



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

Wednesday, September 29, 2021, 7:00 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

*****ZOOM MEETING** - Contact mbirbeck@westlincoln.ca before 4 pm on the day of the meeting for an invitation if you would like to participate.

Pages

1. CHAIR

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

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

3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT

- a. B13/2021WL – Sikkens (Agent: Chris Attema)
(Roll No.: 260201000126600): 7330 Concession 3 Rd

An application for a Surplus Farm Dwelling Severance has been submitted for 7330 Concession 3 Road. The application proposes Parcel 2 – 32.66 hectares (80.7 acres), to be retained and Parcel 1 – 0.844 hectares (2.085 acres), to be severed. If approved a condition requiring that the agricultural lands will be zoned to prohibit any residential uses.

4. APPLICATIONS

- a. A24/2021WL – Dobrucki Farms
Property Address: 873 Collver Road

A minor variance application has been applied for that requests two variances. The first variance that is required is to permit a proposed agricultural accessory building to be permitted in the exterior side yard whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an agricultural accessory building is not permitted in the exterior side lot. The second variance that is required is to permit a proposed agricultural accessory building to be built in front of the property's main buildings with an exterior side lot line setback of 10 metres (32.81 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory agricultural building

cannot be built closer to the exterior lot line than the property's main buildings. The owners are requesting these variances to use an existing concrete pad from a previous building as flooring of the proposed accessory building and to utilize the existing nearby driveway to access the proposed accessory building.

b. A25/2021WL – Rintjema

24

Property Address: 11 Farewell Cr.

A minor variance application has been applied for that is required to permit a proposed sunroom addition be built with a rear yard setback of 7 metres (22.97 feet) whereas Table 14 of the Township's Zoning Bylaw 2017-70, as amended, identifies that minimum rear yard setback is 10 metres (32.81 feet) for a property zoned Residential Low Density – Type 1B 'R1B'. The owners are requesting this variance so that the addition is large enough to fit a swim spa within the addition.

c. A26/2021WL – Souter

38

Property Address: 5575 Concession 4 Rd

A minor variance application has been applied for that requests two variances. The first variance that is required is to permit a proposed agricultural accessory building to be permitted in the front yard whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an agricultural accessory building is not permitted in the front yard. The second variance that is required is to permit a proposed agricultural accessory building to be built in front of the property's main buildings with an front lot line setback of 96 metres (314.96 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory agricultural building cannot be built closer to the front lot line than the property's main buildings. The owners have indicated that they do not want to remove trees so that they could build behind their dwelling.

5. MINUTES FOR APPROVAL

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: Sept 29th, 2021

REPORT NO: COA-035-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Dobrucki Farms
File No. A24/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Dobrucki Farms for the property legally known as Concession 1, Part Lot 15, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. Municipally known as 873 Collver Road.
- This Minor Variance application has been applied for that request two variances to permit the property owner to build a proposed accessory building over top of an existing concrete pad on property.
- The first variance that is required is to permit a proposed accessory building to be permitted in the exterior side yard whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an agricultural accessory building is not permitted in the exterior side lot.
- The second variance that is required is to permit a proposed agricultural accessory building to be built between the road and the property's main buildings with an exterior side lot line setback of 10 metres (32.81 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory agricultural building cannot be built closer to the exterior lot line than the property's main buildings.
- The owners are requesting these variances to use an existing concrete pad from a previous building as flooring of the proposed accessory building and to utilize the existing nearby driveway to access the proposed accessory building.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval.

RECOMMENDATION:

1. THAT, the first Minor Variance made by Dobrucki Farms as outlined in Report COA-035-21, to permit an agricultural accessory building to be permitted in the exterior side yard, BE APPROVED; and
2. THAT, the second Minor Variance made by Dobrucki Farms as outlined in Report COA-035-21, to permit an agricultural accessory building to be built closer to the

road than of the property's main buildings with an exterior side lot line setback of 10 metres (32.81 feet), BE APPROVED;

BACKGROUND:

The subject lands are situated on the east side of Collver Road, south of Elcho Road, west of Heaslip Road, and north of Canborough Road, being legally described as Concession 1, Part Lot 15, in the former Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 873 Collver Road. (See attachment 1 for a site sketch)

The subject property is approximately 88.65 acre (35.88 hectares) in size. The property is designated as Good General Agricultural and is a part of the Natural Heritage System. The property has Agricultural, Environmental Conservation, and Environmental Protection zoning. The majority of the surrounding properties to 873 Collver Road also share the same designation and zoning.

This Minor Variance application has been applied for to request two variances to permit the property owner to build a proposed accessory building over top of an existing concrete pad on property. The first variance that is required is to permit a proposed agricultural accessory building to be permitted in the exterior side yard whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an agricultural accessory building is not permitted in the exterior side lot. The second variance that is required is to permit a proposed agricultural accessory building to be built between the road and the property's main buildings with an exterior side lot line setback of 10 metres (32.81 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory agricultural building cannot be built closer to the exterior lot line than the property's main buildings.

The applicant's initially applied for a building permit on June 14, 2021 to build a Type 3 570 square metres (6,135.43 square feet) agricultural accessory building. Planning staff indicated to the owners that due to the proposed located that Staff 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 proceed with a minor variance application as the location is important for the functionality of the proposed agricultural accessory building. The owners are requesting the variances to use an existing concrete pad from a previous building as flooring of the proposed accessory building and to utilize the existing nearby driveway to access the proposed accessory building. The proposed building will act as storage for the nearby barns.

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. As well agricultural main and agricultural accessory buildings are also permitted in Good General Agricultural areas. The agricultural property in question is approximately 88.65 acres (35.88 hectares) in size.

The property is also a part of the Natural Heritage System. Development shall comply with Natural Heritage policies of the Township's Official Plan. Where detailed natural heritage and natural hazard mapping is not currently available, development applications may be required to complete necessary studies and analysis prior to the development approval. In addition, all development will be subject to Regulation 155/06 of the Niagara Peninsula Conservation Authority when a development is within or adjacent to the lands that are subject to their regulations.

The two requested minor variances are to permit the property owner to build a proposed accessory building over top of an existing concrete pad on property between the Collver Road and the property's main buildings. The proposed agricultural accessory building is not proposed on the Natural Heritage System and is proposed on the Good General Agricultural designation where accessory buildings, especially agricultural accessory buildings, are permitted. While proposed accessory building is in front of the main buildings it allows the building to be clustered together and not taking up valuable agricultural land. In addition, the location is practical for storage relating the location of the existing main agricultural buildings on the property.

Township Planning Staff are of the opinion that the requested minor variances meet 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 88.65 acres (35.88 hectares) in size. The Agricultural zone permits single detached dwellings and their associated accessory buildings. The zone also permits main and accessory agricultural buildings. The proposed agricultural building is a permitted use under the regulations of the Agricultural Zone, and is considered accessory as the use of the building is to assist the function of the property.

Under Table 1-1 of the Township's Zoning By-law 2017-70, proposed agricultural accessory buildings are not permitted within a property's front or exterior side yard and are not permitted to be located closer to a front or exterior side 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.

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 873 Collver Road the front lot line is Elcho Road and the exterior side lot line is Collver Road. However, this property effectively utilizes Collver Road as their front lot as all of their buildings and their driveway entrance are located off of Collver Road. Because of this, the applicants require a minor variance to permit the accessory agricultural building within the exterior side yard and not the front yard even though the exterior side yard acts as the front yard.

The property currently has five entrances on to Collver Road the two most northerly entrances allow the property owner to maneuver around their main livestock buildings. The two driveways make a horse shoe shape from Collver Road to the livestock barns. There is currently underutilized land in the middle of the horseshoe, previously the property had a building located in the middle of the horseshoe that was removed between 2010-2015. A concrete pad remains from the previous agricultural accessory building.

The property owners are now hoping to build a new accessory building in the place of the previous building. The location is beneficial to the property owners for their agricultural operations as there is an existing driveway and that the location is central to the other agricultural barns on site. The proposed use of the accessory building is for storage of agricultural equipment that is needed for the function of the main agricultural buildings.

As the rebuild is in the general location of a previous accessory building and is in proximity to the main agricultural barns on the property, staff support locating the proposed building in the exterior side yard and closer to the lot line than the main buildings on the property. Township staff are of the opinion that this application meets the general intent of the Township Zoning Bylaw, as the proposed building will help assist the principal agricultural use and buildings on the property. Further the location of the building will not impede the function of Collver Road and Public Works has not reported any concern with the proposed setback.

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

The applicant has proposed to construct an accessory agricultural building on the property. The property is entitled to as many type three accessory buildings that fit within the maximum lot coverage for accessory buildings and for the property. The proposed accessory building is both within the lot coverage for accessory buildings and for the lot, however it is closer to the exterior lot line than the main buildings.

The property previously had an accessory agricultural building located within the same general location, however it was removed from the spot between 2010-2015. Both the previous accessory building and the proposed accessory building function to support

Respecting Our Roots, Realizing Our Future

the principal agricultural buildings as a storage building.

The proposed accessory agricultural building will have three of its sides fully enclosed and will have its fourth side entirely open. The side that is designed to be entirely open would typically be considered as the proposed building's back wall. However, the applicants are treating it as the front wall and as they are proposing to have it open up onto into the crescent of their driveway, facing the main agricultural buildings. The closest wall of the proposed accessory building has a setback of 10 metres to the exterior side lot line while the furthest point of the proposed accessory building has a setback of 28.5 metres.

The fact that the proposed accessory building opens away from the road and towards the main agricultural buildings showcases its accessory nature to the main agricultural buildings. The open wall will allow those farming on the property to easy store agricultural equipment related. If built the proposed accessory building will be directly west of the crescent of the property's agricultural driveway while the main agricultural buildings will be directly east of the crescent of the property's agricultural driveway. The main agricultural buildings have a setback of roughly 49.5 metres.

As the agricultural accessory building is proposed to be located within the exterior side yard with a setback of 10 metres will help to support the overall agricultural function of 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 accessory agricultural building to be located in the exterior side yard. The applicants are asking to have the agricultural accessory building to be located with a 10 m setback from the exterior side yard. Main agricultural buildings would be required to have a front and exterior side yard setback of 20 metres while a main dwelling would be required to have front and exterior side yard setback of 15 metres.

The proposed agricultural building is much smaller than the main agricultural building on the property. In addition, the accessory agricultural building will be opening and functioning inwards on the property and not opening out on to the exterior side yard.

As such, Township Staff believe the request for the proposed accessory building to be located in the exterior side yard with a setback of 10 metres 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 9th, 2021. A yellow sign was also posted on the property a minimum of 10 days before the

hearing.

The Township's Septic Inspector and Public Works department have no objections to the proposed application.

The Niagara Peninsula Conservation Authority has no objections to the proposed application.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands September 9th, 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 24th, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Dobrucki Farms for the property municipally known as 873 Collver Road. The Minor Variance application is submitted to permit the property owners to re-build a proposed agricultural accessory building on the property's exterior side lot with a setback of 10 metres. Planning staff are of the opinion that this application meets all four tests of a minor variance.

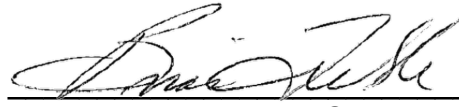
ATTACHMENTS:

1. Site Sketch
2. Zoning Provisions
3. Comments

Prepared by:



Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building

RICK DOBRUCKI STORAGE BUILDING

909 COLLVER RD.
WELLANDPORT, ONT

APPROVED DRAWINGS
MUST BE AVAILABLE ON SITE
FOR INSPECTOR

ELECTRICAL SAFETY AUTHORITY (ESA)

PERMIT REQUIRED

All electrical wiring is under the jurisdiction of the ESA. Permits must be obtained and inspections completed in accordance with their requirements. For information call the **Hamilton Processing Center** at 905-318-4899 OR 877-372-7233

Ontario One-Call

Call Ontario One-Call for locates before you proceed with any excavation as it is the law.

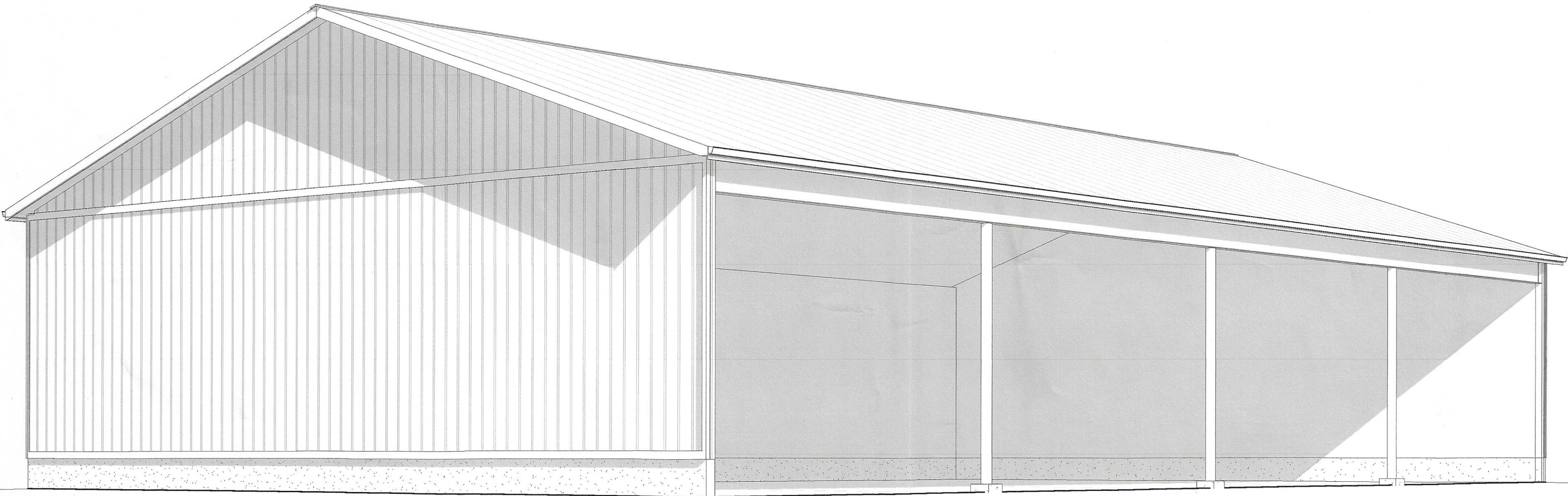
Local: (519) 265-8006 Toll Free: 1-844-257-9490

West Lincoln - Building & Enforcement Dept.

APPROVED FOR PERMIT

approval for permit issuance subject to revisions marked hereon or on attached deficiency list

reviewed by: *[Signature]*



SHEET LIST	
SHEET NUMBER	SHEET NAME
1	TITLE
2	ELEVATIONS
3	FOUNDATION PLAN
4	FLOOR PLAN
5	SECTIONS & DETAILS
6	TRUSS LAYOUT & DETAILS
7	BEAM & PEIR DETAILS

1 333 HIGHWAY #3
DUNNVILLE, ONTARIO
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PRINTS	NO.	DATE	BY
ISSUED/REVISIONS			

RICK DOBRUCKI

STORAGE BUILDING

909 COLLVER RD.
WELLANDPORT, ONT

DRAWING

TITLE

SCALE

V37-21-225

DRAWING FILE:
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V37-21-225.DWG - WELLANDPORT, TM - STORAGE BUILDING - V37-21-225-1.dwg

DRAWN BY W.DYKSTRA	DRAWING NUMBER S-1
DATE MAY 25/21	
SHEET 1 OF 7	

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A circular professional seal for a Registered Professional Engineer in the Province of Ontario. The seal features the text "REGISTERED PROFESSIONAL ENGINEER" at the top and "PROVINCE OF ONTARIO" at the bottom. In the center, the name "D. V. GLENNEY" is printed. Handwritten in red ink are the date "June 22nd" and a signature.

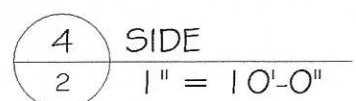
RICK DOBRUCKI
STORAGE BUILDING
909 COLLVER RD.
WELLANDPORT, ONT

SCALE As indicated	V37-21-225
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V37-21-225\REV\WANDERWIE, TIM - STORAGE BUILDING - V37-21-225-1.mxd

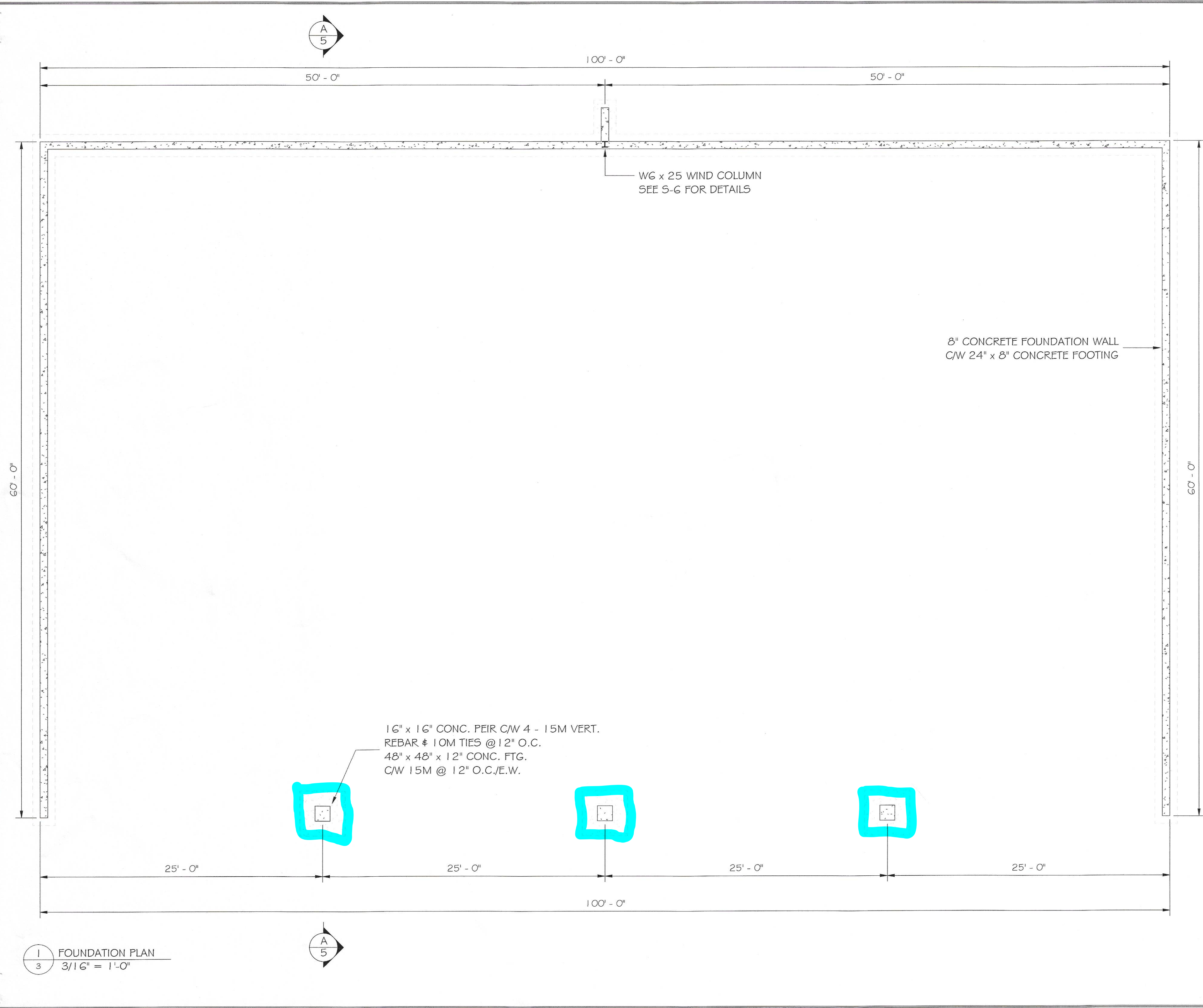
DRAWING NUMBER

S-2



- STRUCTURAL STEEL TO BE INSPECTED BY THE ENGINEER PRIOR TO COVERING.
- CONNECTION BOLTS TO BE HIGH STRENGTH ASTM A325
- WELDING TO CONFORM TO CSA W59.
- STRUCTURAL STEEL TO CONFORM TO G40.21 350W.
- REINFORCING STEEL TO HAVE YIELD STRENGTH OF 400 MPA. CSA G30.18
- MINIMUM SPLICE LENGTH (10M - 18") (15M - 24")

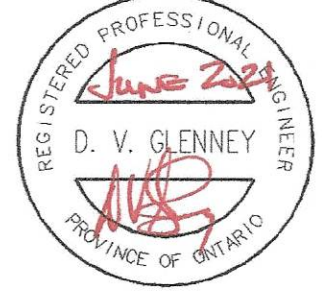
- SNOW LOAD = 1.5 kPa (31.3 psf)
- RAIN LOAD = 0.4 kPa (8.4 psf)
- HOURLY WIND PRESSURE (1/50) = 0.42 kPa
- DEAD LOAD = 0.20 kPa (4.2 psf)



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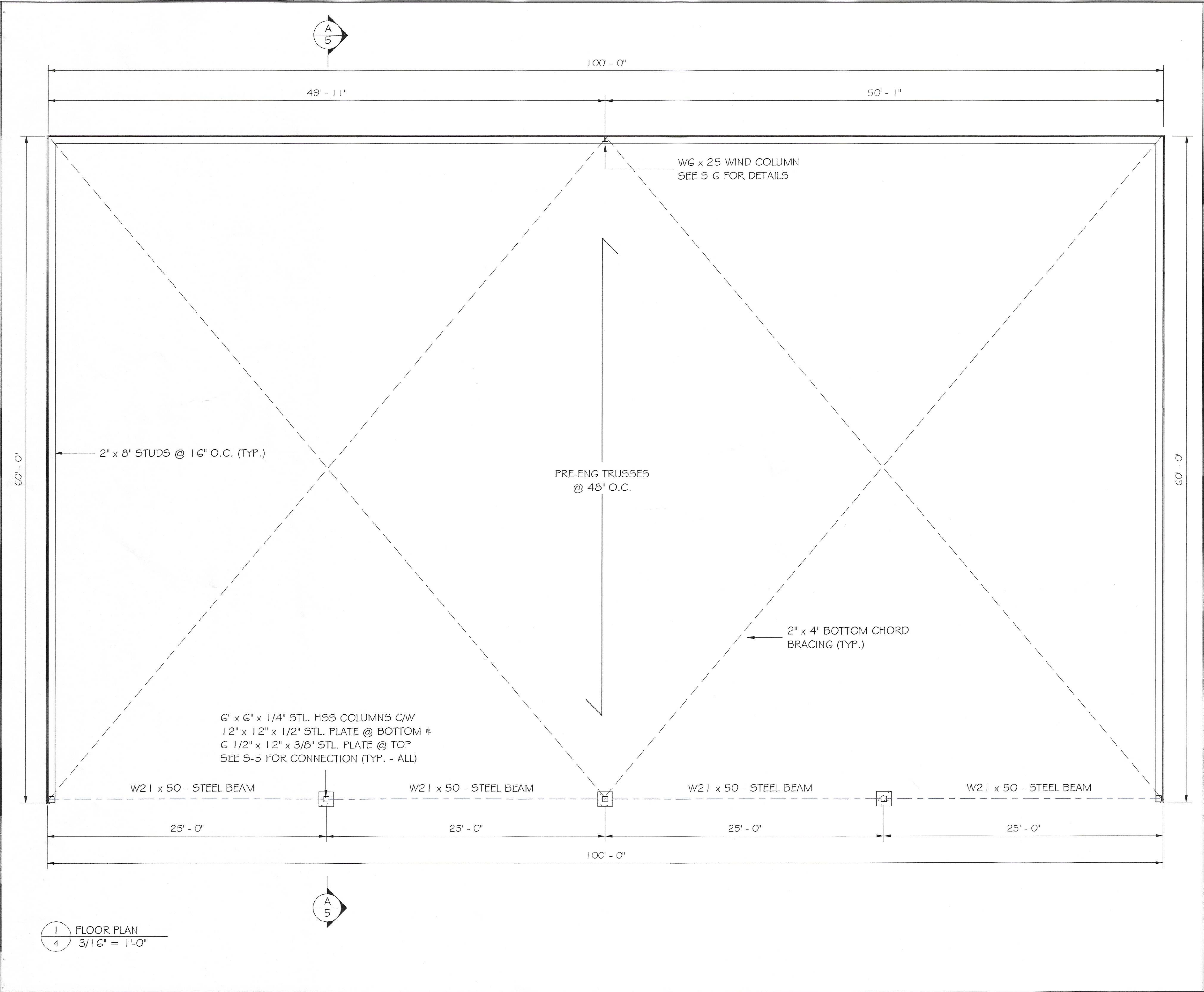
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DRAWING
FOUNDATION PLAN

SCALE
3/16" = 1'-0" V37-21-225

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DATE MAY 25/21	
SHEET 3 OF 7	

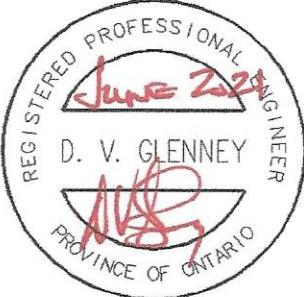




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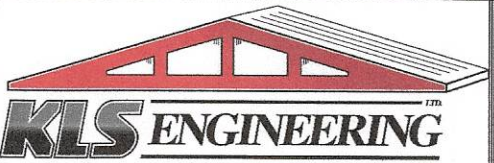
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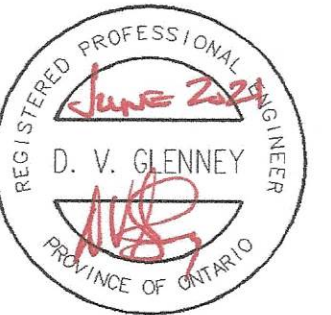
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DATE MAY 25/21	
SHEET 4 OF 7	



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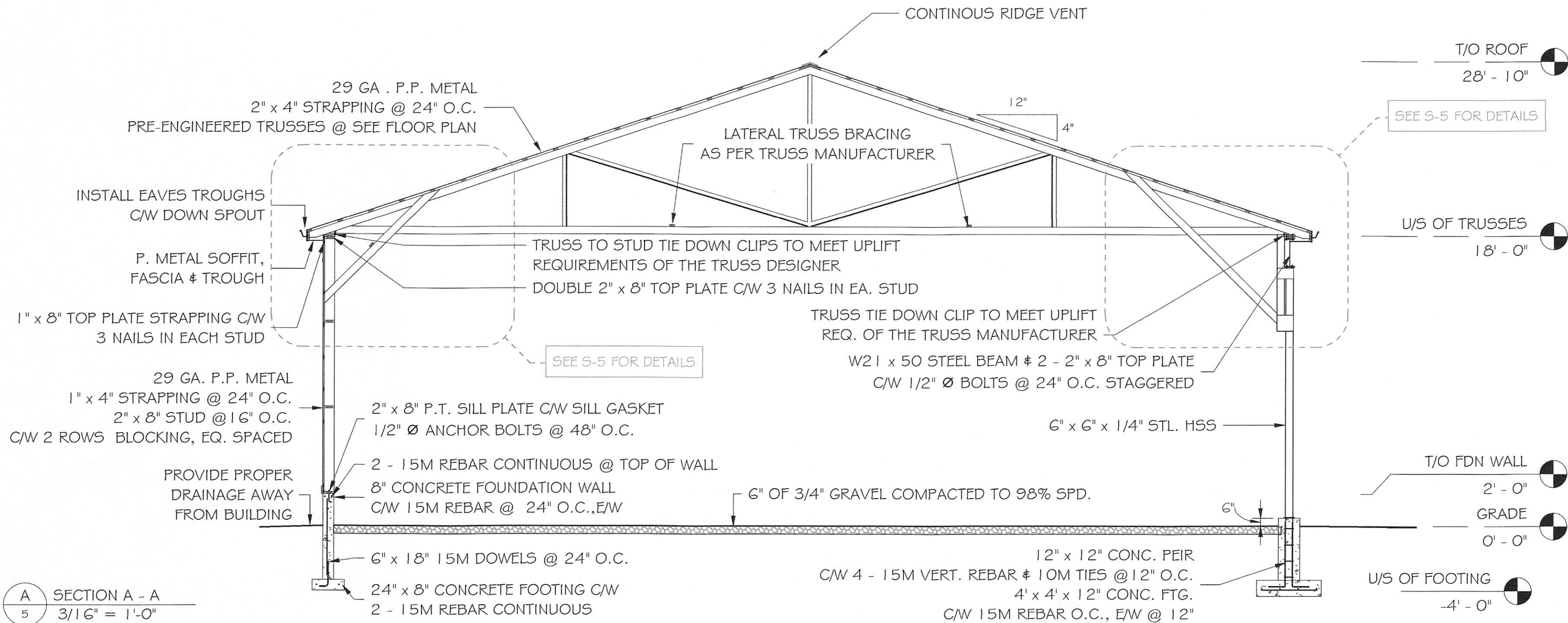
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SECTIONS & DETAILS

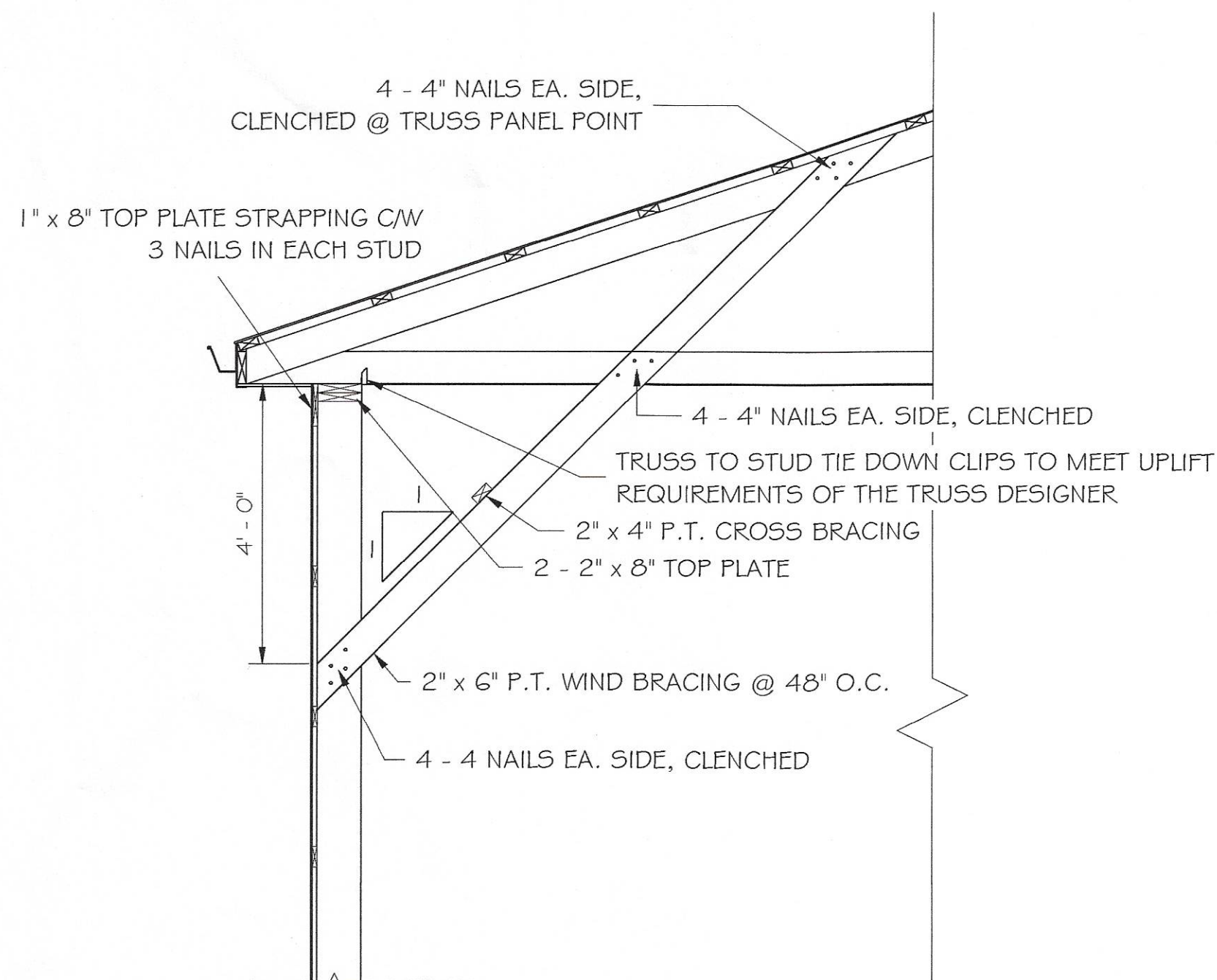
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V37-21-225\WINDWORKS, TM - STORAGE BUILDING - V37-21-225-1.dwg

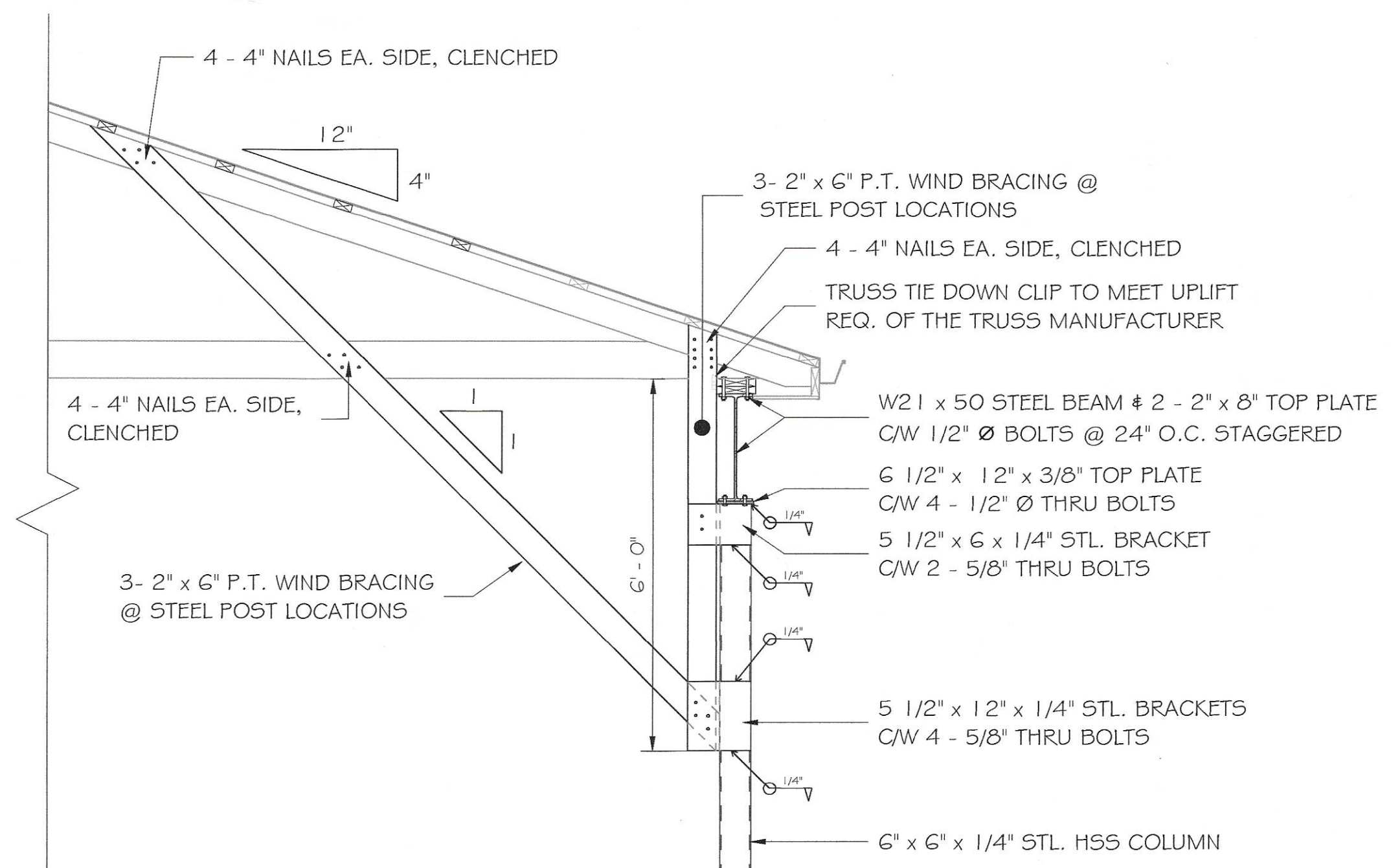
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DATE: MAY 25/21
SHEET: 5 OF 7
DRAWING NUMBER: S-5



A SECTION A - A
3/16" = 1'-0"



1 WIND BRACING DETAIL
1/2" = 1'-0"



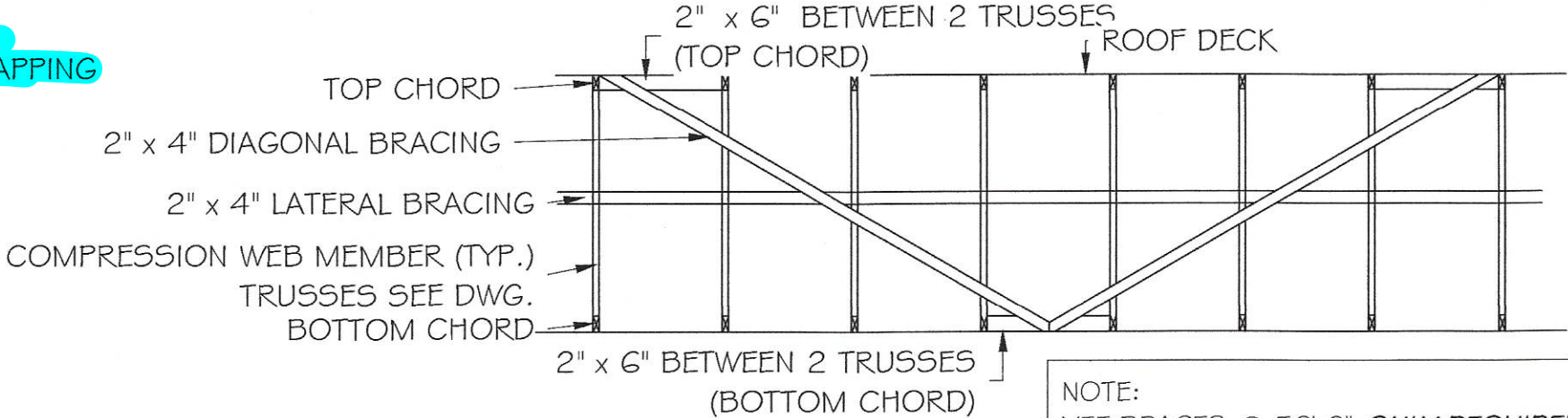
2 BEAM WIND BRACING DETAIL
1/2" = 1'-0"

TRIM 4'-0" x 8'-0" x 1/2" PLYWOOD
OSB OR WAFERBOARD SHEATHING
TO COVER 1 FACE OF TRUSS

1/2" x 2" PLYWOOD, OSB OR
WAFERBOARD STRIPS OVERLAPPING
BUTT JOINTS OF SHEATHING

1/2" x 2" PLYWOOD, OSB OR
WAFERBOARD STRIPS
OVERLAPPING BUTT JOINTS OF
SHEATHING

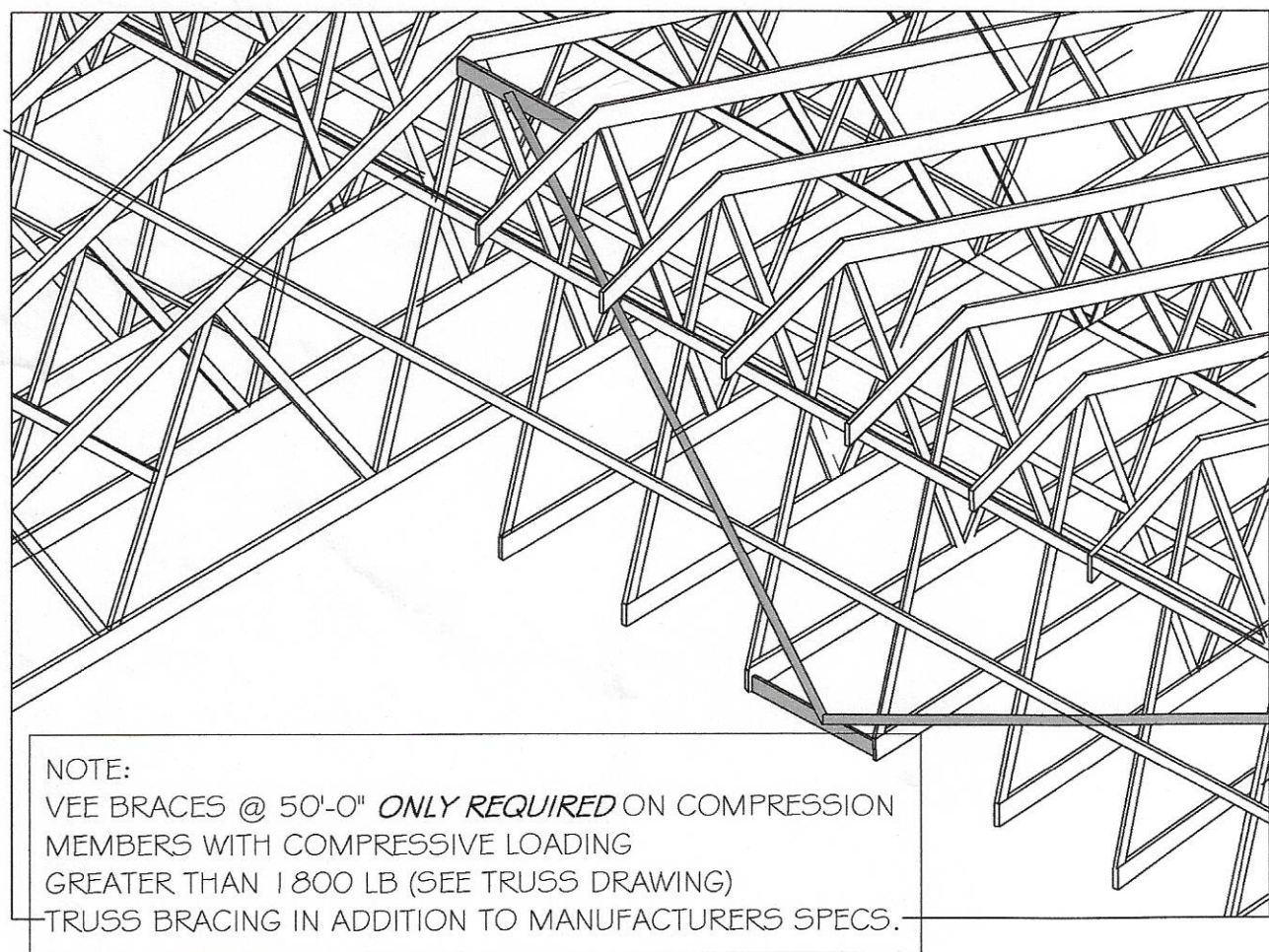
TRIM 4'-0" x 8'-0" x 1/2" PLYWOOD
OSB OR WAFERBOARD SHEATHING
TO COVER 1 FACE OF TRUSS



NOTE:
VEE BRACES @ 50'-0" **ONLY REQUIRED** ON COMPRESSION
MEMBERS WITH COMPRESSIVE LOADING
GREATER THAN 1800 LB (SEE TRUSS DRAWING)
TRUSS BRACING IN ADDITION TO MANUFACTURERS SPECS.

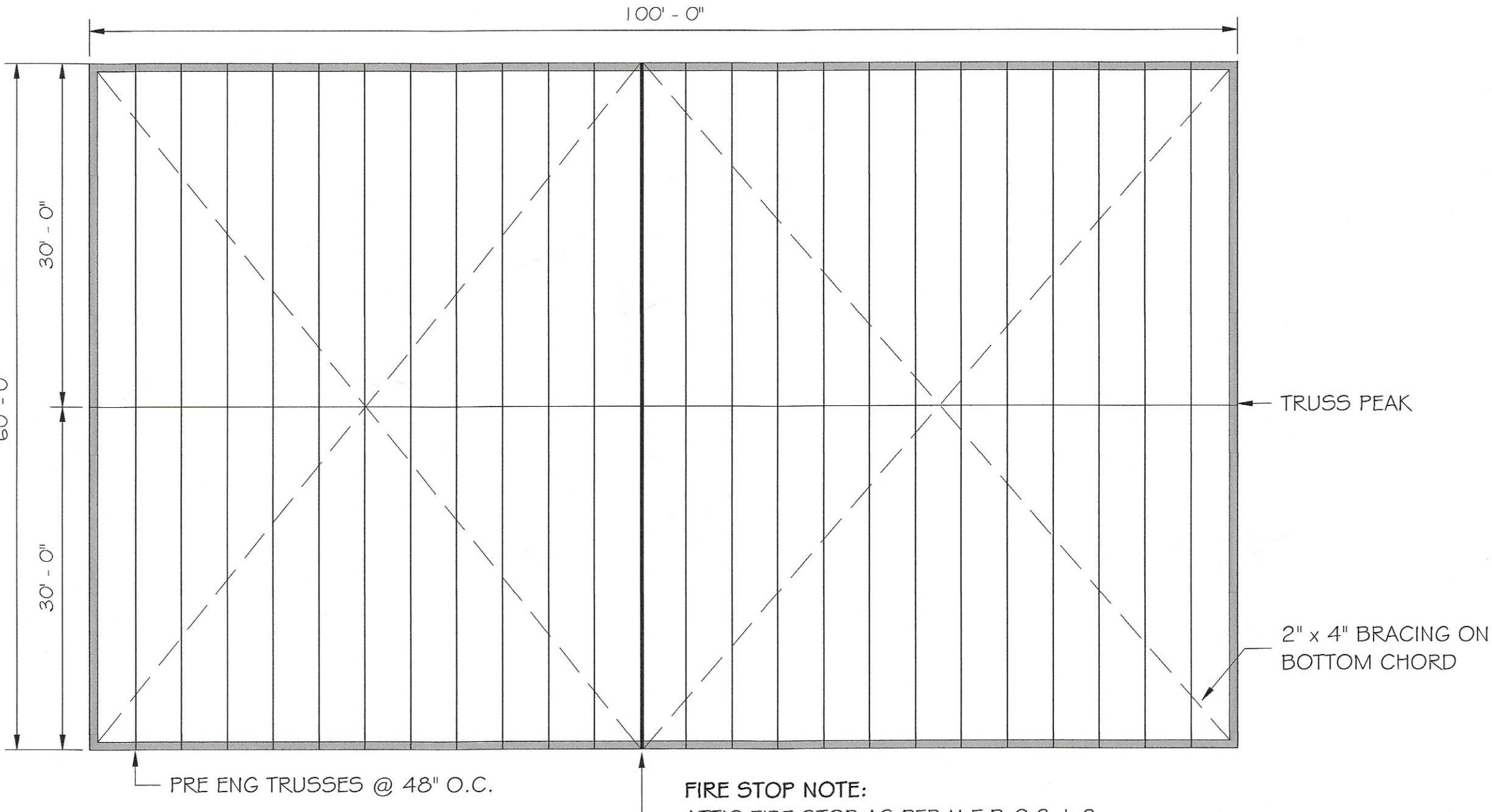
4 TYPICAL TRUSS FIRE STOP
1/4" = 1'-0"

2 VEE BRACING DETAIL
3/16" = 1'-0"



NOTE:
VEE BRACES @ 50'-0" **ONLY REQUIRED** ON COMPRESSION
MEMBERS WITH COMPRESSIVE LOADING
GREATER THAN 1800 LB (SEE TRUSS DRAWING)
TRUSS BRACING IN ADDITION TO MANUFACTURERS SPECS.

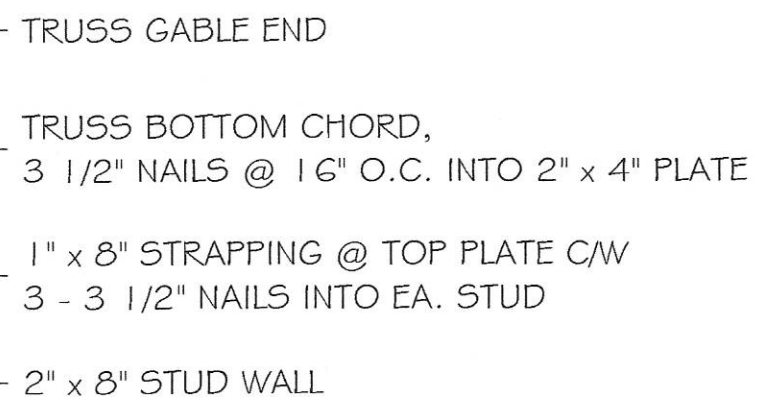
3 VEE BRACING PERSPECTIVE
3/16" = 1'-0"



1 TRUSS LAY OUT
3/32" = 1'-0"

ADD 2" x 4" PLATE C/W 2 ROWS OF
3 1/2" NAILS @ 24" O.C. STAGGERED

2 - 2" x 8" TOP PLATE



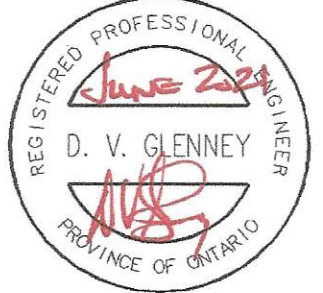
5 GABLE END DETAIL
3/4" = 1'-0"



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ISSUED FOR REVIEW	1	MAY 03/21	WD
PRINTS	NO.	DATE	BY
ISSUED/REVISIONS			

RICK DOBRUCKI
STORAGE BUILDING
909 COLLVER RD.
WELLANDPORT, ONT

DRAWING

TRUSS LAYOUT & DETAILS

SCALE
As indicated

V37-21-225

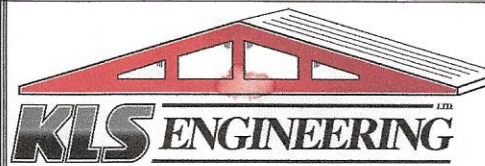
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W.DYKSTRA

DATE
MAY 25/21

SHEET
6 OF 7

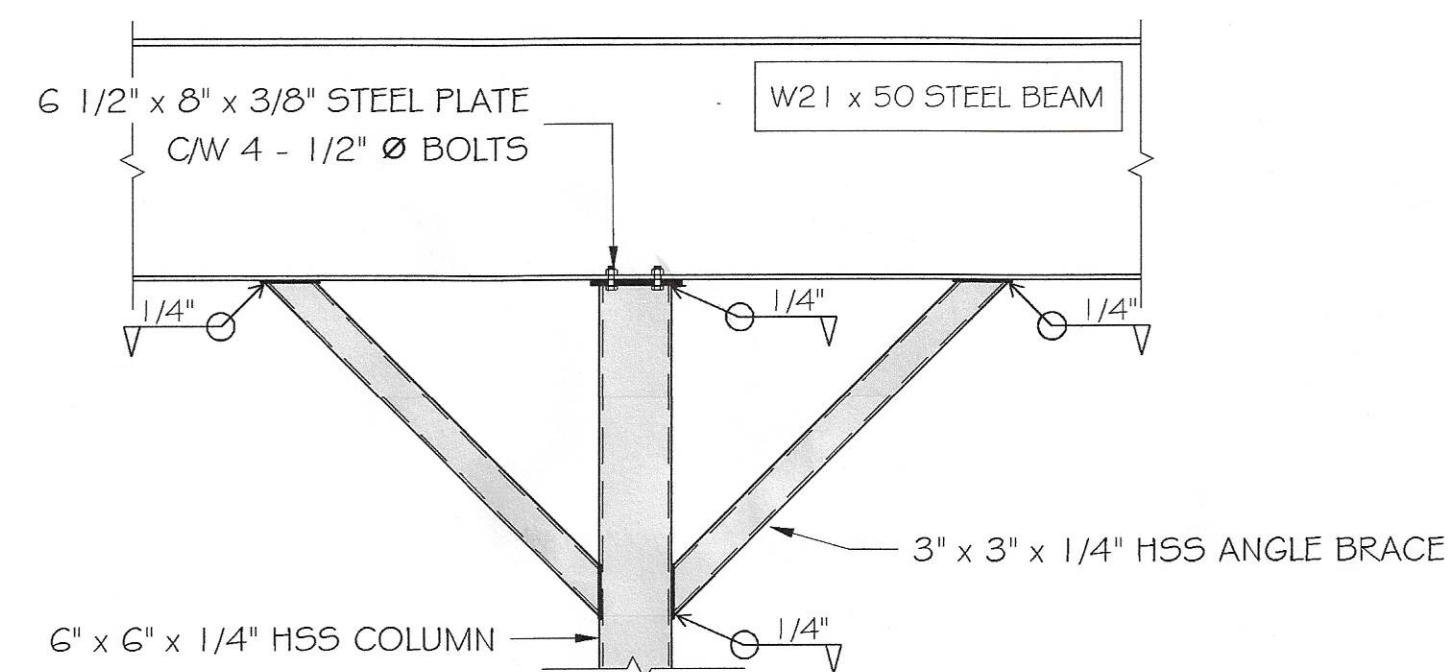
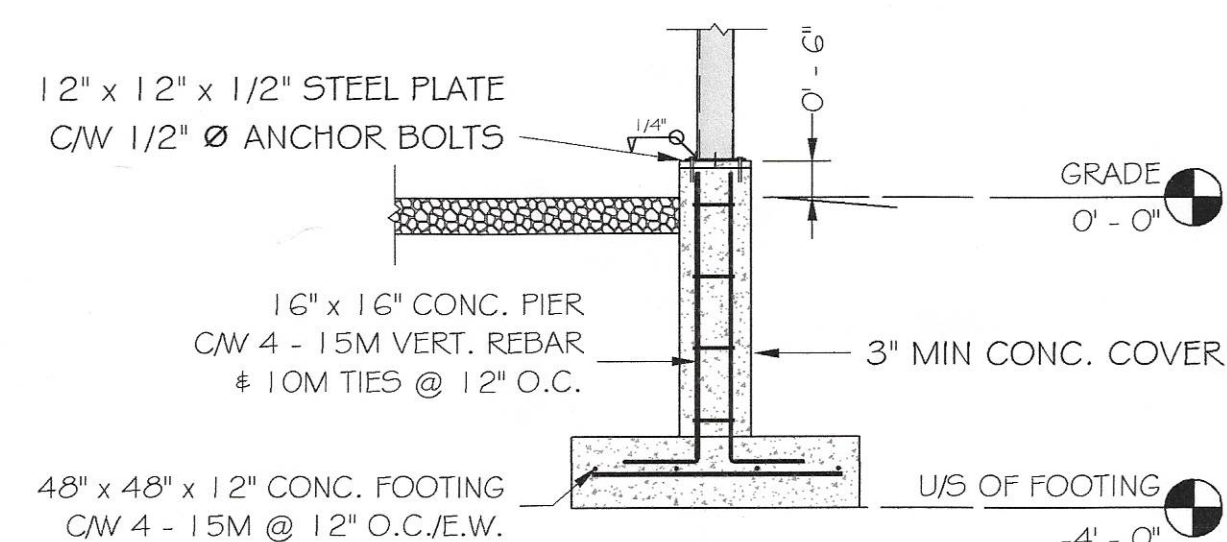
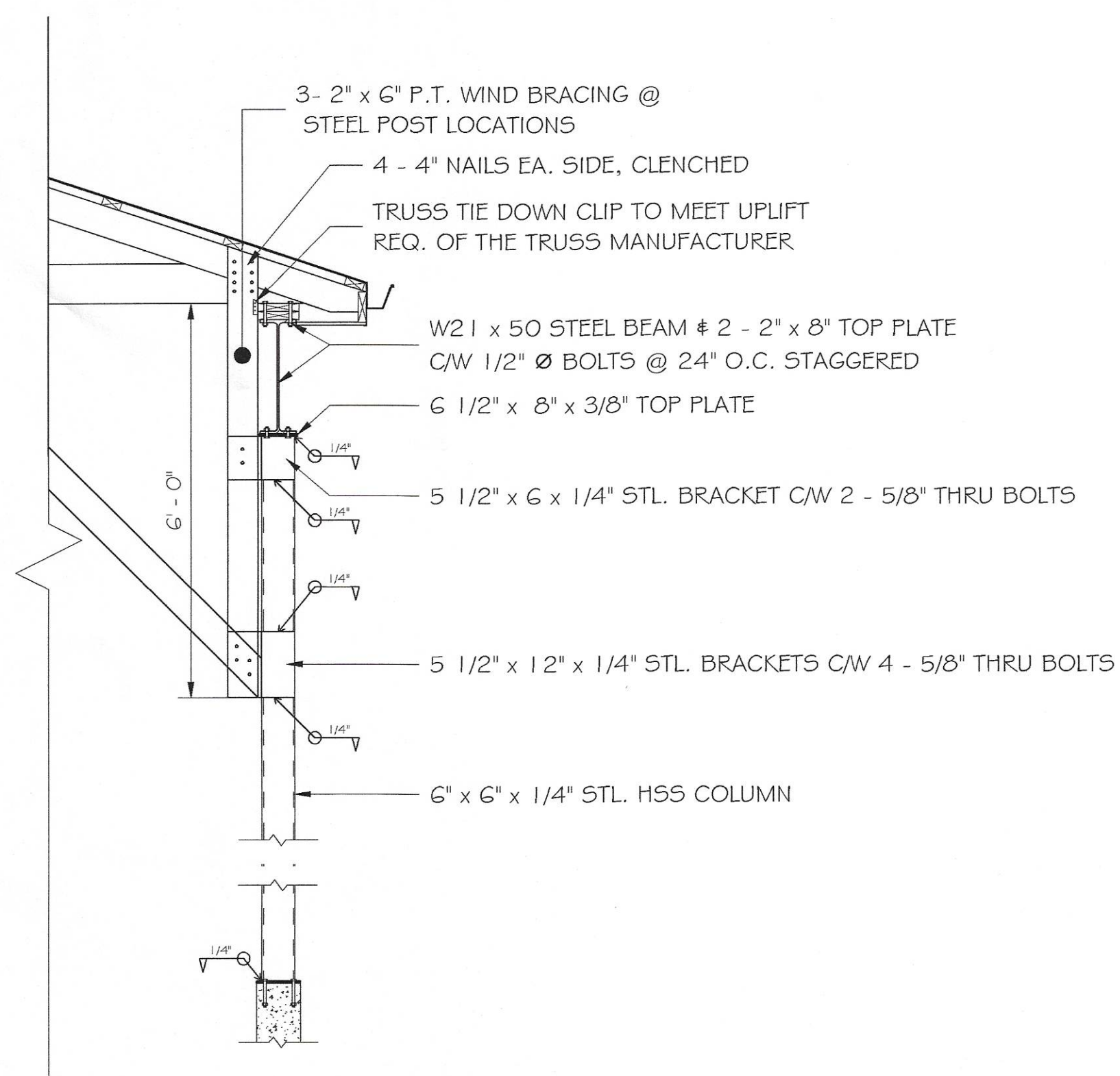
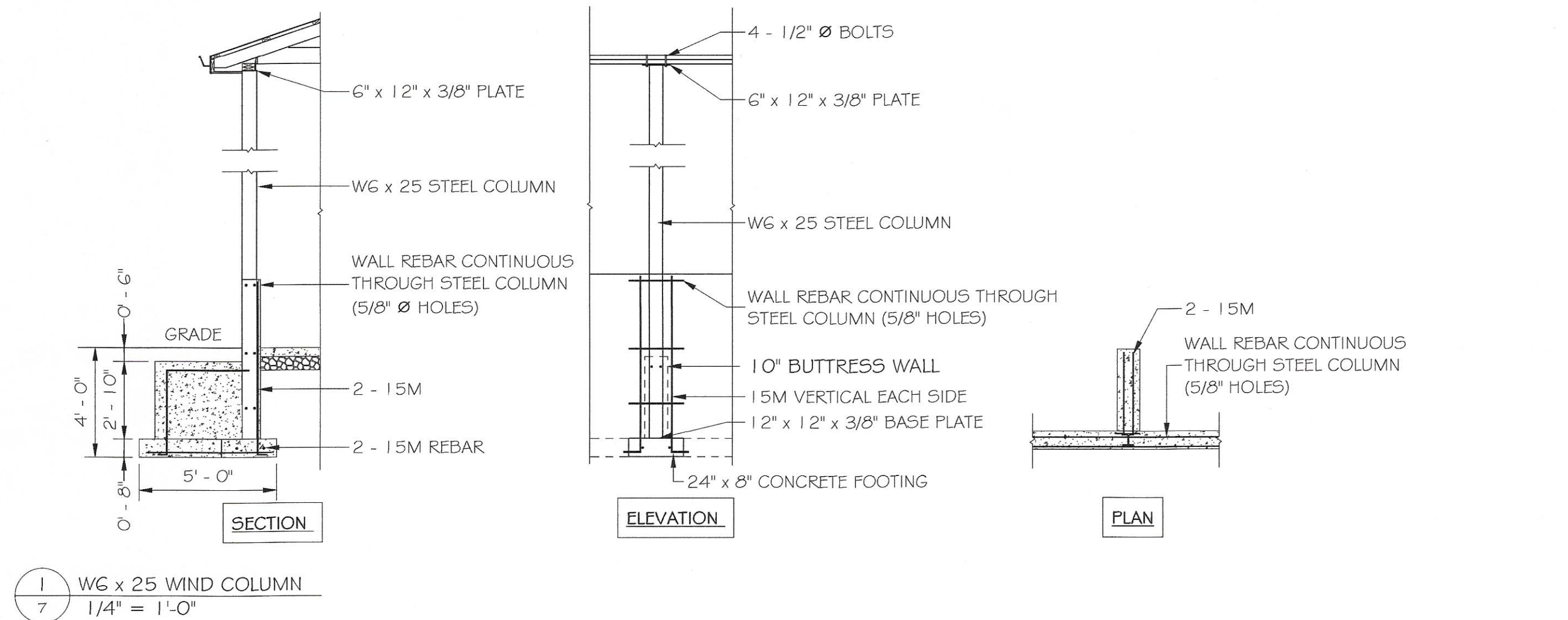
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S-6



1333 HIGHWAY #3
DUNNVILLE, ONTARIO
N1A 2W7
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RICK DOBRUCKI
STORAGE BUILDING
909 COLLVER RD.
WELLANDPORT, ONT

DRAWING

BEAM & PIER DETAILS

SCALE
As indicated

V37-21-225

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W. DYKSTRA

DATE
MAY 25/21

SHEET
7 OF 7

DRAWING NUMBER

S-7

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

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

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

Regulation		Accessory Buildings or Structures in an Agricultural Zone		
		Type 1 (0.1 to 10m ²)	Type 2 (10.1 to 100m ²)	Type 3 (greater than 100m ²)
Maximum <i>ground floor area</i> per <i>building</i> or <i>structure</i>		10m ²	100m ²	Based on maximum <i>lot coverage</i> (see below)
Maximum number of <i>accessory buildings</i> or <i>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</i> or <i>structures</i> on the <i>lot</i>	<i>Lot area</i> 0.4 ha or less	8%, of the <i>lot area</i> , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		Not permitted on this <i>lot size</i>
	<i>Lot area</i> 0.5 ha to 2 ha	Greater of 5% or 320m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> 2.1 ha to 10 ha	Greater of 2.5% or 1,000 m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> greater than 10 ha	Greater of 1% or 2,500 m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
Minimum setback from <i>main building</i> ⁽¹⁾		1.5 metres	3 metres	
Maximum distance from a <i>main building</i>		The nearest point of a wall of the accessory building must be located within 50 metres of the <i>main building</i> (Bylaw 2018-61)		

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

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

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

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

⁽²⁾ 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 ⁽¹⁾		-
	<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 ⁽¹⁾		-
	<i>Other main building</i>	20m		10m
Minimum <i>interior side yard</i>	<i>Dwelling</i>	5m	-	-
	<i>Greenhouse</i>	15m ⁽²⁾		
	<i>Mushroom farm building</i>	75m ⁽¹⁾		-
	<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 ⁽²⁾		
	Mushroom farm <i>building</i>	75m ⁽¹⁾		-
	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> ⁽³⁾		10% of <i>lot area</i> ⁽³⁾

⁽¹⁾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*.

⁽²⁾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*.

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

Planning Application Review

Application Number: A24/2021WL
Date: September 16, 2021
Property Address: 873 Collver Road
Project:

Planning Staff,

Please be advised the application as proposed appears to allow fulfillment of the requirements of Part 8 (Sewage Systems) O.B.C. specifically table 8.2.1.6A and 8.2.1.6B. Thus, no objection to the application 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

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: September 24, 2021 3:32 PM
To: Meghan Birbeck
Subject: NPCA Comments - Sept 29th West Lincoln Committee of Adjustment Applications
Attachments: PLMV202101321 - 5575 Concession Road 4, West Lincoln.pdf; 5575 Concession Road 4, West Lincoln (4).pdf

Hello Meghan,

Please see below the NPCA's comments on the proposals at 873 Collver Road, and 5575 Concession 4 Road.

873 Collver Road

- NPCA technical staff have reviewed the proposed accessory structure and have confirmed that the NPCA will have no floodplain concerns. As such, the NPCA will have no objections to the proposed Minor Variance applications.

5575 Concession Road 4

- Please see the attached letter for the NPCA's comments on the proposed Minor Variances at 5575 Concession Road 4. Mapping of the property is also attached.
- As noted in the letter, the review fee is outstanding. I will follow up on this with the applicant.
- As described in the letter, if the barn's proposed location is revised to be at least 30 metres from the Wetlands on site, then the NPCA will have no further objections. The shaded green area indicated as **SWX** on the attached mapping shows the location of the Unevaluated Wetlands. The 30 metre buffer from the Unevaluated Wetlands is not shown on the attached mapping, but the 30 metre buffer from the Provincially Significant Wetlands is included.
- Please let me know if you have any questions.

Sincerely,

Nikolas Wensing, B.A., MPlan
Watershed Planner

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

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

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at facebook.com/NPCAOntario & twitter.com/NPCA_Ontario.

Attachment No. 3 to COA-035-21

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

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

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

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

DATE: Sept 29th, 2021

REPORT NO: COA-036-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Terrence Rintjema & Amanda Wintemute
File No. A25/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Terrence Rintjema & Amanda Wintemute for the property legally known as Concession 9, Part Lot 9, in the former Township of South Grimsby, Plan 30M-178 Lot 47, now in the Township of West Lincoln, Region of Niagara. Municipally known as 11 Farewell Crescent.
- A minor variance application has been applied for that is required to permit a proposed sunroom addition be built with a rear yard setback of 7 metres (22.97 feet) whereas Table 14 of the Township's Zoning Bylaw 2017-70, as amended, identifies that minimum rear yard setback is 10 metres (32.81 feet) for a property zoned Residential Low Density – Type 1B 'R1B'.
- The owners are requesting this variance so that the addition is large enough to fit a swim spa within the addition.
- The size of the proposed sunroom is 5.49 metres (18.01 feet) by 7.92 metres (25.98 feet).
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval subject to a condition.

RECOMMENDATION:

1. THAT, the Minor Variance made by Terrence Rintjema & Amanda Wintemute as outlined in Report COA-036-21, to permit the rear setback reduction to 7 metres (22.97 feet) whereas 10 metres (32.81 feet) is permitted, BE APPROVED, subject to the following condition:
 - a. That the 7 metre rear yard setback only apply to a sunroom with dimensions of not more than 5.6 metres (depth) by 8.1 metres (width).

BACKGROUND:

The subject lands legally described as Concession 9, Part Lot 9, Plan 30M-178 Lot 47, in the former Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 11 Farewell Crescent (see attachment 1 for a site sketch). The subject property is situated on the east side of Farewell Crescent and west of Westlea Drive.

The subject property is approximately 0.18 acre (0.07 hectares) in size. The property is in the Smithville Urban Settlement area and has a Low Density Residential designation. The property zoned Residential Low Density – Type 1B ‘R1B’. The majority of the surrounding properties to 11 Farewell Crescent also share the same designation and zoning.

A minor variance application has been applied for by the property owners that is required to permit a proposed sunroom addition be built with a rear yard setback of 7 metres (22.97 feet) whereas Table 14 of the Township’s Zoning Bylaw 2017-70, as amended, identifies that minimum rear yard setback is 10 metres (32.81 feet) for a property zoned Residential Low Density – Type 1B ‘R1B’.

The applicant’s initially applied for a building permit on June 4, 2021 to build an addition onto their single detached dwelling. Planning staff indicated to the owners that they would not be able to provide zoning clearance as the proposed addition encroached upon the required rear yard setback. After speaking with Planning Staff the owners have chosen to proceed with a minor variance application rather than to build a shorter addition as the size and shape is important to the owners. The owners are requesting this variance so that the addition is large enough to fit a swim spa within the addition. The size of the proposed sunroom is 5.49 metres (18.01 feet) by 7.92 metres (25.98 feet).

CURRENT SITUATION:

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

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

Yes

The property is within the Smithville Urban boundary and is designated as Low Density Residential in the Township’s Official Plan. It is the intent of this plan that these low density residential neighbourhoods, in Smithville, be protected and rejuvenated (6.2.1). The main residential use shall continue. The proposed sunroom expansion to the main dwelling will continue to facilitate this use.

The minor variance application is proposing to reduce the rear yard setback by 3 metres from 10 metres to 7 metres for the sunroom that expands the dwelling. The applicant requested these minor variances to build a sunroom expansion to fit a swim spa within the sunroom.

The municipal sanitary and water services for this property are located in the front of this property and not in the back yard. The municipal storm system travel straight through the north side yard of the property, however, the addition will not be over top of the storm system.

Township Planning Staff are of the opinion that the minor variance meets the general

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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 Residential Low Density – Type 1B ‘R1B’ in the Township’s Zoning By-law 2017-70, as amended. The subject parcel is 700 square metres (7534.74 square feet) in size. The R1B zone permits a single detached dwelling unit.

In their application, the applicant has stated that the minor variance is to build a sunroom that extends from the main dwelling. The building permit, which triggered the minor variance application, does not propose a basement, instead the addition is to be built on a concrete pad. The Township’s Building Inspector has informed the applicant that they will be required to have a frost wall installed on the addition. The drawings for the proposed addition can be found in the attachments.

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 applied for a reduction in a rear yard setback by 3 metres from 10 metres to 7 metres for their sunroom expansion of their dwelling. It is notable to mention that after a sunroom is built the applicant will still have over 50% of their lot dedicated to landscaped open space, specifically 60.7%. As the proposed location of the sunroom is central to the lot it is in the opinion of staff that the rear yard setback is appropriate for their neighborhood, subject to the proposed condition.

Is the proposal minor in nature?
Yes

The minor variance application is requesting relief from the zoning bylaw provision limiting the minimum rear yard setback by 3 metre to allow for a 7 metre setback. As the sunroom is being proposed so that the owners can fit a swim spa. Due to this, the owner cannot reshape the addition to better align with the Township’s Zoning By-law. Reducing the rear yard setback by 3 metres is to also reduce the setback by 30%. The survey sketch provided in this application identifies that the applicant is proposing this addition to be central to the middle of his yard. The proposed location has the ability to reduce the burden of the addition on the applicant’s neighbours as it is centred towards the middle of the property.

For the reasons above and as detailed in this report, Staff is of the opinion that this variance is minor in nature, subject to the proposed condition.

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 9th, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

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

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on September 9th, 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 24th, during the preparation of this report.


CONCLUSION:

A Minor Variance application has been submitted by Terrence Rintjema & Amanda Wintemute for the property municipally known as 11 Farewell Crescent. The Minor Variance application is submitted to reduce the rear yard setback from 10 metres to 7 metres. Planning staff are of the opinion that this application meets all four tests of a minor variance.


ATTACHMENTS:

1. Site Sketch
2. Zoning Provisions

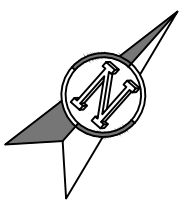
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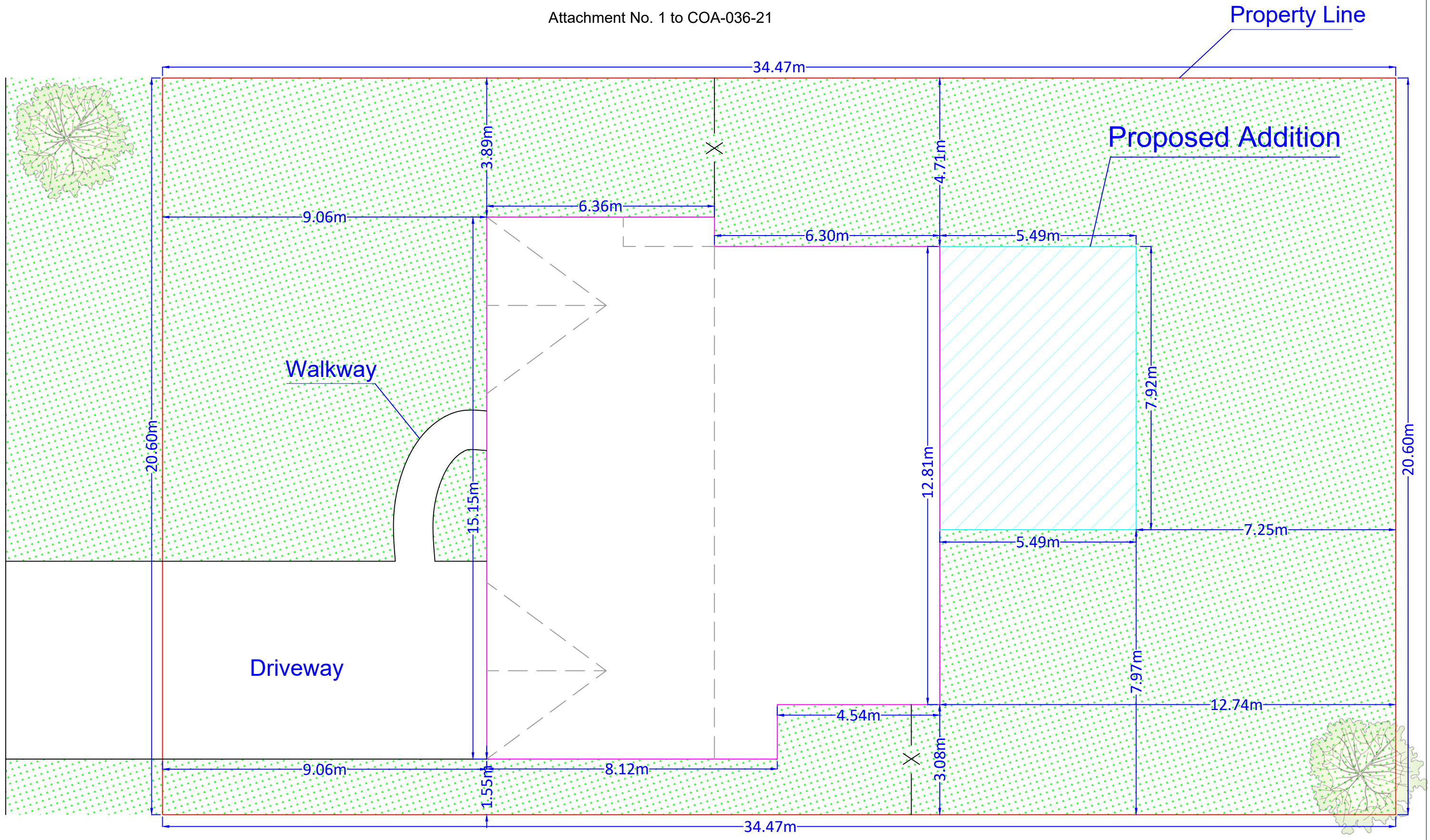
Madyson Etzl
Planner II



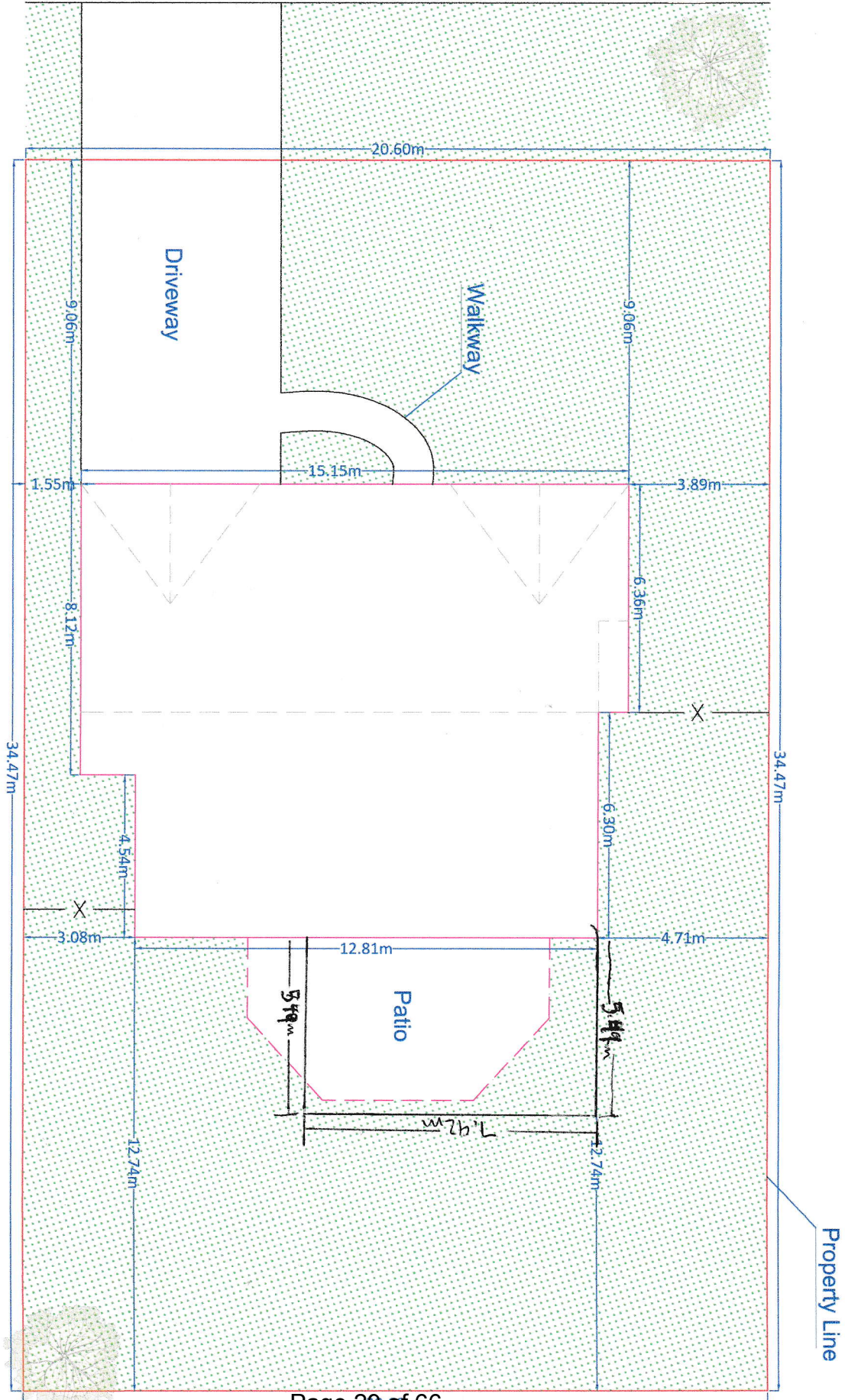
Brian Treble, RPP, MCIP
Director of Planning and Building



Farewell Crescent

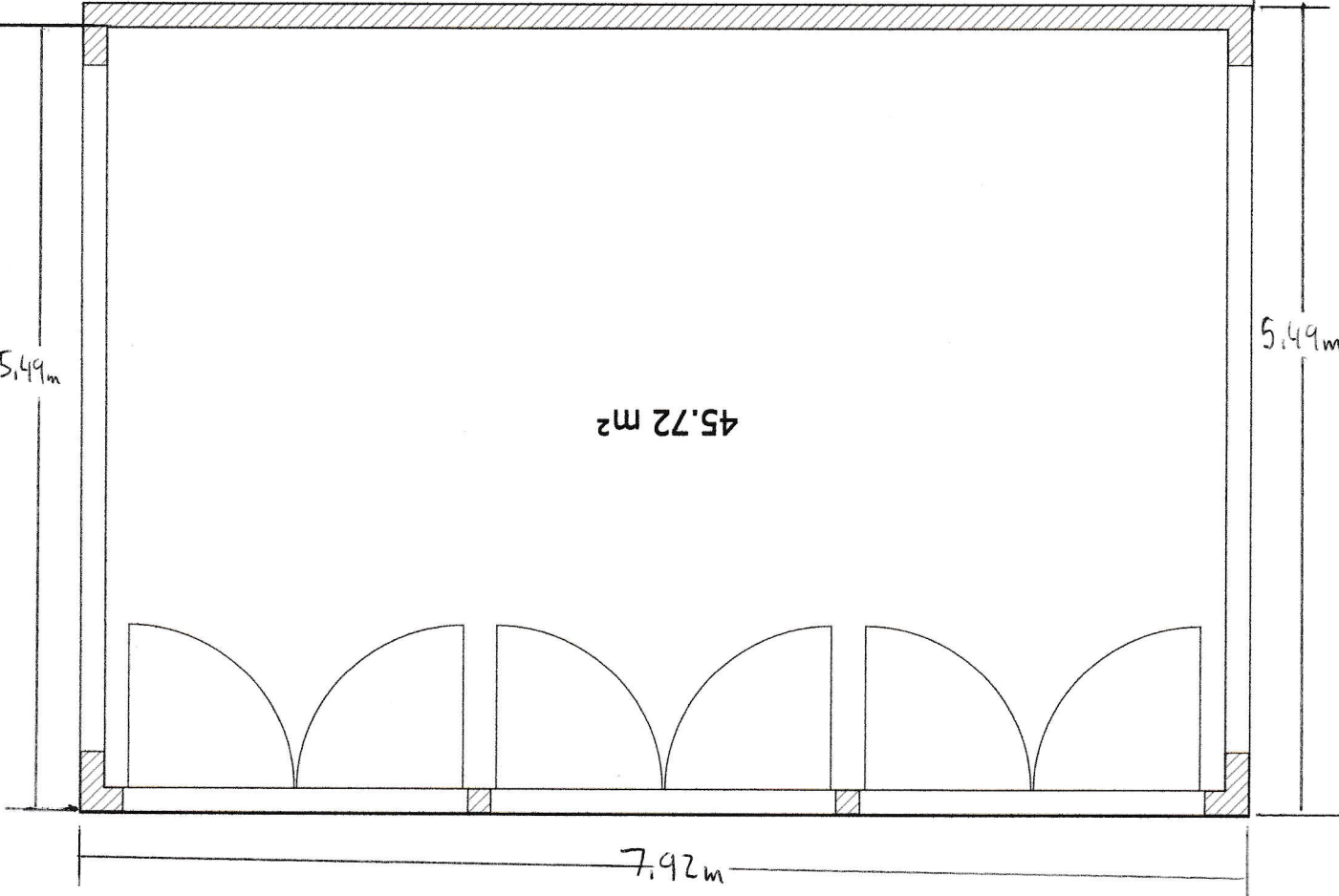


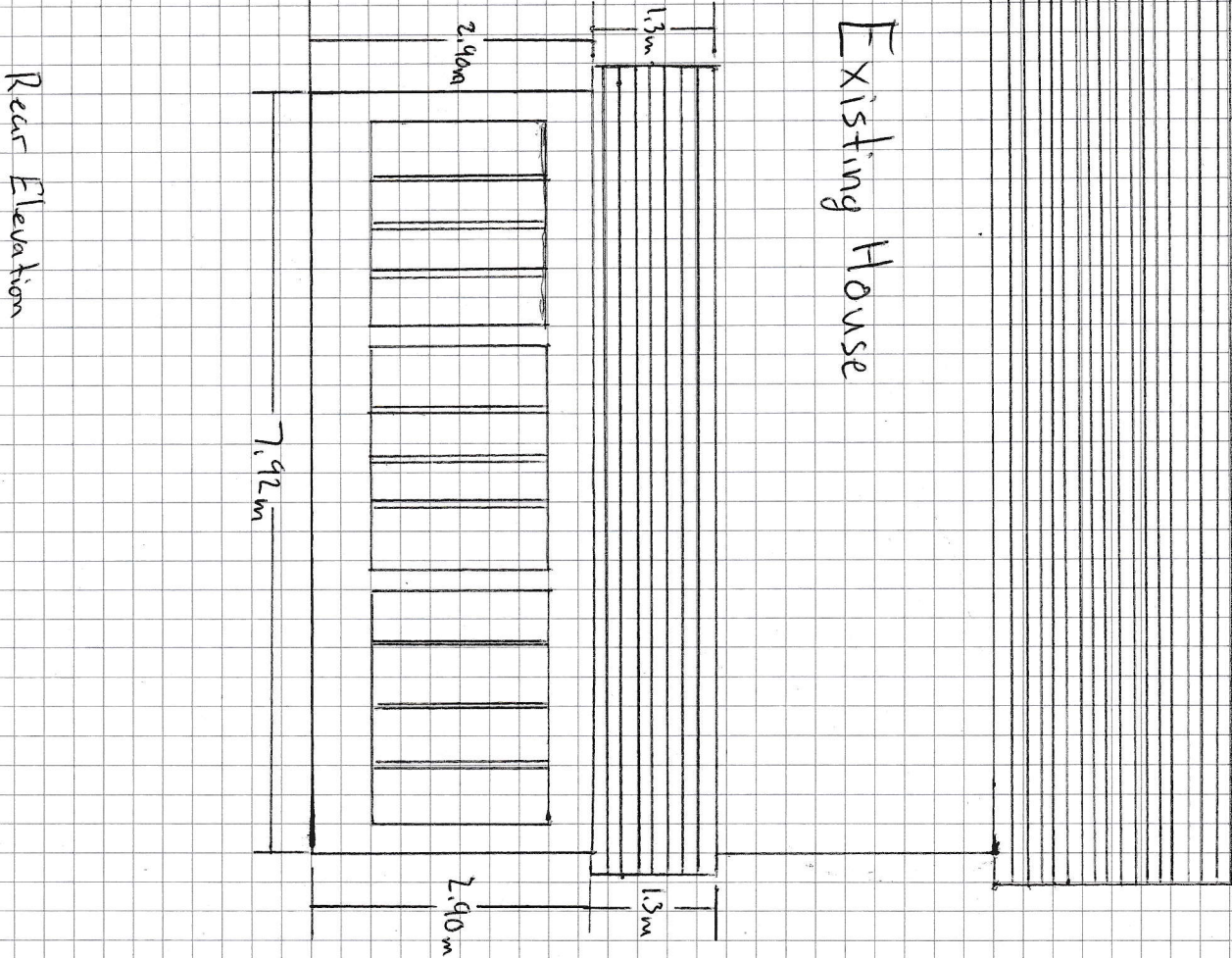
Farewell Crescent

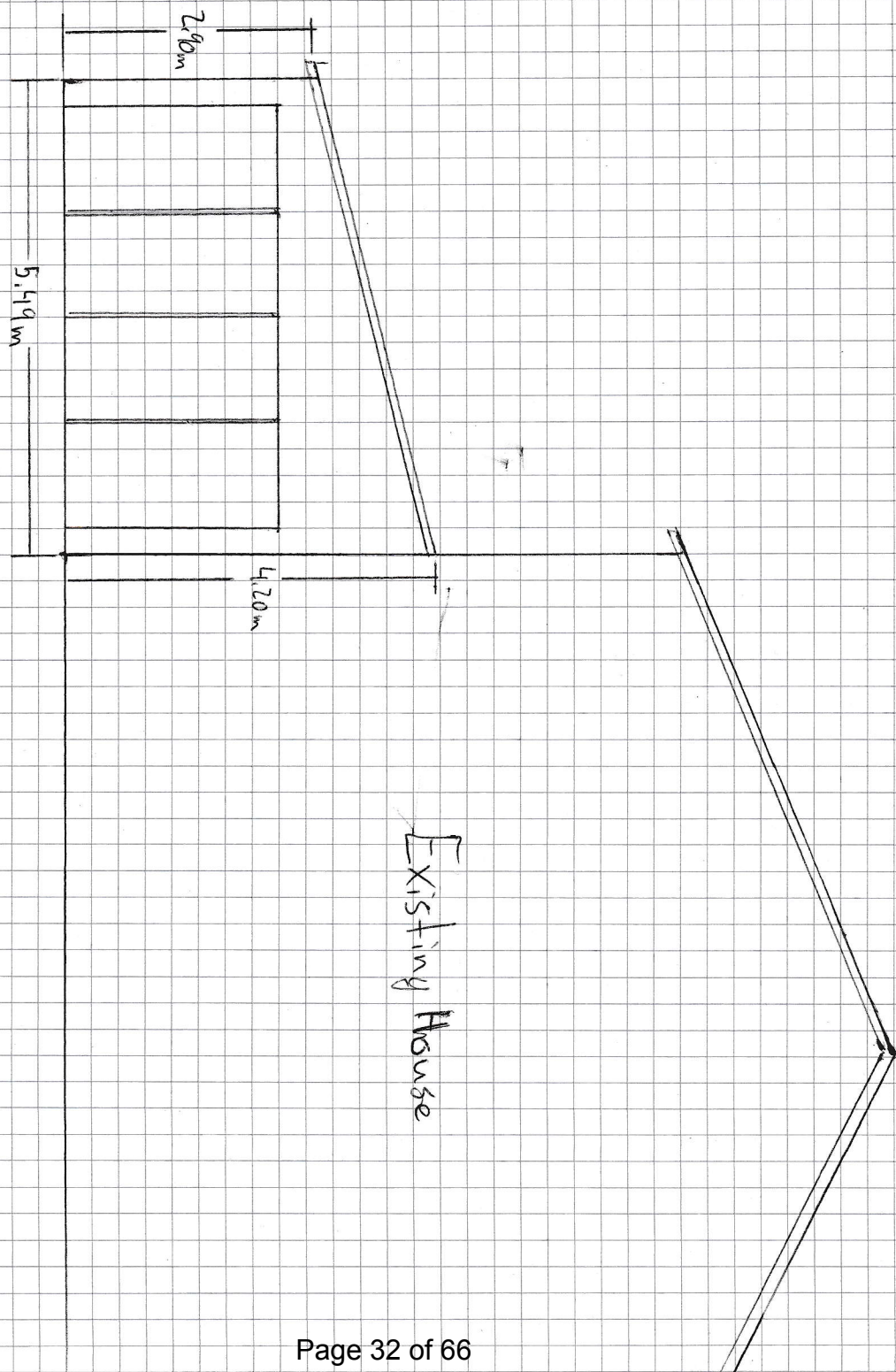


11 Farewell Crescent
Smithville, ON L0R 2A0
Scale: 1:100

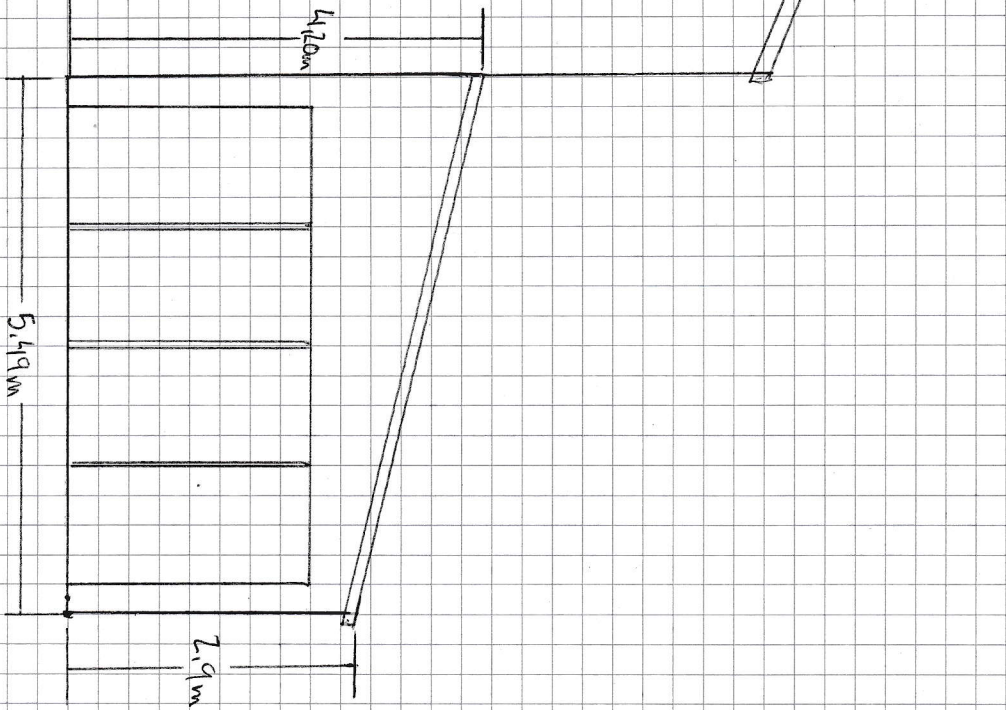
Existing House







Existing House



PART 6. RESIDENTIAL ZONES

6.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 6 apply to land within the following *zones*:

Zone	Symbol
Rural Residential	RuR
Residential Low Density	– Type 1A R1A
	– Type 1B R1B
	– Type 1C R1C
	– Type 1D R1D
	– Type 2 R2
	– Type 3 R3
Residential Medium Density	– Type 1 RM1
	– Type 2 RM2
	– Type 3 RM3
Residential High Density	RH

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

6.2 PERMITTED USES

In the *zones* identified in Section 6.1, 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 13.

Table 13: Permitted Uses in Residential Zones

Uses	Zones where Permitted											
Principal Uses												
Apartment dwelling										RM3	RH	
Duplex dwelling									RM2			
Fourplex dwelling									RM2	RM3		
Retirement home											RH	
Semi-detached dwelling						R2	R3	RM1	RM2	RM3		
Single detached dwelling	RuR	R1A	R1B	R1C	R1D	R2	R3					
Stacked townhouse dwelling										RM3		
Street townhouse dwelling								RM1	RM2	RM3		
Townhouse dwelling									RM2	RM3		
Triplex dwelling									RM2	RM3		
Accessory Uses ⁽¹⁾												
Accessory buildings or structures and accessory uses (see s. 3.1)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾	RM1 ⁽¹⁾	RM2 ⁽¹⁾	RM3 ⁽¹⁾	RH ⁽¹⁾	
Accessory dwelling unit (see s. 3.2)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾					
Bed and breakfast establishment (see s. 3.4)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾							

Uses	Zones where Permitted									
<i>Boarding or rooming house</i>	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾					RM3 ⁽¹⁾
<i>Garden suite</i> (see s. 3.2)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾					
<i>Group home</i> (see s. 3.6)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾			
<i>Home occupation</i> (see s. 3.7)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾			
<i>Renewable energy system</i> (see s. 3.15)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾	RM1 ⁽¹⁾	RM2 ⁽¹⁾	RM3 ⁽¹⁾ RH ⁽¹⁾

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

6.3 REGULATIONS

In the *zones* identified in Section 6.1, 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 Tables 14 and 15.

Table 14: Regulations for Permitted Uses in Low Density and Rural Residential Zones

Regulation				Zone Requirements						
				RuR	R1A	R1B	R1C	R1D	R2	R3
Minimum lot area	Municipal services	Single detached dwelling		0.4 ha	800m ²	550m ²	475m ²	400m ²	360m ²	300m ²
		Semi-detached dwelling ⁽¹⁾		-					720m ²	450m ²
	Private services			0.4 ha		-				
Minimum lot frontage	Municipal services	Corner lot	Single detached dwelling	45m	21m	18m		15m	15m	12.5m
			Semi-detached dwelling ⁽¹⁾	-					24m	18m
		Other lot	Single detached dwelling	45m	21m	18m	15m	13m	12m	10m
			Semi-detached dwelling ⁽¹⁾	-					24m	18m
	Private services			45m		-				
Minimum front yard	Dwelling			15m	7.5m	6m	4.5m			
	Private garage						6m			
Minimum exterior side yard				9m	6m	5m	4.5m			3m
Minimum interior side yard	Dwelling			3m	1.5m	1.2m	1.2m ⁽²⁾			
	Private garage (attached to dwelling)						0.6m ⁽³⁾			
Minimum rear yard				15m	10m		7.5m			
Maximum lot coverage	Municipal services			20%	35%	40%	45%			
	Private services				20%	-				
Maximum height				10m						
Minimum landscaped open space				35%	30%	25%				

⁽¹⁾ Where each *dwelling unit* of a *semi-detached dwelling* is located on a separate *lot*, the minimum *lot area* and minimum *lot frontage* for each *dwelling unit* shall be half the requirement identified above for the applicable *zone*.

⁽²⁾ Where each *dwelling unit* of a *semi-detached dwelling* is located on a separate *lot*, no *interior side yard* shall be required along the common *lot line* of the attached wall joining the two *dwelling units*.

⁽³⁾ This provision shall only apply where an attached *private garage* is located on a *lot* where the nearest *interior side yard* on the adjoining *lot* is required to be 1.2 metres or greater in width. If the nearest *interior side yard* on the adjoining *lot* is permitted to be less 1.2 metres, the minimum *interior side yard* for the *private garage* shall be 1.2 metres.

Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones

Regulation		Zone Requirements			
		RM1	RM2	RM3	RH
Minimum <i>lot area</i> (per <i>dwelling unit</i>)	<i>Apartment dwelling</i>	-		160m ²	120m ²
	<i>Duplex dwelling</i>	-	250m ²	-	
	<i>Fourplex dwelling</i>	-		180m ²	-
	<i>Retirement home</i>	-			120m ²
	<i>Semi-detached dwelling</i> ⁽¹⁾	270m ²	200 m ²		-
	<i>Stacked townhouse dwelling</i>	-	-	160m ²	-
	<i>Street townhouse dwelling</i>	225m ²	180m ²		-
	<i>Townhouse dwelling</i>	-	200m ²	180m ²	-
	<i>Triplex dwelling</i>	-	250m ²	200m ²	-
Minimum <i>lot frontage</i> ⁽²⁾	<i>Apartment dwelling</i>	-		30m	
	<i>Duplex dwelling</i>	-	20m	-	
	<i>Fourplex dwelling</i>	-	30m		-
	<i>Retirement home</i>	-			30m
	<i>Semi-detached dwelling</i> ⁽¹⁾	9m/unit	8m/unit		-
	<i>Stacked townhouse dwelling</i>	-	-	30m	-
	<i>Street townhouse dwelling</i>	7.5m/unit	6m/unit		-
	<i>Townhouse dwelling</i>	-	30m		-
Minimum <i>front yard</i>	<i>Dwelling</i>	4.5m			7.5m
	<i>Private garage</i>	6m			
Minimum <i>exterior side yard</i>		3m			Greater of 50% of <i>building height</i> or 3m
Minimum <i>interior side yard</i>	Adjoining a <i>lot</i> in a low density residential <i>zone</i>	3m ⁽³⁾			
	Adjoining a <i>lot</i> in any other <i>zone</i>	1.2m ⁽³⁾			3m
Minimum <i>rear yard</i> ⁽⁴⁾	Adjoining a <i>lot</i> in a low density residential <i>zone</i>	7.5m			
	Adjoining a <i>lot</i> in any other <i>zone</i>	6m			
Maximum <i>lot coverage</i>		45%	50%		
Minimum separation distance between <i>dwellings</i> on the <i>same lot</i>	Between exterior side walls	-	3m		
	Between exterior front or rear walls		12m		
	Between exterior front or rear walls and side walls		7.5m		
Maximum <i>height</i>		10m	12m		15m
Minimum <i>landscaped open space</i>		25%			
Minimum <i>amenity area</i> ⁽⁵⁾	<i>Dwelling</i> with 3 or 4 <i>dwelling units</i> on one <i>lot</i>	-	20m ² per <i>dwelling unit</i>		
	<i>Dwelling</i> with 5 to 8 <i>dwelling units</i> on one <i>lot</i>		40m ² plus 10m ² per <i>dwelling unit</i>		
	<i>Dwelling</i> with 9 or more <i>dwelling units</i> on one <i>lot</i>		-	80m ² plus 5.5m ² per <i>dwelling unit</i>	

- ⁽¹⁾Where *semi-detached dwellings* are located in the RM2 or RM3 zone, the *dwelling units* shall be located on lands within a Registered Plan of Condominium or shall be tied to a common elements condominium *private street*.
- ⁽²⁾ Where multiple attached *dwellings* are located on the same *lot* in the RM2 or RM3 Zone, including more than one type of attached *dwelling*, the minimum *lot frontage* requirement of the RM2 or RM3 Zone, as applicable, shall be 30 metres in the case of a *lot* that contains one or more *fourplex* and/or *townhouse dwelling* and/or *stacked townhouse dwelling*, and 20 metres in all other cases, and shall apply to the entire *lot*. For *semi-detached dwellings* where each unit is located on a separate *lot*, and for *street townhouse dwellings*, each *lot* shall meet the prescribed minimum *lot frontage*.
- ⁽³⁾Where each *dwelling unit* of a *semi-detached dwelling* is located on a separate *lot*, and for *street townhouse dwellings*, no *interior side yard* shall be required along the common *lot line* of the attached wall joining two *dwelling units*.
- ⁽⁴⁾ No rear yard is required for a *back-to-back townhouse dwelling*.
- ⁽⁵⁾ No common outdoor *amenity area* provided at grade shall have an area less than 40m².

DATE: Sept 29th, 2021

REPORT NO: COA-037-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Ronald Souter
File No. A26/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Ronald Souter for the property legally known as Concession 5, Part Lot 24, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. Municipally known as 5575 Concession 4 Road.
- This Minor Variance application has been applied for to request two variances to permit the property owner to build a proposed accessory building in the property's front yard.
- The first variance that is required is to permit a proposed agricultural accessory building to be permitted in the front yard whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an agricultural accessory building is not permitted in the front yard.
- The second variance that is required is to permit a proposed agricultural accessory building to be built in front of the property's main buildings with a front lot line setback of 96 metres (314.96 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory agricultural building cannot be built closer to the front lot line than the property's main buildings, which is approximately 130 metres.
- The owner would be able to build their accessory building behind their dwelling without a minor variance.
- However, this would require the owner to remove trees and possibly locate it within an unevaluated wetland, a regulated wetland, a floodplain, and/ or a 30 metre allowance.
- The owner would like to remove the fewest number of trees as possible from the property and have a minimal impact on the environment, which is why they are requesting the variance to build south of the trees and ultimately in the front yard and closer to the front lot line than the main building.

OVERVIEW CONTINUED:

- Both the Niagara Region and the NPCA have expressed concerns about the location of the proposed accessory building.
- However, the Niagara Region has also indicated that it is the best of all possible presented options.
- The NPCA would like the location of the proposed accessory building to be 30 metres from an un evaluated wetland.
- Moving the proposed accessory building 30 extra metres from the evaluated wetland would create a substantial amount of issues for the property.
 - 1) The Committee of Adjustment would not be able to move forward with this minor variance application as moving the location by 30 metres would increase the extent of the requested variance.
 - 2) A new variance would need to be added as accessory buildings cannot be located further then 50 metres from the property's main building.
 - 3) The land in front of the property is designated as Good General Agricultural and by moving the accessory building 30 metres would be further impacting the land that could be farmed.
- The Provincial Policy Statement only indicated that development shall not be permitted in significant wetlands and does not mention unevaluated wetlands.
- Township staff believe that the proposed location provides both the minimal amount of impact to both the environmental and to the agricultural features on the property.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval, subject to the attached conditions.

RECOMMENDATION:

1. THAT, the first Minor Variance made by Ronald Souter as outlined in Report COA-037-21, to permit an agricultural accessory building to be permitted in the front yard, BE APPROVED; and
2. THAT, the second Minor Variance made by Ronald Souter as outlined in Report COA-037-21, to permit an agricultural accessory building to be built in front of the property's main buildings with a front yard setback of no less than 96 metres (314.96 feet), BE APPROVED; subject to the following conditions:
 - a. That both recommendations are subject to the following conditions:
 - i. THAT, written justification is provided to the Niagara Region for approval, confirming that there is no alternative location for the accessory structure on the property, to conform to Growth Plan policies; and

- ii. THAT, the existing accessory building be removed prior to a Township of West Lincoln building permit being issued.

BACKGROUND:

The subject lands are situated on the north side of Concession 4 Road, east of Shaw Road, west of Highway 20, and south of Sixteen Road, being legally described as Concession 5, Part Lot 24, in the former Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 5575 Concession 4 Road. (See attachment 1 for a site sketch)

The subject property is approximately 88.86 acre (35.15 hectares) in size. The property is designated as Good General Agricultural and is a part of the Natural Heritage System. The property has Agricultural, Environmental Conservation, and Environmental Protection zoning. The majority of the surrounding properties to 5575 Concession 4 Road also share the same designations and zones.

The property currently has a single detached dwelling and an accessory building on it. The single detached dwelling is located within of Agricultural zoned land with an Environmental Conservation zone circulating the single detached dwelling and the driveway. The existing accessory building is located behind the single detached dwelling within the environmental conservation zone and has a size of approximately 120 square metres. The proposed accessory building has a size of 185.81 square metres, 65.81 square metres larger than the existing accessory building.

The proposed building is to replace the existing accessory building, however, the property owner does not want to impact the environment to re-build a larger accessory building. If the applicant was to locate their proposed accessory building to the west of their dwelling they would not require a minor variance. If the applicant was to locate the proposed accessory building within the same location as the existing, it would be within Niagara Peninsula Conservation Authority (NPCA) 30 metre wetland allowance or possibly their regulated wetlands coincident with floodplain. If the applicant was to locate the proposed accessory building behind their dwelling and to the west of the NPCA regulated area they would need to remove Provincially Significant Woodlands. If the applicant was to locate their proposed accessory building east of their drive way closer to the front to their dwelling they would it would be within Niagara Peninsula Conservation Authority (NPCA) 30 metre wetland allowance or possibly their regulated wetlands coincident with floodplain. Therefore, the location with the least environmental impact is to the west of their driveway with a front yard setback of 96 metres.

Since the owner wants to remove the fewest amount of trees as possible and have the least environmental impact they have applied for a minor variance to locate the accessory building just outside of the tree line to the west of the driveway and subsequently in front of the single detached dwelling (main building). To locate the accessory building in front of the main building two variance are required. The first variance that is required is to permit a proposed agricultural accessory building to be permitted in the front yard whereas Table 1-1 of the Township's Zoning Bylaw 2017-70,

as amended, identifies that an agricultural accessory building is not permitted in the front yard. The second variance that is required is to permit a proposed agricultural accessory building to be built in front of the property's main buildings with a front yard setback of 96 metres (314.96 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory agricultural building cannot be built closer to the front lot line than the property's main buildings.

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. As well, agricultural main and agricultural accessory buildings are also permitted in Good General Agricultural areas. The agricultural property in question is approximately 88.86 acres (35.15 hectares) in size.

The property is also a part of the Natural Heritage System. The specific portions of the Natural Heritage System that exist on this property are Environmental Conservation Area, Significant Woodlands, Regionally Significant Life Science Area of Natural and Scientific Interest (ANSI), Environmental Protection Area, Provincially Significant Wetlands, and Core Natural Heritage Corridor.

Development shall comply with Natural Heritage policies of the Township's Official Plan. Where detailed natural heritage and natural hazard mapping is not currently available, development applications may be required to complete necessary studies and analysis prior to the development approval. In addition, all development will be subject to Regulation 155/06 of the Niagara Peninsula Conservation Authority when a development is within or adjacent to the lands that are subject to their regulations.

The existing accessory building is behind the single detached dwelling and under the Environmental Conservation Area and Regionally Significant Life Science Area of Natural and Scientific Interest (ANSI) mapping layers. The proposed accessory building is in front of the single detached dwelling but also in front of all of the Natural Heritage System layers.

The proposed agricultural accessory building is not proposed on the Natural Heritage System and is proposed on the Good General Agricultural designation where accessory buildings, especially agricultural accessory buildings, are permitted. Township Planning Staff are of the opinion that the requested minor variances meet 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 Township's Zoning By-law 2017-70 identifies that the subject land has three zones: Agricultural 'A', Environmental Conservation 'EC', and Environmental Protection 'EP'.

The Agricultural zone permits single detached dwellings and main and accessory agricultural buildings. The proposed accessory agricultural building is a permitted use under the regulations of the Agricultural Zone.

The Environmental Conservation zone permits conservation use, passive recreation, existing buildings and structures, and new accessory buildings and structures if there is no other location to locate them on the property.

The Environmental Protection zone only permits conservation use and passive recreation.

While the applicant would not require a minor variance application if they were to re-build in the exact same location they may need to remove provincially significant trees and they would require a permit from the Niagara Peninsula Conservation Area (NPCA). The location of the existing accessory building and the single detached dwelling is under the NPCA's wetland – 30 metre allowance layer.

Where the proposed accessory building is proposed to be located it is not within the Environmental Conservation zone or the NPCA layers. However, it is in front of the single detached dwelling and therefore in the front yard.

Under Table 1-1 of the Township's Zoning By-law 2017-70, proposed agricultural accessory buildings are not permitted within a property's front or exterior side yard and are not permitted to be located closer to a front or exterior side 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.

Since the owner wants to remove the fewest amount of trees as possible they have applied for a minor variance to locate the accessory building just outside of the tree line beside the driveway and subsequently in front of the single detached dwelling (main building). To locate the accessory building in front of the main building two variance are required. The first variance that is required is to permit a proposed agricultural accessory building to be permitted in the front yard whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an agricultural accessory building is not permitted in the front yard. The second variance that is required is to permit a proposed agricultural accessory building to be built in front of the property's main buildings with a front lot line setback of 96 metres (314.96 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an

accessory agricultural building cannot be built closer to the front lot line than the property's main buildings.

While the proposed accessory building is in front of the single detached dwelling it has a proposed setback of 96 metres. Planning staff are of the opinion that this application meets the general intent of the Township Zoning Bylaw, as the proposed building will have a substantial setback from the front lot line and it is in the most environmentally friendly location, regarding tree removal and not being located within a wetland allowance.

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

Yes

The applicant has proposed to construct a proposed accessory agricultural building on the property. The property is entitled to as many type three accessory buildings that fit within the maximum lot coverage for accessory buildings and for the property. The proposed accessory building is both within the lot coverage for accessory buildings and for the lot, however it is closer to the front lot line than the main buildings.

The existing accessory building is behind the single detached dwelling and under the Environmental Conservation Area and Regionally Significant Life Science Area of Natural and Scientific Interest (ANSI) mapping layers. The proposed accessory building is proposed in front of the single detached dwelling but also in front of all of the Natural Heritage System layers.

The property owner is hoping to replace the existing accessory building with a slightly larger one. However, they are hoping to do so without removing trees and impacting the wetland. To do this they are proposing to build the proposed accessory building in the front yard with a setback of 96 metres. The owners said that when they build their proposed accessory building that they will be removing their existing accessory building. As such the Township has included a condition to this report requiring that the existing accessory building be removed prior to a building permit being issued.

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 agricultural building to be located in the front yard. The applicants are asking to have the agricultural accessory building to be located with a 96 metre (314.96 feet) setback from the front lot line. Main agricultural buildings would be required to have a front and exterior side yard setback of 20 metres while a main dwelling would be required to have a front and exterior side yard setback of 15 metres.

The proposed agricultural building is substantially farther back then required for a main

building on the property. In addition, the accessory agricultural building will substantially be less impactful to the environment in the proposed location.

As such, Township Staff believe the request for the proposed accessory building to be located in the front yard with a setback of 96 metres 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 9th, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector and Public Works Department have no objections with the application.

Regional Development Services staff have no objections to the proposed minor variance application, as the application is consistent with Provincial and Regional policies, subject to Condition of Approval.

The Niagara Peninsula Conservation Authority (NPCA) suggests that the Minor Variance applications be deferred until they have had the opportunity to review a revised plan, and/or the requested information and EIS. Furthermore, the NPCA will require that the Minor Variance review fee of \$410.00 be provided to the NPCA prior to our completion of any further reviews or approvals.

Moving the proposed accessory building 30 extra metres from the evaluated wetland would create a substantial amount of issues for the property.

- 1) The Committee of Adjustment would not be able to move forward with this minor variance application as moving the location by 30 metres would increase the extent of the requested variance.
- 2) A new variance would need to be added as accessory buildings cannot be located further than 50 metres from the property's main building.
- 3) The land in front of the property is designated as Good General Agricultural and by moving the accessory building 30 metres would be further impacting the land that could be farmed.

The Provincial Policy Statement only indicated that development shall not be permitted in significant wetlands and does not mention unevaluated wetlands. Township staff believe that the proposed location provides both the minimal amount of impact to both the environmental and to the agricultural features on the property.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on September 9th, 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.

One public comment has been received as of Sept 27th. The citizen indicated that they were an adjacent neighbour to the applicant and that they did not have any objections to application. Adding that they thought the location was the most logical spot to place it as the property's house is placed amongst the trees, and far off the road. Furthermore, they added that to place it in the back would mean tearing out a large section of protected wetlands which no one wants to see.

CONCLUSION:

A Minor Variance application has been submitted by Ronald Souter for the property municipally known as 5575 Concession 4 Road. The Minor Variance application is submitted to permit the property owners to build their proposed agricultural accessory building on the property's front yard with a setback of 96 metres. Planning staff are of the opinion that this application meets all four tests of a minor variance subject that the attached conditions are met.

ATTACHMENTS:

1. Site Sketch
2. Zoning Provisions
3. Comments

Prepared by:



Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building

LOCATION PLAN

RON SOUTER

5575 CONCESSION FOUR ROAD, SMITHVILLE, ON LOR 2A0

Attachment No 1 to COA-037-21

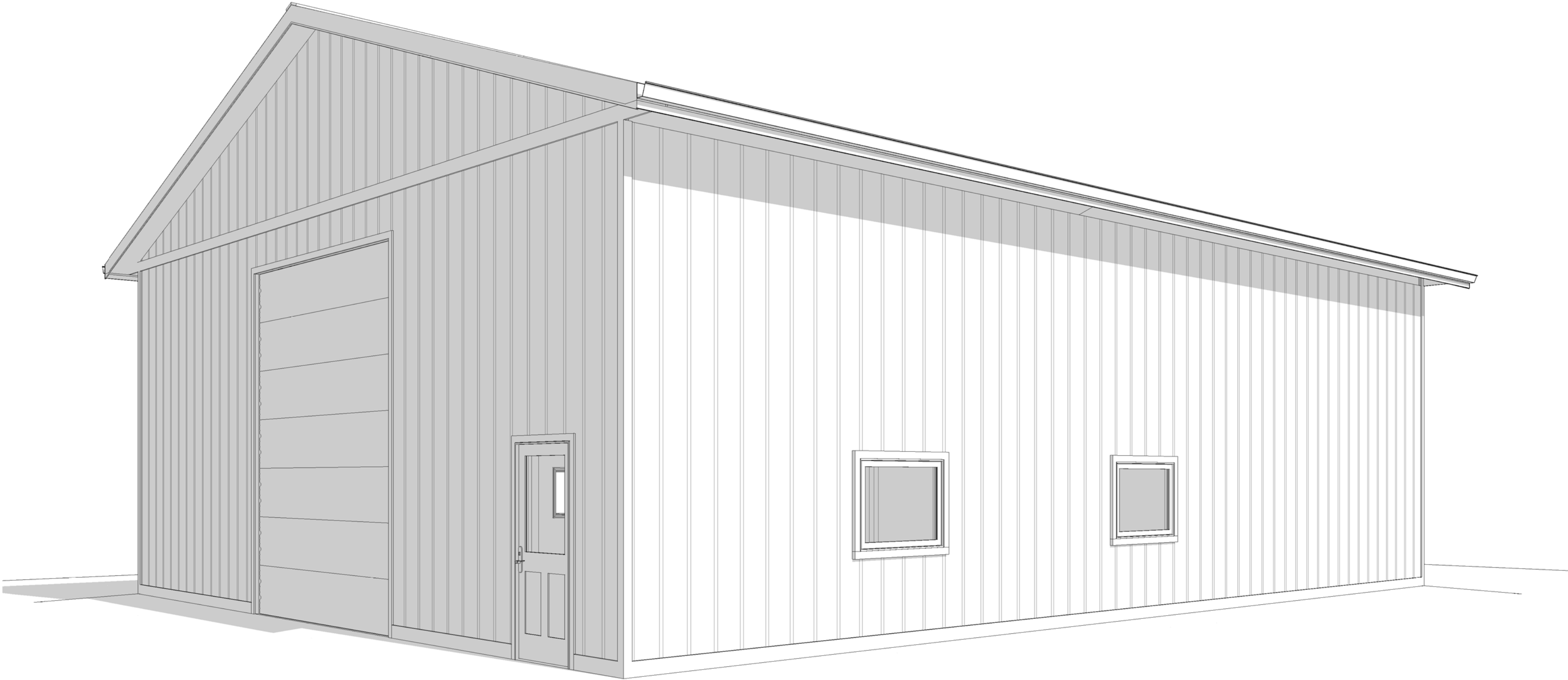
POLE BARN IMPERIAL SIZE IS 40' W x 50' L x 16' H

POLE BARN IN METRIC SIZE IS 12.192m W x 15.24m L x 4.8768m



RON SOUTER STORAGE BUILDING

5575 CONC. 4 RD.
SMITHVILLE, ON.
LOR 2A0



SHEET LIST	
SHEET NUMBER	SHEET NAME
1	TITLE
2	ELEVATIONS
3	FLOOR PLAN
4	SECTIONS & DETAILS



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

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ISSUED FOR PERMIT	2	AUG. 25/21	BB
ISSUED FOR REVIEW	1	AUG 20/21	WD
PRINTS	NO.	DATE	BY
ISSUED/REVISIONS			

RON SOUTER
STORAGE BUILDING

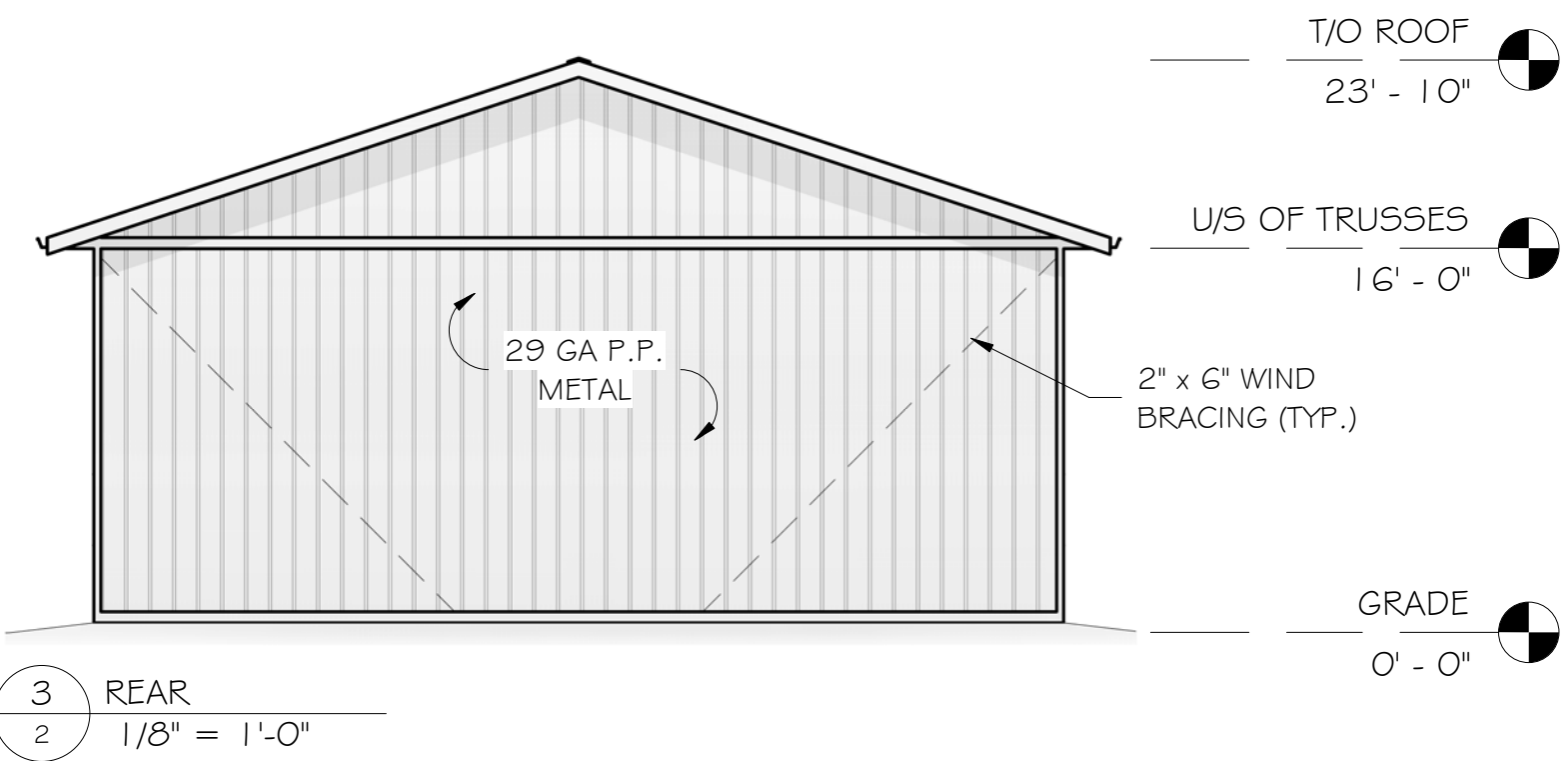
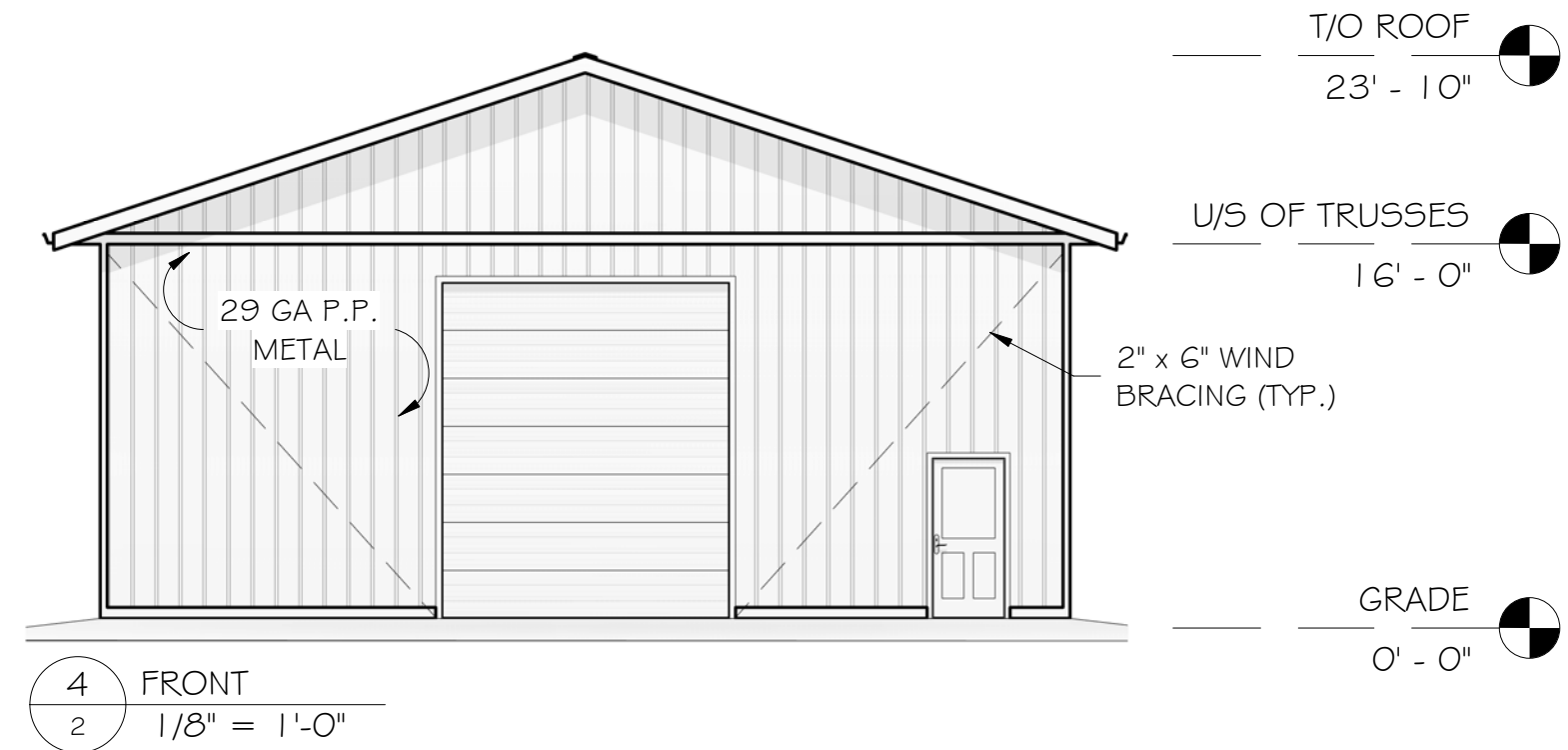
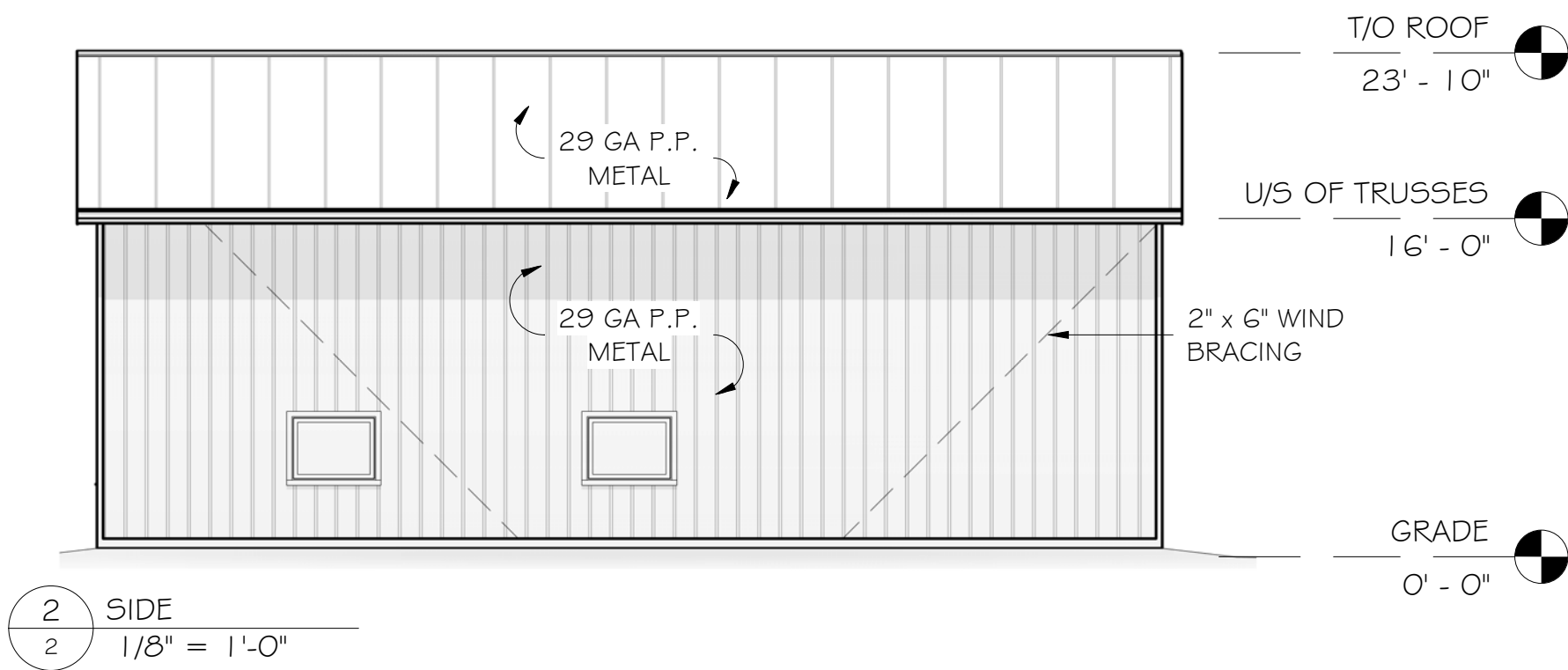
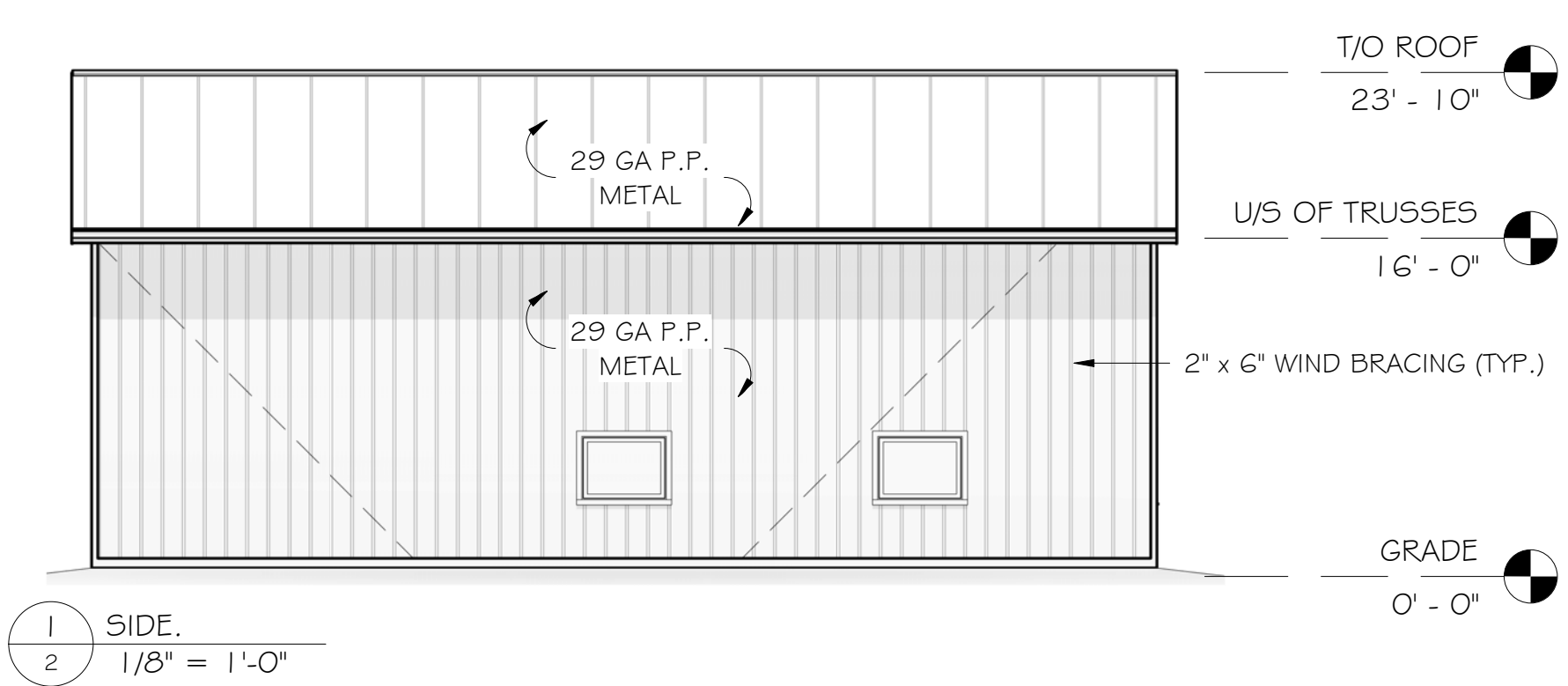
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TITLE

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DATE AUG 20/21	
SHEET 1 OF 4	



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")

SPECIFIED ROOF TOP CHORD LOADS: SMITHVILLE

- SNOW LOAD = 1.5 kPa (31.3 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)

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



1333 HIGHWAY #3
DUNNVILLE, ONTARIO
N1A 2W7
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RON SOUTER

STORAGE BUILDING

5575 CONC. 4 RD.
SMITHVILLE, ON.
LOR 2A0

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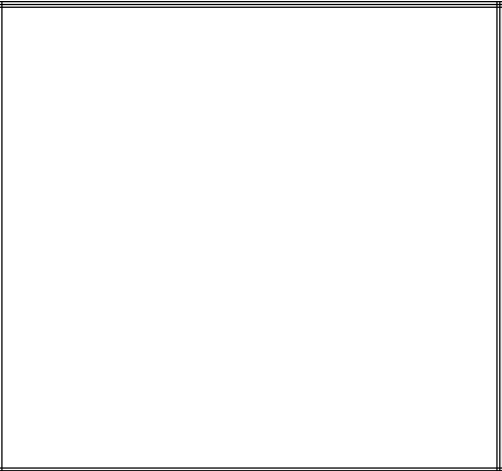
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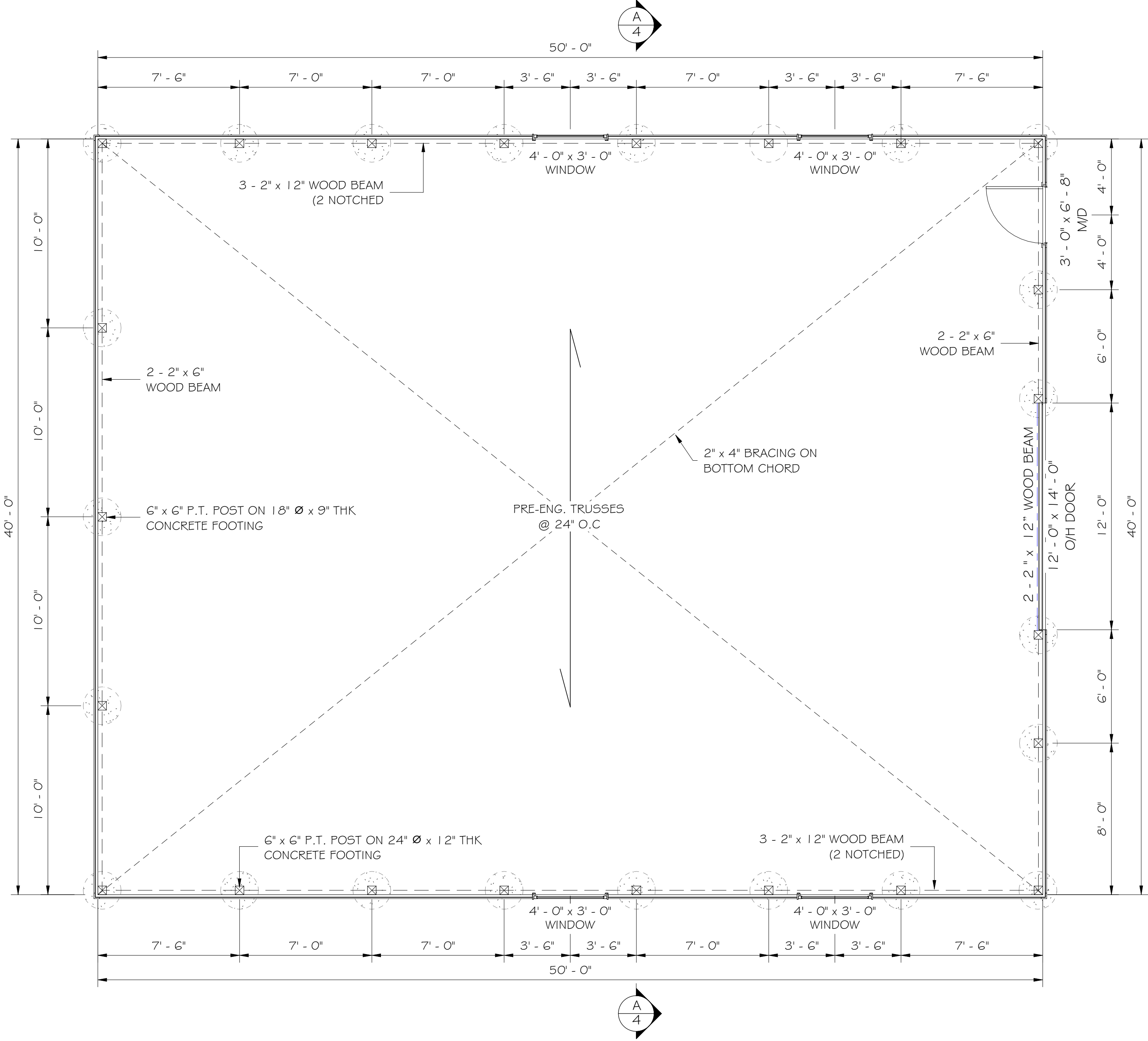
FLOOR PLAN

SCALE
1/4" = 1'-0"

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1 FLOOR PLAN
3 1/4" = 1'-0"

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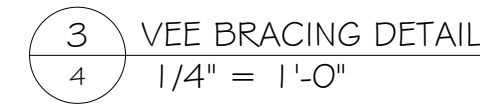
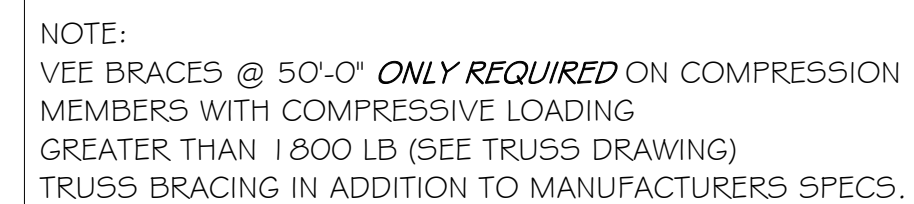
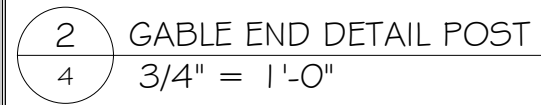
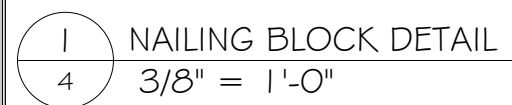
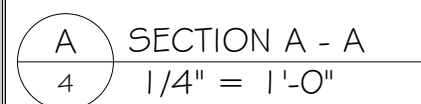
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PART 3. GENERAL PROVISIONS

3.1 ACCESSORY BUILDINGS OR STRUCTURES AND ACCESSORY USES

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

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

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

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

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

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

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

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

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

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

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

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

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

⁽²⁾ 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 ⁽¹⁾		-
	<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 ⁽¹⁾		-
	<i>Other main building</i>	20m		10m
Minimum <i>interior side yard</i>	<i>Dwelling</i>	5m	-	-
	<i>Greenhouse</i>	15m ⁽²⁾		
	<i>Mushroom farm building</i>	75m ⁽¹⁾		-
	<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 ⁽²⁾		
	Mushroom farm <i>building</i>	75m ⁽¹⁾		-
	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 ⁽³⁾		10% of <i>lot</i> area ⁽³⁾

⁽¹⁾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*.

⁽²⁾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*.

⁽³⁾*Outside storage* for purposes other than *outside display and sales areas* on the *lot* shall be located in a *rear yard* or *side yard* and screened from view from *public streets* and adjacent *lots*. 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 11. ENVIRONMENTAL ZONES

11.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 11 apply to land within the following *zones*:

Zone	Symbol
Environmental Protection	EP
Environmental Conservation	EC

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

11.2 PERMITTED USES

In the *zones* identified in Section 11.1, 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 24.

Table 24: Permitted Uses in Environmental Zones

Uses	Zones where Permitted	
Principal Uses		
Conservation use	EP	EC
Existing uses, buildings and structures ⁽²⁾		EC
Public park for passive recreation ⁽²⁾	EP	EC
Accessory Uses ⁽¹⁾		
Accessory buildings or structures and accessory uses ⁽²⁾ (see s. 3.1)		EC ⁽¹⁾

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

⁽²⁾ For the purposes of this Section, the definitions of the denoted *uses* listed in Table 24 shall be deemed to include the words “approved under a permit issued by the Niagara Peninsula Conservation Authority where the land is subject to the Niagara Peninsula Conservation Authority permit requirements under Ontario Regulation 155/06 Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, and/or on the basis of an Environmental Impact Study (EIS) approved by the *Township*, where an EIS is required as determined by the *Township* based on the Niagara Region Environmental Impact Study Guidelines.”

11.3 REGULATIONS

In the *zones* identified in Section 11.1, 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 25.

Table 25: Regulations for Permitted Uses in Environmental Zones

Regulation	Zone Requirements	
	EP	EC ^{(1), (2)}
Minimum <i>lot area</i>	-	-
Minimum <i>lot frontage</i>	-	-
Minimum <i>front yard</i>	10m	
Minimum <i>exterior side yard</i>	10m	
Minimum <i>interior side yard</i>	10m	
Minimum <i>rear yard</i>	10m	
Maximum <i>lot coverage</i>	5%	
Maximum <i>height</i>	5m	
Minimum <i>landscaped open space</i> (includes natural areas and <i>existing agricultural uses</i> excluding <i>buildings</i> and <i>structures</i>)	95%	

- ⁽¹⁾ For any *lot* that is zoned EC in its entirety, or that is zoned EC and EP but no part of the *lot* is within one or more non-Environmental *zone(s)*, the following additional regulations shall apply to the *lot*, or part thereof, that is within the EC Zone:
- a) The regulations of Section 3.1 of this By-law for *accessory buildings or structures* shall be applied according to the *existing use* of the *lot*, as follows:
 - i. For an *existing agricultural use*, the regulations of Section 3.1 applicable to *accessory buildings or structures* in an Agricultural Zone shall apply;
 - ii. For an *existing dwelling*, the regulations of Section 3.1 applicable to *accessory buildings or structures* in a Residential Zone shall apply;
 - iii. For an *existing commercial, institutional or open space use*, the regulations of Section 3.1 applicable to *accessory buildings or structures* in a Commercial, Institutional or Open Space Zone shall apply;
 - iv. For an *existing employment use*, the regulations of Section 3.1 applicable to *accessory buildings or structures* in an Employment Zone shall apply; and,
 - v. For any other *existing use*, *accessory buildings or structures* shall comply with the regulations of the EC Zone and the regulations of Section 3.1 applicable to all *accessory buildings or structures*.
- ⁽²⁾ For any *lot* that is zoned EC and that is also partially within one or more non-Environmental *zone(s)*, the following additional regulations shall apply:
- a) No new *buildings or structures* shall be permitted within the EC zoned portion of the *lot* where the *buildings or structures* can be located in the non-Environmental zoned portion of the *lot* in compliance with the regulations of the applicable non-Environmental *zone*; and,
 - b) For an enlargement, repair, renovation or replacement of an *existing building or structure* on the *lot*, the regulations of the non-Environmental zoned portion of the *lot* shall also apply to the EC zoned portion of the *lot*, and the regulations of Section 3.5(d) shall apply to the enlargement, repair, renovation or replacement of a *building or structure* that does not comply with the regulations of the applicable non-Environmental *zone*; and,
 - c) The regulations of Section 3.1 of this By-law for *accessory buildings and structures* for the applicable non-Environmental *zone* shall apply to both the EC zoned portion of the *lot* and the non-Environmental zoned portion of the *lot*.



Planning Application Review

Application Number:	A26/2021WL
Date:	September 16, 2021
Property Address:	5575 Concession 4
Project:	Accessory building.

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

Via email only

September 24, 2021

File No.: MV-21-0080

Meghan Birbeck, Planner
Township of West Lincoln
318 Canborough Street
Smithville, ON
L0R 2A0

Dear Ms. Birbeck:

**RE: Regional Comments
Minor Variance Application A26/2021WL
5575 Concession 4 Road
Township of West Lincoln**

Regional Development Services staff have reviewed the information circulated for this minor variance application. The proposal is to permit a proposed agricultural accessory building to be permitted in the front yard, and to permit a proposed agricultural accessory building to be built in front of the property's main buildings. The owners have indicated that no tree removal is required to allow for the construction of the proposed structure.

The following Provincial and Regional comments are provided to assist the Committee in considering this application.

Core Natural Heritage System

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the St. Anns Slough Forest Provincially Significant Wetland Complex (PSW), North Bismark Slough Forest Regionally Significant Life Science Area of Natural and Scientific Interest and Significant Woodland. The property is also mapped as part of the Growth Plan (2019) Provincial Natural Heritage System (NHS). As such, these features are considered Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF) and the natural heritage policies identified in the Provincial Growth Plan apply accordingly.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 metres (m) of a KNHF/KHF. Regional policies similarly require the completion of an Environmental

Impact Study (EIS) when development and/or site alteration is proposed within 120 m of PSW and within 50 m of Significant Woodland. Further, Growth Plan policies also generally require that a minimum 30 m Vegetation Protection Zone (VPZ) as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation. Development and/or site alteration is not generally permitted within a KNHF or its VPZ.

However, Growth Plan policies provide exemptions for accessory buildings, subject to demonstration that the use does not expand into KNHF/KHF or VPZ unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure. The accessory structure is within the 30 m VPZ of Significant Woodland. As such, the Region requires written justification that there is no other alternative location outside the 30 m VPZ on the property.

If the applicant cannot provide this information, the barn will need to be moved outside of the 30 m VPZ of all KNHF/KHF.

EIS Review Fee: Terms of Reference - \$405
EIS Review Fee - \$2270 (minus TOR Review Fee)

Summary

Regional Development Services staff have no objections to the proposed minor variance application, as the application is consistent with Provincial and Regional policies, subject to Condition of Approval provided below and to the satisfaction of any local requirements.

Condition of Approval

1. That written justification is provided to the Region for approval, confirming that there is no alternative location for the accessory structure on the property, to conform to Growth Plan policies.

Should you have any questions concerning the above noted comments, please contact Lori Karlewicz, Planning Ecologist at 905-980-6000 ext. 3396 or lori.karlewicz@niagararegion.ca or alternatively please contact Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or cara.lampman@niagararegion.ca.

Sincerely,



Lori Karlewicz, B.Sc.
Planning Ecologist

Cc: Cara Lampman, Manager of Environmental Planning, Niagara Region
Aimee Alderman, Senior Development Planner, Niagara Region
Katie Young, Development Planner, Niagara Region

September 24, 2021

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

VIA EMAIL ONLY

NPCA FILE NO.: PLMV202101321

**SUBJECT: NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA) COMMENTS FOR
MINOR VARIANCE APPLICATIONS AT 5575 CONCESSION ROAD 4 IN THE
TOWNSHIP OF WEST LINCOLN – FILE NO. A26/2021WL**

The NPCA has reviewed the proposed Minor Variance applications at the subject property, 5575 Concession Road 4, West Lincoln. As part of the Township's review process, the NPCA has been circulated the application for review due to the presence of Regulated Areas on the property. Based on our review, we offer the following comments.

1. The subject property appears to be impacted by NPCA regulated Watercourses, Unevaluated Wetlands, and Provincially Significant Wetlands (PSW). Please note that development or site alteration within 15 metres of a Watercourse or within 30 metres of a Wetland requires review and approval, and possibly work permits from the NPCA.
2. NPCA staff note that the proposed agricultural accessory building is located within 30 metres of an Unevaluated Wetland. NPCA staff recommend that the proposed barn be relocated such that it is at least 30 metres away from the Wetlands on site. Should the building (and any associated site alteration) be relocated to be at least 30 metres from the mapped Wetlands, and 15 metres from the Watercourses on the subject property to the satisfaction of the NPCA, then NPCA staff will not have any further objections to the proposed development.
3. Should the applicant wish to proceed with the currently proposed location, NPCA staff will require that the wetland features be identified and delineated by a qualified ecologist during the growing season. The growing season is approximately between May to mid-October in the NPCA watershed. NPCA staff will review the proximity of the proposed development from the identified and delineated Wetland features. Please note that this may involve a site visit by NPCA staff.
4. Furthermore, please be advised that to support proposed works or undertakings that may negatively impact NPCA regulated features, an Environmental Impact Study (EIS) is typically required. NPCA staff can assist with scoping of EIS requirements to demonstrate that NPCA Policy, Regulation and other guidelines are met.
5. Please note that the NPCA's review fee of \$410.00 for the review of this application is outstanding.

Conclusion

The NPCA would like to suggest that the Minor Variance applications be deferred until we have had the opportunity to review a revised plan, and/or the requested information and EIS mentioned above. Furthermore, the NPCA will require that the Minor Variance review fee of \$410.00 be provided to the NPCA prior to our completion of any further reviews or approvals.



Yours truly,

A handwritten signature in blue ink, appearing to read "Nikolas Wensing".

Nikolas Wensing, Watershed Planner
Niagara Peninsula Conservation Authority

5575 Concession Road 4, West Lincoln



9/14/2021, 4:25:46 PM

Roads

Corporate Watershed Divide NPCA

NPCA APPROXIMATE REGULATION LANDS

Wetland Allowance

Regulation Wetlands

OWES WETLANDS

Non-Provincially Significant Wetland

Provincially Significant Wetland

Top of Slope Allowance

Top of Slope Features

Stable

Unstable

Regulated

Reaches Draining 125ha Requiring FPM

Regulated

Cross Sections Inventory

XSCutline

Assessment Parcels

2K Hydrography

2K HydroPoly

Natural Areas (Large Scale)

NPCA, Brian Lee, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

City of Welland, Haldimand County, Niagara Region, Regional Municipality of Niagara, Cross Section of Ontario, Ontario MNR, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, AAFC, NRCAN | Brian Lee | NPCA | <https://www.ontario.ca/page/open-government-licence-ontario> | Page 65 of 66

Meghan Birbeck

From: Mike Kooiman [REDACTED]
Sent: September 20, 2021 5:44 PM
To: Meghan Birbeck
Subject: A26/2021WL - Souter

To the Planning Committee.

Being the adjacent neighbour to this building we have no objections and think it is the most logical spot to place it. Seeing as their house is placed amongst the trees, and far off the road. To place it in the back would mean tearing out a large section of protected wetlands which no one wants to see.

As far as it being in the front yard, it really looks more like a side yard, with their front yard being a well maintained pond surrounded by gardens, in front of their home.

I hope this provides some insight to the property and the permits and planning involved in the adding this building.

Mike and Meredith Kooiman

[REDACTED]