recommend approval of this application subject to a condition that the existing greenhouse is removed prior to construction of the pool cabana.

**ATTACHMENTS:**

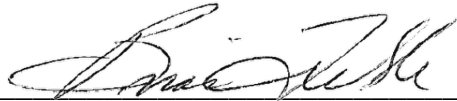
1. Site Sketch
2. Zoning Provisions
3. Comments

**Prepared by:**



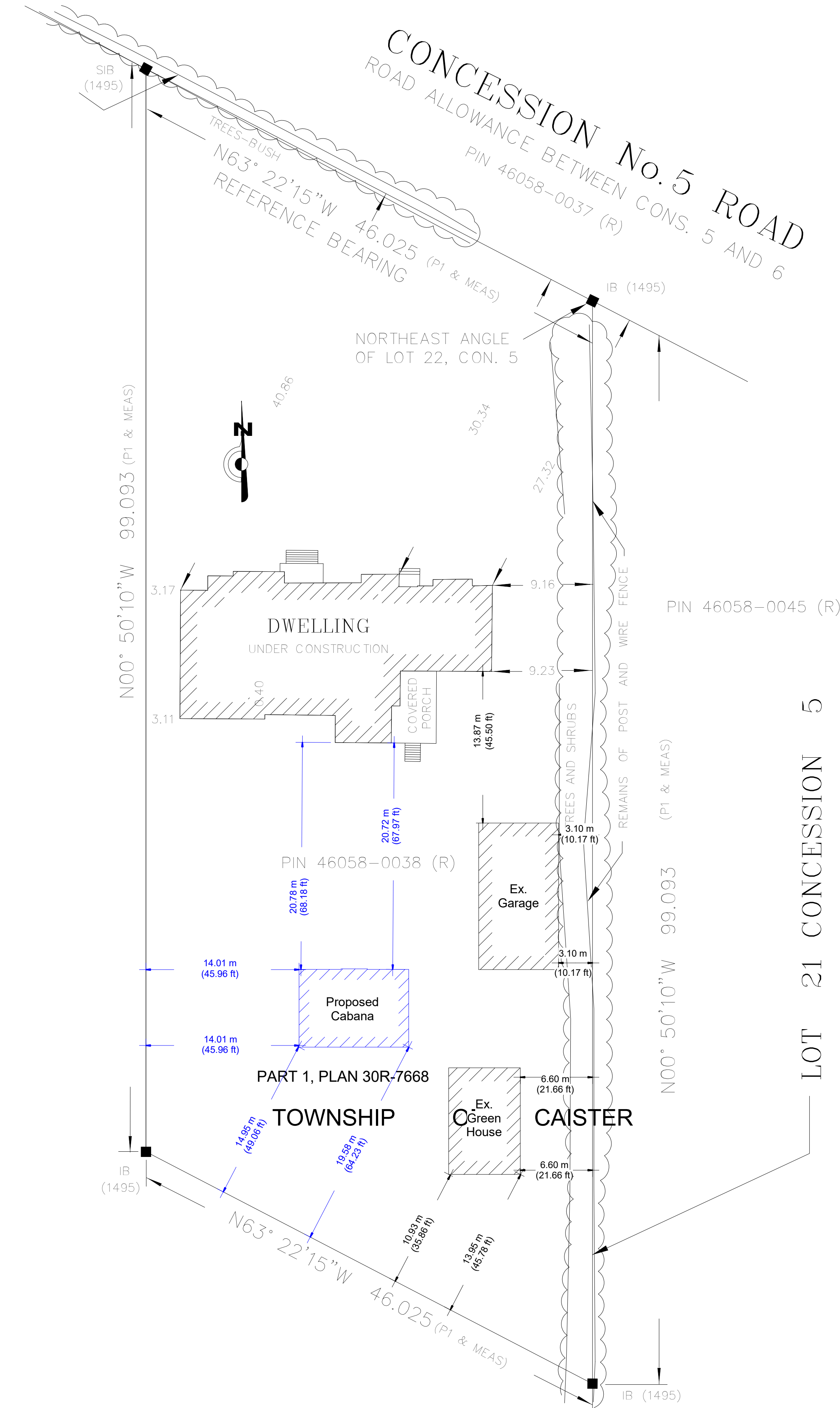
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**Madyson Etzl**  
**Planner II**



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



① Site Plan  
3/64" = 1'-0"

9758 Concession 5 Road, Zoning By-Law 2017-70					
Building Information		Area			
		Existing		Proposed	
		SF	SM	SF	SM
Lot Area		43575.67	4048.31	NC	NC
Building Areas	Garage	1055.15	98.03	1055.15	98.03
	Greenhouse	688.00	63.92	688.00	63.92
	Poolhouse	N.A.	N.A.	768.38	71.38
	Subtotal	1743.15	161.94	2511.53	233.33
Total Lot Coverage of Accessory Buildings		Allowed		Proposed	
		1076.39	100.00	2511.53	233.33
Number of Accessory Buildings		2		3	
* Lot coverage of all buildings must not exceed 8% of the lot area (5.76% proposed)					
Distances		Allowed		Proposed	
		(ft)	(m)	(ft)	(m)
Building Height		18.04	5.50	17.85	5.44
N - Main Building Setback		9.84	3.00	67.95	20.71
S - Minimum Rear Yard Setback		6.56	2.00	49.51	15.09
W - Minimum Side Yard Setback		6.56	2.00	46.95	14.31
E - Minimum Side Yard Setback		6.56	2.00	54.17	16.51
* Must be within 50m of main building (20.71m proposed)					
* Cannot be closer to side or front yards than main building					



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N-Cubed Services Inc, operating as N-Cubed Designs

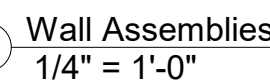
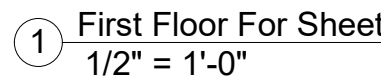
Krywiak Poolhouse  
9758 Conc. 5

Site Plan

Project number	Project Number
Date	Issue Date
Drawn by	DDN
Checked by	CN

A0.2

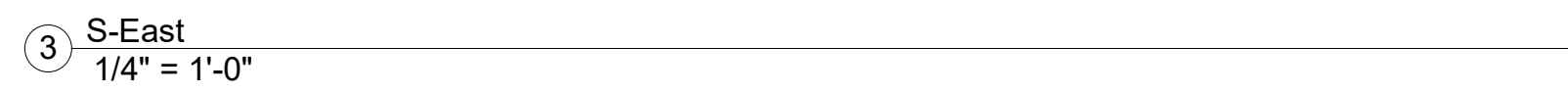
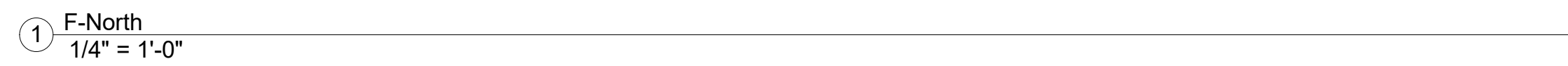
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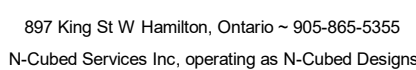
1	8' - 0"	8' - 0"	
1	8' - 0"	8' - 0"	
2	9' - 9 1/2"	7' - 7"	
3	3' - 0"	8' - 0"	



Scale	As indicated
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Elevations	
Project number	Project Number
Date	Issue Date
Drawn by	DDN
Checked by	CN
A2.1	
Scale	1/4" = 1'-0"

## PART 5. AGRICULTURAL ZONES

### 5.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 5 apply to land within the following *zones*:

Zone	Symbol
Agricultural Zone	A
Agricultural Purposes Only Zone	APO
Agriculture-Related Zone	AR

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

### 5.2 PERMITTED USES

In the *zones* identified in Section 5.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 11.

**Table 11: Permitted Uses in Agricultural Zones**

Uses	Zones where Permitted		
<b>Principal Uses</b>			
<i>Agricultural use</i>	A	APO	
<i>Agriculture-related use</i>			AR <sup>(2)</sup>
<i>Agricultural service and supply establishment</i>			AR <sup>(2)</sup>
<i>Commercial kennel</i> (see s. 3.8)			AR <sup>(2)</sup>
<i>Contractors establishment</i>			AR <sup>(2)</sup>
<i>Garden centre</i>			AR <sup>(2)</sup>
<i>Pet care establishment</i> (see s. 3.8)			AR <sup>(2)</sup>
<i>Private kennel</i> (see s. 3.8)			AR <sup>(2)</sup>
<i>Service shop</i>			AR <sup>(2)</sup>
<i>Single detached dwelling</i>	A		
<i>Veterinary clinic</i>			AR <sup>(2)</sup>
<i>Wayside pit or quarry</i> (see s. 3.27)	A	APO	AR
<b>Accessory Uses <sup>(1)</sup></b>			
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)	A <sup>(1)</sup>	APO <sup>(1)</sup>	AR <sup>(1)</sup>
<i>Accessory dwelling unit</i> (see s. 3.2)	A <sup>(1)</sup>		
<i>Accessory farm dwelling</i> (see s. 3.2)	A <sup>(1)</sup>		
<i>Garden suite</i> (see s. 3.2)	A <sup>(1)</sup>		
<i>Group home</i> (see s. 3.6)	A <sup>(1)</sup>		
<i>Home occupation</i> (see s. 3.7)	A <sup>(1)</sup>		
<i>On-farm diversified uses</i> (see s. 3.11), including:	A <sup>(1)</sup>		
<i>Agriculture-related use</i> (see s. 3.11)	A <sup>(1)</sup>		

Uses	Zones where Permitted		
<i>Agricultural service and supply establishment</i> (see s. 3.11)	A <sup>(1)</sup>		
<i>Agri-tourism / value-added use</i> (see s. 3.11)	A <sup>(1)</sup>		
<i>Bed and breakfast establishment</i> (see s. 3.4)	A <sup>(1)</sup>		
<i>Home industry</i> (see s. 3.7)	A <sup>(1)</sup>		
<i>Home occupation</i> (see s. 3.7)	A <sup>(1)</sup>		
<i>Pet care establishment</i> (see s. 3.8)	A <sup>(1)</sup>		
<i>Private kennel</i> (see s. 3.8)	A <sup>(1)</sup>		
<i>Service Shop</i> (see s. 3.11)	A <sup>(1)</sup>		
<i>Veterinary Clinic</i> (see s. 3.11)	A <sup>(1)</sup>		
<i>Outside display and sales area</i>			AR <sup>(1)</sup>
<i>Outside storage</i>	A <sup>(1)</sup>	APO <sup>(1)</sup>	AR <sup>(1)</sup>
<i>Pet care establishment</i> (see s. 3.8)	A <sup>(1)</sup>		
<i>Private kennel</i> (see s. 3.8)	A <sup>(1)</sup>		
<i>Renewable energy system</i> (see s. 3.15)	A <sup>(1)</sup>	APO <sup>(1)</sup>	AR <sup>(1)</sup>

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

<sup>(2)</sup> These permitted *principal uses* in the AR Zone shall be directly related to *agricultural uses* in the area, require a location that is in close proximity to *agricultural uses*, and directly provide products and/or services to *agricultural uses* as the primary business.

### 5.3 REGULATIONS

In the *zones* identified in Section 5.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Table 12.

**Table 12: Regulations for Permitted Uses in Agricultural Zones**

Regulation		Zone Requirements		
		A	APO	AR
Minimum <i>lot area</i>		40 ha	39 ha	0.4 ha
Minimum <i>lot frontage</i>		100m		50m
Minimum <i>front yard</i>	<i>Dwelling</i>	15m		-
	<i>Greenhouse</i>	30m		
	<i>Mushroom farm building</i>	150m <sup>(1)</sup>		-
	<i>Other main building</i>	20m		10m
Minimum <i>exterior side yard</i>	<i>Dwelling</i>	15m	-	-
	<i>Greenhouse</i>	30m		
	<i>Mushroom farm building</i>	150 m <sup>(1)</sup>		-
	<i>Other main building</i>	20m		10m
Minimum <i>interior side yard</i>	<i>Dwelling</i>	5m	-	-
	<i>Greenhouse</i>	15m <sup>(2)</sup>		
	<i>Mushroom farm building</i>	75m <sup>(1)</sup>		-
	<i>Other main building</i>	15m		7.5m

Regulation		Zone Requirements		
		A	APO	AR
Minimum <i>rear yard</i>	<i>Dwelling</i>	15m	-	-
	<i>Greenhouse</i>	15m <sup>(2)</sup>		
	Mushroom farm <i>building</i>	75m <sup>(1)</sup>		-
	Other <i>main building</i>	20m		7.5m
Maximum <i>lot coverage</i>	<i>Greenhouses</i>	70%		40%
	Other <i>buildings or structures</i>	10%		
Maximum <i>height</i>		15m		15m
Minimum <i>landscaped open space</i>		No minimum		10%
Maximum <i>outside storage</i>		5% of <i>lot</i> area <sup>(3)</sup>		10% of <i>lot</i> area <sup>(3)</sup>

<sup>(1)</sup>No *building* or *structure* used for the growing of mushrooms shall be located closer than 150 metres to the nearest main wall of a *dwelling* on a separate *lot* or any *street line*, and 300 metres to the nearest boundary of an Institutional *Zone* or a Residential *Zone* other than the Rural Residential *Zone*.

<sup>(2)</sup>The minimum *interior side yard* and *rear yard* for a *greenhouse* shall be 25 metres where one or more ventilating fans exhaust into the respective *yard*.

<sup>(3)</sup>*Outside storage* for purposes other than *outside display and sales areas* on the *lot* shall be located in a *rear yard* or *side yard* and screened from view from *public streets* and adjacent *lots*. No manure, compost or equipment storage area shall be permitted within 30 metres of a *street line* or a *lot line* of a separate *lot* that contains a *residential use* or the top of bank of a *municipal drain* or watercourse.

## PART 3. GENERAL PROVISIONS

### 3.1 ACCESSORY BUILDINGS OR STRUCTURES AND ACCESSORY USES

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

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

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

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

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

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

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

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

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

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

**Meghan Birbeck**

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**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** September 17, 2021 1:29 PM  
**To:** Bob Krywiak  
**Cc:** Meghan Birbeck; Madyson Etzl  
**Subject:** Re: Niagara Peninsula Conservation Authority (NPCA) inquiry on minor variance application A212021WL

Hello Bob,

Thank you very much for sending along the photos, it is greatly appreciated. I can confirm that they have been received and reviewed by NPCA staff.

Sincerely,

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

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2  
905-788-3135, ext. 228  
[nwensing@npca.ca](mailto:nwensing@npca.ca)  
[www.npca.ca](http://www.npca.ca)

---

**From:** Bob Krywiak <bobkrywiak@gmail.com>  
**Sent:** Thursday, September 16, 2021 10:11 AM  
**To:** Nikolas Wensing <nwensing@npca.ca>  
**Cc:** Meghan Birbeck <mbirbeck@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>  
**Subject:** Re: Niagara Peninsula Conservation Authority (NPCA) inquiry on minor variance application A212021WL









## **Meghan Birbeck**

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**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** September 17, 2021 2:25 PM  
**To:** Meghan Birbeck  
**Subject:** Re: Sept 22nd West Lincoln Committee of Adjustment Notice of Hearing  
**Attachments:** 3. Full Package - B122021WL (4).PDF

Hello again Meghan,

I now have finalized comments ready for 7807 Concession Road 3 and 9758 Concession Road 5, please see below.

### **7807 Concession Road 3**

- It is the understanding of the NPCA that the proposed Consent application is for a lot addition, not lot creation. It is the understanding of the NPCA that the applicants are proposing to sever Parcel 2 and retain Parcel 3, and that Parcel 2 will merge with Parcel 1 as shown on the attached plans.
- The NPCA's regulated mapping indicates the presence of Provincially Significant Wetlands, Watercourses and a potential Flood Hazard on the subject property. While the NPCA is not able to support lot creation within Wetlands and Flood Hazards, NPCA Policy is supportive of lot additions and boundary adjustments within these features and hazards where it can be demonstrated to the satisfaction of NPCA staff that there is sufficient space outside of the features and hazards to accommodate a building envelope, including space for servicing and amenities.
- Given that Parcel 2 will merge with Parcel 1, NPCA staff are satisfied that there is sufficient space outside of the features and hazards on site to accommodate a building envelope. As such, NPCA staff will not object to the proposed lot addition. Please note that any additional proposed development on the subject properties should be circulated to the NPCA for review and approval.

### **9758 Concession Road 5**

- NPCA staff have reviewed the photos of the subject property which were submitted for NPCA review and approval. Based on NPCA's staff's review of the submitted photos, NPCA staff are satisfied that the proposed cabana will not interfere with any NPCA regulated features. As such, the NPCA will have no objections to the proposed minor variance application.

Sincerely,

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

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2  
905-788-3135, ext. 228  
[nwensing@npca.ca](mailto:nwensing@npca.ca)  
[www.npca.ca](http://www.npca.ca)

**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** Tuesday, September 7, 2021 3:47 PM  
**To:** Meghan Birbeck <mbirbeck@westlincoln.ca>  
**Subject:** Re: Sept 22nd West Lincoln Committee of Adjustment Notice of Hearing

Hello Meghan,

Thank you for letting me know regarding the fee payment, I appreciate it.

Regarding the four application you have circulated to me, I have the following questions and/or comments thus far:

### **7807 Concession Road 3**

- I note that on the application, it is noted that the proposed severance will be a lot addition. It is worded as though Parcel 2 will become a part of Parcel 1 as shown on the Severance Plan. Can you confirm that this is the case? The Severance Plan appears to indicate that Parcel 2 will be a standalone lot. I note that the proposed southern lot line for Parcel 2 bisects a Provincially Significant Wetland (PSW), and that it may bisect a Flood Hazard. The NPCA is not able to support lot creation within a PSW or Flood Hazard, however, the NPCA may be able to support a lot addition. Some further clarity regarding the proposed lot configuration is requested.

### **9758 Concession Road 5**

- I note that the proposed cabana is located overtop of a mapped watercourse. I have included mapping which illustrates that a watercourse may be present (thin blue line shown on the mapping). However, the NPCA's aerial imagery seems to indicate that this Watercourse may no longer be present. At this time, the NPCA would like to request photos of the subject property where the cabana is proposed so that we may confirm whether a Watercourse is present.

### **679 Boyle Road**

- The NPCA's regulated mapping does not indicate the presence of any NPCA regulated features or hazards on the subject property. As such, the NPCA will have no objections to the proposed dwelling.

### **3982 Concession Road 1**

- The NPCA's regulated mapping does not indicate the presence of any NPCA regulated features or hazards on the subject property. As such, the NPCA will have no objections to the proposed storage building.
- 

Sincerely,

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

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2



<b>Application Number:</b>	A21/2021WL
<b>Date:</b>	September 16, 2021
<b>Property Address:</b>	9758 Concession Road 5.
<b>Project:</b>	Pool Cabana

Planning Staff,

Please be advised the application as proposed does not negatively impact the requirements of Part 8 (Sewage Systems) O.B.C. Thus, no objection to the proposed application.

Be further advised that the right is reserved to make additional comment with regard to this application should any additional information be made available. Any further requests of this office should be directed to the undersigned.

Respectfully,

Lyle Killins, C.P.H.I.(c)  
Part 8, O.B.C., Septic System Inspector Manager  
Building and Bylaw Enforcement Services Department

**DATE:** Sept 22<sup>nd</sup>, 2021

**REPORT NO:** COA-032-21

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by Clarice Djuikouo and Neil Wood  
File No. A22/2021WL

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

**OVERVIEW:**

- A minor Variance application has been submitted by Clarice Djuikouo and Neil Wood for the property legally known as the Broken Front (BF) Concession, Part Lot 25, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. Municipally known as 679 Boyle Road.
- This Minor Variance application has been applied for to request a variance to permit the property owner to build a proposed dwelling on the property's existing footings.
- This variance requires a front yard setback of 7.33 metres (24.05 feet) whereas Table 12 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an agricultural property can have a minimum front yard setback of 15 metres for a dwelling (49.21 feet).
- The current owners purchased the property with the previous dwelling already being removed and are now hoping to build their proposed single detached dwelling where the previous dwelling existed.
- In July 2020, the previous owners communicated with the Chief Building Officer about renovating their dwelling. At the time, a building permit was not required to demolish the dwelling as the purpose of the demolition was to renovate the dwelling and to construct an addition.
- The previous property owners were further informed that the Township would only support a total renovation of the dwelling at the property's insufficient front yard setback of 7.33 metres if engineered documentation was provided to indicate that the footings were still usable.
- A permit application for a renovation was never submitted to the Township by the previous owner, instead the previous owners sold their property.
- It is in the Township's opinion that this project should be looked at as a new dwelling based off the fact that the original owners who the agreement was with have moved on.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval if the existing footings being still usable.

**RECOMMENDATION:**

1. THAT, the application for a Minor Variance made by Clarice Djuikouo and Neil Wood as outlined in Report COA-032-21, to permit a single detached dwelling to be built on the footings of the previous building with a front yard setback of 7.33 metres, BE MODIFIED and BE APPROVED to permit a single detached dwelling to be built on the footings of the previous building with a front yard setback of 7.33 metres if documentation is provided by an engineer that concludes that the existing footings from the previous dwelling are still usable and do not require any modifications.

**BACKGROUND:**

The subject lands are situated on the east side of Boyle Road, south of Wiley Road and north of East Chippawa Road, being legally described as the Broken Front (BF) Concession, Part Lot 25, in the former Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 679 Boyle Road. (See attachment 1 for a site sketch)

The subject property is approximately 1.06 acre (0.43 hectares) in size. The property is designated as Good General Agricultural and is zoned Agricultural. The surrounding properties to 679 Boyle Road also share the same designation and zoning.

This Minor Variance application has been applied for to request a variance to permit the property owner to build a proposed dwelling on the property's existing footings. This variance requires a front yard setback of 7.33 metres (24.05 feet) whereas Table 12 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an agricultural property can have a minimum front yard setback of 15 metres for a dwelling (49.21 feet). The current owners purchased the property with the previous dwelling already being removed and are now hoping to build their proposed single detached dwelling where the previous dwelling existed.

In July 2020, the previous owners communicated with the Chief Building Officer about renovating their dwelling. At the time, a building permit was not required to demolish the dwelling as the purpose of the demolition was to renovate the dwelling and to construct an addition. The previous property owners were further informed that the Township would only support a total renovation of the dwelling at the property's insufficient front yard setback of 7.33 metres if engineered documentation was provided to indicate that the footings were still usable. A permit application for a renovation was never submitted to the Township by the previous owner, instead the previous owners sold their property. It is in the Township's opinion that this project should be looked at as a new dwelling based off the fact that the original owners who the agreement was with have moved on. This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval if the existing footings being still usable.

Staff require that the variance applies only to the existing footings and foundation. Any change in shape and dimensions should require full compliance with the zoning regulations.

**CURRENT SITUATION:**

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

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

**Yes**

The property is designated as Good General Agriculture under the Township's Official Plan. The Good General Agricultural designation comprises those lands designated as the second highest level of protection and preservation for agricultural purposes. Residential and accessory residential uses are permitted in the Good General Agricultural designation. The agricultural property in question is a small holding property as it is approximately 1.06 acres (0.43 hectares) in size.

This Minor Variance application has been applied for to request a variance to permit a property to build a proposed dwelling on the property's existing footings. This variance requires a front yard setback of 7.33 metres (24.05 feet) whereas Table 12 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an agricultural property can have a minimum front yard setback of 15 metres for a dwelling (49.21 feet).

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

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

**Yes**

The subject land is zoned Agricultural 'A' in the Township's Zoning By-law 2017-70, as amended, and is 1.06 acres (0.43 hectares) in size. The Agricultural zone permits single detached dwellings and their associated accessory buildings. The proposed single detached dwelling is a permitted use under the regulations of the Agricultural Zone.

Under Table 12 of the Township's Zoning By-law 2017-70, as amended, it is indicated that the minimum front yard setback for a dwelling on an Agricultural zoned property is 15m. Currently this property does not have a single detached dwelling on the lot. The applicants have indicated that the previous dwelling was removed prior to them acquiring the lot on August 3, 2021. The footings from the previous dwelling remain on the property. The current owners are now wishing to have a dwelling rebuilt on the lot and are proposing to build the new dwelling on the existing footings that remain on the property.

As the rebuild is on the existing foundation, staff support the variance. The zoning allows for single detached dwellings and the property already has existing footings located with a setback of 7.33 metres (24.05 feet) to the front lot line, Township staff are of the opinion that this application meets the general intent of the Township Zoning Bylaw. Should the applicant deviate from the existing foundation, then full compliance with the bylaw should be achieved.

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

**Yes**

The applicant has proposed to construct a single detached dwelling on the property. The property is entitled to a single detached dwelling and previously had a dwelling prior to the current owners purchasing the property. The footings from the previous dwelling are still on the property and have a setback of 7.33 metres (24.05 feet). The current owners are now hoping to utilize these footings.

As a single detached dwelling having a setback of 7.33 metres (24.05 feet) is not new for this property and as the footings already exist for the property, planning staff are of the opinion that the requested variance is appropriate development and use of the land.

**Is the proposal minor in nature?**

**Yes**

The subject application is requesting to permit a proposed single detached dwelling to decrease the minimum front yard setback on the property. The applicants are asking to decrease the setback by over 50% (7.67 metres). However, Township Staff believe that this variance is minor because footings already exist with the requested 7.33 metre setback on the property and that the applicant is not requesting to further increase the degree to which the front yard setback will be diverting from the Township's Zoning By-law 2017-70, as amended.

As noted, that Township Staff only supports the requested variance if the existing foundation is buildable. Engineered documentation is required to be provided to the Building Department identifying that the existing footings are still usable. If it is determined by an engineer that the existing footing are not usable then the property owners will be required to be in full compliance with the Township's Zoning By-law.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this application.

**INTER-DEPARTMENTAL COMMENTS:**

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

The Niagara Peninsula Conservation Authority does not object to the proposed application.

The building department have identified the previous owners communicated with the Chief Building Officer about renovating their dwelling. At the time, a building permit was not required to demolish the dwelling as the purpose of the demolition was to renovate the dwelling and to construct an addition. The previous property owners were further informed that the Township would only support a total renovation of the dwelling at the property's insufficient front yard setback of 7.33 metres if engineered documentation was provided to indicate that the footings were still usable. A permit application for a

renovation was never submitted to the Township by the previous owner, instead the previous owners sold their property. A site visit was conducted on September 17, which found that the initially specified re-building plans were not constructed/ started. It is in the building department's opinion that this project should be looked at as a new dwelling based off the fact that the original owners who the agreement was with have moved on.

The Township's septic inspector and public works department both do not object to the proposed application.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands September 2<sup>nd</sup>, 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 Sept 20<sup>th</sup>, during the preparation of this report.

**CONCLUSION:**


A Minor Variance application has been submitted by Clarice Djuikouo and Neil Wood for the property municipally known as 679 Boyle Road. The Minor Variance application is submitted to permit the property owners to re-build a proposed dwelling on the property's existing footings. This variance requires a front yard setback of 7.33 metres (24.05 feet) whereas Table 12 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an agricultural property can have a minimum front yard setback of 15 metres for a dwelling (49.21 feet). Planning staff are of the opinion that this application meets all four tests of a minor variance if the new house is built on the existing footings and that the existing footings are buildable.

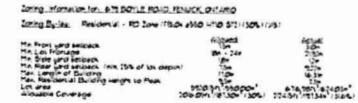
**ATTACHMENTS:**

1. Site Sketch
2. Zoning Provisions
3. Comments

**Prepared by:**

  
\_\_\_\_\_  
**Madyson Etzl**  
**Planner II**

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



INST. NO 102661

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Project	Sheet
Date July 5, 2020.	SP1
Scale 1/16" = 1'	

## PART 5. AGRICULTURAL ZONES

### 5.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 5 apply to land within the following *zones*:

Zone	Symbol
Agricultural Zone	A
Agricultural Purposes Only Zone	APO
Agriculture-Related Zone	AR

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

### 5.2 PERMITTED USES

In the *zones* identified in Section 5.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 11.

**Table 11: Permitted Uses in Agricultural Zones**

Uses	Zones where Permitted		
<b>Principal Uses</b>			
<i>Agricultural use</i>	A	APO	
<i>Agriculture-related use</i>			AR <sup>(2)</sup>
<i>Agricultural service and supply establishment</i>			AR <sup>(2)</sup>
<i>Commercial kennel</i> (see s. 3.8)			AR <sup>(2)</sup>
<i>Contractors establishment</i>			AR <sup>(2)</sup>
<i>Garden centre</i>			AR <sup>(2)</sup>
<i>Pet care establishment</i> (see s. 3.8)			AR <sup>(2)</sup>
<i>Private kennel</i> (see s. 3.8)			AR <sup>(2)</sup>
<i>Service shop</i>			AR <sup>(2)</sup>
<i>Single detached dwelling</i>	A		
<i>Veterinary clinic</i>			AR <sup>(2)</sup>
<i>Wayside pit or quarry</i> (see s. 3.27)	A	APO	AR
<b>Accessory Uses</b> <sup>(1)</sup>			
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)	A <sup>(1)</sup>	APO <sup>(1)</sup>	AR <sup>(1)</sup>
<i>Accessory dwelling unit</i> (see s. 3.2)	A <sup>(1)</sup>		
<i>Accessory farm dwelling</i> (see s. 3.2)	A <sup>(1)</sup>		
<i>Garden suite</i> (see s. 3.2)	A <sup>(1)</sup>		
<i>Group home</i> (see s. 3.6)	A <sup>(1)</sup>		
<i>Home occupation</i> (see s. 3.7)	A <sup>(1)</sup>		
<i>On-farm diversified uses</i> (see s. 3.11), including:	A <sup>(1)</sup>		
<i>Agriculture-related use</i> (see s. 3.11)	A <sup>(1)</sup>		

Uses	Zones where Permitted		
<i>Agricultural service and supply establishment</i> (see s. 3.11)	A <sup>(1)</sup>		
<i>Agri-tourism / value-added use</i> (see s. 3.11)	A <sup>(1)</sup>		
<i>Bed and breakfast establishment</i> (see s. 3.4)	A <sup>(1)</sup>		
<i>Home industry</i> (see s. 3.7)	A <sup>(1)</sup>		
<i>Home occupation</i> (see s. 3.7)	A <sup>(1)</sup>		
<i>Pet care establishment</i> (see s. 3.8)	A <sup>(1)</sup>		
<i>Private kennel</i> (see s. 3.8)	A <sup>(1)</sup>		
<i>Service Shop</i> (see s. 3.11)	A <sup>(1)</sup>		
<i>Veterinary Clinic</i> (see s. 3.11)	A <sup>(1)</sup>		
<i>Outside display and sales area</i>			AR <sup>(1)</sup>
<i>Outside storage</i>	A <sup>(1)</sup>	APO <sup>(1)</sup>	AR <sup>(1)</sup>
<i>Pet care establishment</i> (see s. 3.8)	A <sup>(1)</sup>		
<i>Private kennel</i> (see s. 3.8)	A <sup>(1)</sup>		
<i>Renewable energy system</i> (see s. 3.15)	A <sup>(1)</sup>	APO <sup>(1)</sup>	AR <sup>(1)</sup>

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

<sup>(2)</sup> These permitted *principal uses* in the AR Zone shall be directly related to *agricultural uses* in the area, require a location that is in close proximity to *agricultural uses*, and directly provide products and/or services to *agricultural uses* as the primary business.

### 5.3 REGULATIONS

In the *zones* identified in Section 5.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Table 12.

**Table 12: Regulations for Permitted Uses in Agricultural Zones**

Regulation		Zone Requirements		
		A	APO	AR
Minimum <i>lot area</i>		40 ha	39 ha	0.4 ha
Minimum <i>lot frontage</i>		100m		50m
Minimum <i>front yard</i>	<i>Dwelling</i>	15m		-
	<i>Greenhouse</i>	30m		
	<i>Mushroom farm building</i>	150m <sup>(1)</sup>		-
	<i>Other main building</i>	20m		10m
Minimum <i>exterior side yard</i>	<i>Dwelling</i>	15m	-	-
	<i>Greenhouse</i>	30m		
	<i>Mushroom farm building</i>	150 m <sup>(1)</sup>		-
	<i>Other main building</i>	20m		10m
Minimum <i>interior side yard</i>	<i>Dwelling</i>	5m	-	-
	<i>Greenhouse</i>	15m <sup>(2)</sup>		
	<i>Mushroom farm building</i>	75m <sup>(1)</sup>		-
	<i>Other main building</i>	15m		7.5m

Regulation		Zone Requirements		
		A	APO	AR
Minimum <i>rear yard</i>	<i>Dwelling</i>	15m	-	-
	<i>Greenhouse</i>	15m <sup>(2)</sup>		
	Mushroom farm <i>building</i>	75m <sup>(1)</sup>		-
	Other <i>main building</i>	20m		7.5m
Maximum <i>lot coverage</i>	<i>Greenhouses</i>	70%		40%
	Other <i>buildings or structures</i>	10%		
Maximum <i>height</i>		15m		15m
Minimum <i>landscaped open space</i>		No minimum		10%
Maximum <i>outside storage</i>		5% of <i>lot area</i> <sup>(3)</sup>		10% of <i>lot area</i> <sup>(3)</sup>

<sup>(1)</sup>No *building* or *structure* used for the growing of mushrooms shall be located closer than 150 metres to the nearest main wall of a *dwelling* on a separate *lot* or any *street line*, and 300 metres to the nearest boundary of an Institutional *Zone* or a Residential *Zone* other than the Rural Residential *Zone*.

<sup>(2)</sup>The minimum *interior side yard* and *rear yard* for a *greenhouse* shall be 25 metres where one or more ventilating fans exhaust into the respective *yard*.

<sup>(3)</sup>*Outside storage* for purposes other than *outside display and sales areas* on the *lot* shall be located in a *rear yard* or *side yard* and screened from view from *public streets* and adjacent *lots*. No manure, compost or equipment storage area shall be permitted within 30 metres of a *street line* or a *lot line* of a separate *lot* that contains a *residential use* or the top of bank of a *municipal drain* or watercourse.

## **Meghan Birbeck**

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**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** September 7, 2021 3:47 PM  
**To:** Meghan Birbeck  
**Subject:** Re: Sept 22nd West Lincoln Committee of Adjustment Notice of Hearing  
**Attachments:** 7807 Concession Road 3, West Lincoln.pdf; 9758 Concession Road 5, West Lincoln.pdf

Hello Meghan,

Thank you for letting me know regarding the fee payment, I appreciate it.

Regarding the four application you have circulated to me, I have the following questions and/or comments thus far:

### **7807 Concession Road 3**

- I note that on the application, it is noted that the proposed severance will be a lot addition. It is worded as though Parcel 2 will become a part of Parcel 1 as shown on the Severance Plan. Can you confirm that this is the case? The Severance Plan appears to indicate that Parcel 2 will be a standalone lot. I note that the proposed southern lot line for Parcel 2 bisects a Provincially Significant Wetland (PSW), and that it may bisect a Flood Hazard. The NPCA is not able to support lot creation within a PSW or Flood Hazard, however, the NPCA may be able to support a lot addition. Some further clarity regarding the proposed lot configuration is requested.

### **9758 Concession Road 5**

- I note that the proposed cabana is located overtop of a mapped watercourse. I have included mapping which illustrates that a watercourse may be present (thin blue line shown on the mapping). However, the NPCA's aerial imagery seems to indicate that this Watercourse may no longer be present. At this time, the NPCA would like to request photos of the subject property where the cabana is proposed so that we may confirm whether a Watercourse is present.

### **679 Boyle Road**

- The NPCA's regulated mapping does not indicate the presence of any NPCA regulated features or hazards on the subject property. As such, the NPCA will have no objections to the proposed dwelling.

### **3982 Concession Road 1**

- The NPCA's regulated mapping does not indicate the presence of any NPCA regulated features or hazards on the subject property. As such, the NPCA will have no objections to the proposed storage building.
- 

Sincerely,

**Meghan Birbeck**

---

**From:** John Bartol  
**Sent:** September 17, 2021 3:05 PM  
**To:** Meghan Birbeck  
**Cc:** Brian Treble  
**Subject:** 679 Boyle Road - To aid wit your report.

Hi Meghan,

As per our conversation this morning about the subject property I have taken pictures outlining what has been completed. As a bit of back ground, I believe this was being looked at as a renovation permit and an addition permit and they were granted approval to move forward with the demolition to start the (re-build). Based off of the work being done and the fact that the original owners who the agreement was with have moved on, it is in my opinion that the project should be looked at as a new dwelling. Please see the below pictures outlining the work that has been completed. Based off of the onsite visit it does not appear that what was specified in the plans was constructed/started. The existing and remaining foundation walls are visible in the pictures for reference, if you have any questions about any of the structural/building code requirements please don't hesitate to contact me directly.









Regards,

**John Bartol**

**West Lincoln**  
Your Future Naturally

**Building Inspector**

Tel: 905-957-3346 ext 5128  
Email: [jbartol@westlincoln.ca](mailto:jbartol@westlincoln.ca)  
Web: [www.westlincoln.ca](http://www.westlincoln.ca)



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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.



<b>Application Number:</b>	A22/2021WL
<b>Date:</b>	September 16, 2021
<b>Property Address:</b>	679 Boyle Road
<b>Project:</b>	A22/2021WL

Planning Staff,

No objection to the proposed application.

Be further advised that the right is reserved to make additional comment with regard to this application should any additional information be made available. Any further requests of this office should be directed to the undersigned.

Respectfully,

Lyle Killins, C.P.H.I.(c)  
Part 8, O.B.C., Septic System Inspector Manager  
Building and Bylaw Enforcement Services Department

**DATE:** Sept 22<sup>nd</sup>, 2021

**REPORT NO:** COA-033-21

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by Jeffery Carter and Katherine Ransom  
File No. A23/2021WL

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

**OVERVIEW:**

- A minor Variance application has been submitted by Jeffery Carter and Katherine Ransom for the property legally known as Concession 1, Part Lot 25, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara, municipally known as 3982 Concession 1.
- A minor variance application has been applied for that requests four variances.
- The first variance that is required is to permit a proposed accessory building to be permitted in the front yard whereas Table 1-2 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory building is not permitted to be built in the front yard.
- The second variance that is required is to permit a proposed accessory building to be built in the front yard, specifically for it to be built 18.9 metres (62 feet) closer to the front lot line than the property's main building whereas Table 1-2 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory building cannot be built in the front yard and that it cannot be built closer to the front lot line than the main building.
- The third variance that is required is to permit a proposed accessory building to be built with a maximum ground floor area of 208 square metres (2,238.89 square feet) whereas Table 1-2 of the Township's Zoning Bylaw 2017-70, as amended, identifies that a Residential Low Density – Type 1A 'R1A' property does not allow an accessory building to be built with a ground floor area larger than 100 square metres (1,076.39 square feet).
- The forth variance that is required is to permit the subject property to have a maximum lot coverage of 208 square metres for accessory buildings (2,238.89 square feet) whereas Table 1-2 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum lot coverage for accessory buildings is 200 square metres or 8% (323.8 square metres) of the lot area, whichever is less, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in

**OVERVIEW CONTINUED:**

- The owners are requesting these variances to replace an existing building accessory building that they have indicated is not in very good condition.
- The existing building is considered legal non-conforming as it is larger than the Township's Zoning By-law 2017-70, as amended, allows and is approximately 163.06 square metres (1,755.18 square feet) in size.
- This minor variance application was triggered after the owners initially applied for a building permit on March 29 for a much larger accessory building at a size of 243.68 square metres (2,623 square feet).
- Planning staff indicated to the owners that they would not be able to provide zoning clearance for their initial permit as it did not comply with the Township's Zoning By-law 2017,70, as amended.
- After speaking with Planning Staff the owners have chosen to remove a 35.68 square metres (384.06 square feet) utility room that was initially included as a part of the initial proposed accessory building.
- The removal of the utility room was to reduce the extent to which the proposed accessory building would be deviating from the Township's Zoning By-law.
- This application has been reviewed against the four tests of a Minor Variance.
- After reviewing the four tests of a minor variance the first and second variances can be recommended for approval as they were applied for, the third variance can be recommended for modification and approval, and the fourth variance cannot be recommended for approval.
- That all four recommendations are subject to two conditions: 1) that the Department of Planning and Building approve the exterior design of the accessory building, which shall be alternatively designed in keeping with the residential characteristic of the property and 2) that the existing accessory building be removed prior to a building permit being issued.

**RECOMMENDATION:**

1. THAT, the application for the first Minor Variance made by Jeffery Carter and Katherine Ransom as outlined in Report COA-033-21, to permit an accessory building to be permitted in the front yard, BE APPROVED;
2. THAT, the application for the second Minor Variance made by Jeffery Carter and Katherine Ransom as outlined in Report COA-033-21, to permit an accessory building to be built in the property's front yard, specifically 18.9 metres (62 feet) closer to the front lot line than the property's main building, BE APPROVED;
3. THAT, the application for the third Minor Variance made by Jeffery Carter and Katherine Ransom as outlined in Report COA-033-21, to permit an accessory building to be built with a size of 208 square metres (2,238.89 square feet), BE MODIFIED and APROVED at a size of 200 square metres; and

4. THAT, the application for the fourth Minor Variance made by Jeffery Carter and Katherine Ransom as outlined in Report COA-033-21, to permit 208 square metres (2,238.89 square feet) to be the maximum lot coverage for accessory building, NOT BE APPROVED.
  - a. That all four recommendations are subject to the following conditions:
    - i. THAT, the Department of Planning and Building approve the exterior design of the accessory building, which shall be alternatively designed in keeping with the residential characteristic of the property; and
    - ii. THAT, the existing accessory building be removed prior to a building permit being issued.

**BACKGROUND:**

The subject lands are situated on the south side of Concession 1 Road, east of Boyle Road, north of Wiley Road, and west of Shedden Road, being legally described as Concession 1, Part Lot 25, in the former Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 3982 Concession 1. (See attachment 1 for a site sketch)

The subject property is approximately 1 acre (0.4 hectares) in size. The property is within a part of the Hamlet Settlement Area of Boyle and is zoned Residential Low Density – Type 1A. The surrounding properties to 3982 Concession 1 that are within the Hamlet are zoned Residential Low Density – Type 1A, while the property to the east that is outside of the Hamlet is zoned Agricultural.

The applicant's initially applied for a building permit on March 29, 2021 to replace their existing 163.06 square metres (1,755.18 square feet) legal non-conforming accessory building with an even larger 243.68 square metres (2,623 square feet) accessory building in the same general location. Planning staff indicated to the owners that that they would not be able to provide zoning clearance for their initial permit as it did not comply with the Township's Zoning By-law 2017,70, as amended. After speaking with Planning Staff the owners have chosen to remove a 35.68 square metres (384.06 square feet) utility room that was initially included as a part of the initial proposed accessory building. The removal of the utility room was to reduce the extent to which the proposed accessory building would be deviating from the Township's Zoning By-law.

A minor variance application has been applied for that requests four variances. The first variance that is required is to permit a proposed accessory building to be permitted in the front yard whereas Table 1-2 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory building is not permitted to be built in the front yard. The second variance that is required is to permit a proposed accessory building to be built in the front yard, specifically for it to be built 18.9 metres (62 feet) closer to the front lot line than the property's main building whereas Table 1-2 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory building cannot be

built in the front yard and that it cannot be built closer to the front lot line than the main building. The third variance that is required is to permit a proposed accessory building to be built with a maximum ground floor area of 208 square metres (2,238.89 square feet) whereas Table 1-2 of the Township's Zoning Bylaw 2017-70, as amended, identifies that a Residential Low Density –Type 1A 'R1A' property does not allow an accessory building to be built with a ground floor area larger than 100 square metres (1,076.39 square feet). The fourth variance that is required is to permit the subject property to have a maximum lot coverage of 208 square metres for accessory buildings (2,238.89 square feet) whereas Table 1-2 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum lot coverage for accessory buildings is 200 square metres or 8% (323.8 square metres) of the lot area, whichever is less, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone.

The property is a corner lot. The Township's Zoning By-law identifies that for a corner lot the shortest of the lot lines dividing the lot from the public street shall be deemed to be the front lot line. In the case of 3982 Concession 1 Road the front lot line is Boyle Road and the exterior side lot line is Concession 1 Road. However, Jeffery Carter and Katherine Ransom utilize Concession 1 Road as their front lot as their driveway entrance is off of Concession 1 Road and their front door faces Concession 1 Road. This results in the exterior side yard (by definition) acts as the front yard and the front yard (by definition) acts as the exterior side yard.

**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, to permit in the front yard**

**Yes, to permit the front yard setback**

**Yes, to modify and permit a 200 square metres ground floor area**

**No, to permit the accessory lot coverage**

The property is designated to be within the Hamlet Settlement Area of Boyle. The Township's Official Plan identifies that the predominant land use within the Township's Hamlet Settlement Areas shall be for single detached dwellings. Detached garages are permitted as accessory buildings along with single detached dwellings.

The single detached dwelling on the property appears to be approximately 138.79 square metres while the existing accessory building is considered legal non-conforming as it is larger than the Township's Zoning By-law 2017-70, as amended, allows and is approximately 163.06 square metres (1,755.18 square feet) in size. As the property currently exists the accessory building appears as the primary use while the single detached dwelling appears to be secondary.

Since the property is allowed to have two accessory buildings each with a maximum size of 100 square metres and that the property is allowed to have a total maximum lot

coverage of 200 square metres for accessory buildings the Township is comfortable supporting a modification that the maximum size of the proposed accessory building be 200 square metres.

To further aid in the proposed building appearing as accessory the Township is recommending that a condition be added to identify that the Department of Planning and Building approve the exterior design of the accessory building, which shall be alternatively designed in keeping with the residential characteristic of the property.

Township staff are of the opinion that the first minor variance meets the general intent and purpose of the Official Plan.

Township staff are of the opinion that the second minor variance meets the general intent and purpose of the Official Plan.

Township staff are of the opinion that the third minor variance meets the general intent and purpose of the Official Plan provided that it is modified to a maximum ground floor size of 200 square metres.

Township staff are of the opinion that the fourth minor variance does not meet the general intent and purpose of the Official Plan.

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

**Yes, to permit in the front yard**

**Yes, to permit the front yard setback**

**Yes, to modify and permit a 200 square metres ground floor area**

**No, to permit the accessory lot coverage**

The subject land is zoned Residential Low Density- Type 1A 'R1A' under the Township's Zoning By-law 2017-70, as amended. The parcel of land is a 1 acre (0.4 hectares) parcel of land. The Residential Low Density zone permits single detached dwellings and their associated accessory buildings. The proposed accessory building is a permitted use under the regulations of the R1A zone.

Under the Township's Zoning By-Law 2017-70, proposed accessory buildings are not permitted within a property's front yard and are not permitted to be located closer to a front lot line than a property's main building. The purpose of these regulations are to ensure that there is a consistent streetscape throughout the Township of West Lincoln and that the main buildings on the lot are the prominent buildings and the accessory buildings are seen as an accessory structure and use.

Under the Township's Zoning By-Law 2017-70, proposed accessory buildings are not permitted within a property's exterior yard and are not permitted to be located closer to an exterior lot line than a property's main building. The reasoning for these regulations is similar to those of not permitting an accessory building within a front yard.

The subject property is a corner lot. The Township's Zoning By-law identifies that for a

corner lot the shortest of the lot lines divides the lot from the public street shall be deemed to be the front lot line. In the case of 3982 Concession 1 Road the front lot line is Boyle Road and the exterior side lot line is Concession 1 Road. However, Jeffery Carter and Katherine Ransom utilize Concession 1 Road as their front lot as their driveway entrance is off of Concession 1 Road and their front door faces Concession 1 Road. Because of this, the applicants require a minor variance to permit the accessory dwelling unit within the front yard and not the exterior yard even though the front yard acts as the exterior side yard.

The property currently has their existing 163.06 square metre (1,755.18 square feet) legal non-conforming accessory building located within their front yard with a front yard setback of roughly 49.5 metres (162.4 feet). The accessory building that is currently being applied for, which has a size of 208 square metre (2,238.89 square feet), is located roughly 7.5 metres closer to the front lot line than the existing legal non-conforming building with a setback of 42 metres (137.8 feet).

Planning staff are of the opinion that the first and second proposed minor variances maintains the general intent and purpose of the Zoning By-law as the exterior side yard (by definition) acts as the front yard and the front yard (by definition) acts as the exterior side yard. In addition, the setback of the proposed new accessory building to the front yard (by definition) more than meets the front yard setback of a principal use. And that the accessory building will have a greater setback then the house to the north (971 Boyle Road) from the front yard (by definition) setback.

The maximum lot coverage for accessory buildings is 200 square metres or 8% of the lot area, whichever is less, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone. 8% of the lot area for the subject property is roughly 323.8 square metres, which means 200 square metres is the required total maximum lot coverage for accessory buildings on the property as it is the lesser number. The lot coverage is intended to allow for two accessory buildings on the property, each with a maximum ground floor area of 100 square metres.

The applicant has already worked to reduce the size of their initially applied for accessory building by 35.68 square metres (384.06 square feet). With these efforts that the owners have done to reduce the original proposed accessory building from 243.68 square metres to 208 square metres Township Staff believe that the applicants are moving in the right direction to meet the general intent of the Zoning By-law as the current proposed building is only 8 square metres (86.11 square feet) larger then what would be permitted on the property between two buildings.

Since the property is allowed to have two accessory buildings each with a maximum size of 100 square metres and that the property is allowed to have a total maximum lot coverage of 200 square metres for accessory buildings the Township is comfortable supporting a modification that the maximum size of the proposed accessory building be 200 square metres.

Township staff are of the opinion that the third minor variance meets the general intent and purpose of the Zoning By-law provided that it is modified to a maximum ground floor size of 200 square metres.

Township staff are of the opinion that the fourth minor variance does not meet the general intent and purpose of the Zoning By-law.

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

**Yes, to permit in the front yard**

**Yes, to permit the front yard setback**

**Yes, to modify and permit a 200 square metres ground floor area**

**No, to permit the accessory lot coverage**

The applicants have proposed to construct a 208 square metre accessory building. The applicants submitted a building permit earlier this year with Township staff, in which planning staff determined it had to go through a Minor Variance Application to permit its location, size, and lot coverage. This building is proposed to be used for storage purposes for personal every day cars and for family antique cars, which the use is permitted on a Low Density Residential property.

It should be noted that the Township's Septic Inspector does not have any objections to this application, which indicates that the proposed location is not believed to be interfering with the septic system for this property.

The proposed accessory building is generally located in the same location as the existing accessory building and is only slightly larger than the existing accessory building. Several of the neighboring properties also have detached accessory buildings. North of Concession Road 1 there are approximately six neighbors with detached accessory buildings that range in size from 65 square metres to 200 square metres. West of Boyle Road there are approximately two neighbors with detached accessory buildings that range in size from 73 square metres to 123 square metres. Finally, east of Boyle Road there are approximately two neighbors with detached accessory buildings that range in size from 60 square metres to 230 square metres. The average size of a neighboring detached accessory buildings is 123 square metres.

As such, Township staff are of the opinion that the first minor variance is an appropriate development for the property.

Township staff are of the opinion that the second minor variance is an appropriate development for the property.

Township staff are of the opinion that the third minor variance is an appropriate development for the property provided that it is modified to a maximum ground floor size of 200 square metres.

Township staff are of the opinion that the fourth minor variance is not an appropriate development for the property.

**Is the proposal minor in nature?**

**Yes, to permit in the front yard**

**Yes, to permit the front yard setback**

**Yes, to modify and permit a 200 square metres ground floor area**

**No, to permit the accessory lot coverage**

The subject application is requesting to permit a proposed accessory building that is slightly closer to the front lot line than the existing legal non-conforming accessory building. The proposed accessory building is located roughly 7.5 metres closer to the front lot line than the existing legal non-conforming building with a setback of 42 metres.

As such, Township staff are of the opinion that the first minor variance is minor in nature.

Township staff are of the opinion that the second minor variance is minor in nature.

The subject application is requesting to permit a proposed accessory building that is slightly larger 45 square metres (28%) than the existing legal non-conforming accessory building. This size is also only minimally larger than the total lot coverage for accessory buildings at 8 square metres (4%) larger. Please see charts below that examines the size of the maximum ground floor area for the required, existing, and proposed accessory buildings for the property as well as the maximum total lot coverage for accessory lot cover total lot coverage for the property.

Maximum Ground floor area per accessory building

	Required	Existing	Proposed	Modified
Ground Floor Area	100 m2	163 m2	208 m2	200 m2
Difference from required		63% larger 63 m2 larger	108% larger 108 m2 larger	100% larger 100 m2 larger
Difference from existing			28% larger 45 m2 larger	23% larger 37m2 larger
Difference from proposed				4% smaller 8 m2 smaller

Total Maximum Lot Coverage for accessory buildings (ABs)

	Required	Existing	Proposed	Modified
Lot Coverage for ABs	200 m2	163 m2	208 m2	200 m2
Difference from required		18.5% smaller 37 m2 smaller	4% larger 8 m2 larger	No difference
Difference from existing			28% larger 45 m2 larger	23% larger 37m2 larger
Difference from proposed				4% smaller 8 m2 smaller

As such, Township staff are of the opinion that the third minor variance is minor in nature provided that it is modified to a maximum ground floor size of 200 square metres.

Township staff are of the opinion that the fourth minor variance is not 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 September 2<sup>nd</sup>, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Niagara Peninsula Conservation Authority does not have any objections to this application.

The Township's Septic Inspector and Public Works Department do not have any objections to this application.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands September 2<sup>nd</sup>, 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 public comment have been received as of Sept 17<sup>th</sup>, during the preparation of this report.

The both commenters indicated that they were nearby neighbours and that they both have no objections to the minor variance application.

**CONCLUSION:**

A Minor Variance application has been submitted by Jeffery Carter and Katherine Ransom for the property municipally known as 3982 Concession 1. The Minor Variance application is submitted to permit a proposed accessory building to be located in the front yard and to have a size of 208 square metres. For the proposed accessory building to be permitted four variances are required:

1. To permit a proposed accessory building to be permitted in the front yard whereas Table 1-2 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory building is not permitted to be built in the front yard.
2. To permit a proposed accessory building to be built in the front yard, specifically for it to be built 18.9 metres (62 feet) closer to the front lot line than the property's main building whereas Table 1-2 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory building cannot be built in the front yard and that it cannot be built closer to the front lot line than the main building.
3. To permit a proposed accessory building to be built with a maximum ground floor area of 208 square metres (2,238.89 square feet) whereas Table 1-2 of the Township's Zoning Bylaw 2017-70, as amended, identifies that a Residential Low

Density –Type 1A ‘R1A’ property does not allow accessory building to be built with a ground floor area larger than 100 square metres (1,076.39 square feet).

4. To permit the subject property to have a maximum lot coverage of 208 square metres for accessory buildings (2,238.89 square feet) whereas Table 1-2 of the Township’s Zoning Bylaw 2017-70, as amended, identifies that the maximum lot coverage for accessory buildings is 200 square metres or 8% (323.8 square metres) of the lot area, whichever is less, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone.

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

Planning staff are of the opinion that the third minor variance if modified to a maximum ground floor size of 200 square metres meets all four tests of a minor variance, and as such, can recommend approval of this application.

Planning staff are of the opinion that the fourth minor variance does not meet all four tests of a minor variance, and as such, can recommend approval of this application.

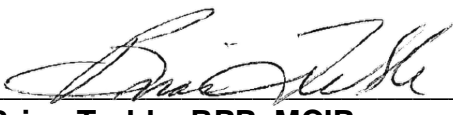
Planning staff are of the opinion that all four recommendations are subject to two conditions: 1) that the Department of Planning and Building approve the exterior design of the accessory building, which shall be alternatively designed in keeping with the residential characteristic of the property and 2) that the existing accessory building be removed prior to a building permit being issued.

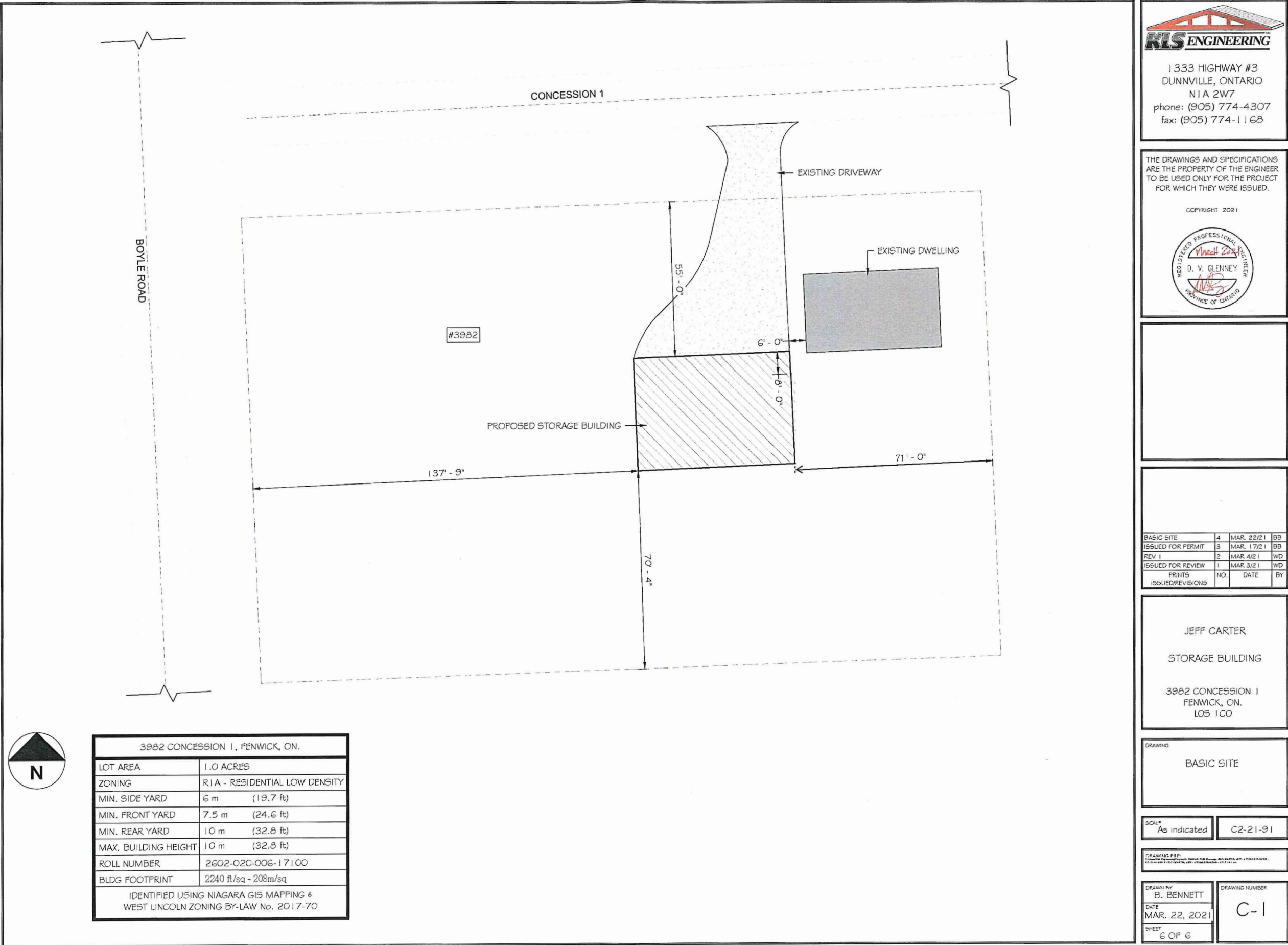
**ATTACHMENTS:**

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

**Prepared by:**

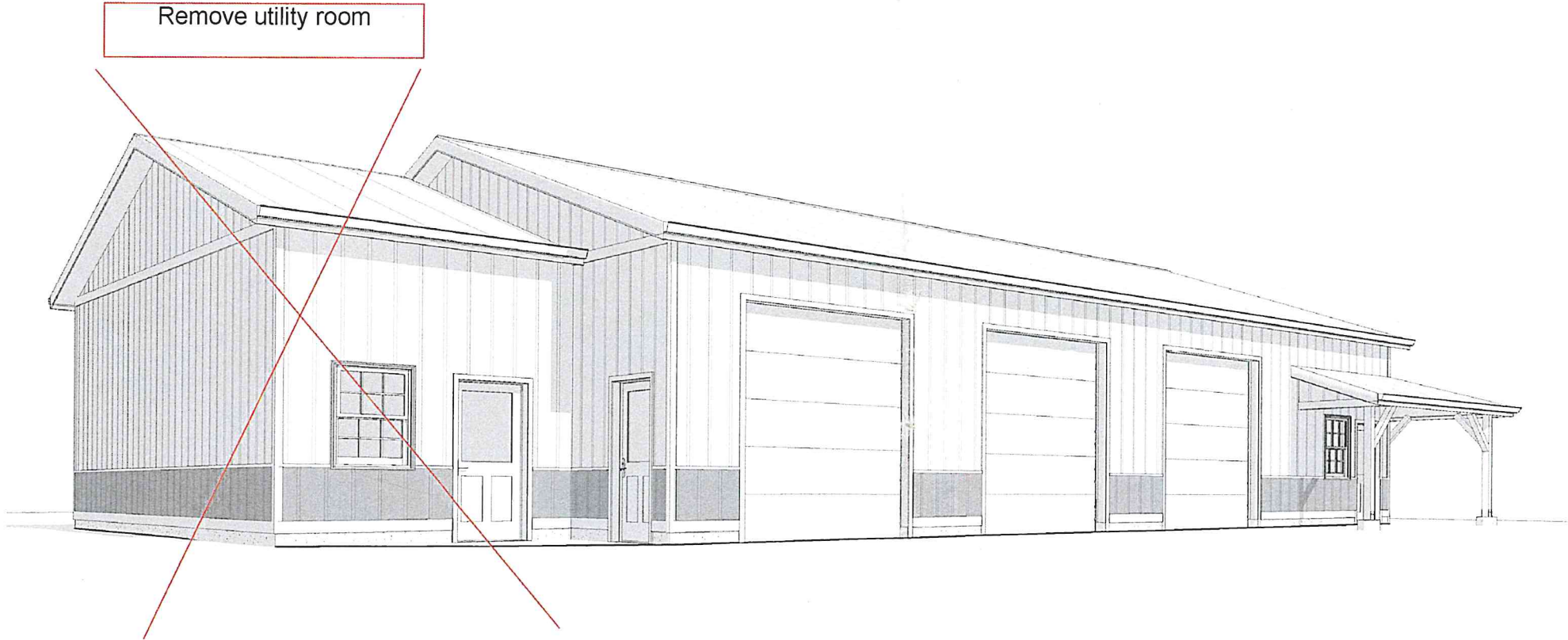
  
\_\_\_\_\_  
**Madyson Etzl**  
**Planner II**

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



JEFF CARTER  
STORAGE BUILDING

3982 CONCESSION 1  
FENWICK, ON.  
LOS 1 CO



SHEET LIST	
SHEET NUMBER	SHEET NAME
1	TITLE
2	ELEVATIONS
3	FOUNDATION PLAN
4	FLOOR PLAN
5	SECTION A - A & DETAILS
6	BASIC SITE



1333 HIGHWAY #3  
DUNNVILLE, ONTARIO  
N1A 2W7  
phone: (905) 774-4307  
fax: (905) 774-1168

THE DRAWINGS AND SPECIFICATIONS  
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BASIC SITE	4	MAR. 22/21	BB
ISSUED FOR PERMIT	3	MAR. 17/21	BB
REV 1	2	MAR. 4/21	WD
ISSUED FOR REVIEW	1	MAR. 3/21	WD
PRINTS	NO.	DATE	BY
ISSUED/REVISIONS			

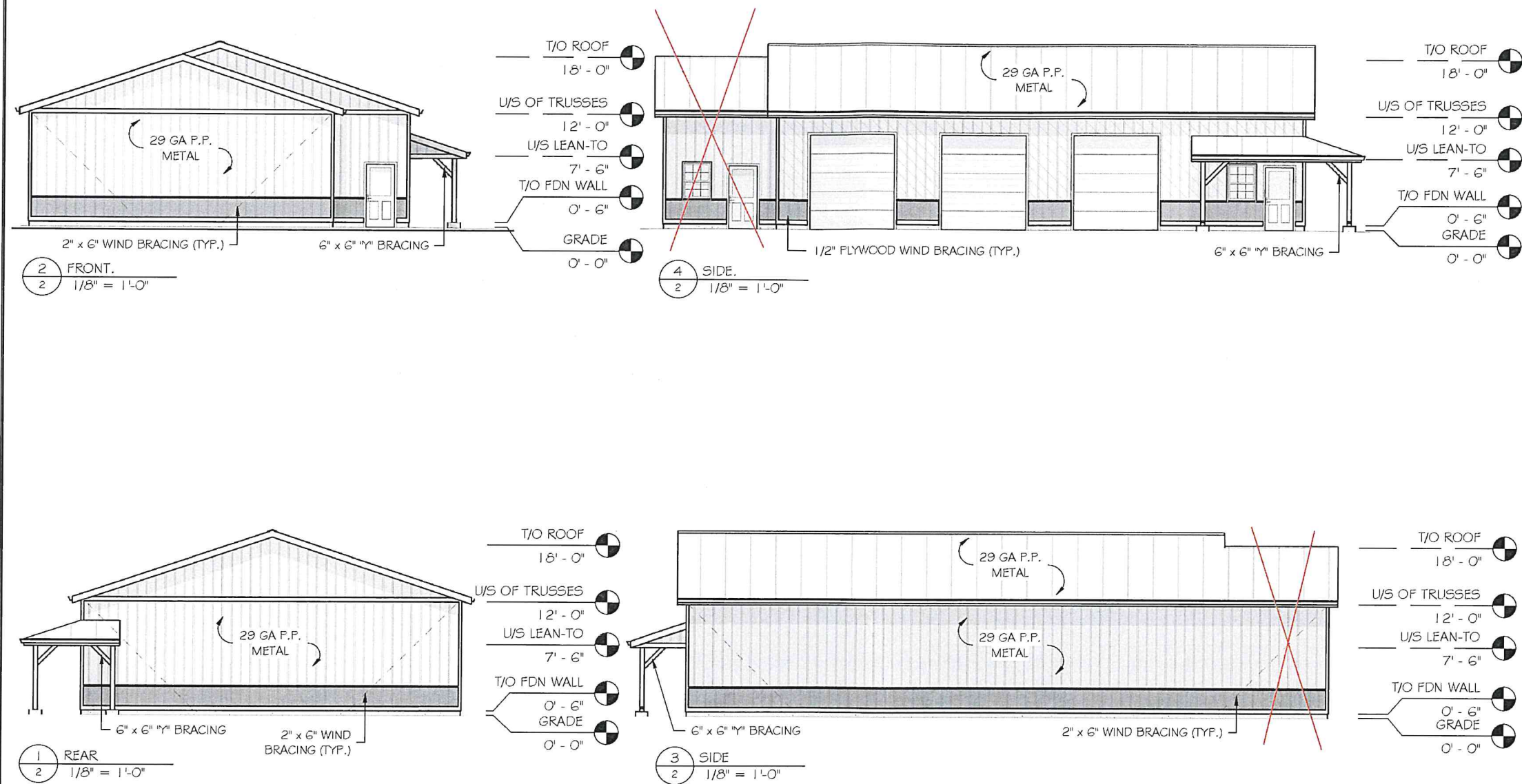
JEFF CARTER  
STORAGE BUILDING  
3982 CONCESSION 1  
FENWICK, ON.  
LOS 1 CO

DRAWING
TITLE

SCALE	C2-21-91
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DRAWING FILE
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DRAWN BY W.DYKSTRA	DRAWING NUMBER S-1
DATE MAR 03 / 2021	
SHEET 1 OF 6	



**GENERAL NOTES:**

- DO NOT SCALE DRAWINGS.
- ALL DIMENSIONS TO BE VERIFIED BY CONTRACTOR
- ANY ERRORS / OMISSIONS TO BE REPORTED TO ENGINEER PRIOR TO CONSTRUCTION
- ALL WORK TO CONFORM TO O.B.C. 2012
- FIRE STOP IN CONCEALED ATTIC SPACE NOT TO EXCEED 98'-0" O.C.
- NOTIFY ENGINEER 48 HRS. IN ADVANCE FOR INSPECTION OF FOOTING EXCAVATION AND FRAMING.
- REMOVE ALL TOP-SOIL AND ORGANIC MATERIAL.
- ALL FOOTINGS TO BE ON UNDISTURBED SOIL AND MIN. OF 4'-0" BELOW LINE OF FINISHED GRADE
- SOIL BRG. CAPACITY TO SUSTAIN A MIN. 3000 P.S.F.

**CONCRETE NOTES:**

- ULTIMATE COMPRESSIVE STRENGTH @ 28 DAYS
- 32 MPA FOR SLAB ON GRADE
- 25 MPA FOR WALLS AND FOOTINGS
- SLUMP 3" +/- 1"
- MAX WATER CEMENT RATIO .45 (USE WATER REDUCING AGENT TO IMPROVE WORKABILITY NO WATER TO BE ADDED ON SITE) USE VIBRATORY EQUIPMENT TO ACHIEVE UNIFORM DENSITY
- AIR ENTRAINMENT 5% - 8%
- REINFORCING STEEL TO HAVE MIN. YIELD STRENGTH OF 400 MPA WITH MIN. 3" COVER
- MINIMUM SPLICE LENGTH (10M - 18") (15M - 24")

**LUMBER NOTES:**

- ALL LUMBER TO BE GRADE #2 OR BETTER
- LUMBER EXPOSED TO MOISTURE TO BE PRESSURE TREATED
- ALL FASTENERS IN CONTACT WITH PRESSURE TREATED MATERIAL TO BE COMPATIBLE WITH PRESSURE TREATED CHEMICALS
- ALL STEEL SIDING IN CONTACT WITH PRESSURE TREATED WOOD TO BE ISOLATED WITH A LAYER OF ICE & WATER SHIELD OR EQUAL.
- SUBMIT ENGINEERED TRUSS DRAWINGS
- TRUSS BRACING AND STRAPPING AS SPECIFIED BY ENGINEERED TRUSS DRAWING
- TRUSS TIE DOWN TO SUSTAIN UPLIFT SHOWN ON TRUSS DESIGN AND TO BE CONTINUOUS ON FOUNDATION WALL
- ALL LINTELS TO BE 2 - 2" x 10' UNLESS OTHERWISE SPECIFIED

**SPECIFIED ROOF TOP CHORD LOADS: PELHAM (FONTHILL)**

- SNOW LOAD = 2.3 kPa (48.1 psf)
- RAIN LOAD = 0.4 kPa (8.4 psf)
- HOURLY WIND PRESSURE (1/50) = 0.42 kPa
- DEAD LOAD = 0.20 kPa (4.2 psf)



1333 HIGHWAY #3  
DUNNVILLE, ONTARIO  
N1A 2W7  
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PRINTS	NO.	DATE	BY
ISSUED/REVISIONS			

JEFF CARTER

STORAGE BUILDING

3982 CONCESSION 1  
FENWICK, ON.  
L0S 1C0

DRAWING

ELEVATIONS

SCALE  
As indicated

C2-21-91

DRAWING FILE

C:\Users\jglenney\OneDrive\Documents\KLS\Drawings\2021\03\21-03-01\21-03-01.dwg

DRAWN BY  
V. DYKSTRA

DATE  
MAR 03 / 2021

SHEET  
2 OF 6

DRAWING NUMBER

S-2

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BASIC SITE	4	MAR. 22/21	BB
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ISSUED/REVISIONS			

JEFF CARTER  
STORAGE BUILDING  
3982 CONCESSION I  
FENWICK, ON.  
LOS 1 CO

DRAWING

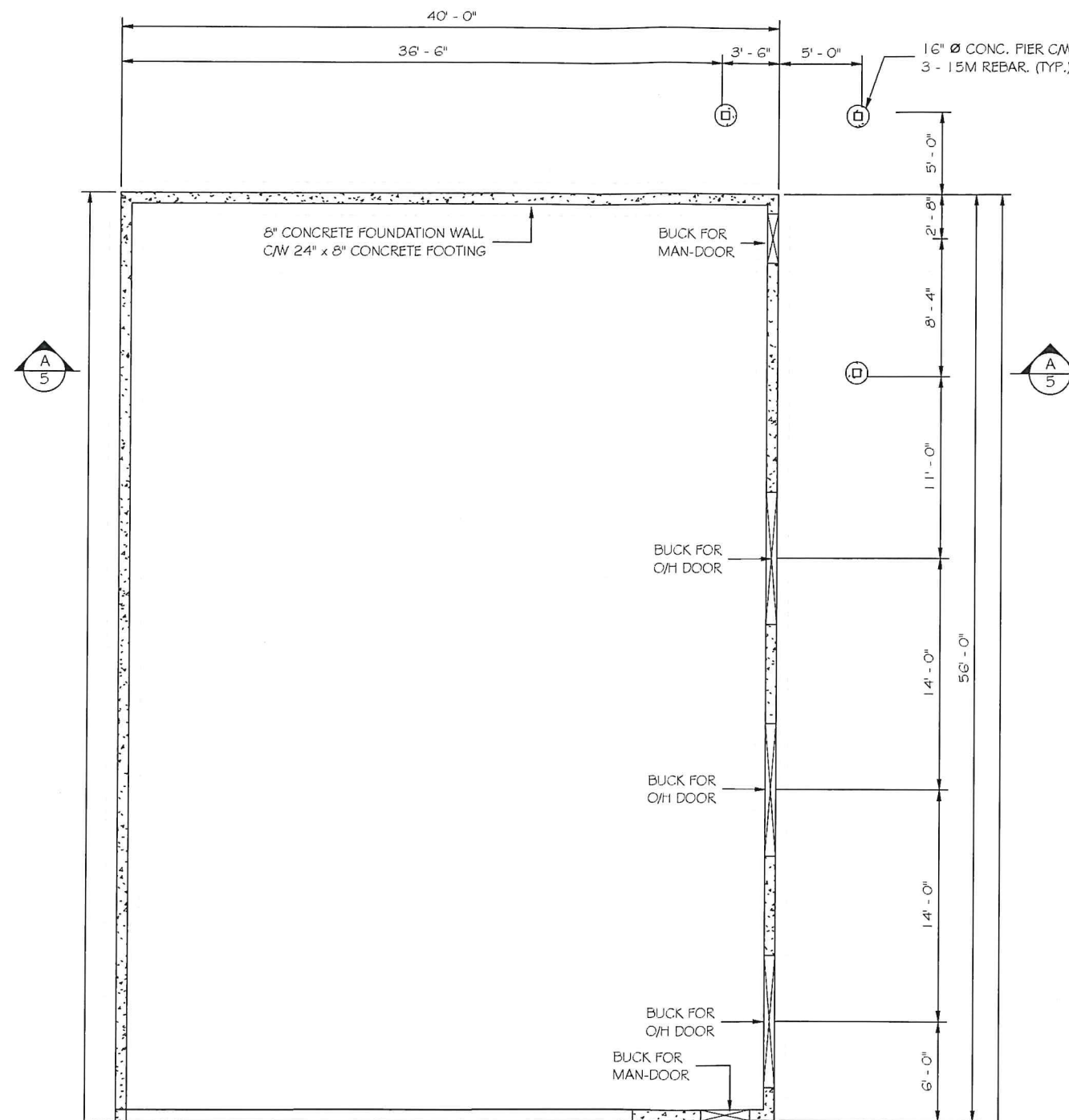
FOUNDATION PLAN

SCAF 3/16" = 1'-0"	C2-21-91
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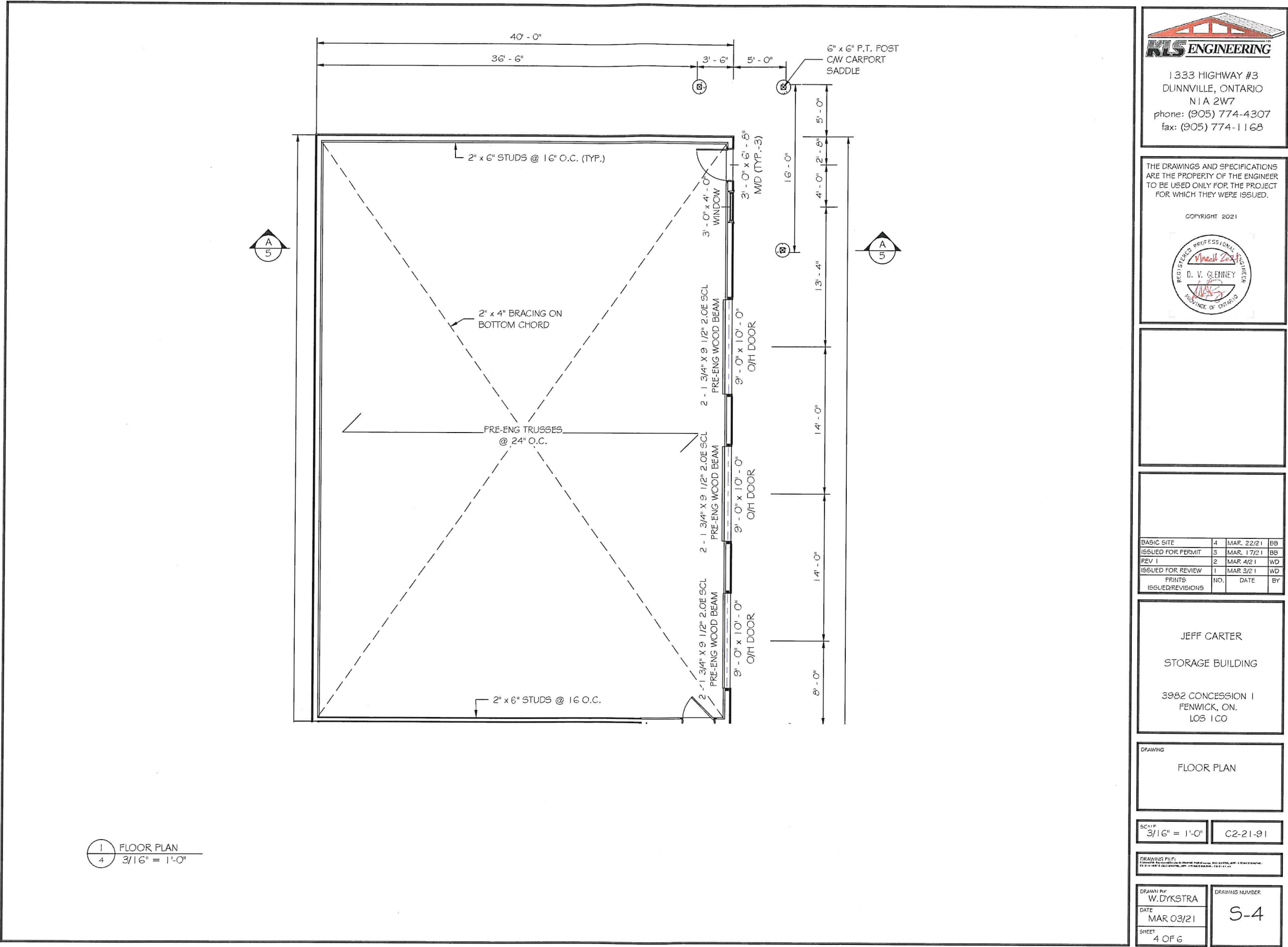
**DRAWING FILE:**

DRAWN BY W. DYKSTRA
DATE MAR 03/2021
SHEET 3 OF 6

DRAWING NUMBER  
S-3



FOUNDATION PLAN  
3/16" = 1'-0"



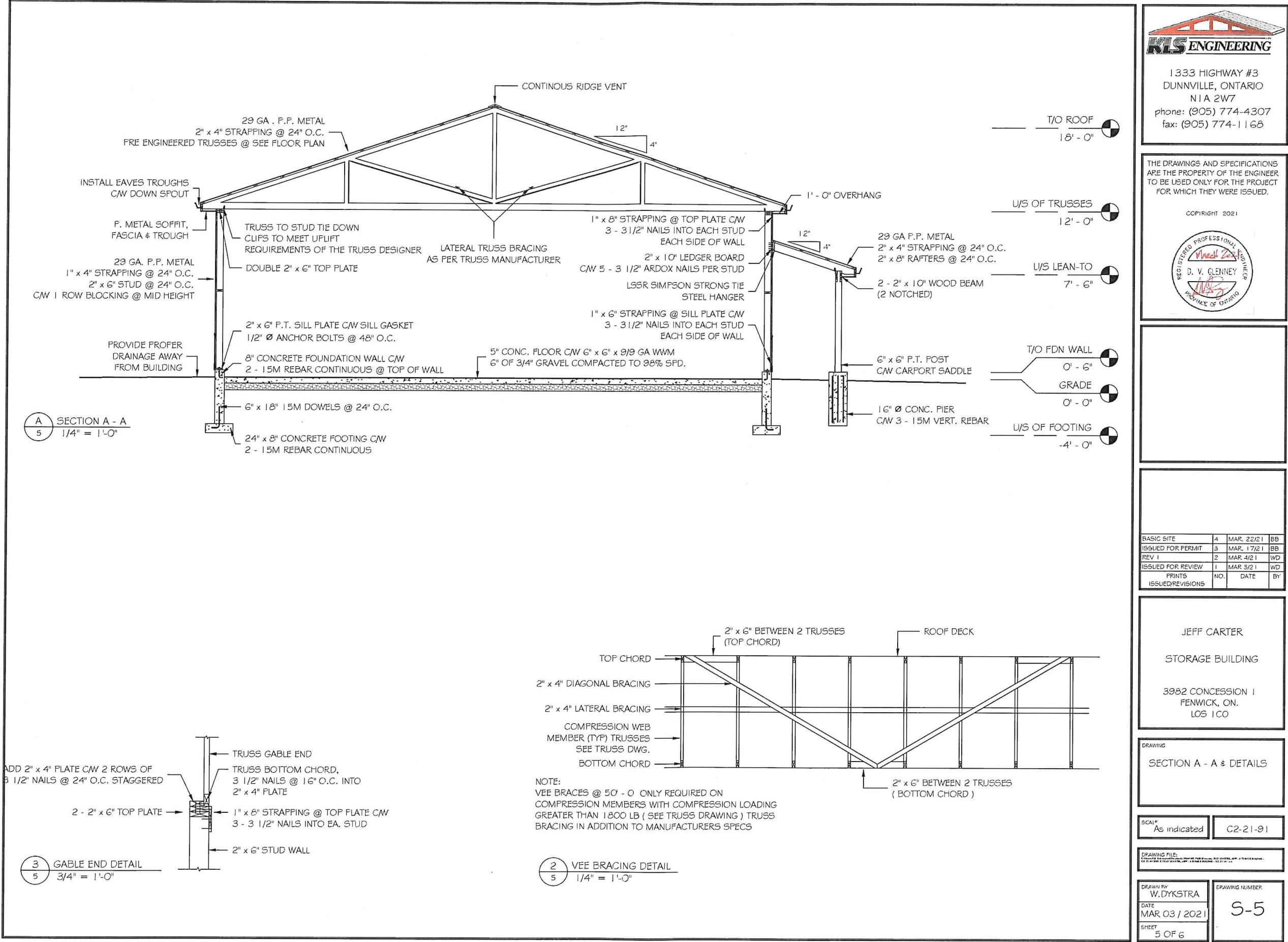


Table 1-2: Regulations for Accessory Buildings and Structures in Non-Agricultural Zones

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

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

**Meghan Birbeck**

---

**From:** [REDACTED]  
**Sent:** September 9, 2021 1:49 PM  
**To:** Meghan Birbeck  
**Subject:** Minor Variance for 3982 Concession 1 Road

Good Afternoon: I am writing in regards to the letter on the minor variance A23/2021WL - Jeff Carter  
Property address 3982 Con 1 Rd. I am located at [REDACTED] and wish to write saying I have no objection  
to this variance.

Sincerely

Tim Feltis

**Meghan Birbeck**

---

**From:** [REDACTED]  
**Sent:** September 17, 2021 6:07 PM  
**To:** Meghan Birbeck  
**Subject:** MINOR VARIANCE - A23/2021WL - JEFFERY CARTER

Dear Meghan Birbeck,

I would like to give my opinion regarding the application for the Minor Variance for Jeffery Carter.  
I have no objection whatsoever to Mr. Carter to building a new structure in place of his existing garage.

I live directly across the street from his property at [REDACTED], Fenwick.

Thank you for taking my opinion into consideration.

Sincerely,

Eric Veldmeyer  
Honorine Veldmeyer



<b>Application Number:</b>	A23/2021WL
<b>Date:</b>	September 16, 2021
<b>Property Address:</b>	3982 Concession 1
<b>Project:</b>	Replace existing accessory building

Planning Staff,

No objection to the proposed application.

Be further advised that the right is reserved to make additional comment with regard to this application should any additional information be made available. Any further requests of this office should be directed to the undersigned.

Respectfully,

Lyle Killins, C.P.H.I.(c)  
Part 8, O.B.C., Septic System Inspector Manager  
Building and Bylaw Enforcement Services Department

## **Meghan Birbeck**

---

**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** September 7, 2021 3:47 PM  
**To:** Meghan Birbeck  
**Subject:** Re: Sept 22nd West Lincoln Committee of Adjustment Notice of Hearing  
**Attachments:** 7807 Concession Road 3, West Lincoln.pdf; 9758 Concession Road 5, West Lincoln.pdf

Hello Meghan,

Thank you for letting me know regarding the fee payment, I appreciate it.

Regarding the four application you have circulated to me, I have the following questions and/or comments thus far:

### **7807 Concession Road 3**

- I note that on the application, it is noted that the proposed severance will be a lot addition. It is worded as though Parcel 2 will become a part of Parcel 1 as shown on the Severance Plan. Can you confirm that this is the case? The Severance Plan appears to indicate that Parcel 2 will be a standalone lot. I note that the proposed southern lot line for Parcel 2 bisects a Provincially Significant Wetland (PSW), and that it may bisect a Flood Hazard. The NPCA is not able to support lot creation within a PSW or Flood Hazard, however, the NPCA may be able to support a lot addition. Some further clarity regarding the proposed lot configuration is requested.

### **9758 Concession Road 5**

- I note that the proposed cabana is located overtop of a mapped watercourse. I have included mapping which illustrates that a watercourse may be present (thin blue line shown on the mapping). However, the NPCA's aerial imagery seems to indicate that this Watercourse may no longer be present. At this time, the NPCA would like to request photos of the subject property where the cabana is proposed so that we may confirm whether a Watercourse is present.

### **679 Boyle Road**

- The NPCA's regulated mapping does not indicate the presence of any NPCA regulated features or hazards on the subject property. As such, the NPCA will have no objections to the proposed dwelling.

### **3982 Concession Road 1**

- The NPCA's regulated mapping does not indicate the presence of any NPCA regulated features or hazards on the subject property. As such, the NPCA will have no objections to the proposed storage building.
- 

Sincerely,

**DATE:** September 22<sup>nd</sup>, 2021

**REPORT NO:** COA-034-21

**SUBJECT:** **Recommendation Report**  
Application for Consent by Kevin Shirton  
File No. B12/2021WL

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

**OVERVIEW:**

- An application for a lot addition to a neighbouring Agricultural parcel has been submitted by Kevin Shirton on behalf of Ross Killins for the property located at 7807 Concession 3 Road.
- The property owner located at 7807 Concession 3 Road is proposing to sever off 5.48 hectares (13.56 acres) and retain 31.85 hectares (78.7 acres)
- The land proposing to be severed will merge with the adjacent property and will allow the benefitting property located at 1685 Smithville Road to become an farm class property with over 100 acres, which will help the future of their farm.
- The intended use of the future additional lands will be for crop rotations as it has been used in the past by the current owner Ross Killins.
- 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-034-21, regarding an application for Consent made by Kevin Shirton., 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 an undertaking be provided to provide certainty that the ownership for

Parcel 2 and 4 on the attached sketch will match the ownership on Parcel 1 following consent approval to the satisfaction of the Township of West Lincoln.

4. That the applicant apply for and receive approval for a Minor Variance Application for the property located at 7807 Concession 3 Road to recognize an agricultural (A) lot size of 31.85 hectares whereas 40 hectares is the required minimum.
5. That the owner dedicate an approximately 3.05 metre road widening (width to be confirmed by an OLS) to the Regional Municipality of Niagara across the frontage of Regional Road 14 (Smithville Road) for Parcel 2.
6. That the owner dedicate a road widening that enables the right-of-way to equal the required 20 metres to the Township of West Lincoln across the frontage of Concession 3 Rd for Parcel 3. Where a road widening is greater than 150m in length, as is the case here, the Township does contribute to the cost of having the survey completed and dedicating the parcel to the Township.
7. 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.
8. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
9. That all of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the *Planning Act*, failing which this consent shall be deemed to be refused.

#### **ALIGNMENT TO STRATEGIC PLAN**

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

#### **BACKGROUND:**

A consent application has been submitted by Kevin Shirton on behalf of Ross Killins for the properties located at 1685 Smithville Road and 7807 Concession 3 Road. This application proposes to sever off 5.48 hectares (13.56 acres) (Parcel 2) from 7807 Concession 3 (Parcel 3) and merge on title with the property located at 1685 Smithville Road (Parcel 1) to allow Parcel 1 to be a total of 42.68 hectares 105.36 acres in size, following the merger.

Planning staff note that it is unclear who the ownership is for Parcel 4 as the parcel remains in the Registry System but has been farmed by the owner of Parcel 1 for some

time now. Staff would like the ownership on Parcel 4 to match the ownership on Parcel 1 and Parcel 2 to ensure this consent application is appropriately done through good planning. A site visit was completed by staff which proved that the subject Parcel 4 is currently being maintained by Kevin Shirton and Ross Killins as their own.

**CURRENT SITUATION:**

**Provincial Policy Statement (2020)**

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

The property owner located at 1685 Smithville Road is requesting to sever and merge a portion 5.48 hectares (Parcel 2) from 7807 Concession 3 Road to be added to his farm to be able to have over 100 acres and become a farm class property which will help the future of their existing farm.

In order to conform to Provincial Policy, the retained agricultural lands will need to be granted a minor variance application which will recognize the retained parcel (parcel 3) to be a total lot area of 31.85 hectares whereas 40 hectares is the required minimum lot size for properties located in an agricultural (A) zone.

As this adjustment will continue to allow farming on both of the parcels and will continue to be used as farmland by the benefitting farmer, planning staff feel that it meets the policies of the Provincial Policy statement.

**A Place to Grow (2019)**

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting 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 minor boundary adjustment does not affect the continued agricultural use of both parcels of the remaining lands. Planning staff feel that in doing this it will help better utilize the benefitting lands.

**Greenbelt Plan (2017)**

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

**Regional Official Plan**

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

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

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

#### **Township of West Lincoln Official Plan**

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

The subject lands are designated as Good General Agriculture in the Township's Official Plan (OP). This area is predominantly intended for agricultural uses, but supporting agriculturally related uses are permitted. The Township Official Plan in Section 18.13.2 a) states that where the land being conveyed or retained is for agricultural purposes, consent may be granted where both the severed and retained parcels respect the need for long term agricultural flexibility. In determining if the land is to be used for agricultural purposes, the following criteria will be met. Policies outline that Agriculture must be the intended use of the lands being retained and severed and that where land is being conveyed as part of a minor boundary adjustment, which do not result in the creation of a new lot, consent applications are permitted for legal or technical reasons.

Kevin Shirton and Ross Killins will continue to farm the agricultural parcels, however Kevin will own a larger portion, specifically 42.74 hectares after Ross Killins severs parcel 2 off of parcel 3 and parcel 2 is merged on title with parcel 1. Kevin Shirton proposes to continue to farm the land for rotating cash crops. 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 two properties are currently zoned Agricultural 'A' and Environmental Protection

‘EP’. This minor boundary adjustment would still have two separate agricultural properties, however it will allow Kevin Shirton, property owner at 1685 Regional Road 65 to have a larger farm parcel to improve his agricultural operation. The applicant will have to apply for a future minor variance to recognize the agricultural parcel located at 7807 Concession 3 Road having a total lot area of 31.85 hectares whereas 40 hectares is the required minimum.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this application.

### **INTER-DEPARTMENTAL COMMENTS**

Notification was mailed to all applicable agencies and departments on September 2<sup>nd</sup> 2021.

The Township’s Septic Inspector does not object to this proposed application.

The Township’s Public Works Department has indicated that as per the Public Works Severance Application Condition Request Policy POL-PW-1-18, a road widening is requested where the right-of-way of a Township road is deficient of the required 20m. Concession 3 Rd is deficient of the required right-of-way, therefore Public Works requests a road widening along the length of the property as a condition of severance. Where a road widening is greater than 150m in length, as is the case here, the Township does contribute to the cost of having the survey completed and dedicating the parcel to the Township. A copy of the policy POL-PW-1-18 has been provided for reference and can be found in attachment 2.

Regional Planning and Development Services staff are not opposed, in principle, to the proposed boundary adjustment subject to the satisfaction of any local requirements, confirmation that a new lot will not be created as a result of the proposal as discussed above, and the following condition: That the owner dedicate an approximately 3.05 metre road widening (width to be confirmed by an OLS) to the Regional Municipality of Niagara across the frontage of Regional Road 14 (Smithville Road) for Parcel 2.

The Niagara Peninsula Conservation Authority (NPCA) have provided the following comments:

- It is the understanding of the NPCA that the proposed Consent application is for a lot addition, not lot creation. It is the understanding of the NPCA that the applicants are proposing to sever Parcel 2 and retain Parcel 3, and that Parcel 2 will merge with Parcel 1 as shown on the attached plans.
- The NPCA's regulated mapping indicates the presence of Provincially Significant Wetlands, Watercourses and a potential Flood Hazard on the subject property. While the NPCA is not able to support lot creation within Wetlands and Flood Hazards, NPCA Policy is supportive of lot additions and boundary adjustments within these features and hazards where it can be demonstrated to the satisfaction of NPCA staff that there is sufficient space outside of the features and hazards to accommodate a building envelope, including space for servicing

and amenities.

- Given that Parcel 2 will merge with Parcel 1, NPCA staff are satisfied that there is sufficient space outside of the features and hazards on site to accommodate a building envelope. As such, NPCA staff will not object to the proposed lot addition. Please note that any additional proposed development on the subject properties should be circulated to the NPCA for review and approval.

**PUBLIC COMMENTS:**

Circulation by way of mail was given to property owners within a 120m radius of the subject property on September 2<sup>nd</sup> 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 September 17<sup>th</sup> 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 Kevin Shirton, to sever off 5.48 hectares of agricultural land from Parcel 3, (Parcel 2) and merge on title with Parcel 1. The retained agricultural land will be 31.85 hectares (76.7 acres) and the benefitting lands will be 42.64 hectares (105.36 acres.) Following consent approval. This severance will occur so that the benefitting farmer can add lands to his crop rotation farm and have enough land for farming purposes. 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:**



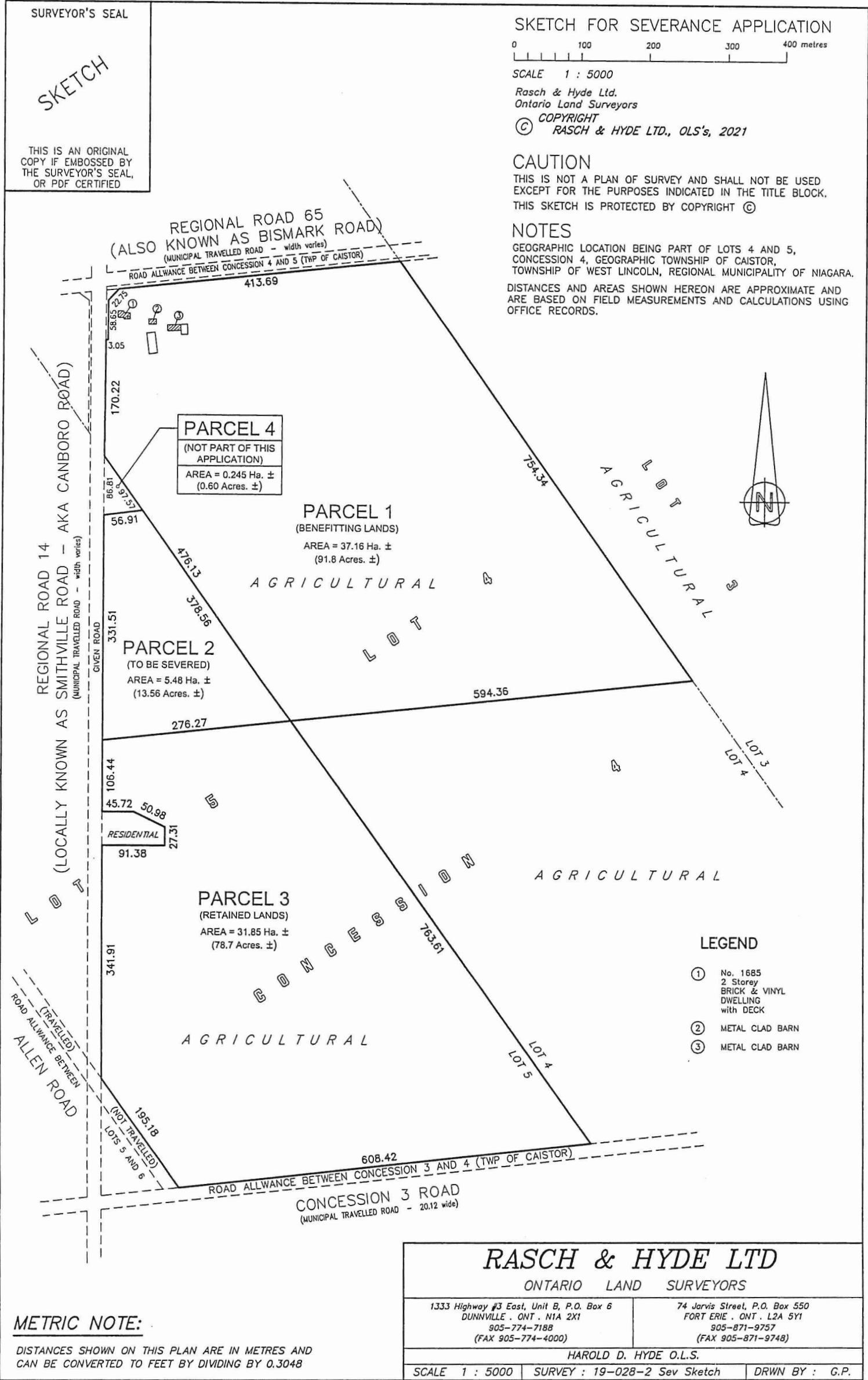
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**Madyson Etzl**  
**Planner II**



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



## Planning Application Review

<b>Application Number:</b>	B12/2021WL
<b>Date:</b>	September 16, 2021
<b>Property Address:</b>	7807 Concession 3 Road
<b>Project:</b>	Severance

Planning Staff,

Please be advised the area proposed for severance in this application does not contact or is located in close proximity to the premises serviced with on-site sewage disposal. Thus, compliance with minimal separation distance as specified in table 8.2.1.6.A. and 8.2.1.6.B (O.B.C) appears fulfilled. Thus, no objection as proposed.

Be further advised that the right is reserved to make additional comment with regard to this application should any additional information be made available. Any further requests of this office should be directed to the undersigned.

Respectfully,

Lyle Killins, C.P.H.I.(c)  
Part 8, O.B.C., Septic System Inspector Manager  
Building and Bylaw Enforcement Services Department

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## Memo

**To:** Meghan Birbeck, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** September 20, 2021  
**Re:** File B12/2021WL – 7807 Concession 3 Rd

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A review has been completed of this application for consent for a lot addition to 1685 Smithville Rd of 5.48 hectares that is to be severed from 7807 Concession 3 Rd.

As per the Public Works Severance Application Condition Request Policy POL-PW-1-18, a road widening is requested where the right-of-way of a Township road is deficient of the required 20m. Concession 3 Rd is deficient of the required right-of-way, therefore Public Works requests a road widening along the length of the property as a condition of severance. Where a road widening is greater than 150m in length, as is the case here, the Township does contribute to the cost of having the survey completed and dedicating the parcel to the Township. A copy of the policy POL-PW-1-18 has been provided for reference.



## **TOWNSHIP OF WEST LINCOLN PUBLIC WORKS SEVERANCE APPLICATION CONDITION REQUEST POLICY**

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<b>TITLE:</b>	Public Works Severance Application Condition Request
<b>POLICY NO:</b>	POL-PW-1-18
<b>REPEALS NO:</b>	POL-PW-1-04
<b>EFFECTIVE DATE:</b>	April 1 <sup>st</sup> , 2018

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### **POLICY STATEMENT:**

The object of the Township of West Lincoln Public Works Department's Severance Application Condition Request Policy is to establish an outline of condition requests on severance applications.

### **PURPOSE:**

The purpose of this policy is to develop a formal policy in order to officially outline the needs of the municipality to guide conditions requested on severance applications.

### **ROAD WIDENING DEDICATION:**

1. Minimum right-of-way required by the municipality is 20 metres (66 feet), unless otherwise determined by Council.

Road widenings are requested as a condition of severance.

2. When a road width is deficient, a road widening shall be requested equal to one-half of the deficient width, whenever feasible. In specific circumstances, where factors such as topography, the location of existing buildings, etc. dictate, more than one-half of the widening on one side of the road may be required.
3. It is requested that the road widening be taken on both the severed and remnant parcel.
4. It is required that the parcel be dedicated to the Township of West Lincoln for road widening purposes free and clear of any mortgages, liens or encumbrances.
5. For a road widening greater than 150m (~500ft) in length, the Township shall contribute \$4.23/metre (\$1.29/foot) for each metre in excess of 150m.

This contribution shall serve as a one-time payment toward the increased cost of survey or the relocation of assets such as trees, fences, etc.

6. All costs to be borne by the owner.

### **DAYLIGHTING TRIANGLES:**

1. Minimum daylighting triangles deemed necessary by Council is 7m x 7m at all intersections including railway crossings.

Skewed and offset intersections shall be evaluated on an individual basis and may require reconfigured daylighting triangles or land dedication for road realignment.

**PUBLIC WORKS SEVERANCE APPLICATION CONDITION REQUEST POLICY      Page 2**

2. Parcels to be dedicated to the Township of West Lincoln for daylighting triangle purposes shall be conveyed free and clear of any mortgages, liens or encumbrances.
3. All costs shall be borne by the owner.

**UNOPENED ROAD ALLOWANCES:**

1. Where Council has determined that an unopened road allowance is not required for the future purposes of the Township, such road allowance may be stopped up and closed and transferred to the adjacent property owners in accordance with the provisions of the *Municipal Act*.

**SIDEWALK CONTRIBUTION:**

1. A sidewalk contribution in the amount of \$1500.00 for each new lot shall be requested for all severances within the urban area of Smithville not currently serviced with adequate sidewalks, regardless of the side of road the sidewalk will be constructed on.
2. A sidewalk contribution in the amount of \$1500.00 for each new lot shall be requested for all severances within hamlet areas or urban clusters not currently serviced with adequate sidewalks, where such sidewalks are expected to be constructed in the foreseeable future, regardless of the side of road the sidewalk will be constructed on.

**DEVELOPMENT AGREEMENTS:**

1. If an overall development of new lots is to exceed two new lots, a development agreement shall be entered into.
2. Development Agreements shall address the need for street lights, fire reservoirs, sanitary sewer collection service, water supply service, storm management, drainage plans, entrances, etc.
3. Development Agreements shall provide cost recovery for all municipal expenses.

**LOT GRADING AND DRAINAGE PLANS:**

1. Detailed overall lot grading and drainage plans, prepared by a Professional Engineer, shall be requested for all severances creating two or more new lots in addition to the retained parcel.
2. The overall lot grading and drainage plan must be approved by the Township of West Lincoln's Public Works Manager or designate.
3. Each individual lot grading plan shall conform to the overall lot grading and drainage plan.

**Planning and Development Services**

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

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**Via Email Only**

September 17, 2021

File No.: D.06.12.CS-21-0081

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

Dear Ms. Birbeck:

**Re: Regional and Provincial Comments  
Proposed Consent Application (Boundary Adjustment)  
Township File No.: B12/2021WL  
Applicant/Agent: Kevin Shirton  
Owner: Ross W. Killins  
7807 Concession 3 Road  
Township of West Lincoln**

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Regional Planning and Development Services staff reviewed the information for the above-noted consent application (boundary adjustment), which proposes to sever Parcel 2 (5.48 hectares/13.56 acres) from Parcel 3 (31.85 hectares/78.7 acres) to be conveyed to Parcel 1 (37.16 hectares/91.8 acres) for continued agricultural use. According to the Notice of Public Hearing, the land proposing to be severed will allow the benefitting property, municipally known as 1685 Smithville Road, to become a farm class property with over 100 acres of agricultural land. Parcel 3, municipally known as 7807 Concession 3 Road, will be retained for continued agricultural use.

A pre-consultation meeting for this proposal was held on January 21, 2021 with staff from the Township and Region in attendance. Regional staff provide the following comments from a Provincial and Regional perspective to assist the Committee in considering the application.

## **Provincial and Regional Policies**

According to the Provincial Policy Statement (PPS) the property is located within a prime agricultural area and is designated as within the Good General Agricultural Area in the Regional Official Plan (ROP). Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected.

The PPS permits lot adjustments in prime agricultural areas for legal or technical reasons (severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot). The ROP permits lot adjustments in Good General Agricultural Areas for legal or technical reasons such as easements, corrections to deeds, quit claims, minor boundary adjustments which do not result in the creation of a new lot.

## **Boundary Adjustment**

The proposal contemplates a boundary adjustment whereby 5.48 ha (13.56 acres) of land (Parcel 2) will be severed from the remnant 31.85 ha (78.7 acres) of land (Parcel 3) and added to 1685 Smithville Road (Parcel 1), thereby resulting in a lot of 42.64 ha (105.36 acres).

Regional staff note the sketch provided by the applicant identifies Parcel 4 (0.245ha/0.60 acres) as “Not Part of This Application”. However, based on available Assessment mapping, Parcel 4 appears to be contiguous with Parcels 2 and 3. If these parcels are in common ownership the proposed severance would appear to result in the creation of a new lot. In accordance with Provincial and Regional policies, boundary adjustments are permitted provided they do not result in the creation of a new lot.

Based on additional ownership information and continued discussions with Township of West Lincoln staff, it is our understanding that ownership/status of Parcel 4 remains unclear and, as such, Regional staff is unable to determine whether the proposed boundary adjustment will in effect result in the creation of a new lot (Parcel 4).

Accordingly, prior to final approval of the proposed boundary adjustment, the status of Parcel 4 as an existing separate lot should be confirmed to ensure that a new lot is not created through this process. At this time, consistency with the Provincial Policy Statement and conformity with the Regional Official Plan cannot be determined. The Committee should also refer to Township staff recommendations in this regard.

## **Regional Road Allowance**

Region staff note that the subject property has frontage along Regional Road 14 (Smithville Road). This section of road is deficient of the Regional Official Plan’s designated road width of 26.2 metres. Therefore, in accordance with the Regional Official Plan, the following widening is to be granted gratuitously to the Niagara Region as a condition of approval:

- A 3.05 metre road widening across the Regional Road 14 (Smithville Road) frontage of the severed parcel (shown as Parcel 2) in order to achieve 13.1 metres from the original centerline of the Regional road allowance.

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

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 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 regarding the specific transfer of property to the Region, please contact: Norma Price, Law Clerk, 905-980-6000 extension 3339.

E-mail: [norma.price@niagararegion.ca](mailto:norma.price@niagararegion.ca)

For inquiries specific to the review of the preliminary survey plan, please contact: Normans Taurins, Manager, Surveys & Property Information, 905-980-6000 extension 3325.

E-mail: [normans.taurins@niagararegion.ca](mailto:normans.taurins@niagararegion.ca)

### **Regional Permit Requirements**

Region staff acknowledge that no construction works are currently proposed within the Regional road allowance as part of this application. Please be advised that prior to any future construction taking place within the Regional Road 14 (Smithville Road) road allowance, the applicant will be required to 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>

### **Private Servicing**

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

## Conclusion

Regional Planning and Development Services staff are not opposed, in principle, to the proposed boundary adjustment subject to the satisfaction of any local requirements, confirmation that a new lot will not be created as a result of the proposal as discussed above, and the following condition:

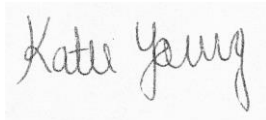
- That the owner dedicate an approximately 3.05 metre road widening (width to be confirmed by an OLS) to the Regional Municipality of Niagara across the frontage of Regional Road 14 (Smithville Road) for Parcel 2.

Provided that a new lot is not created as a result of this boundary adjustment, and the above condition is addressed, Regional staff are satisfied that the proposed application will be consistent with the Provincial Policy Statement and conform to the Regional Official Plan.

Please send a copy of the staff report and notice of the Committee's decision on this application.

If you have any questions related to the above comments, please contact me at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca), or Aimee Alderman, MCIP, RPP, Senior Development Planner at [Aimee.Alderman@niagararegion.ca](mailto:Aimee.Alderman@niagararegion.ca)

Kind regards,



Katie Young  
Development Planner

cc: Aimee Alderman, MCIP, RPP, Senior Development Planner, Niagara Region  
Robert Alguire, C.E.T, Development Approvals Technician, Niagara Region

## **Meghan Birbeck**

---

**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** September 17, 2021 2:25 PM  
**To:** Meghan Birbeck  
**Subject:** Re: Sept 22nd West Lincoln Committee of Adjustment Notice of Hearing  
**Attachments:** 3. Full Package - B122021WL (4).PDF

Hello again Meghan,

I now have finalized comments ready for 7807 Concession Road 3 and 9758 Concession Road 5, please see below.

### **7807 Concession Road 3**

- It is the understanding of the NPCA that the proposed Consent application is for a lot addition, not lot creation. It is the understanding of the NPCA that the applicants are proposing to sever Parcel 2 and retain Parcel 3, and that Parcel 2 will merge with Parcel 1 as shown on the attached plans.
- The NPCA's regulated mapping indicates the presence of Provincially Significant Wetlands, Watercourses and a potential Flood Hazard on the subject property. While the NPCA is not able to support lot creation within Wetlands and Flood Hazards, NPCA Policy is supportive of lot additions and boundary adjustments within these features and hazards where it can be demonstrated to the satisfaction of NPCA staff that there is sufficient space outside of the features and hazards to accommodate a building envelope, including space for servicing and amenities.
- Given that Parcel 2 will merge with Parcel 1, NPCA staff are satisfied that there is sufficient space outside of the features and hazards on site to accommodate a building envelope. As such, NPCA staff will not object to the proposed lot addition. Please note that any additional proposed development on the subject properties should be circulated to the NPCA for review and approval.

### **9758 Concession Road 5**

- NPCA staff have reviewed the photos of the subject property which were submitted for NPCA review and approval. Based on NPCA's staff's review of the submitted photos, NPCA staff are satisfied that the proposed cabana will not interfere with any NPCA regulated features. As such, the NPCA will have no objections to the proposed minor variance application.

Sincerely,

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

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2  
905-788-3135, ext. 228  
[nwensing@npca.ca](mailto:nwensing@npca.ca)  
[www.npca.ca](http://www.npca.ca)

**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** Tuesday, September 7, 2021 3:47 PM  
**To:** Meghan Birbeck <mbirbeck@westlincoln.ca>  
**Subject:** Re: Sept 22nd West Lincoln Committee of Adjustment Notice of Hearing

Hello Meghan,

Thank you for letting me know regarding the fee payment, I appreciate it.

Regarding the four application you have circulated to me, I have the following questions and/or comments thus far:

### **7807 Concession Road 3**

- I note that on the application, it is noted that the proposed severance will be a lot addition. It is worded as though Parcel 2 will become a part of Parcel 1 as shown on the Severance Plan. Can you confirm that this is the case? The Severance Plan appears to indicate that Parcel 2 will be a standalone lot. I note that the proposed southern lot line for Parcel 2 bisects a Provincially Significant Wetland (PSW), and that it may bisect a Flood Hazard. The NPCA is not able to support lot creation within a PSW or Flood Hazard, however, the NPCA may be able to support a lot addition. Some further clarity regarding the proposed lot configuration is requested.

### **9758 Concession Road 5**

- I note that the proposed cabana is located overtop of a mapped watercourse. I have included mapping which illustrates that a watercourse may be present (thin blue line shown on the mapping). However, the NPCA's aerial imagery seems to indicate that this Watercourse may no longer be present. At this time, the NPCA would like to request photos of the subject property where the cabana is proposed so that we may confirm whether a Watercourse is present.

### **679 Boyle Road**

- The NPCA's regulated mapping does not indicate the presence of any NPCA regulated features or hazards on the subject property. As such, the NPCA will have no objections to the proposed dwelling.

### **3982 Concession Road 1**

- The NPCA's regulated mapping does not indicate the presence of any NPCA regulated features or hazards on the subject property. As such, the NPCA will have no objections to the proposed storage building.
- 

Sincerely,

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

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2

905-788-3135, ext. 228

[nwensing@npca.ca](mailto:nwensing@npca.ca)

[www.npca.ca](http://www.npca.ca)

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**From:** Meghan Birbeck <[mbirbeck@westlincoln.ca](mailto:mbirbeck@westlincoln.ca)>  
**Sent:** Friday, September 3, 2021 12:28 PM  
**To:** Nikolas Wensing <[nwensing@npca.ca](mailto:nwensing@npca.ca)>  
**Subject:** Sept 22nd West Lincoln Committee of Adjustment Notice of Hearing

Good afternoon,

For West Lincoln's Sept 22<sup>nd</sup> COA meeting the Township has a NPCA cheque in the amount of \$570. I have placed this cheque along with the Notice of Decision and Application for B12/2021WL – Consent (minor boundary adjustment) in the regional mailbox.

I addressed the envelope to you at your Office.

All the 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.

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.

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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