

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

Wednesday, October 27, 2021, 7:00 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

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

| | Pages |
|--|--------------|
| 1. CHAIR | |
| The Chair will call to Order the evening's proceedings. | |
| 2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST | |
| 3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT | |
| 4. APPLICATIONS | |
| a. B13/2021WL – Sikkens (Agent: Chris Attema) (Roll No.: 260201000126600): 7330 Concession 3 Road 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. | 3 |
| b. A27/2021WL – Neville Property Address: 20 Wallis Ave A minor variance application has been applied for that is required to permit a proposed carport addition to be built with a south side yard setback of 0.91 meters / 91.44 centimeters (36 inches) whereas Table 14 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the minimum interior side yard setback for a Residential Low Density Type 1B 'R1B' property is 1.5 metres (59.1 inches). | 35 |
| c. A28/2021WL – Zwaagstra Property Address: 6662 Vaughan Road West A minor variance application has been applied for that is required to permit a proposed Type 2 Agricultural Accessory Building to be built with a height of 6.7 metres (21.98 feet) whereas Table 1- 1 of the Township's | 50 |

Zoning Bylaw 2017-70, as amended, identifies that the maximum height for a Type 2 Agricultural Accessory Building is 5.5 metres (18.05 inches).

- d. A29/2021WL – Spring Creek Quail Farms 97
Property Address: 3625 Sixteen Road

A minor variance application has been applied for that is required to permit the decrease in the minimum distance separation (MDS) setback for a proposed quail livestock barn from 176 metres to 103 metres.

- e. A30/2021WL – England 113
Property Address: 2897 South Grimsby Road 7

A minor variance application has been applied for that requests two variances. The first variance that is required is to permit a proposed Type 2 Agricultural Accessory Building to be built with an interior side yard setback of 1 metres (3.28 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the minimum interior side yard setback for a Type 2 Agricultural Accessory Building is 2 metres (6.56 feet). The second variance that is required is to permit a total lot coverage 17.2% to allow for the proposed Type 2 Agricultural Accessory Building whereas Table 12 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum lot coverage for an Agricultural property is 10%.

5. MINUTES FOR APPROVAL

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: October 27th, 2021

REPORT NO: COA-038-21

SUBJECT: **Recommendation Report**
Application for Consent by Jonathan and Crystal
Sikkens (Agent- Chris Attema)
File No. B13/2021WL

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

OVERVIEW:

- An application for surplus farm dwelling severance has been submitted for 7330 Concession 3 Road.
- This application proposes Parcel 2 - 32.66 hectares (80.7 acres) to be retained for ongoing agricultural use and parcel 1- 0.844 hectares (2.085 acres) to be severed for residential purposes.
- If this application is approved, a Zoning By-law Amendment application will be required to rezone the retained agricultural lands to 'APO' (Agricultural Purposes Only), and the severed residential lands to 'RuR' (Rural Residential).
- Staff have added a condition that both another farm with a house and the subject farm be in identical ownership in order to meet the requirements of a surplus farm dwelling.
- The applicant has provided a Planning Justification Letter for justification for the larger lot size. This is included as Attachment 2 to this report.
- The application has been reviewed in accordance with Section 51(24) of the Planning Act, Provincial, Regional and Township Policy and has been deemed to meet these criteria.
- Planning Staff recommend the approval of this application, with the attached 14 conditions, one of which requires changes to the proposed lot size to reduce the lot size to closer to 1 acre.

RECOMMENDATION:

That, report COA-038-21, regarding an application for Consent made by Jonathan and Crystal Sikkens (Agent- Chris Attema), BE APPROVED; subject to the following conditions:

1. That the approval applies to the transaction as applied for, subject to the

revisions as required in condition 3.

2. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. That the proposed lot lines be revised to exclude the barn from the Residential lot and to create a lot size closer to 0.4 ha, to the satisfaction of the Director of Planning.
4. That the applicant applies for, and received approval of, a Zoning by-law amendment application that recognizes the small residential holding and precludes any residential development on the retained agricultural property and address any zoning deficiencies.
5. That, the sewage system servicing the dwelling be required to comply with the requirements of Part 8 (Sewage Systems) of the Ontario Building Code to the satisfaction of the Township of West Lincoln's Building Department.
6. That evidence be provided that the severed farmland and another area parcel of farmland with an existing house on the property are in the same name, which will qualify the farmer for a surplus farm dwelling severance.
7. That the Barn identified on the survey sketch prepared by Rash and Hyde, dated July 13, 2021, be removed to the satisfaction of the Township Building Department.
8. That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.
9. That a cash-in-lieu of parkland dedication fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
10. That all municipal requirements be met to the satisfaction of the municipality including servicing connection if required, cash-in-lieu of park land dedication, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
11. That, 911 PERS signage standards be satisfied and clarification be provided to appropriate agencies about addresses of each new parcel to the satisfaction of the Director of the Planning and Building Department.
12. That the owner dedicates a road widening that enables the right-of-way to equal the required 20 metres to the Township of West Lincoln across the frontage of Concession 3 Rd for Parcel 3. Where a road widening is greater

than 150m in length, as is the case here, the Township does contribute to the cost of having the survey completed and dedicating the parcel to the Township.

13. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary Treasurer.
14. That all conditions of consent be fulfilled within one year from the date of the notice of decision pursuant to the subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

ALIGNMENT TO STRATEGIC PLAN

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

BACKGROUND:

A consent application has been submitted by Chris Attema (Agent) on behalf of Jonathan and Crystal Sikkens for the property located at 7330 Concession 3 Road. This application proposes to sever off 0.844 hectares (2.085 acres) of residential land from the subject property as part of a surplus farm dwelling severance. The retained agricultural land will be 32.66 hectares (80.7 acres) and would contain a wind turbine.

The subject lands are legally described as Concession 3, Part Lot 2 in the former Township of Caistor, now in the Township of West Lincoln, municipally known as 7330 Concession 3 Road. The subject lands are located to the south of Concession 3 Road, west of Caistor Gainsborough Townline Road and east of Lymburner Road (See attachment 1).

The submitted supporting documents indicate that the Sikkens own approximately 271 acres and rent 803 acres of farmland for cash crop production. The applicants have indicated that the property to which this property is surplus to and that is in identical ownership is known municipally as 7377 Concession 3 Road with a total of 99.62 acres (40 hectares) and a single detached dwelling.

A pre-consultation meeting was had for this application on February 18, 2021. Following the meeting the applicants were provided with comments from the Township, Region, and NPCA. Within the Regional comments it was asked that the applicants provide a justification letter written by the owner and their agent providing the reasons as to why the barn and pond are required to remain with the future rural residential lot (and therefore exceed the size outlined in the Regional Official Plan). The requested documentation from the Pre-Consultation did not come in with this application initially, which is why the application was not heard at the September 27th, 2021 Committee of Adjustment meeting.

A phone call was had with the agent prior to the reports being finalized for the September 27th meeting to identify that the required paperwork was not initially submitted. In turn an email was sent to the agent to further highlight what would be

needed for the adjured meeting. This email identified that the Township required the following to proceed with the consent application:

1. Justification letter for larger lot size – indicating if the well was located within the identified barn on the provided sketch.
2. Understanding of that ‘unfarmable’ triangle that this proposed severance will create behind your neighbours.
3. Understanding about if the proposed residential lot will have any issues with the wind turbine easement being partly over the residential lot.
4. Understanding of the need to provide the Township with a portion of road allowance free and clear of encumbrances, including any mortgages or easements relating to Borelex.

Chris Attema (agent) has prepared a justification letter which addresses reasoning behind the proposed .844 hectares (2.05 acres) surplus farm severance application. This can be found as (Attachment 3) to this report. But is outlined as follows;

1. The proposed severance will enable the retention and preservation of the approximately 150-year old barn on the severed parcel. The internal structure and timbers in the barn remain in excellent condition. While no longer suitable for housing livestock it would be useful as a workshop and storage area for the severed residence. There is less likely to be arson & vandalism & theft in this old barn if it remains with the dwelling and is utilized as a storage and workshop area. The barn is more likely to remain standing if it remains with the dwelling. (see Appendix 1 for additional details).
2. The power supply for the well providing water to the dwelling property is connected to the barn.
3. The barn is too small to be of any practical use to the farm. In addition, if the barn is severed from the dwelling property there will need to be a separate electric meter for the barn.
4. With the proposed severance boundary the amount of land the practical to cultivate and farm will be no different than it is today (see Appendix 2).
5. The existing gravel lane providing access to the wind turbines are located completely on the retained parcel. (see Appendix 2)
6. It is understood that there will be a need to provide the Township with a portion of road allowance free and clear of encumbrances, including any mortgages or easements relating to the wind turbine company (Borelex)

CURRENT SITUATION:

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. In accordance with Policy 2.3.4.1 c) of the PPS, lot creation in prime agricultural areas is discouraged and may only be permitted for a residence surplus to a farming operation

as a result of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and, the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

Evidence has been provided that Jonathan and Crystal Sikkens are bonafide farmers and thus, qualifies for a surplus farm severance, provided that the farmer owns two farms with dwellings that are in the same name as the subject property.

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

Discussion around lot size is found later in this report.

A Place to Grow (2019)

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. Section 4 of the Growth Plan provides policy direction related to protecting natural features and areas and the diverse agricultural land base throughout the Greater Golden Horseshoe. In relation to the proposed severance application Section 4.2.6 (Agricultural Systems) of the P2G applies.

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

Greenbelt Plan (2017)

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

Regional Official Plan

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

The Niagara Region Official Plan (ROP) is the guiding planning document for the physical, economic and social development of the Niagara Region. Policies and objectives for the Region's rural and agricultural areas are contained within Section 5 of

the ROP and are intended to provide for the preservation of agricultural lands for agricultural purposes and ensure development patterns within the agricultural and rural areas do not result in land use conflicts for agricultural uses.

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

The ROP also states that the size of any new lot does not exceed an area of 0.4 hectares except to the extent of any additional area deemed necessary to support a private water supply and sewage disposal system. The proposed severed residential lot is ± 0.844 hectares (± 2.085 acre) which is above the maximum permitted size. More discussion on lot size can be found below.

Township of West Lincoln Official Plan

The subject lands are designated as Good General Agriculture in the Township's Official Plan (OP). The Township Official Plan allows for surplus farm severances in the Good General Agricultural area where it can meet the following criteria:

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

Jonathan and Crystal Sikkens are bonafide farmers, which can be seen from the list of land submitted with their application. This list shows the land they own and rent for farming purposes. The applicants have indicated in their application that 7377 Concession 3 Road is their main farm, which will qualify them for a severance. This property is currently in the name of Jonathan and Crystal Sikkens which is the same name in which the subject lands are under, which will qualify them for a severance.

A requirement in the Official Plan is that the severed residential lots are no larger than 0.4 hectares, unless additional lands are needed for servicing, then a maximum of 1 hectare is applied. The proposed lot to be severed for residential purposes is 0.844 hectares in size (2.085 acres) which is over the permitted size. It appears that the well for the dwelling is not located within the barn, but only the electrical servicing for the well pump. Further, the barn appears to be in poor condition and would most likely not meet the current building code for residential accessory buildings. Therefore, staff are requesting that the barn be removed and that the lot area be reduced closer to 1 acre. This would result in a rear lot line that carries on the same trajectory from the neighbor to the east, creating a rear lot line parallel to Concession 3 Road. If the Committee approves this condition (Condition 3), then it would be to the satisfaction of the Director of Planning to approve the final lot configuration. Staff believe that this revision is needed to the survey sketch to be in alignment with the Township Official Plan policy. The letter of justification provided by Mr. Attema does not provide evidence that the additional lands are needed for servicing.

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

A condition for a rezoning application has been added to Staff's recommendation. This rezoning application would rezone the remaining agricultural land to APO.

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

There is only one existing dwelling on the property.

- ii. Farm Help houses are not eligible for surplus farm dwelling severances.

The existing house was not built as a farm help house.

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

Township Zoning By-law

The property is currently zoned Agricultural 'A', and Environmental Protection 'EP'. In order to meet zoning regulations, the retained agricultural land is required to be rezoned from Agricultural 'A' to Agricultural Purposes Only 'APO' with a site specific exception. This site specific exception is required to recognize a deficient lot size of 31.0 hectares whereas 39 hectares is required. The severed farm dwelling will need to be rezoned from Agricultural 'A' to Rural Residential 'RuR'.

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.

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

The Niagara Region has indicated that in order to ensure that the surplus farm dwelling severance is consistent with the Provincial Policy Statement and conforms with the Regional Official Plan, additional information should be provided to the Committee to justify the proposed lot size of Parcel 1. Should Township staff and the Committee be satisfied that the barn located on Parcel 1 is required to support the proposed rural residential use, Regional staff will require that Parcel 2 be rezoned to Agricultural Purposes Only (APO) to preclude its use for future rural residential purposes.

PUBLIC COMMENTS:

Circulation by way of mail was given to property owners within a 120m radius of the subject property on September 9th 2021. A Yellow sign was posted on the property a minimum of 14 days before the hearing.

No public comments were received at the time of writing this report.


CONCLUSION

Planning Staff have reviewed all applicable Provincial, Regional and Township policies as they relate to the proposed application and conclude that the proposal meets the intent of these policies with exception of lot area. Accordingly, planning staff recommend approval of the consent application for Jonathan and Crystal Sikkens to sever off a dwelling surplus to their needs subject to the attached 14 conditions. One of these conditions requires the submission of a new survey showing a smaller lot size.

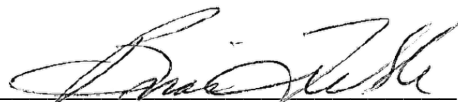
ATTACHMENTS

1. Severance Sketch
2. Pre-consultation Form
3. Planning Justification Letter
4. Agency Comments

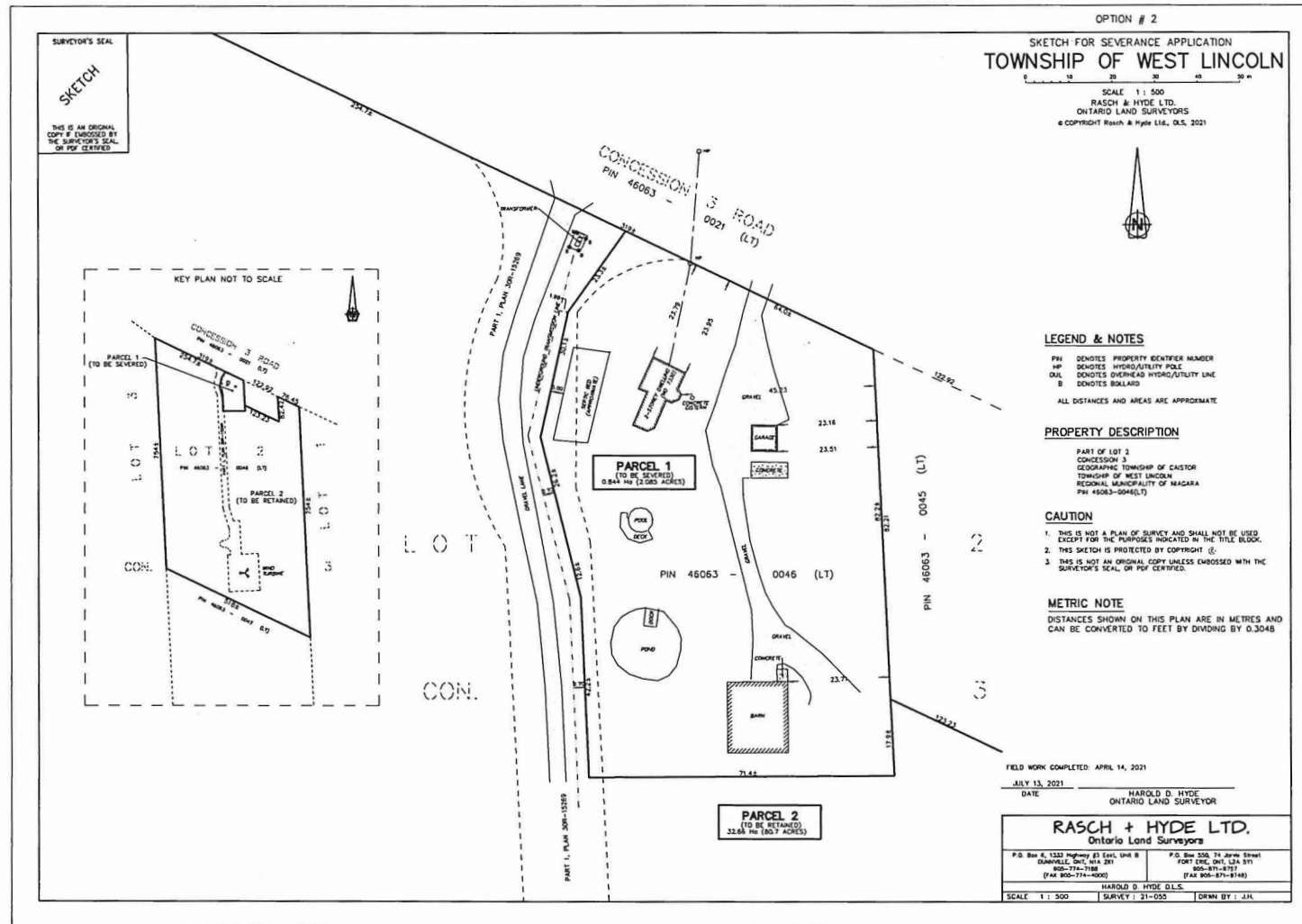
Prepared by:

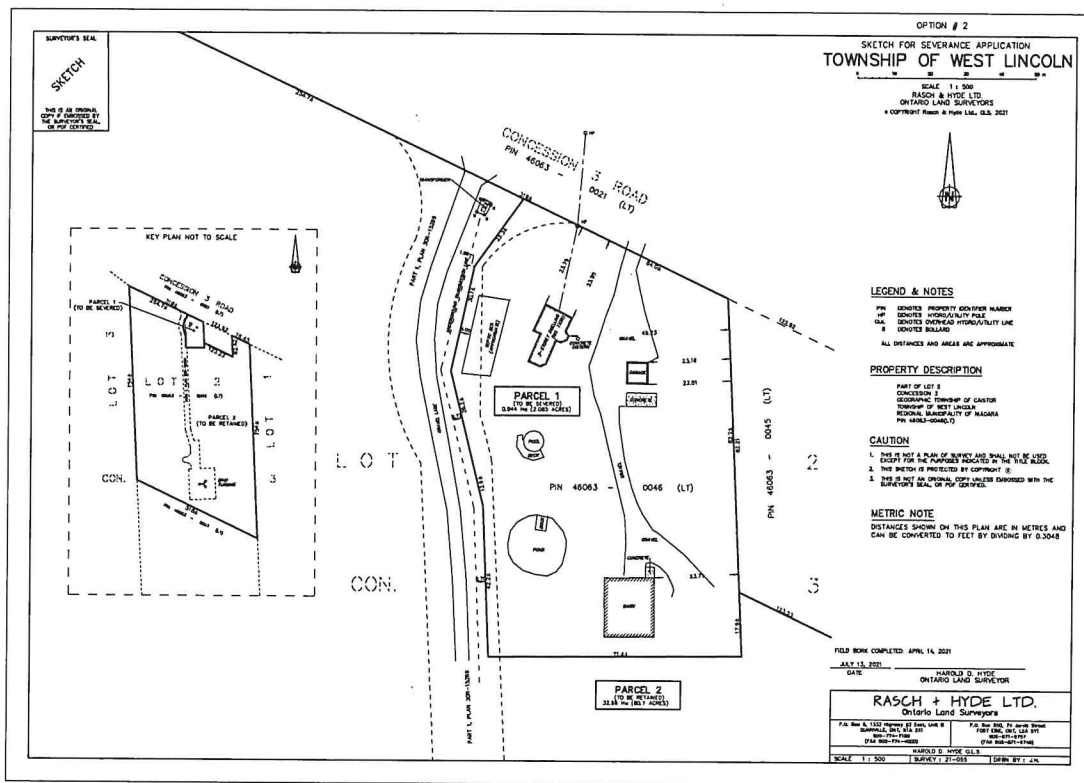


Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building





Rasch & Hyde Ltd.
Ontario Land Surveyors

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Harold D. Hyde, OLS

Date: August 30, 2021
Job No.: 21-055

Location of Subject Lands

Part of Lot 2, Con. 3 Caistor, now in the Township of West Lincoln, Regional Municipality of Niagara (and being No. 7330 Concession 3 Road).

I, Harold Hyde, OLS, who has prepared a survey sketch for the registered owner(s) of the above lands, hereby authorize the Township of West Lincoln Committee of Adjustments to copy, circulate or use said sketch for the purposes of a Consent Application, or a Committee of Adjustments Application, as required.

Dated at the Dunnville offices of Rasch & Hyde Ltd., in Haldimand County, this 30th day of August, 2021.



Harold Hyde, OLS
Rasch & Hyde Ltd.
21-055 Severance Sketch Authorization

Pre-consultation Meeting Form

Persons intending to make an application for a proposed development are required to consult with planning staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

Individuals who make written submissions with respect to a Planning Act application should be aware that their submission and any personal information in their correspondence will become part of the public record and made available to the Applicant, Committee and Council.

Pre-Consultation Meeting Date: February 18, 2021

Site Address: 7330 Concession 3 Road **Approximate Land Area (metric):** 40.21 Hectares

Site Legal Description: Concession 3, Part Lot 2, Former Township of Caistor

Owner Contact Information:

Name of Owner: SIKKENS CRYSTAL ANN and SIKKENS JONATHAN MICHAEL

Phone Number: _____ Email: Jonathan Sikkens smallpigfamily@gmail.com

Principal Contact: CHRIS ATTEMA

Phone Number: _____ Email: Chris Attema chrisattema@gmail.com

Application Type:

- ☐ Official Plan Amendment (OPA)
☒ Zoning Bylaw Amendment (ZBA)
☐ Combined OPA/ZBA
☒ Consent – Severance to Create New Lot ☒ Boundary Adjustment ☐ Consent – Easement ☐
☐ Minor Variance
☐ Draft Plan of Subdivision
☐ Draft Plan of Condominium – Standard ☐ Vacant Land ☐ Common Element ☐

Local Municipal Contact: Gerrit Boerema **Phone:** 905-957-5133 **Email:** gboerema@westlincoln.ca

1. Brief description of proposed development:

The applicants are proposing to sever a farm dwelling that has become surplus to their needs along with approximately 2 acres of land containing a barn. The proposed retained farmland has a wind turbine and access road directly to the west of the proposed lot.

2. Check All Applicable: ☐ Brownfield ☐ Greenfield ☐ Built-up ☐ Greenbelt ☐ Local CIP Area ☐

3. Development Charges: Regional ☐ By-law 62-2012, Local ☐ By-law 2009-63

4. Existing Regional Policy Plan Designation: Good General Agricultural Areas

Conformity with Regional Policy Plan land use designations and policies? : yes ☐ no ☐ unknown ☐

If 'No', what is the nature of the amendment needed? _____

5. Existing Local Official Plan Designation: Good General Agricultural Area

Conformity with Official Plan land use designations and policies? ☐ Yes ☐ No

6. Existing Zoning: Agricultural 'A', Environmental Protection 'EP' and Environmental Conservation 'EC'
Conformity with existing zoning?: NO
If 'No', what is the proposed zoning: The proposed severed surplus lot will need to be rezoned to rural residential and the retained agricultural lands to Agricultural Purposes Only to prohibit any future residential uses.
7. Urban Design Guideline Applicable? NO
8. Is Site Plan approval required? NO
9. Open House Required? NO
10. Fees Required at time of Submission of the Application

| Application | Township Planning Department | Region of Niagara | Niagara Peninsula Conservation Authority | Other Fees |
|--------------------------------|------------------------------|-------------------|--|------------|
| Regional Policy Plan Amendment | | | | |
| Local Official Plan Amendment | | | | |
| Zoning By-law Amendment | \$3,400.00 | | | |
| Plan of subdivision | | | | |
| Plan of Condominium | | | | |
| Consent | \$2,320.00 | \$885.00 | \$570.00 | |
| Final Certification | \$365.00 | | | |
| Other – Parkland Dedication | \$1,000.00 | | | |
| TOTAL | | | | |

- Notes on Fees:
- Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.

• Further fees may be required at a later date as per the fee schedule by-law.

• Separate cheques shall be made payable to the appropriate agency.

• In addition to all application fees set out above, the applicant shall pay to the Township prior to final approval, all peer review fees, engineering review costs and legal fees incurred by the Township in reviewing the application.

11. Development Charges (if applicable)

| | Township Fee Rate | Region of Niagara Fee Rate | Notes |
|---|-------------------|----------------------------|-------|
| Building Permit Fee | | | |
| | | | |
| Conditional Permit (if applicable) | | | |
| Municipal Development Charge | | | |
| Site Specific Development Charge - Sanitary | | | |
| Site Specific Development Charge - Storm | | | |
| Site Specific Development Charge - Water | | | |
| Development Charge Credits | | | |
| Other | | | |
| TOTAL | | | |

12. Additional Agencies to be contacted:
- ☐ HYDRO

☐ PIPELINES

☐ OTHER

TOWNSHIP PLANNING The Township Official Plan permits surplus farm severances where an eligible bona-fide farmer retains for receives surplus agricultural lands. New policies for surplus farm dwelling severances came into effect in August of 2018. The current policies are attached (Section 18.13.. A bona-fide farmer is the only one permitted to make applications for surplus farm dwelling severances. The bona-fide farmer needs to have a primary residence in a farm name or personal name which they plan on placing the severed agricultural lands, or the lands need to be merged with an abutting parcel. The retained house needs to be as close to one acre as possible. The current rules state that the residential lot cannot exceed 1 hectare in size, and that it is shown that the additional land is needed for servicing. The severed residential lot should be as regular shaped as possible, not creating areas where farm equipment would be inaccessible on the retained farmland. If the barn is to remain with the farmland and is permitted to remain by the Committee of Adjustment, then an undertaking or decommissioning would be required to prevent it from being used for livestock. The proposal will require that the farmland will need to be rezoning to Agricultural Purposes Only to prevent any future residential uses. The applicant will need to have a survey sketch prepared showing the accurate location of the septic bed, all buildings and structures. The sketch should show the agricultural lands as severed. Conditional severance approval typically takes 2 -3 months, following the applicant must complete all conditions within one year. A septic evaluation is needed as well as MDS setback calculations for the new proposed lots.

REGION OF NIAGARA

Provincial and Regional policies permit surplus farm dwelling severances provided that the size of the new rural residential lot is kept to a minimum lot size needed for private servicing. The ROP directs that the size of these lots be 1 acre in area, unless additional land is needed for private servicing. The proposed lot will be 0.87 hectares in area (2.14 acres), to include an existing barn and pond; the applicant will be required to submit information/justification as to why the barn and pond are required to remain with the future rural residential lot (and therefore exceed the size outlined in the Regional Official Plan).

NPCA

The NPCA will have no objections as the proposed lot lines do not bisect any NPCA regulated features. However, I do note that the proposed lot line bisects the 15 metre buffer associated with an NPCA regulated Watercourse. The applicant should be informed that any proposed works (development or site alteration) within 15 metres of an NPCA regulated Watercourse will need to be circulated to the NPCA for review and approval.

TOWNSHIP PUBLIC WORKS

As per the Public Works Severance Application Condition Request Policy POL-PW-1-18, a road widening is requested where the right-of-way of a Township road is deficient of the required 20m. Concession 3 Rd is deficient of the 20m right-of-way, therefore Public Works requests a road widening along the length of the property. It will be approximately 1m wide, the surveyor will confirm this. Where the road widening is greater than 150m in length, which is the case here, the Township does contribute to the cost of having the survey completed and dedicating the parcel to the Township. A copy of the policy POL-PW-1-18 has been provided for reference. If there are any questions, please contact Public Works.

TOWNSHIP BUILDING

The Township Building Department have no comments at this time.

14. Site Visit: _____

15. Incentive Programs: _____

16. Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer.

| Local | Region | NPCA | Reports, Studies, Plans (See Notes for additional details) | No. of Copies | | Notes |
|-------|--------|------|---|---------------|-------|-------|
| | | | | Digital | Paper | |
| ✓ | ✓ | | Justification letter for lot size over 1 acre | ✓ | 5 | |
| | | | Conceptual Site Plan, Subdivision Plan | | | |
| ✓ | ✓ | ✓ | Survey Sketch | ✓ | 5 | |
| | | | Draft Regional Policy Plan Amendment | | | |
| | | | Draft Local Official Plan Amendment | | | |
| | | | Land Use/Market Needs* | | | |
| | | | Urban Design/Landscape Plans | | | |
| | | | Archaeology Assessment | | | |
| | | | Cultural Heritage Impact Assessment* | | | |
| | | | Environmental Impact Study | | | |
| | | | Environmental Planning Study/ Sub-Watershed Study | | | |
| | | | Tree Inventory Preservation Plan | | | |
| | | | Floodplain and Hazard Lands Boundary Plan | | | |
| | | | Geotechnical | | | |
| | | | Environmental Site Assessment | | | |
| | | | Air Quality/Noise & Vibration Study* | | | |
| | | | Agricultural Impact Assessment | | | |
| | | | Farm Operation and Ownership | | | |
| ✓ | | | Minimum Distance Separation I & II | ✓ | 5 | |
| | | | Mineral Aggregate Resources | | | |
| | | | Municipal Servicing Study | | | |
| | | | Phasing Plan | | | |
| | | | Sensitive Land Use Report | | | |
| | | | Slope Stability Report | | | |
| | | | Stormwater Management Plan | | | |
| | | | Transportation Impact Study/Parking Impact Analysis | | | |
| | | | Hydrogeological Study and Private Servicing Plans* | | | |
| | | | Soil report | | | |
| | | | Financial Impact Assessment* | | | |
| | | | Shadow Analysis | | | |
| | | | Risk Management Study | | | |
| | | | Gas Well Study/Gas Migration Study | | | |
| | | | Wind Study* | | | |
| | | | Cistern for Fire Purposes under OBC | | | |
| ✓ | | | Other* Septic Evaluation | ✓ | 5 | |

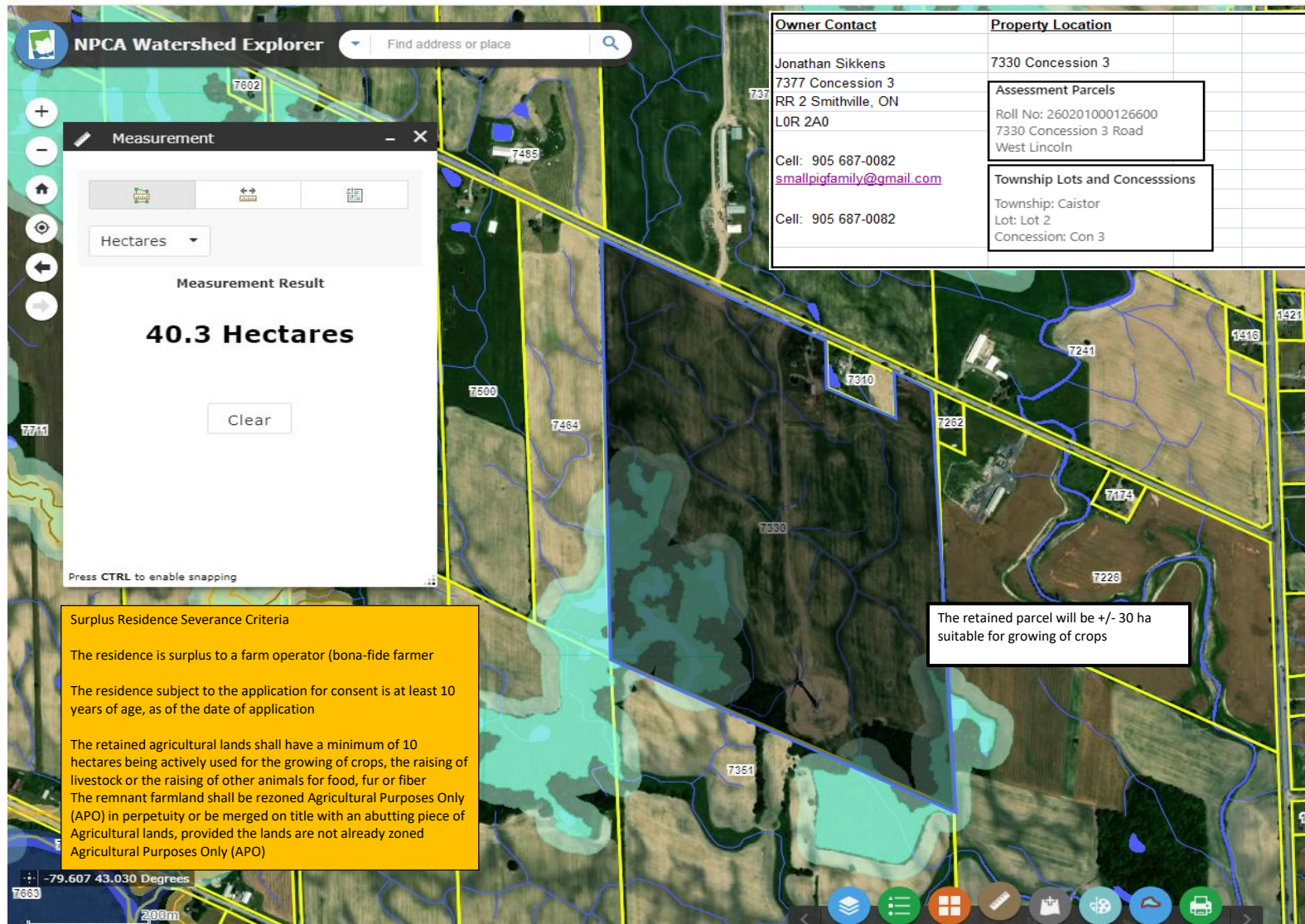
Notes:

1. The purpose of this document is to identify the information required to commence processing and evaluating an application as set out in the Planning Act. This pre-consultation process is designed to proceed based on the mutual agreement of the parties as shown by the signatures below.
2. Pre-consultation does not imply or suggest any decision whatsoever on behalf of staff or the municipality to either support or refuse the application.
3. The applicant should be aware that the information provided is accurate as of the date of the preconsultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application. If an application is not submitted within 1 year, it is advisable that the applicant confirm with the municipality the directives of the original preconsultation meeting.

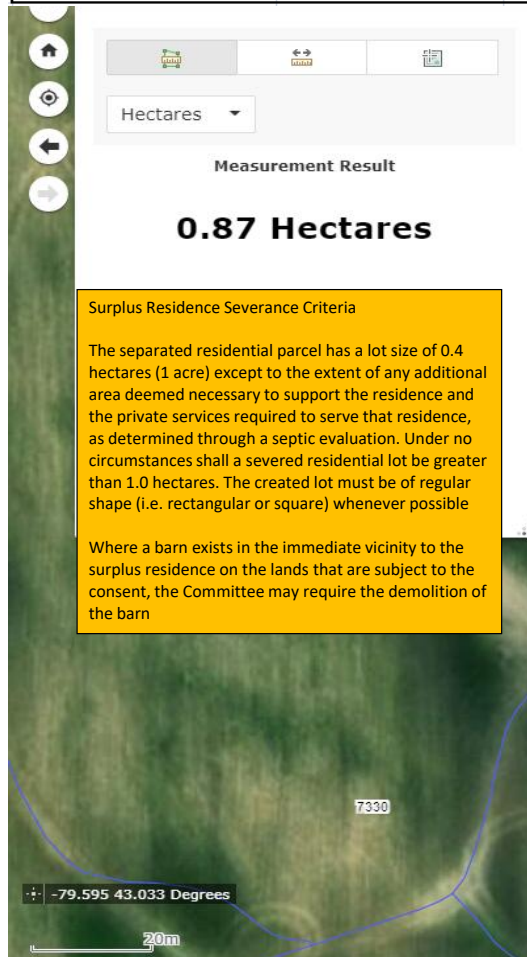
4. Any application submitted without the information identified in this Pre-consultation Document will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
5. The applicant acknowledges that the Municipality and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the Municipality may require a peer review. The cost of the peer review shall be paid for by the applicant. The Terms of Reference for a peer review is determined by the Municipality or Region.
8. Some studies may require NPCA review and clearance/approval. In this instance, the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.
10. It is hereby understood that during the review of the application additional applications, studies or information may be required as a result of issues arising during the processing of the application.
11. There may also be financial requirements arising from the application, including, but not limited to, parkland dedication, development charges, payment of outstanding property taxes, deferred local improvement charges, cost for lifting 0.3 metres reserves, and reimbursement for road widening acquisition or road improvements.
12. Engineering review done in association with an application will be billed to the applicant.

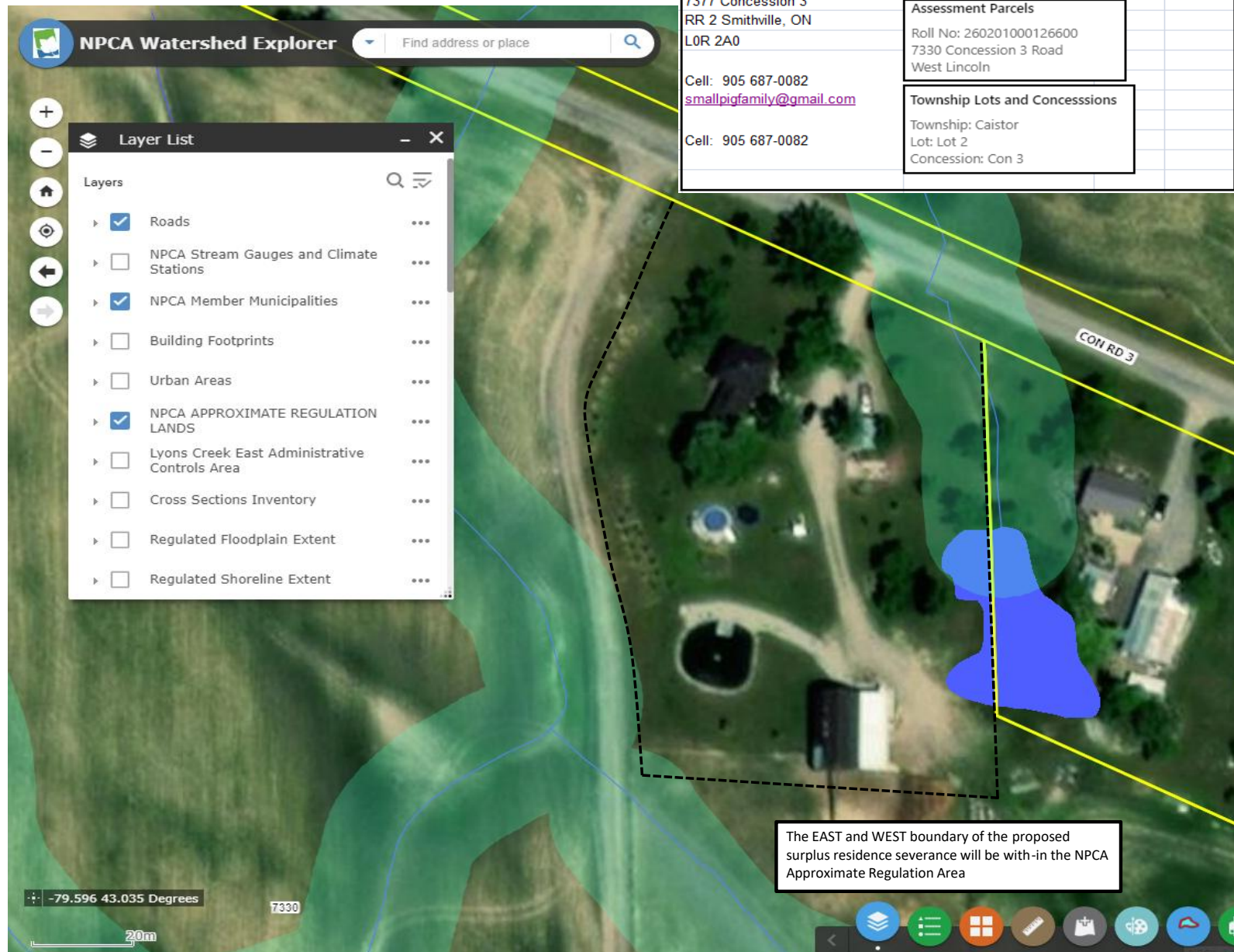
Signatures:

| | | |
|-----------------------------|-------------------------------------|------|
| Township Planning Staff | Township Planning Staff (signature) | Date |
| Township Public Works Staff | Township Public Works (signature) | Date |
| Township Building Staff | Township CBO (signature) | Date |
| Regional Staff | Regional Staff (signature) | Date |
| Regional Staff | Regional Staff (signature) | Date |
| NPCA Staff | Conservation Staff (signature) | Date |
| Agent | Agent (signature) | Date |
| Owner | Owner (signature) | Date |
| Other | Other (signature) | Date |

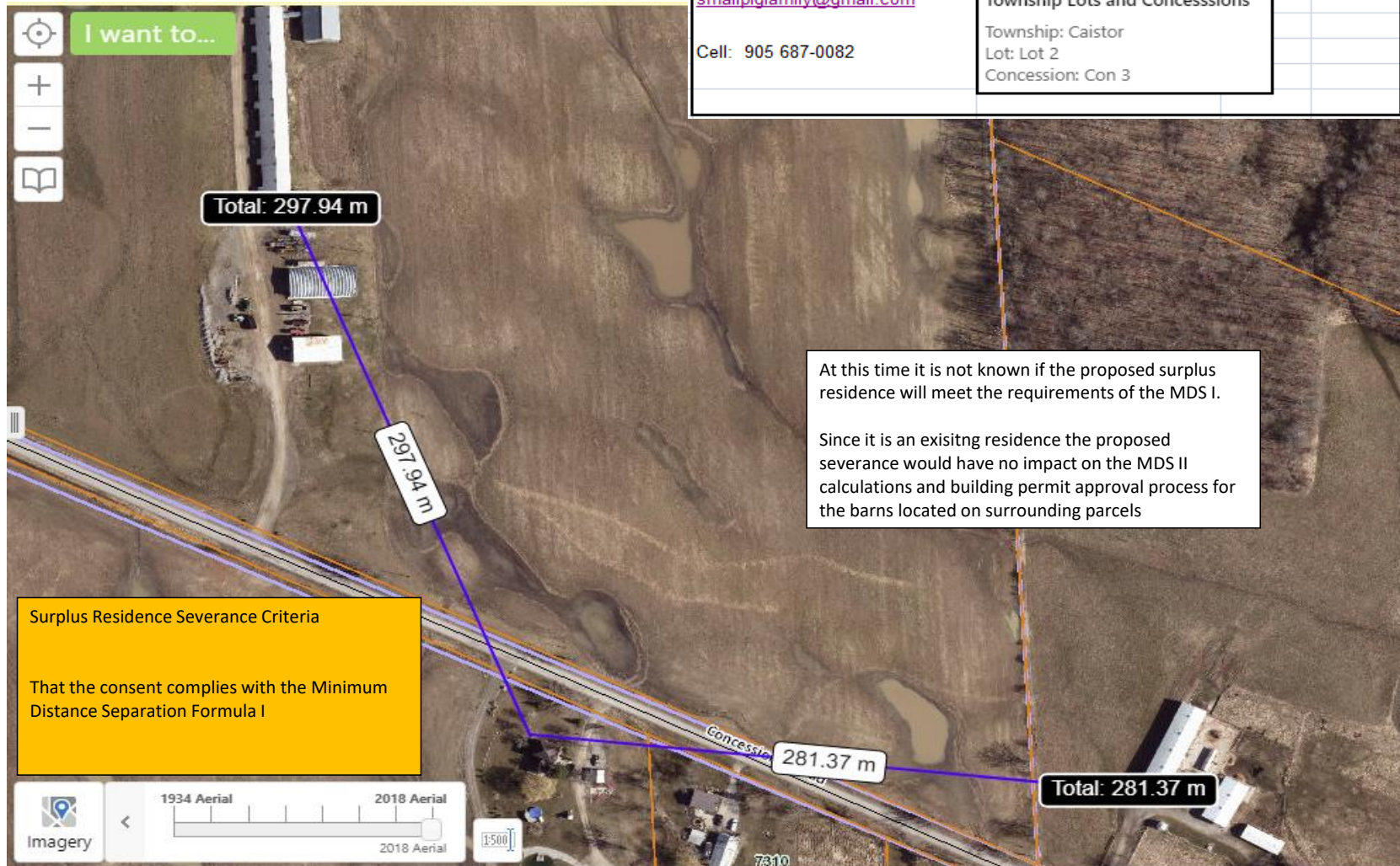


| Owner Contact | Property Location |
|--|--|
| Jonathan Sikkens 7377 Concession 3 RR 2 Smithville, ON L0R 2A0 | 7330 Concession 3 |
| Cell: 905 687-0082 smallpigfamily@gmail.com | Assessment Parcels Roll No: 260201000126600 7330 Concession 3 Road West Lincoln |
| Cell: 905 687-0082 | Township Lots and Concessions Township: Caistor Lot: Lot 2 Concession: Con 3 |





| Owner Contact | Property Location |
|---|--|
| Jonathan Sikkens 7377 Concession 3 RR 2 Smithville, ON L0R 2A0 Cell: 905 687-0082 smallpigfamily@gmail.com Cell: 905 687-0082 | 7330 Concession 3 Assessment Parcels Roll No: 260201000126600 7330 Concession 3 Road West Lincoln Township Lots and Concessions Township: Caistor Lot: Lot 2 Concession: Con 3 |



memo

ATTEMA CONSULTING SERVICE INC.

To: West Lincoln Planning Department
From: Chris Attema
CC: Jonathan & Crystal Sikkens
Date: 10/12/2021
Re: 7330 Concession 3 Road
Justification Letter for the Proposed .844 ha (2.05 ac) Surplus Residence
Severance Application

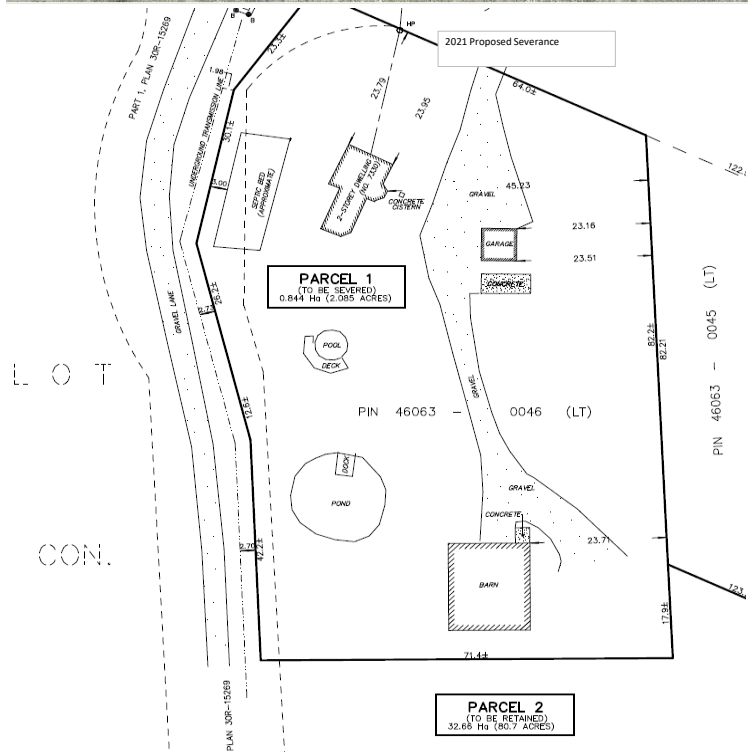
The purpose of this memo is to provide the reasons for the proposed .844 ha (2.05 ac) surplus residence severance application.

1. The proposed severance will enable the retention and preservation of the approximately 150-year old barn on the severed parcel. The internal structure and timbers in the barn remain in excellent condition. While no longer suitable for housing livestock it would be useful as a workshop and storage area for the severed residence. There is less likely to be arson & vandalism & theft in this old barn if it remains with the dwelling and is utilized as a storage and workshop area. The barn is more likely to remain standing if it remains with the dwelling. (see Appendix 1 for additional details).
2. The power supply for the well providing water to the dwelling property is connected to the barn.
3. The barn is too small to be of any practical use to the farm. In addition if the barn is severed from the dwelling property there will need to be a separate electric meter for the barn.
4. With the proposed severance boundary the amount of land the practical to cultivate and farm will be no different than it is today (see Appendix 2).
5. The existing gravel lane providing access to the wind turbines are located completely on the retained parcel. (see Appendix 2)
6. It is understood that there will be a need to provide the Township with a portion of road allowance free and clear of encumbrances, including any mortgages or easements relating to the wind turbine company (Borele)

APPENDIX 1



APPENDIX 2



Planning Application Review

| | |
|----------------------------|------------------------|
| Application Number: | B13/2021WL |
| Date: | September 27, 2021 |
| Property Address: | 7330 Concession 3 Road |
| Project: | Severance |

Planning Staff,

Please be advised relevant file searches have been reviewed and an on-site visit conducted. In addition, Mr. Attema (Attema Consulting Services) provided a detailed report relating to the application submitted for the existing sewage system and future potential for reserves when/if required.

Upon review of relevant documents, it would appear the application as proposed would fulfill the requirements of Part 8 (Sewage Systems) O.B.C. thus, no objection as proposed.

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

Respectfully,

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

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: September 22, 2021
Re: File B13/2021WL – 7330 Concession 3 Rd

A review has been completed of this application for consent to sever 0.844 hectares from 7330 Concession 3 Rd and retain 32.66 hectares.

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



TOWNSHIP OF WEST LINCOLN PUBLIC WORKS SEVERANCE APPLICATION CONDITION REQUEST POLICY

| | |
|------------------------|--|
| TITLE: | Public Works Severance Application Condition Request |
| POLICY NO: | POL-PW-1-18 |
| REPEALS NO: | POL-PW-1-04 |
| EFFECTIVE DATE: | April 1 st , 2018 |

POLICY STATEMENT:

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

PURPOSE:

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

ROAD WIDENING DEDICATION:

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

Road widenings are requested as a condition of severance.

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

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

6. All costs to be borne by the owner.

DAYLIGHTING TRIANGLES:

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

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

PUBLIC WORKS SEVERANCE APPLICATION CONDITION REQUEST POLICY Page 2

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

UNOPENED ROAD ALLOWANCES:

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

SIDEWALK CONTRIBUTION:

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

DEVELOPMENT AGREEMENTS:

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

LOT GRADING AND DRAINAGE PLANS:

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

Planning and Development Services

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

Via Email Only

September 23, 2021

File No.: D.06.12-CS-21-0083

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

Dear Ms. Birbeck:

**Re: Regional and Provincial Comments
Proposed Consent Application (Surplus Farm Dwelling Severance)
Township File No.: B13/2021WL
Owner: Jonathan and Crystal Sikkens
Agent: Chris Attema
7330 Concession 3 Road
Township of West Lincoln**

Regional Planning and Development Service staff have reviewed the above-noted consent application (surplus farm dwelling severance) for land municipally known as 7330 Concession 3 Road in the Township of West Lincoln. The proposal is to sever 0.844 hectares (2.085 acres) of land (Parcel 1), containing an existing dwelling, storage barn, and garage as a surplus farm dwelling. A total of 32.66 hectares (80.7 acres) of land (Parcel 2) is to be retained for continued hog and cash crop farming.

A pre-consultation meeting for this proposal was held on February 18, 2021 with staff from the Township and the Region in attendance. Regional staff provide the following comments from a Provincial and Regional perspective to assist the Committee in considering the application.

Provincial and Regional Policies

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

Provincial and Regional policies permit the severance of a residence surplus to a farming operation as a result of farm consolidation, provided that new residential dwellings are prohibited in perpetuity on any vacant remnant parcel of farmland created by the severance, and the new lot will be limited in size required to accommodate the use and appropriate sewage and water services.

The information provided with the consent application indicates the owners (John and Crystal Sikkens) are bona fide farmers, with a principal residence located in West Lincoln. The owners currently farm 271 acres of owned land, and 803 acres of rented land throughout the Township.

Lot Size

The ROP states the size of any new lot shall not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support private water and sewage services. The proposed surplus farm dwelling severance, if approved, would result in the creation of a 0.844 hectares (2.085 acres) rural residential lot, which exceeds the ROP requirement of 1 acre. The circulated information does not include justification to support the increased lot size.

At the pre-consultation meeting, Regional staff requested additional information to provide rationale for the inclusion of the barn in the proposed rural residential lot. This information/rationale was not provided with the application, and it is unclear whether the barn is necessary to support the rural residential use on Parcel 1. The Committee should be satisfied the barn is needed to support the residential use, prior to approval. The remnant agricultural parcel (Parcel 2) should be rezoned to preclude its use for residential purposes (i.e. through an Agricultural Purposes Only 'APO' zone).

Minimum Distance Separation

In accordance with the PPS and ROP, the creation of new lots are required to comply with the Minimum Distance Separation (MDS) formulae. The intent of the MDS Document (prepared by the Ontario Ministry of Agriculture, Food and Rural Affairs) is to address odour generated from livestock facilities and anaerobic digesters. Per the MDS Document, setbacks should not be reduced except in limited site-specific circumstances that meet the intent of the Document; examples include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards. It is the responsibility of the local area municipality, and Committee of Adjustment, to implement MDS setback requirements. Accordingly, staff recommend

that the Township be satisfied that the proposed rural residential lot complies with the MDS formulae, in alignment with the PPS and ROP.

Natural Heritage

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

Private Servicing

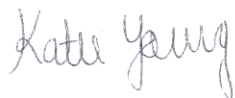
Regional staff notes that the Township of West Lincoln is responsible for the review of private septic systems. As such, the Committee should look to the Township's comments with respect to the private septic system requirements.

Conclusion

As discussed above, in order to ensure that the surplus farm dwelling severance is consistent with the Provincial Policy Statement and conforms with the Regional Official Plan, additional information should be provided to the Committee to justify the proposed lot size of Parcel 1. Should Township staff and the Committee be satisfied that the barn located on Parcel 1 is required to support the proposed rural residential use, Regional staff will require that Parcel 2 be rezoned to Agricultural Purposes Only (APO) to preclude its use for future rural residential purposes.

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

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



Best regards,

Katie Young
Development Planner

cc: Aimee Alderman, MCIP, RPP, Senior Development Planner, Niagara Region
Lori Karlewicz, Planning Ecologist, Niagara Region

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: October 14, 2021 9:50 AM
To: Meghan Birbeck
Subject: NPCA Comments - October 27th Committee of Adjustment Meeting

Hello Meghan,

Please see below the NPCA's comments on the four applications you had circulated to me for the October 27th Committee of Adjustment meeting.

20 Wallis Avenue

- A portion of the subject property is impacted by a mapped Floodplain Hazard, and the 30 metre development buffer associated with a Provincially Significant Wetland (PSW). However, the proposed carport addition does not fall within the hazard or development buffer on site.
- As such, the NPCA will have no objections to the proposed Minor Variance.

6662 Vaughan Road

- A portion of the subject property falls within 15 metres of a Watercourse. However, the proposed shop appears to be located outside of the 15 metre development buffer associated with the Watercourse.
- As such, the NPCA will have no objections to the proposed Minor Variance.

3625 Sixteen Road

- The subject property is impacted by NPCA regulated Watercourses, Unevaluated Wetlands, and a mapped Floodplain Hazard. However, the proposed Quail Livestock Barn is located outside of the Floodplain Hazard, outside of the 15 metre development buffer associated with the Watercourses, and outside of the 30 metre development buffer associated with the Wetlands.
- As such, the NPCA will have no objections to the proposed Minor Variance.

7330 Concession 3 Road

- The subject property is impacted by NPCA regulated Watercourses, and Provincially Significant Wetlands (PSW). Although the proposed lot lines appear to bisect a portion of the 15 metres development buffer associated with a Watercourse, NPCA Policy does not prohibit lot creation within 15 metres of a Watercourse.
- As such, the NPCA will have no objections to the proposed Surplus Farm Dwelling Severance application.

Please let me know if you have any questions.

Sincerely,

DATE: Oct 27th, 2021

REPORT NO: COA-039-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Nancy and Steven Neville
File No. A27/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Nancy and Steven Neville for the property legally known as Plan M86 Lot 9, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara, municipally known as 20 Wallis Avenue
- A minor variance application has been applied for that requires to permit a proposed carport addition to be built with a south side yard setback of 0.91 metres/91.44 centimeters (36 inches) whereas Table 14 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the minimum interior side yard setback for a Residential Low Density Type 1B 'R1B' property is 1.5 metres (59.1 inches)
- The owner is requesting these variances to allow a width of a carport that will allow a car door to open when inside.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval.

RECOMMENDATION:

1. THAT, the application for the Minor Variance made by Nancy and Steven Neville as outlined in Report COA-039-21, to permit a proposed carport addition to be built with a side yard setback of 0.9 metres whereas Table 14 of the Township's Zoning By-law identifies a minimum side yard setback of 1.5 metres, BE APPROVED; with the following condition:
 - a. THAT, approval is subject to having an Ontario Land Surveyor confirm compliance of the requested Side Yard setback and eave projection at the completion of framing stage.

BACKGROUND:

The subject lands are situated on the east side of Wallis Avenue, north of Colver Street and east of Wade Road, being legally described as Plan M86 Lot 9 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 20 Wallis Avenue.

The subject property is approximately 0.31 acres in size. The property is designated as Low Density Residential within the Urban Area of Smithville and is zoned R1B 'Residential Low Density. The majority of the surrounding properties to 20 Wallis Avenue also share the same designation and zoning.

The owner of the property is hoping to obtain a minor variance to permit an expansion to an attached carport to accommodate the width of a carport that will allow a vehicle door to be open while inside the carport. The minimum side yard setback requirement is 1.5 metres to a residential low density dwelling as outlined in Table 14 of the Township's Zoning Bylaw. This variance is seeking a 0.91 metre setback to allow for the carport expansion.

Building staff note that having the setback this close to the property line may result in the eave troughs to be closer than permitted. As such, building staff have noted that after a thorough review of the application for Minor Variance they request that should the application be considered for approval that a condition of approval be subject to having an Ontario Land Surveyor confirm compliance of the requested Side Yard setback and eave projection at the completion of framing stage.

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 Residential Low Density under the Township's Official Plan. The Residential Low Density designation applies to existing, low density residential neighbourhoods throughout the Smithville Urban Settlement Area. It is the intent of this plan that these residential neighbourhoods be protected from significant redevelopment while, at the same time permitting ongoing evolution and rejuvenation.

2018 aerial imagery of the property indicates that the property has a single detached dwelling and a smaller accessory building located on the south east corner of the property. The single detached dwelling on the property appears to be 1166 square feet, the attached garage is approximately 288 square feet and the accessory building located on the back of the lot is approximately 321 square feet.

Section 6.1.1 of the Township's Official Plan states that the various designations of the Urban Settlement Area will protect and enhance the existing character of Smithville while, at the same time permitting some forms of new development and/or redevelopment that are compatible with existing development, and can improve the quality of life of existing and future residents of West Lincoln. Section 6.2.1 states that low density residential designations shall include single detached dwellings and their accessory buildings. All low density residential development shall be compatible with adjacent properties, shall respect the character and image of the neighbourhood, and shall be attractively designed and be consistent with urban design criteria.

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Township staff are of the opinion that this minor variance to enlarge the existing carport to have a side yard setback of 0.91 metres whereas 1.5 metres is required meets the general intent and purpose of the Official Plan.

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

The subject land is zoned 'R1B' Residential Low Density under the Township's Zoning By-law 2017-70, as amended. The parcel of land is 0.31 acres in size. The R1B zone permits single detached dwellings and their associated accessory buildings. The proposed expansion to the existing carport is permitted under the regulations of the R1B Zone.

Under the Township's Zoning By-Law 2017-70, attached garages shall conform to the provisions under the R1B single detached dwelling provisions. The applicants are proposing an expansion of 3 metres by 6 metres in size a total of 18 square metres. The proposed carport will have a height of 2.8 metres where 10 metres is the maximum. The attached carport addition meets all setbacks for a single detached dwelling other than the side yard setback provision which is required to be 1.5 metre setback, the applicants are requesting a 09 metre setback.

Township staff are of the opinion that this minor variance to enlarge the existing carport to have a side yard setback of 0.91 metres whereas 1.5 metres is required meets the general intent and purpose of the Township's Zoning Bylaw.

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

The applicants have proposed to construct an 18 square metre addition to an existing carport which will have a height of 2.8 metres. This building is proposed to allow the applicants to be able to open a car door while using their carport as the existing carport width does not allow them to do so.

The proposed addition is situated to the south of the existing carport and single detached dwelling. The location allows them to expand the existing carport which is already located to the south of the home. The surrounding properties consist of single detached dwellings with attached garages or carports.

Planning staff are of the opinion that this reduction of -0.6 to the required side yard setback from the required 1.5 metres to 0.9 metres would not negatively affect any of the neighbouring properties.

Is the proposal minor in nature?
Yes,

The applicants are proposing to expand an existing attached carport to their single

Respecting Our Roots, Realizing Our Future

detached dwelling located at 20 Wallis Avenue. Relief is being requested from Table 14 of the Township's Zoning Bylaw to allow the addition to be built with a side yard setback of 0.91 metres whereas 1.5 metres is required.

Township staff note that this is only a 0.6 metre reduction to the required side yard setback and that township staff are of the opinion that this is minor in nature. Staff have received public comments from neighbouring property owners located at 21 and 23 Wallis Avenue stating their support of this application.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on October 6th, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Public Works Department does not have any objections to this application.

The Township's Building Department has included a condition which suggests that approval be subject to having an Ontario Land Surveyor confirm compliance of the requested Side Yard setback and eave projection at the completion of framing stage.

Regional Planning and Development Services staff, as well as Niagara Peninsula Conservation Authority staff offer no objections to this Minor Variance application.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on October 7th, 2021. A notice was posted to the Township's website on the same day, and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

Township staff have received four emails and one phone call from the public as of October 11th 2021. The four members of the public who have emailed the Township have identified that they live at 18, 19, 21, and 23 Wallis Avenue and that they each have no objections to the carport being constructed. The one phone call asked for further information about the applicant but did not identify if they objected or not, this person also identified that they live on Wallis Avenue.

CONCLUSION:

A Minor Variance application has been submitted by Nancy and Steven Neville for the property municipally known as 20 Wallis Avenue to permit a proposed carport addition to be built with a side yard setback of 0.91 metres whereas table 14 of the Township's Zoning Bylaw identifies that a minimum side yard setback shall be 1.5 metres. To ensure that there are no further variances that will need to be requested once this is constructed the Chief Building Inspector has included a condition which states:

the completion of framing stage.

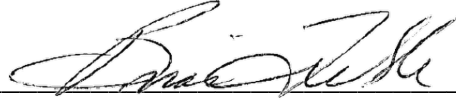
ATTACHMENTS:

1. Site Sketch
2. Comments

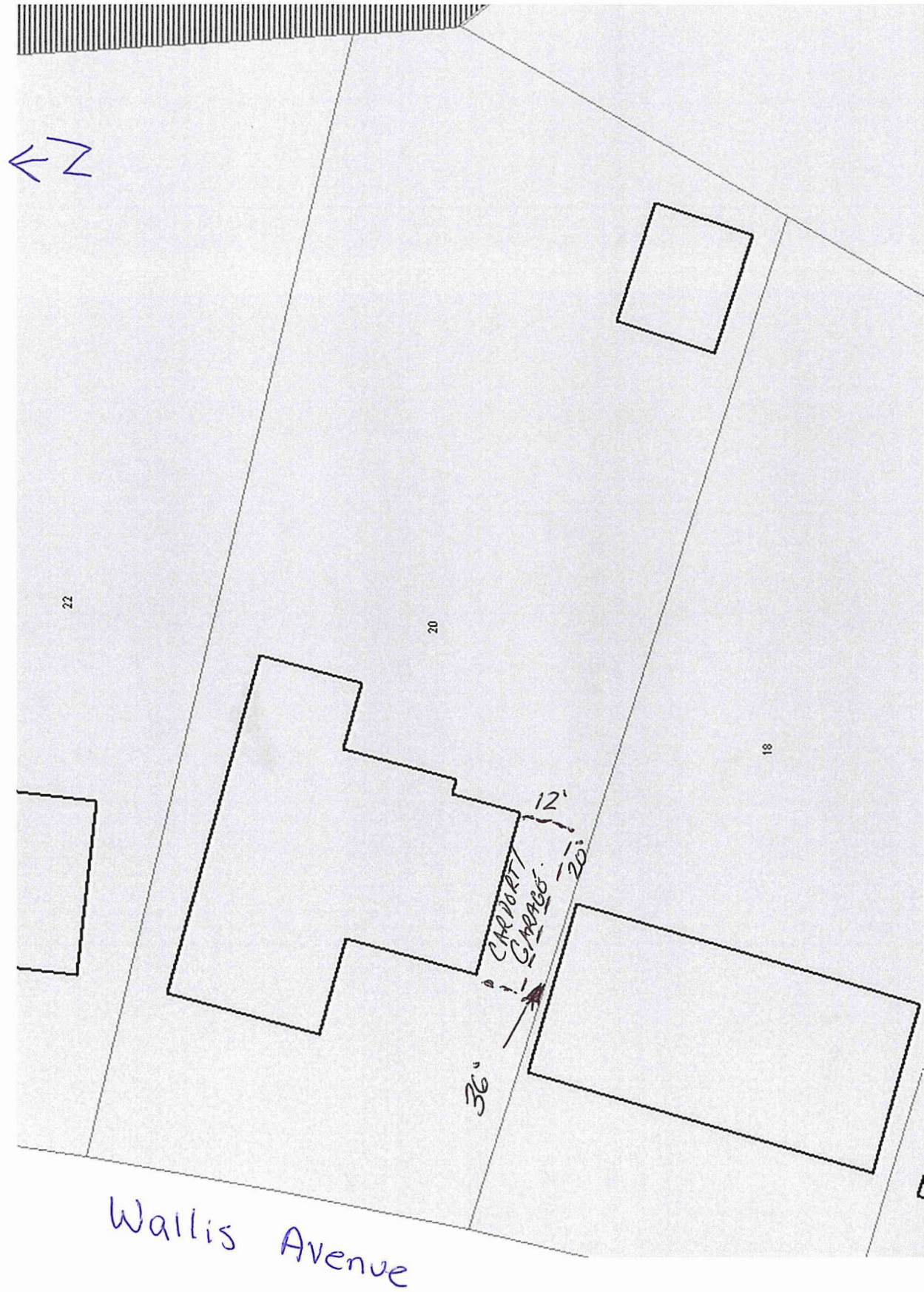
Prepared by:



Madyson Etzl
Planner I



Brian Treble, RPP, MCIP
Director of Planning and Building



Meghan Birbeck

From: WH Dejong [REDACTED]
Sent: September 21, 2021 3:29 PM
To: Meghan Birbeck
Cc: [REDACTED]
Subject: Variance at 20 Wallis Ave

Hi Meghan,

We're Steve Neville's neighbours at 18 Wallis Ave, and we're emailing to let you know we are not opposed to the 36" property line variance for his car port on the south side of the house.

Please let me know if you need anything else from us!

Thanks,

William & Hannele Dejong

Meghan Birbeck

From: kevin powell [REDACTED]
Sent: September 22, 2021 4:59 PM
To: Meghan Birbeck
Subject: 20 Wallis ave property variance

Hi Meghan

My name is Kevin Powell I live at 19 Wallis ave I have no issues with Steven Neville adding onto his garage
Any further questions you may have for me feel free to email or call me at [REDACTED]

Sent from [Mail](#) for Windows

Meghan Birbeck

From: Nicole Ludwig-Muis [REDACTED]
Sent: October 11, 2021 5:36 PM
To: Meghan Birbeck
Subject: A27/2021WL- Neville

Hi, we are contacting you in regards to A27/2021WL - Neville at 20 Wallis ave about the Minor Variance. We are Dwayne and Nicole Muis at 21 Wallis Ave and we are ok with the carport being built for Steve and Nancy.
Thanks!

Web Orders

From: Steven Neville
Sent: September 22, 2021 11:19 AM
To: Web Orders
Subject: Fwd: 20 Wallis Ave

Sent from Steven Neville. Stanpac [REDACTED]



Begin forwarded message:

From: Steven Neville [REDACTED]
Date: September 22, 2021 at 9:54:55 AM EDT
To: NANCY NEVILLE [REDACTED]
Subject: Fwd: 20 Wallis Ave

#23

Sent from Steven Neville. Stanpac [REDACTED]



Begin forwarded message:

From: Geoff Harrington [REDACTED]
Date: September 22, 2021 at 9:50:24 AM EDT
To: mbirbeck@westlincoln.ca
Subject: 20 Wallis Ave

Hi Meghan,

I live across the street from Steve Neville at 23 Wallis Ave. I have no issues with the project that Steve is proposing for 20 Wallis Ave.
Any other concerns let me know.

Geoff Harrington

Sent from Mail for Windows

Web Orders

From: Steven Neville
Sent: September 22, 2021 11:19 AM
To: Web Orders
Subject: Fwd: Variance at 20 Wallis Ave

Sent from Steven Neville. Stanpac truck [REDACTED]



Begin forwarded message:

From: Steven Neville [REDACTED]
Date: September 21, 2021 at 3:31:07 PM EDT
To: WH Dejong [REDACTED]
Subject: Re: Variance at 20 Wallis Ave

Thanks.

Sent from Steven Neville. Stanpac [REDACTED]



#18

On Sep 21, 2021, at 3:29 PM, WH Dejong [REDACTED] wrote:

Hi Meghan,

We're Steve Neville's neighbours at 18 Wallis Ave, and we're emailing to let you know we are not opposed to the 36" property line variance for his car port on the south side of the house.

Please let me know if you need anything else from us!

Thanks,

William & Hannele Dejong

BUILDING DEPARTMENT

MEMORANUM

TO: Megan Birbeck
FROM: John Schonewille, Deputy Chief Building Official
DATE: October 5, 2021
RE: **Minor Variance Application A27/2021WL 20 Wallis Ave**

Please be advised that after a thorough review of the application for Minor Variance we would request that should the application be considered for approval that a condition of approval be subject to having an Ontario Land Surveyor confirm compliance of the requested Side Yard setback and eave projection at the completion of framing stage.

Thank you,

John Schonewille

John Schonewille, Deputy Chief Building Official

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: October 14, 2021 9:50 AM
To: Meghan Birbeck
Subject: NPCA Comments - October 27th Committee of Adjustment Meeting

Hello Meghan,

Please see below the NPCA's comments on the four applications you had circulated to me for the October 27th Committee of Adjustment meeting.

20 Wallis Avenue

- A portion of the subject property is impacted by a mapped Floodplain Hazard, and the 30 metre development buffer associated with a Provincially Significant Wetland (PSW). However, the proposed carport addition does not fall within the hazard or development buffer on site.
- As such, the NPCA will have no objections to the proposed Minor Variance.

6662 Vaughan Road

- A portion of the subject property falls within 15 metres of a Watercourse. However, the proposed shop appears to be located outside of the 15 metre development buffer associated with the Watercourse.
- As such, the NPCA will have no objections to the proposed Minor Variance.

3625 Sixteen Road

- The subject property is impacted by NPCA regulated Watercourses, Unevaluated Wetlands, and a mapped Floodplain Hazard. However, the proposed Quail Livestock Barn is located outside of the Floodplain Hazard, outside of the 15 metre development buffer associated with the Watercourses, and outside of the 30 metre development buffer associated with the Wetlands.
- As such, the NPCA will have no objections to the proposed Minor Variance.

7330 Concession 3 Road

- The subject property is impacted by NPCA regulated Watercourses, and Provincially Significant Wetlands (PSW). Although the proposed lot lines appear to bisect a portion of the 15 metres development buffer associated with a Watercourse, NPCA Policy does not prohibit lot creation within 15 metres of a Watercourse.
- As such, the NPCA will have no objections to the proposed Surplus Farm Dwelling Severance application.

Please let me know if you have any questions.

Sincerely,

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

October 14, 2021

File No.: D.17.12.MV-21-0090

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

Dear Ms. Birbeck:

Re: Minor Variance Application
Regional and Provincial Comments
Township File No.: A27/2021WL
Address: 20 Wallis Avenue, Township of West Lincoln

Regional Planning and Development Services staff has completed a review for the above-mentioned Minor Variance application which has been applied for to permit the construction of a carport addition which is to be built with a south side yard setback of 0.91 metres whereas Table 14 of the Township's Zoning By-law 2017-20, as amended, identifies that the minimum interior side yard setback for a Residential Low Density Type 1B 'R1B' property is 1.5 metres. The following Provincial and Regional comments are provided to assist the Committee in considering this application.

Core Natural Heritage System

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

The proposed carport is within the above-noted setbacks but is within the existing development footprint. As such, Environmental planning offers no objection to the Minor Variance application.

Conclusion

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

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

Best Regards,

A handwritten signature in blue ink, appearing to read 'R. Alguire', is positioned below the 'Best Regards,' text.

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

cc: Lori Karlewicz, B. Sc., Planning Ecologist, Niagara Region

DATE: Oct 27th, 2021

REPORT NO: COA-040-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Andrew Frandsen on behalf of
Jordan Zwaagstra
File No. A28/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Andrew Frandsen of Ontario Outbuilding (Ontario Construction Resource Group) on behalf of Jordan Zwaagstra for the property legally known as Concession 2, Part Lot 3, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara, municipally known as 6662 Vaughan Road West.
- A minor variance application has been applied for that requests two variances.
- The first variance that is required is to permit a proposed accessory building to be built with a height of 6.7 metres (21.98 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum height for a Type 2 accessory building is 5.5 metres (18.05 feet).
- The second variance that is required is to permit a proposed accessory building to be built with a maximum ground floor area of 122.6 square metres (1319.66 square feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum ground floor area for a Type 2 accessory buildings than 120 square metres (1,291.67 square feet).
- The owner is requesting these variances to build a detached garage to store and accommodate the height of their personal semi-truck.
- The initial drawings that the applicant submitted with their minor variance application identified that they were proposing to build an accessory building that was 185.81 square metres (2,000 square feet) in size.
- Through discussions with Township staff the agent of the applicant was informed that the height in combination with the size of the proposed accessory building could not be considered minor or appropriate for the subject property.
- The agent chose to move forward with the application by reducing the size of the proposed accessory building by 34%.

OVERVIEW CONTINUED:

- After reviewing the four tests of a minor variance planning staff recommend approval of a maximum height of 6 metres, but do not support any increase to the permitted ground floor area.
- That the recommendations are subject to two conditions: that the Department of Planning and Building approve the exterior design of the accessory building, which shall be alternatively designed in keeping with the residential characteristic of the property, and that a 2.5 metre side and rear yard be applied as the building can now be taller in height.

RECOMMENDATION:

1. THAT, the application for the first Minor Variance made by Andrew Frandsen on behalf of Jordan Zwaagstra as outlined in Report COA-040-21, to permit an accessory building to be built with a height of 6.7 metres (21.98 feet), BE MODIFIED and APPROVED at a maximum height of no greater than 6 metres (19.69 feet); and,
2. THAT, the application for the second Minor Variance made by Andrew Frandsen on behalf of Jordan Zwaagstra as outlined in Report COA-040-21, to permit an accessory building to be built with a size of 122.6 square metres (1,319.66 square feet), NOT BE APROVED.
 - a. That all recommendations are subject to the following conditions:
 - i. THAT, the Department of Planning and Building approve the exterior design of the accessory building, which shall be alternatively designed in keeping with the residential characteristic of the property.
 - ii. THAT, the minimum side and rear yard setback be no less than 2.5 metres.

BACKGROUND:

The subject lands are situated on the south side of Vaughan Road, west of Port Davidson Road, east of Caistor Gainsborough Townline Road, being legally described as Concession 2, Part Lot 3, in the former Township of Gainsborough, now in the Township of West Lincoln. The subject property is municipally known as 6662 Vaughan Road West. (See attachment 1 for a site sketch)

The subject property is approximately 1.03 acre (0.42 hectares) in size. The property is designated as Good General Agricultural and is zoned Agricultural 'A'. The majority of the surrounding properties to 6662 Vaughan Road West also share the same designation and zoning.

The owner of the property is hoping to obtain a minor variance to permit an accessory building to be built to store and accommodate the height of their personal semi-truck.

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The initial drawings that the applicant submitted with their minor variance application identified that they were proposing to build an accessory building that had a height of 6.7 metres (21.98 feet) and that was 185.81 square metres (2,000 square feet) in size.

Height as defined in the Township's Zoning By-law 2017-70, as amended, means the vertical distance measured from the average finished grade to the highest point of a building or structure, except in the case of a pitched roof where the distance shall be measured to the midway point between the eaves of the majority of the roof and the ridge (Bylaw 2018-61).

Therefore, the applicants are proposing to build a proposed accessory building with a mid-peak height of 6.7 metres (21.98 feet) and a top-peak height of 8 metres (26.25 feet).

Through discussions with Township staff the agent of the applicant was informed that the height in combination with the size of the proposed accessory building could not be considered minor or appropriate for the subject property. The agent chose to move forward with the application by reducing the size of the proposed accessory building by 34%.

As such a minor variance application has been applied for that requests two variances. The first variance that is required is to permit a proposed accessory building to be built with a height of 6.7 metres (21.98 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum height for a Type 2 accessory building is 5.5 metres (18.05 feet). The second variance that is required is to permit a proposed accessory building to be built with a maximum ground floor area of 122.6 square metres (1319.66 square feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum ground floor area for a Type 2 accessory buildings than 120 square metres (1,291.67 square feet).

Recently, Township Council in June approved amendments to the Township's Zoning By-law 2017-70, as amended, which included increased the maximum ground floor area for accessory buildings from 100 square metres to 120 square metres in order to reduce the number of variance requests. Staff believe the 120 square metres is an appropriate maximum size in this situation.

CURRENT SITUATION:

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

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

Yes, to the first variance request with a modification

No, to the second variance request

The property is designated as Good General Agriculture under the Township's Official Plan. The Good General Agricultural designation comprises those lands designated as

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the second highest level of protection and preservation for agricultural purposes. Residential and accessory residential uses are permitted in the Good General Agricultural designation. The agricultural property in question is approximately 1.03 acres (0.42 hectares) in size.

The 2018 aerial imagery indicates that the property currently has a single detached dwelling and a small accessory building. The existing single detached dwelling on the property appears to be approximately 205 square metres (2,206.6 square feet) while the existing accessory building appears to be approximately 15 square metres (161.5 square feet).

Section 4 of the Township's Official Plan discusses Agricultural Land Use Policies. Part 4.2 c) identifies that one of the objectives for all agricultural areas is *to promote small scale secondary uses and agriculture-related uses that are compatible with and do not hinder surrounding agricultural operations.*

The agent of the applicant has identified that the variance for height is what is most important for the proposed accessory building. The height variance is important as it is to allow for the height of a garage door to fit the owner's personal 'semi-truck'. In order for the future uses of the property not to be treated as commercial, with such a large detach accessory building/ garage, Township staff believe that the size variance cannot be supported and that a condition is required to insure that the accessory building matches the rural residential nature of the property. The Township is recommending that the condition be the following that the Department of Planning and Building approve the exterior design of the accessory building, which shall be alternatively designed in keeping with the residential characteristic of the property.

Township staff have reviewed other building permits for accessory buildings in the Township which were designed to house semi-trucks and have calculated that 5.5 metres can accommodate a typical 14-foot overhead door which can accommodate most 'semi-trucks.' At least two of the buildings were able to accommodate this within the maximum 5.5 metre height requirement. Therefore, Planning Staff believe 6.7 metres is too high and that a maximum height of 6 metres (19.69 feet) is more appropriate and should be sufficient to accommodate most semi-trucks. Township staff note that the Agricultural 'A' zone and designation do not permit this property to be used for non-agricultural land uses, such as a commercial truck yard or truck repair establishment.

The agent and applicant have reduced the size of the proposed building by 34% from what was initially applied for, staff believe it is still possible for the applicants to reduce the size by an additional 1.4% (2.6 square metres / 28 square feet) to not need the size variance. Additionally, Council in June 2021 approved an increase from 100 square metres to 120 square metres for accessory buildings to reduce the number of variances being requested. New variance requests are now being reviewed with this in mind. Staff believe 120 square metres is more than sufficient for most residential accessory buildings.

Township Planning Staff are of the opinion that the first minor variance meets the general intent and purpose of the Official Plan if modified to a maximum of 6 metres.

Township Planning Staff are of the opinion that the second minor variance does not meet the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?
Yes, to the first variance request with a modification
No, to the second variance request

The subject land is zoned Agricultural 'A' under the Township's Zoning By-law 2017-70, as amended. The parcel of land is a 1.03 acre (0.42 hectares) parcel of land. The Agricultural zone permits single detached dwellings and their associated accessory buildings. The proposed accessory building is a permitted use under the regulations of the A zone.

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

The owner of the property is hoping to obtain a minor variance to permit an accessory building to be built to store and accommodate the height of their personal semi-truck. The initial drawings that the applicant submitted with their minor variance application identified that they were proposing to build an accessory building that had a height of 6.7 metres (21.98 feet) and that was 185.81 square metres (2,000 square feet) in size.

Height in this context and as defined in the Township's Zoning By-law 2017-70, as amended, means the vertical distance measured from the average finished grade to the highest point of a building or structure, except in the case of a pitched roof where the distance shall be measured to the midway point between the eaves of the majority of the roof and the ridge (Bylaw 2018-61).

Therefore, the applicants are proposing to build a proposed accessory building with a mid-peak height of 6.7 metres (21.98 feet) and a top-peak height of 8 metres (26.25 feet).

Township staff have reviewed other building permits in the Township and have calculated that 5.5 metres can accommodate a 4.27 metre (14 feet) overhead door which can accommodate most 'semi-trucks.' Therefore, Planning Staff believe 6.7 metres is too high and that a maximum height of 6 metres (19.69 feet) is more appropriate. Do to the increase in the accessory buildings height the Township is recommending that a condition be added to reduce its impacts on neighboring

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properties. The condition that is recommended is that the minimum side and rear yard setback be 2.5 metres.

In June of 2017 the Council of the Township of West Lincoln approved the new Comprehensive Zoning Bylaw 2017-70. In the following years (2018, 2019 & 2020) the Township's Zoning By-law has been updated through minor housekeeping amendments to keep the bylaw functioning as intended and to correct a number of site specific issues. In July, 2021 Township Council approved a recommendation report that the Planning Department put together, which again identified updates for the Zoning By-law.

One of these updates was to increase the size of Type 2 accessory buildings from a maximum of 100 square metres (1,076.39 square feet) to 120 square metres (1,291.67 square feet). Further, this update than allowed lots with an area of 0.4 ha or less to now allow accessory building to have a maximum ground floor area to be 120 square metres opposed to 100 square metres. The reason for this is because the Township has undergone many variances for larger accessory buildings on agricultural residential lots.

Township staff are of the opinion 120 square metres is an appropriate max size for a agricultural residential accessory building on a lot of 0.4 ha in size and therefore do not support the second variance request.

Finally, as the property is zoned Agricultural 'A', the permitted uses on the property are limited to a single detached dwelling, agricultural uses and accessory residential uses. Commercial uses on the subject property are prohibited, including any use of the proposed building as a truck repair establishment or truck yard.

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

Yes, to the first variance request with a modification

No, to the second variance request

The applicants have proposed to construct a 122.6 square metre accessory building that has a height of 6.7 metres. This building is proposed to be used as a detached garage to store the applicant's 'semi-truck'. Detached accessory buildings are permitted on agricultural properties.

The proposed accessory building is situated to the rear of the applicant's property. The location will help to reduce the building impacts the streetscape. To further ensure that the proposed accessory building does not impact the streetscape or the agricultural character of the area, and overpower the property with its modification for height Township believe that the variance for size cannot be approved as the Township has already improved a 20 square metre increase in the maximum ground floor area that is permitted for a property that is less or equal to 0.4 ha in size. Two conditions to ensure property compatibility have been recommended. The first is to have the Department of Planning and Building approve the exterior design of the accessory building. The second is to have the minimum side and rear yard setback be 2.5 metres for the

proposed accessory building which is slightly larger than the typically required 1.4 metre setback. This is to ensure there is adequate room to maintain the now taller building.

It should be noted that the Township's Zoning By-law 2017-70, as amended, identifies that commercial truck parking is not desired or even permitted in Agricultural properties. The agent of the applicant has identified that the 'semi-truck' is a personal vehicle of the applicants and that storing it on the property is not for business reasons. Staff believe that the modification of the height along with the recommended conditions are to help ensure that what is said about the storage being for personal reasons comes to fruition for present and future uses.

Commercial operations are to be directed to properties with commercial zoning.

Is the proposal minor in nature?

Yes, to the first variance request with a modification

No, to the second variance request

The applicants are proposing to build an accessory building with a height of 6.7 metres (21.98 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum height for a Type 2 accessory building is 5.5 metres (18.05 feet). As the definition describes height to be the mid point of a peaked roof the applicants are proposing to have the mid-peak height to be 6.7 metres and the top-peak height to be 8 metres (26.25 feet). In order to ensure that the proposed accessory building is a minor proposal in nature the Township cannot support increasing the size along with supporting a modification in the height variance to 6 metres (19.69 feet).

Further increasing the size cannot be support as the Township has already increase the ground floor area for accessory buildings on agricultural lots equal or lesser then 0.4 ha by 20 square metres (215.28 square feet). Township Staff do not believe that the size variance is minor in combination with the modification for the height variance.

| | Zoning By-law with 2020 amendments | Zoning By-law with 2021 amendments | Proposed | Recommended for approval |
|--|--|--|----------|-----------------------------|
| Maximum ground floor area per building or structure | 100 m2 | 120 m2 | 122.6 m2 | 120 m2 |
| Maximum height | 5.5 m | 5.5 m | 6.7 m | 6 m |
| Minimum setback to interior side lot line | 2 | 2 | 2.5 | 2.5 |
| Minimum setback to interior rear lot line | 2 | 2 | 2.5 | 2.5 |

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on October 6th, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Public Works Department does not have any objections to this application.

Regional Planning and Development Services staff offers no objection to this Minor Variance application.

The Niagara Peninsula Conservation Authority has identified that a portion of the subject property falls within 15 metres of a Watercourse. However, the proposed shop appears to be located outside of the 15 metre development buffer associated with the Watercourse. As such, the NPCA will have no objections to the proposed Minor Variance.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands September 2nd, 2021. A notice was posted to the Township's website on the same day, and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

No comments have been received as of Sept 22nd, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Andrew Frandsen of Ontario Outbuilding (Ontario Construction Resource Group) on behalf of Jordan Zwaagstra for the property municipally known as 6662 Vaughan Road West. To ensure that the future of the proposed accessory building is not treated as commercial the Township can only support the height variance and cannot support the size variance. In addition, the height variance can only be supported with the following conditions; that the Department of Planning and Building approve the exterior design of the accessory building, which shall be alternatively designed in keeping with the residential characteristic of the property and that the building have a minimum 2.5 metre side and rear yard setback.

ATTACHMENTS:

1. Site Sketch
2. Accessory Building Zoning Provisions
3. PD-78-2021 Rec. Report Housekeeping No. 4
4. Comments

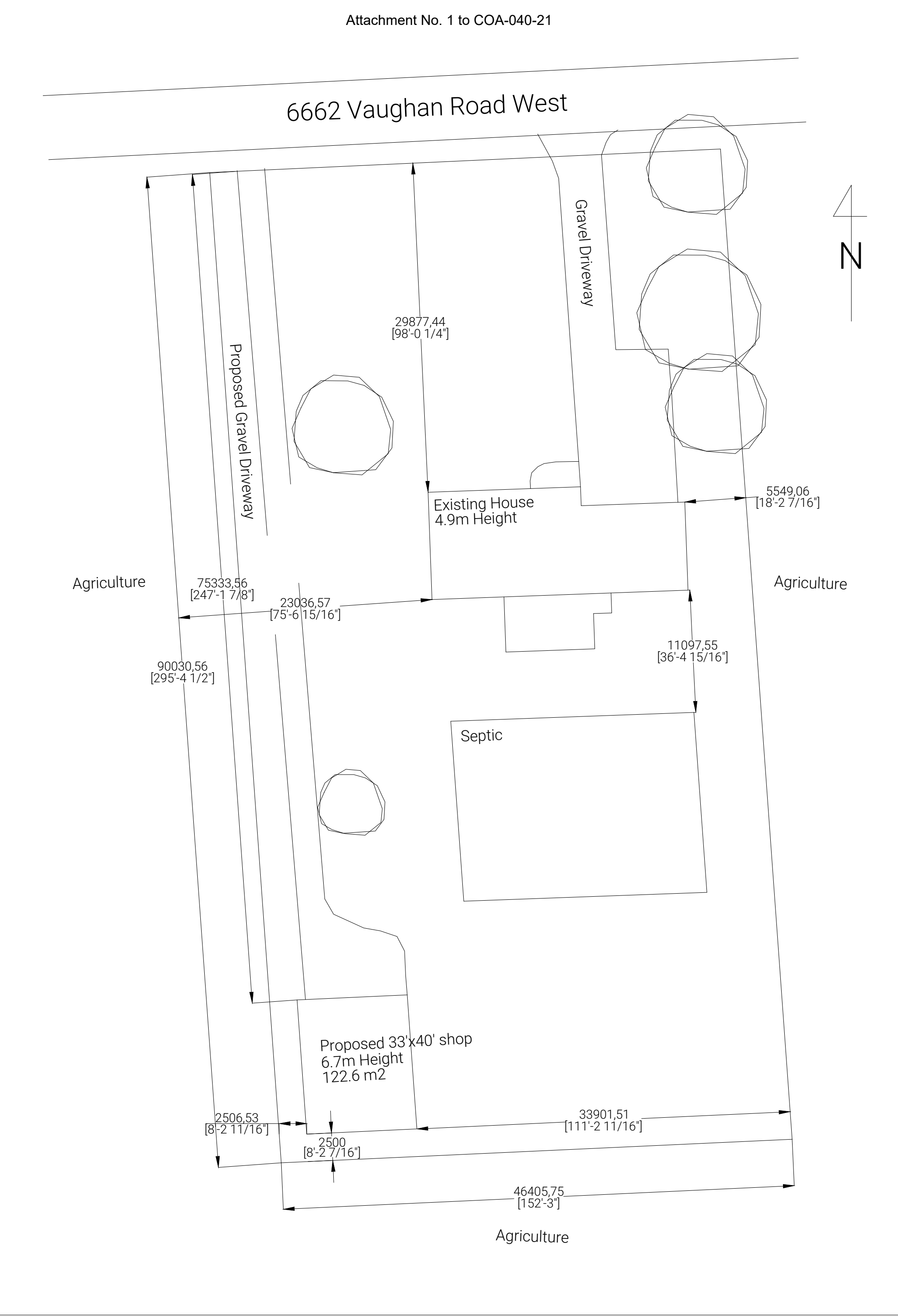
Prepared by:



Madyson Etzl
Planner I



Brian Treble, RPP, MCIP
Director of Planning and Building



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

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

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

| Regulation | | Accessory Buildings or Structures in an Agricultural Zone | | |
|--|------------------------------------|--|---------------------------|--|
| | | Type 1 (0.1 to 10m²) | Type 2 (10.1 to 100m²) | Type 3 (greater than 100m²) |
| Maximum <i>ground floor area</i> per <i>building</i> or <i>structure</i> | | 10m² | 100m² | 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 320m², 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 m², 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 m², 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*.



REPORT COUNCIL

DATE: July 26, 2021

REPORT NO: PD-78-2021

SUBJECT: **Recommendation Report - Comprehensive Zoning Bylaw 2017-70, as amended Housekeeping Amendments No. 4
File No. 1601-009-21**

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

OVERVIEW:

- In June of 2017 the Council of the Township of West Lincoln approved the new Comprehensive Zoning Bylaw 2017-70.
- In the following years (2018, 2019 & 2020) the zoning bylaw has been updated through minor housekeeping amendments to keep the bylaw functioning as intended and to correct a number of site specific issues.
- Township Planning staff have again identified a number of minor issues that need to be addressed through a fourth housekeeping amendment to the Zoning Bylaw. These issues include:
 - Environmental Mapping Provisions
 - Accessory Building and Structure Provisions
 - Accessory Dwelling Unit Provisions as it relates to septic
 - Legal non-conforming status of dwellings on commercial lots
 - Outdoor Storage requirements
 - Several site specific issues
- Public notice was circulated through a local newspaper and mailed to individual properties where site specific changes were proposed. A public meeting was held on June 14, 2021. No members of the public provided oral comments, however, two written comments were received.
- Planning staff have also further discussed the proposed site specific amendment with the owner of the property on Vaughan Road.
- Planning Staff recommend that the proposed amendments to the Township zoning bylaw, found in Attachment 5 (Draft bylaw) be approved.

RECOMMENDATION:

1. That, Report PD-78-2021, regarding “Recommendation Report - Housekeeping Amendments No. 4 to Zoning Bylaw 2017-70, as amended File No. 2100-009-21”,

- dated July 26, 2021 be received; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, an application for Zoning By-law Amendment, 1601-009-21, submitted by the Township of West Lincoln and a corresponding bylaw be APPROVED and passed; and,
4. That Staff be authorized to circulate the Notice of Decision for the Zoning Bylaw Amendment with the corresponding 20-day appeal period.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3 & #6

- Strategic Responsible Growth
- Efficient, Fiscally Responsible Operations

BACKGROUND:

Township Council in June of 2017 approved the new Comprehensive Zoning Bylaw 2017-70. This was the first time a new comprehensive zoning bylaw was passed since the Township passed its first Zoning bylaw in 1979.

Several minor issues have been identified since the bylaw was passed, concerning both Township wide regulations and site specific zonings. Many of these issues have been addressed through three previous housekeeping amendments which took place in 2018, 2019, and 2020.

Several new issues have come to the attention of Township Planning staff, and staff are reviewing these as part of another round of proposed housekeeping amendments to the Township zoning bylaw.

A public meeting was held on June 14, 2021, however, no members of the public provided oral comments. Two written public comments have been received in addition to agency comments. These comments can be found attached to this report.

CURRENT SITUATION:

Township Planning Staff have identified a number of issues that need to be addressed, both on a Township wide level and several site specific properties. Table 1 below summarizes the issues and provides the proposed amendments.

Table 1 – Proposed Zoning Bylaw Amendments

| Section/Table # | Regulation | Proposed Changes | Staff Comments |
|----------------------|-------------|---|--|
| Township Wide | | | |
| Part 1.3.6 | Zoning Maps | Environmental Protection and Environmental | Staff are running into issues where landowners are |
| | | Environmental Protection and Environmental Conservation Zones | |

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|----------------------|--|---|--|---|
| | | Conservation Zones can be changed based on better mapping in consultation with the Region and NPCA outside of a zoning bylaw amendment application. | can be changed based on better mapping in consultation with the Region and NPCA outside of a zoning bylaw amendment application <u>where the changes are required to be in conformance to Regional and NPCA environmental mapping. Private requests will also be considered where:</u> a) <u>The change relates to an adjustment of the EC Zone</u> b) <u>The change relates to an adjustment to the EP Zone where the flood hazard limit has been identified</u> c) <u>The change relates to an adjustment of the EP zone other than the flood hazard limit where a technical study is not required in consultation with the Region and NPCA</u> | seeking to change regulatory mapping on several instances. There is currently no structured approach. |
| Table 1-2 | Accessory Building size in rural residential and low density R1A zones and Agricultural small holdings | Maximum 100 square metres per accessory building, to a maximum of 200 square metres floor area for all accessory buildings | Maximum of 120 square metres per accessory building, to a maximum of 200 square metres floor area for all accessory buildings | The Township has undergone many variances for larger accessory buildings on residential lots. |
| Part 3.2.1 e) | Accessory Dwelling Unit Septic Requirements | On lots not serviced by municipal sewage services, accessory dwelling units can only be located if there is | Accessory dwelling units shall not be permitted to have a separate septic system. | Align the zoning regulations to the Official Plan making it clearer that accessory dwellings should not have their own septic systems |

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|--|------------------------------------|---|---|---|
| | | adequate septic capacity | | separate from the main dwelling. |
| Section 3.25.1 | Temporary Use Regulations | Does not currently stipulate number of shipping containers | NA | v. Shipping containers used for temporary construction uses are permitted only for the new construction of a main building or reconstruction as per Section iv. A maximum of one shipping container for temporary construction use is permitted per lot and is subject to all other provisions of this bylaw and requires a separate building permit. |
| Part 7.2 Table 16 | Permitted Uses in Commercial Zones | Currently does not permit residential dwellings | On Commercial 'C3' Zones, where a single detached dwelling legally exists, expansions and alterations are permitted subject to the zoning requirements of a single detached dwelling in the Rural Residential Zone. | The previous zoning bylaw, 79-14, had a Rural Commercial zone which allowed for a variety of commercial uses in conjunction with a single detached dwelling. This is to recognize those existing dwellings and to allow expansions without the need for additional planning approvals. |
| Part 7.3 Table 17 & Part 8.3 Table 19 | Outdoor Storage | Maximum of 5% of lot area for commercial and employment zones | Consideration of 25% of lot area, as many businesses require outdoor storage space within permitted yards (interior side and rear) | Most legitimate business activities in West Lincoln requires greater outdoor storage than 5% of the lot area. |

| | | | | |
|-------------------------------|---|--|---|---|
| Part 7.3 Table 17 | Minimum Height for C1 zone | None currently | Consideration of minimum 2 storeys | Official Plan requires new core development to be a minimum of 2 storeys high |
| Part 11.3 Table 27 | Environmental Conservation Zone does not permit additions to main buildings but does permit new accessory buildings | No expansions to existing dwellings within Environmental Conservation Zone | Consideration of permitting additions to dwellings in Environmental Zones | This will allow for additions to dwellings within Environmental Conservation Zones, subject to NPCA approval where required. |
| SITE SPECIFIC | | | | |
| 8635 Silver Street | Caistor Fire Station | Industrial 'M2' | Institutional 'I' | Institutional is a more appropriate zone for a public use such as the Fire Station. |
| 9299 Twenty Road | | Commercial 'C3' | Agricultural 'A' | Historical 'C3' zone has been on the property since the original zoning bylaw was passed (1979). There are no commercial uses on the property anymore. |
| 5220 Vaughan Road | | Commercial 'C3' | Agriculture 'A' | Historical 'C3' zone has been on the property since the original zoning bylaw was passed (1979). There have never been any commercial uses on the property to staffs knowledge. |
| 5432 Sixteen Road | Former St. Anns Food | Agriculturally Related 'AR' | Agriculturally related 'AR-XX' to recognize a permitted abattoir use | Prior to 2017 the zoning permitted an abattoir, however, the new zoning dropped that as a permitted use. |

Table 2 below provides a summary of the policy review for each proposed amendment, as well as some additional background information for each change.

| Section/Table # | Planning Review Summary |
|--|--|
| Part 1.3.6 Zoning Maps | The Provincial Policy Statement (PPS) Greenbelt Plan, Regional Official Plan and the Township Official Plan all strongly support the protection of Natural Heritage Features. These features have been protected through various planning policies and through the implementation of Environmental Zones in the Township of West Lincoln Zoning Bylaw in 2017. These environmental features are not always mapped accurately and therefore flexibility for minor changes to the mapping where no natural heritage features are present and protection is not needed is important. This zoning amendment was developed in consultation with the Region and the NPCA and achieves the continued protection of the environment through the use of Environmental zoning layers, while still allowing for some flexibility in the mapping to make changes where appropriate. As such the proposed amendment meets the intent of the applicable planning policy. |
| Table 1-2 Accessory Building Size | The PPS, Greenbelt Plan, Regional Official Plan and the Township Official Plan do not speak directly to accessory building size or location. Generally, accessory uses are permitted in both the agricultural areas of the Township and within settlement areas. In the agricultural areas, policy requires that adequate land be available for private septic and water services. In the settlement areas policy supports maintaining greenspace with a purpose of controlling stormwater management. In both cases the slightly larger increase in maximum ground floor area should not have a significant impact as the lot coverage provisions will remain the same, limiting the total amount of accessory building area based on lot coverage. As such, this proposed change is in general alignment to the applicable planning policy. |
| Part 3.2.1 e) Accessory Dwelling Unit Septic Requirements | The PPS, Growth Plan, Regional Official Plan and the Township Official Plan all promote affordable housing and a diverse range of housing types to meet the needs of residents. The plans also support that all development within un-serviced areas can be serviced by private septic systems. The Township Official Plan specifically states that where accessory dwelling units are approved in un-serviced areas, there should be adequate capacity within the existing septic system that services the dwelling. This is to ensure that there is the least impact on agricultural lands as possible with the addition of a secondary unit, and that the accessory dwelling unit remains secondary to the principle dwelling unit and does not become a stand-alone dwelling. As such, the proposed amendment meets the general intent of the applicable planning policy. |
| Section 3.25.1 Temporary Use Regulations | The PPS, Growth Plan, Greenbelt Plan, Regional Official Plan and Township of West Lincoln Official Plan do not speak directly to the use of Shipping Containers, however, they are often seen as buildings or structures requiring building permits in most municipalities and is therefore a form of development. Temporary uses are permitted and are helpful for new construction and reconstruction of main buildings, however, these provisions have been misused and are starting to cause issues as shipping containers are not permanently permitted in many zones. This change will provide clear |

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| | regulations regarding the use of shipping containers for temporary construction uses. These regulations meet the general intent of the applicable planning policy. |
| Part 7.2 Table 16 Dwellings permitted in Commercial Zones | The PPS, Growth Plan, Greenbelt Plan, Regional Official Plan and the Township Official Plan recognize that there are a number of legally established non-agricultural uses in the agricultural area. Previous to the current zoning bylaw, these uses were zoned as Rural commercial, which permitted a dwelling and limited commercial uses. The Rural commercial zone has been replaced with the Highway Commercial Zone which no longer permits a single detached dwelling. This zoning change will allow for these existing dwellings to remain and even be enlarged and altered subject to the Rural residential provisions of the zoning bylaw. This change has no significant implication on Provincial, Regional or Local planning policy. |
| Part 7.3 Table 17 & Part 8.3 Table 19 Outdoor Storage | The PPS, Growth Plan, Regional Official Plan and Township Official Plan support the growth of local industry and employment opportunities to create complete communities. They acknowledge that there is a broad range of employment types and policy supports protecting employment lands for a variety of current and future employment opportunities. One aspect of this is to allow for greater flexibility with outdoor storage. The proposed increase to the allowable outdoor storage meets the general intent of the applicable policy as it allows for a greater range of future employment uses. |
| Part 7.3 Table 17 Minimum Height in C1 Zone | The PPS, Growth Plan, Regional Official Plan and Township Official Plan support greater intensification within built up areas. The Township Official Plan specifically requires that new development within the Downtown Core of Smithville be a minimum of 2 storeys. This proposed amendment will implement the Township Official Plan policy as well as Provincial and Regional Policy support. |
| Part 11.3 Table 27 Additions within EC Zones | The PPS, Growth Plan, Greenbelt Plan, Regional Official Plan and Township Official Plan support the protection of environmentally sensitive areas. This proposed zoning change does not impact the protection of environmental features as building permits will still not be permitted in EP zones and if within an NPCA regulated areas, require NPCA approval. |
| 8635 Silver Street Caistor Fire Station | The subject property is located within the Good General Agriculture area of the Township and Regional Official Plan and is Designated as Prime Agricultural Area in the PPS and Growth Plan. The Provincial and Regional Plans permit limited non-agricultural land uses. As the fire station use is existing, and the institutional zone is more appropriate for the existing use and can generally have less impact on surrounding agriculture, the proposed change is generally in alignment with the applicable planning policy. |
| 9299 Twenty Road C3 to Agricultural | The subject property is designated as Prime Agricultural land in the PPS, Growth plan and Greenbelt Plan. The property is designated as Good General Agriculture in the Regional and Township Official Plan. The existing unused commercial zoning does not align with the underlying agricultural designations, therefore changing it to an agricultural zone is in alignment with the applicable policy. |
| 5220 Vaughan Road C3 to | The subject property is designated as Prime Agricultural land in the PPS, Growth plan and Greenbelt Plan. The property is designated as Good General Agriculture in the Regional and Township Official Plan. The existing unused commercial zoning does not align with the underlying agricultural |

| | |
|---|---|
| Agricultural | designations, therefore changing it to an agricultural zone is in alignment with the applicable policy. |
| 5432 Sixteen Road AR to AR-204 | The PPS, Regional Official Plan and Township Official Plan support agricultural and agriculturally related land used that support agriculture. By adding the abattoir as a permitted use back on the property will allow this property to function as an agriculturally related land use as intended. As such, this property meets the general intent of the applicable zoning bylaw. |

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report or the proposed changes to the Zoning Bylaw.

INTER-DEPARTMENTAL & PUBLIC COMMENTS:

Notice of the proposed changes to the Township of West Lincoln Zoning Bylaw were circulated in the local newspaper. Additionally, the notice was posted on the Township website and circulated to agencies and departments. Notice was also mailed to property owners where there are site specific zone changes proposed.

Two comments have been received from members of the public regarding two of the proposed site specific changes. One of the landowners supports the removal of the commercial zone while another land owner has requested more time to discuss the change. Township staff have further discussed the proposed commercial change with the landowner of 5220 Vaughan Road, Mr. Harvey Pot. Mr Pot has indicated that he wishes to retain the commercial zoning and allow for time to develop a business plan for the use of the zone. Planning staff do not support maintaining the commercial zone as it is not in alignment with the underlying Prime Agricultural and Good General Agricultural designations and there is no former, current or planned commercial use on the subject lands. The lands are currently productive agricultural lands that also house a poultry barn. Allowing a commercial use to establish may negatively impact the agricultural production on the subject property and surrounding properties.

Additionally, the Region and NPCA have provided written comments. The Region had no objection to the proposed changes with exception of the proposed environmental mapping changes and the recognition of the abattoir use at 5432 Sixteen Road.

More information was provided to the Region, including MECP documents and the accepted affidavit confirming the legal non-conforming status of the abattoir use on the property. The Region reviewed the material provided and still recommended that a holding be placed on the property once all MECP issues have been resolved. Township Staff believe that the MECP issues are separate from the zoning and therefore continue to recommend that the zoning be amended to include the abattoir use as it is already legal non-conforming.

A meeting with the Region and NPCA was held on July 13th to discuss the proposed changes to the environmental mapping. Minor revisions were made to satisfy both agencies.

Public and agency comments can be found in attachment 5 to this report.

CONCLUSION:

Staff recommends that a bylaw be passed to implement the proposed zoning amendments as can be found in Attachment 6 and that notice of passing be circulated and specific property owners notified of the changes as the proposed zoning amendments are in alignment with the applicable provincial, regional and local planning policy.

ATTACHMENTS:

1. Zoning Map – 8365 Silver Street
2. Zoning Map – 9299 Twenty Road
3. Zoning Map – 5220 Vaughan Road
4. Zoning Map – 5432 Sixteen Road
5. Public and Agency Comments
6. Draft Zoning Bylaw Amendment

Prepared & Submitted by:



Gerrit Boerema
Planner II

Approved by:



Bev Hendry
CAO



Brian Treble
Director of Planning & Building

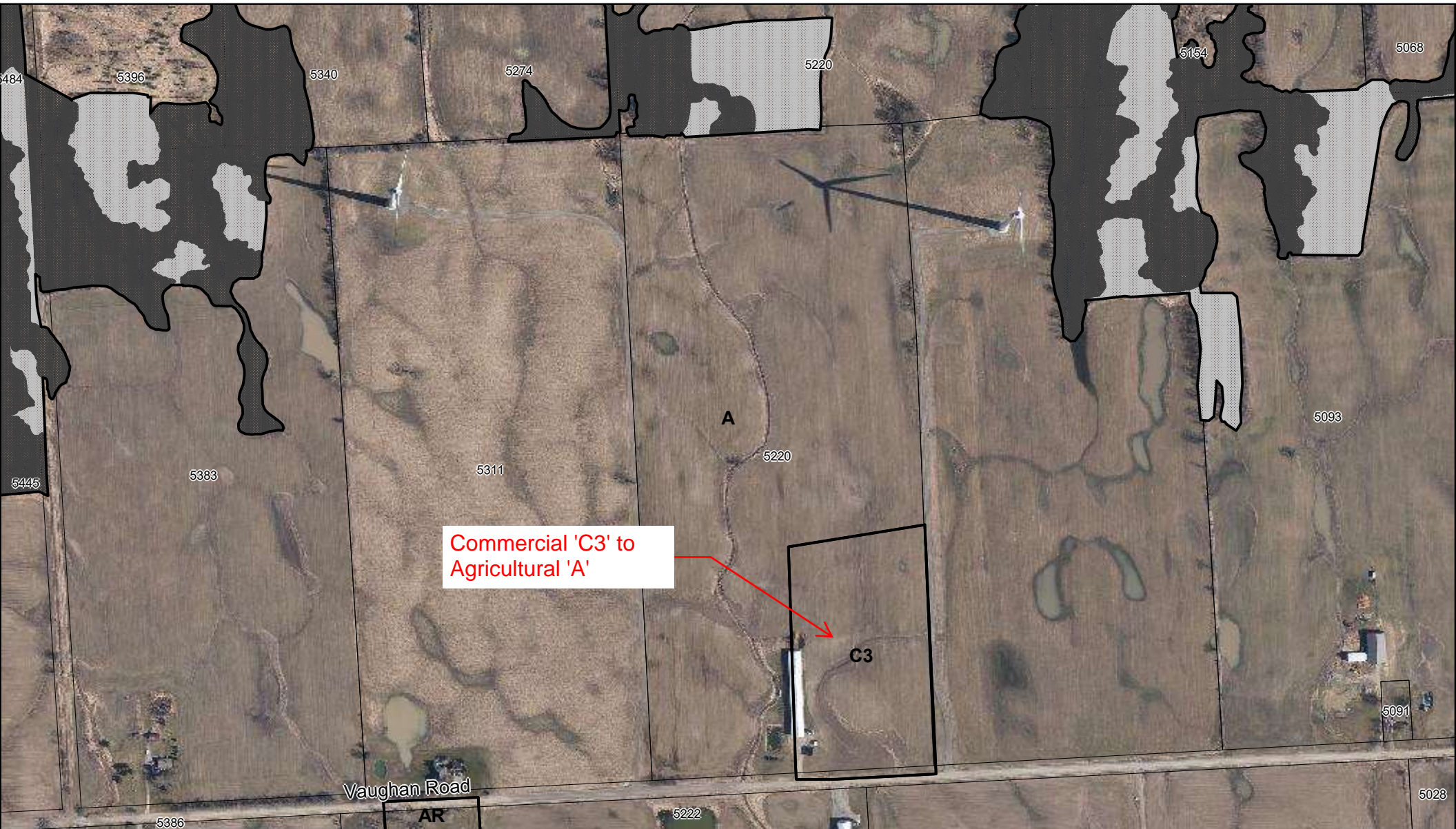
Attachment No. 3 to COA-040-21
Attachment 1 to PD-67-2021
8365 Silver Street - Caistor Fire Station



Attachment No. 3 to COA 040-21
Attachment 2 to PD-07-2021
9299 Twenty Road



Attachment No. 3 to COA-040-21
Attachment 3 to PD-67-2021
5220 Vaughan Road



Attachment No. 3 to COA 040-21
Attachment 4 to PD 067-2021
5432 Sixteen Road - Former St. Anns Food



Gerrit Boerema

From: Jessica Dyson
Sent: June 9, 2021 9:31 AM
To: Gerrit Boerema; Madyson Etzl; Meghan Birbeck; Brian Treble
Cc: Jeni Fisher
Subject: Fw: 1601-009-21 (ZBA) Township of West Lincoln Housekeeping Amendments

Good morning all,

Please see below an email I received last night with respect to the Housekeeping Public Meeting for Monday.

Thank you,
Jess



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

COVID Update June 3, 2021 – All public health and workplace safety measures under the emergency brake will remain in place until Ontario enters Step One of the Roadmap to Reopen, at which point restrictions will ease with an initial focus on outdoor settings. In compliance with these regulations, the Township Office is closed, however, staff are available to assist the public, Monday to Friday, 9:00 am to 4:30 pm by phone at 905-957-3346 or by email. The best source of information is our new website <https://www.westlincoln.ca> where you can also find specific email address and phone extensions.

From: D & G [REDACTED]
Sent: June 8, 2021 7:26 PM
To: Jessica Dyson
Subject: 1601-009-21 (ZBA) Township of West Lincoln Housekeeping Amendments

To the W.L. Planning/Building/Environmental Committee,

Regarding the property @ 9299 Twenty Road. I was very surprised to learn that the C3 zoning still existed on my farm. The C3 Zoning was

applied to the farm because my grandfather (Clifford Coon) & father (Ron Coon) were plumbers and electricians and serviced the area farmers. They also were actively farming the property as well. The barn was used to house their equipment @ supplies. In 1997/1998 my father severed a retirement lot off the farm & built a new house. I took over the family farm at this point. It was at this time 1997/1998 that West Lincoln informed me that because of the severed retirement lot that the C3 zoning would be removed. I agreed that it was no longer needed. I understand that this is a housekeeping issue and fully agree to the formal removal of the C3 zoning.

If you have any questions, please feel free to contact me.

Thank-you,
Deborah Coon-Petersen

Gerrit Boerema

From: Harvey Pot [REDACTED]
Sent: June 7, 2021 3:12 PM
To: Gerrit Boerema
Subject: 5220 Vaughn Road

Hello Gerrit

Regarding the letter we recieved , we are asking for more time to review our options. We were not aware that this property has a C3 zoning . Our family has owned this property for 60 years and this has never showed up on any searches. We find this very interesting.

Sincerely Harvey H. Pot

Planning and Development Services

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

Via Email Only

June 9, 2021

File No.: D.18.12.ZA-21-0058

Gerrit Boerema
Planner II
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Mr. Boerema:

**Re: Regional and Provincial Comments
Housekeeping Zoning By-law Amendments
Township File No.: 1601-009-21
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the Notice of Public Meeting for the above-noted Zoning By-law Amendment, which proposes a number of general and housekeeping corrections to the Township of West Lincoln's Comprehensive Zoning By-law 2017-70, as amended. The proposed amendments include changes to environmental mapping provisions, accessory building and structure provisions, accessory dwelling unit provisions, legal non-conforming status of dwellings on commercial lots, outdoor storage requirements and several site-specific mapping changes. Additional information on these amendments is outlined in Township Report PD-36-2021, dated April 12, 2021.

Amendment to Part 1.3.6 of the Township's By-law proposes the addition of a process in which Environmental Protection (EP) and Environmental Conservation (EC) mapping can only be altered through a separate process requiring a fee and application form. At the moment, the Township's By-law permits for EP and EC zones to be refined or changed based on better mapping in consultation with the Region and Niagara Peninsula Conservation Authority. This process is currently completed outside of a Zoning By-law Amendment application. Regional staff received additional correspondence dated June 8, 2021, which proposes to instead amend wording in the Township's By-law specific to amending mapping for EC and EP zones based on "better mapping from the Region and Niagara Peninsula Conservation Authority."

Regional Environmental Planning staff are not opposed to updating the requirements to refine EC and EP zones, but are of the opinion that additional discussion is required prior to changes being imposed. Accordingly, it is strongly recommended that this component of the Housekeeping Amendment be removed from consideration until additional discussions can occur amongst West Lincoln, Niagara Peninsula Conservation Authority and Niagara Region staff. Staff from all agencies need to carefully consider the impacts and prescribed processes of the *Planning Act* when revising these policies, and additional time to complete further consultation will result in the creation of environmental policies that appropriately reflect Provincial and Regional interests.

Regional staff has no concerns or objections with respect to the following Township-wide housekeeping amendments:

- Part 3.1, Table 1-1, Number of Accessory Buildings in an Agricultural Zone;
- Table 1-2, Number of Accessory Buildings in Residential Zones;
- Part 3.2.1 e), Accessory Dwelling Unit Septic Requirements;
- Part 7.2, Table 16, Permitted Uses in Commercial Zones; and
- Part 7.3, Table 17, Part 8.3, Table 19, Outdoor Storage.
 - Staff recommend that the Township consider implementing a maximum percentage, in lieu of wording stating “consideration of a higher percentage.”

Regional staff has no concerns or objections with respect to the following site-specific housekeeping amendments:

- 8635 Silver Street, from Industrial ‘M2’ to Institutional ‘I’ to recognize the existing Caistor Fire Station;
- 9299 Twenty Road, from Commercial ‘C3’ to Agricultural ‘A’; and
- 5220 Vaughan Road, from Commercial ‘C3’ to Agriculture ‘A’.

The final site-specific amendment proposes to rezone lands at 5432 Sixteen Road from Agriculturally Related ‘AR’ to Agricultural Related ‘AR-XX’ to recognize a permitted abattoir use. According to the Report, an abattoir was permitted on this site prior to 2017 and the Township’s new By-law removed those permissions. A pre-consultation meeting was held for this property on July 16, 2020, where it was indicated that the abattoir use on the lands was not continuous, and a Zoning By-law Amendment was required to “allow for the abattoir use again to begin production.” At the time of the pre-consultation meeting, Regional staff expressed concerns with the re-introduction of this use as it relates to compatibility with surrounding existing uses (including numerous rural residential lots) and odour. The applicant had indicated that information regarding odour was available from the Ministry of the Environment, Conservation and Parks (MECP) Environmental Compliance Approval (ECA), and was to provide this information to Township and Region staff. Regional staff informed the applicant that if suitable information was not available through the MECP ECA, then the submission of

an air quality assessment for odour emissions, completed by a Qualified Professional, was required to support the By-law Amendment. As of the date of these comments, Regional staff has not received any information to address odour concerns, either from the MECP ECA or a separate air quality assessment. Additionally, MECP's Access Environment mapping does not identify an ECA for the subject property as of June 8, 2021; however, it is noted that some historical ECAs may not be identified on this mapping tool.

At the time of the pre-consultation meeting for 5432 Sixteen Road, it was noted that Provincial Officer's Orders were placed on the property. As of July 2020, staff from the MECP Drinking Water and Environmental Compliance Division indicated that these Orders needed to be resolved, and Regional staff understand that they should be resolved prior to the abattoir use being re-introduced. Accordingly, Regional staff recommend that the Township confirm the status of the Provincial Officer's Orders with the MECP.

Given the above discussion, Regional staff remain concerned with the potential impacts generated as a result of re-introducing the abattoir use on the 5432 Sixteen Road. Impacts related to air quality and odour emissions have not sufficiently been addressed and, as a result, Regional staff are unable to confirm that this use will be compatible with, and will not hinder surrounding agricultural and rural residential uses. As such, Regional staff recommend the following:

- That the site-specific amendment for 5432 Sixteen Road be removed from the proposed Housekeeping Amendments, and be addressed through a separate site-specific Zoning By-law Amendment process that is supported with all applicable studies and information; or
- That a Holding (H) provision be added to the site-specific amendment for 5432 Sixteen Road to require the submission of additional studies and information to address compatibility prior to the re-introduction of the abattoir use. If the Township chooses to proceed with this option, it is unclear at this time whether the odour compatibility concerns can be sufficiently addressed on-site. As such, it is unclear whether the abattoir use can feasibly be permitted on this property.

Conclusion

Regional Planning and Development Services staff has offered the above comments for consideration by the Township. Regional staff has no concerns with the following proposed amendments:

- Part 3.1, Table 1-1, Number of Accessory Buildings in an Agricultural Zone;
- Table 1-2, Number of Accessory Buildings in Residential Zones;
- Part 3.2.1 e), Accessory Dwelling Unit Septic Requirements;
- Part 7.2, Table 16, Permitted Uses in Commercial Zones;
- Part 7.3, Table 17, Part 8.3, Table 19, Outdoor Storage;

- 8635 Silver Street, from Industrial 'M2' to Institutional 'I' to recognize the existing Caistor Fire Station;
- 9299 Twenty Road, from Commercial 'C3' to Agricultural 'A'; and
- 5220 Vaughan Road, from Commercial 'C3' to Agriculture 'A'.

Regional staff is currently unable to support the amendments related to Part 1.3.6 (Township Environmental Mapping) and 5432 Sixteen Road, and strongly recommend that these sections be removed from the Housekeeping Amendment proposal for the time being. Revisions to Part 1.3.6 will require significant correspondence and collaboration amongst at least Niagara Region, Niagara Peninsula Conservation Authority and Township of West Lincoln staff; removing this section from the Housekeeping Amendment will provide additional time to refine policy wording to address Provincial and Regional policies and interests. Site-specific zoning for 5432 Sixteen Road should be supported by additional studies and information to address compatibility and odour concerns; removing this section from the Housekeeping Amendment will provide for the site-specific change to proceed through a public process and be supported by necessary documentation and information (i.e. air quality assessment to address odour).

Regional staff look forward to continued collaboration with the Township of West Lincoln to address the amendments related to Part 1.3.6 of the Township's By-law and 5432 Sixteen Road.

If you have any questions or wish to discuss these comments, please contact the undersigned at aimee.alderman@niagararegion.ca, or Lola Emberson, MCIP, RPP, Senior Development Planner, at lola.emberson@niagararegion.ca.

Please send notice of Council's decision regarding these amendments.

Best regards,



Aimee Alderman, MCIP, RPP
Development Planner

cc: Mr. A. Boudens, Senior Environmental Planner/Ecologist, Niagara Region
Ms. C. Lampman, Manager, Environmental Planning, Niagara Region
Mr. P. Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Mr. R. Alguire, C.E.T., Development Approvals Technician, Niagara Region

Gerrit Boerema

From: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Sent: July 22, 2021 4:05 PM
To: Gerrit Boerema
Cc: Busnello, Pat; Morreale, Diana
Subject: RE: West Lincoln bylaw amendment - St Anns Abattoir (5432 Sixteen Road, WL)
Attachments: Regional Comments.pdf

Hi Gerrit,

Thank you for providing the additional documentation/information. Understanding that this amendment is proceeding to Township Council on Monday night (July 26, 2021), the following additional comments are offered specific to the proposed abattoir at 5432 Sixteen Road in West Lincoln:

Regional Planning and Development Services staff maintain that the site-specific zoning to permit the abattoir use at 5432 Sixteen Road should incorporate a Holding (H) provision to ensure that Provincial and Regional policies to permit agriculture-related uses are satisfied (including, but not limited to, Criterion #2 for agriculture-related uses as listed in the OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas). This approach was recommended through the attached Regional Comments letter, dated June 9, 2021. Through implementing the Holding (H) provision, the proponent will be afforded additional time to obtain an Environmental Compliance Approval, as/if necessary, from the Ministry of the Environment, Conservation and Parks; based on previous correspondence with MECP staff, it is anticipated that the proposed abattoir will require an Environmental Compliance Approval for air (i.e. odour).

Regional staff are of the opinion that the implementation of the Holding (H) provision will provide the opportunity for the proposed abattoir to be consistent with the Provincial Policy Statement, and conform with the Regional Official Plan. It is also recommended that the status of the Provincial Officer's Orders on the subject lot be confirmed with MECP staff, to support the implementation of the Holding (H) provision.

Should you have any questions regarding the above comments, please contact me.

Thank you,

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

From: Gerrit Boerema <gboerema@westlincoln.ca>
Sent: Tuesday, July 13, 2021 3:19 PM

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021-##

A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70, AS AMENDED, OF THE TOWNSHIP OF WEST LINCOLN

WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990, AS AMENDED;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

1. THAT, Part 1 “Administration” of Zoning Bylaw 2017-70 as amended, is hereby amended by deleting Subsection 1.3.6 f) and replacing it with the following:

- f) As an Environmental Protection (EP) Zone or an Environmental Conservation (EC) Zone, the boundary shall follow the limits of identified natural environment features and any associated buffer area required to protect the environmental features and their ecological functions which shall be based on the most detailed resource mapping available and may be more precisely determined in consultation with the Niagara Peninsula Conservation Authority or other agencies having jurisdiction in the area, and where detailed resource mapping becomes available after the effective date of this By-law the limits of the EP and EC zone boundaries may be refined without the requirement for a zoning by-law amendment where the changes are required to be in conformance to Regional and NPCA environmental mapping. Private landowner requests will also be considered under this clause where:
- i. The change relates to an adjustment of the EC zone; or,
 - ii. The change relates to an adjustment to the EP zone where the flood hazard limit has been identified; or,
 - iii. The change relates to an adjustment of the EP zone other than the flood hazard limit where a technical study, through consultation with the Township, Region of Niagara and NPCA, is not required.

All requirements of this By-law shall be applied relative to the revised interpretation of the EP and EC zone boundaries, including any applicable setbacks and the uses and regulations of the adjacent zone on the same lot shall apply;

2. THAT, Part 3 “General Provisions” of Zoning By-law 2017-70, as amended, is hereby amended by amending Subsection 3.1 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 120m ²) | Type 3 (greater than 120m ²) |
| Maximum <i>ground floor area</i> per <i>building</i> or <i>structure</i> | | 10m ² | 120m 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</i> or <i>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</i> or <i>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> | | |

| Regulation | | Accessory Buildings or Structures in an Agricultural Zone | | |
|---|------------------------------------|--|--|---|
| | | Type 1 (0.1 to 10m ²) | Type 2 (10.1 to 120m ²) | Type 3 (greater than 120m ²) |
| 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 | 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 and structures</i> in the respective <i>zone</i> | | Not permitted on this <i>lot</i> size |
| | <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 and 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 and 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 and 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) | | |

3. THAT, Part 3 “General Provisions” of Zoning By-law 2017-70, as amended, is hereby amended by amending Subsection 3.1 Table 1-1: 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 | 120m ² | Based on maximum lot coverage (see below) | |
| | All other Residential Zones | 50m ² | | |
| Maximum number of accessory buildings or structures per lot | Accessory buildings | 2 | | |
| | Accessory Structures | Based on maximum lot coverage (see below) | | |
| Permitted yards | | Interior Side Yard Rear Yard | All Yards | |
| Minimum setback from front lot line | | No closer to the front lot line than the main building | 4.5 metres | 15 metres |
| Minimum setback to exterior side lot line | | No closer to the exterior side lot line than the main building, except that a detached private garage in the rear yard shall not be located any closer than 6 metres to the exterior side lot line | | |
| Minimum setback to interior side lot line | | 1.2 metres, except that this shall not apply to prevent a permitted detached private garage which services two dwellings that are each on a separate lot | | |
| Minimum setback to rear lot | | | 1.2 metres | 7.5 metres |

| 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 |
|---|-----------------------------|---|---|---|
| line | | | | |
| Maximum height | | 5 metres | 6 metres | 10 metres |
| Maximum lot coverage | RuR and R1A Zones | 200m ² or 8% of the lot area, whichever is less, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone | 8% of the lot area, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone | |
| | All other Residential Zones | 100m ² or 8% of the lot area, whichever is less, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone | | |
| Minimum setback from main building ⁽¹⁾ | | 1.5 metres | 3 metres | |

4. THAT, Part 3 “General Provisions” of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Subsection 3.2.1:

- e) On a lot that is not serviced by municipal sewage services and/or municipal water services, an accessory dwelling unit shall not be permitted unless the lot has a minimum lot area of 0.4 hectare and the private sewage services and/or private water services are approved for the lot with adequate capacity for the accessory dwelling unit and any other uses on the lot. **Accessory dwelling units shall not be permitted to have separate septic systems.**

5. THAT, Part 3 “General Provisions” of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Subsection 3.25.1 a):

- v. Pre-fabricated shipping containers are permitted as temporary construction uses limited to new construction or re-construction of a main building as per Section iv. A maximum of one shipping container for temporary construction use is permitted per lot and is subject to all other provisions of this bylaw and require a separate building permit.

6. THAT, Part 7 “Commercial Zones” of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Table 16: “Permitted Uses in Commercial Zones:

| Uses | Zones where Permitted | | | |
|--------------------------------------|-----------------------|----|-------------------|----|
| Principal Uses | | | | |
| Single Detached Dwelling | | | C3 ⁽²⁾ | |
| Apartment dwelling | C1 | | | |
| Art gallery | C1 | | | |
| Commercial kennel (see s. 3.8) | | | C3 | |
| Commercial school | C1 | C2 | C3 | C4 |
| Communications establishment | C1 | | C3 | C4 |
| Contractors establishment | | | C3 | |
| Day care | | C2 | | |
| Drive-through facility (see s. 3.12) | | | C3 | C4 |
| Dry cleaning/ laundry depot | C1 | C2 | C3 | C4 |
| Financial institution | C1 | | C3 | C4 |
| Funeral home | C1 | | C3 | |
| Garden centre | | | C3 | C4 |
| Hotel/ motel | | | C3 | |
| Motor vehicle dealership | | | C3 | |

| Uses | Zones where Permitted | | | |
|---|-----------------------|-------------------|-------------------|-------------------|
| Motor vehicle gasoline bar | | | C3 | C4 |
| Motor vehicle repair establishment | | | C3 | |
| Motor vehicle service station | | | C3 | C4 |
| Motor vehicle washing establishment | | | C3 | C4 |
| Office, including a medical office | C1 | C2 | C3 | C4 |
| Personal service shop | C1 | C2 | C3 | C4 |
| Pet care establishment (see s. 3.8) | | | C3 | C4 |
| Place of entertainment | C1 | | C3 | C4 |
| Private club | C1 | | C3 | C4 |
| Recreation facility | C1 | | C3 | C4 |
| Restaurant | C1 | C2 | C3 | C4 |
| Retail store | C1 | C2 | C3 | C4 |
| Service shop | C1 | | C3 | C4 |
| Shopping center | | | | C4 |
| Studio | C1 | C2 | C3 | C4 |
| Veterinary clinic | C1 | | C3 | C4 |
| Wayside pit or quarry (see s. 3.27) | | | C3 | C4 |
| Accessory Uses ⁽¹⁾ | | | | |
| Accessory buildings or structures and accessory uses (see s. 3.1) | C1 ⁽¹⁾ | C2 ⁽¹⁾ | C3 ⁽¹⁾ | C4 ⁽¹⁾ |
| Accessory dwelling units (see s. 3.2) | C1 ⁽¹⁾ | | | |
| Outside display and sales area | | | C3 ⁽¹⁾ | C4 ⁽¹⁾ |
| Outside storage | | | C3 ⁽¹⁾ | C4 ⁽¹⁾ |
| Renewable energy system (see s. 3.15) | C1 ⁽¹⁾ | C2 ⁽¹⁾ | C3 ⁽¹⁾ | C4 ⁽¹⁾ |

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

⁽²⁾ Existing Single Detached Dwellings outside of settlement areas within Commercial ‘C3’ Zones, and additions and alterations are permitted and are subject to the setbacks and lot coverage regulations of the Rural Residential ‘RuR’ zone.

7. THAT, Part 7 “Commercial Zones” of Zoning By-law 2017-70, as amended, is hereby amended by deleting Table 17 “Regulations for Permitted Uses in Commercial Zones” and replacing it with the following:

| Regulation | | Zone Requirements | | | |
|--|---|-----------------------|-------------------|---|-------------------|
| | | C1 ^{(1),(2)} | C2 | C3 | C4 |
| Minimum <i>lot area</i> | | - | 500m ² | 750m ² | 900m ² |
| Minimum <i>lot frontage</i> | | - | 15m | 25m | 30m |
| Minimum <i>front yard</i> | Adjoining Regional Road 14 or 20 | - | 6m | 9m | |
| | Other | 6m | | | |
| Minimum <i>exterior side yard</i> | Adjoining Regional Road 14 or 20 | - | 6m | | |
| | Other | 6m | | | |
| Minimum <i>interior side yard</i> | Adjoining a <i>lot</i> in a Residential <i>Zone</i> | 3m | 5m | 9m | |
| | Other | - | 3m | 6m | |
| Minimum <i>rear yard</i> | Adjoining a <i>lot</i> in a Residential <i>Zone</i> | 6m | 6m | 9m | |
| | Other | | | 6m | |
| Maximum <i>lot coverage</i> | | - | 45% | 50% | |
| Minimum <i>height</i> | | 2 storeys | - | | |
| Maximum <i>height</i> | | 15m | 10m | | |
| Minimum <i>landscaped open space</i> | | - | 20% | 10% | |
| Maximum <i>outside storage</i> | | - | | 25% of <i>lot area</i>⁽³⁾ | |
| Maximum <i>gross leasable floor area</i> | Per <i>commercial use</i> | - | 280m ² | - | |
| | Total % of <i>lot area</i> | | 45% | 50% | |

⁽¹⁾ An *apartment dwelling* in the C1 *Zone* shall be permitted as an exclusive *principal use* of a *main building* or shall be located above the first *storey* within a *main building* containing a permitted non-residential *principal use* on the ground floor, and shall be subject to the minimum *lot area*, minimum separation distance between *dwellings* on the same *lot* and minimum *amenity area* requirements of the RH *Zone* in accordance with Section 6.3, Table

15. All other requirements of the C1 Zone shall apply.

- (2) The maximum number of *accessory dwelling units* on a *lot* in the C1 Zone shall not exceed 1 *dwelling unit* per 120 m² of *lot area*.
- (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*.

8. THAT, Part 7 “Employment Zones” of Zoning By-law 2017-70, as amended, is hereby amended by deleting Table 19 “Regulations for Permitted Uses in Employment Zones” and replacing it with the following:

| Regulation | | Zone Requirements | | |
|--|--|--------------------------------|------|--------------------|
| | | M1 | M2 | M3 |
| Minimum <i>lot area</i> | | 2,000m ² | | - |
| Minimum <i>lot frontage</i> | | 30m | | - |
| Minimum <i>front yard</i> | | 15m | | 30m ⁽¹⁾ |
| Minimum <i>exterior side yard</i> | | 10m | 15m | 30m ⁽¹⁾ |
| Minimum <i>interior side yard</i> | Adjoining a <i>lot</i> in a Residential Zone | 15m | 30m | 90m ⁽¹⁾ |
| | Other | 5m | 7.5m | 30m ⁽¹⁾ |
| Minimum <i>rear yard</i> | Adjoining a <i>lot</i> in a Residential Zone | 15m | 30m | 90m ⁽¹⁾ |
| | Other | 7.5m | | 30m ⁽¹⁾ |
| Maximum <i>lot coverage</i> | | 50% | | - |
| Maximum <i>height</i> | | 10m | | 15m ⁽¹⁾ |
| Minimum <i>landscaped open space</i> | | 10% ⁽²⁾ | | - |
| Maximum <i>outside storage</i> | | 25% ⁽³⁾ | | - |
| Maximum accessory <i>retail gross floor area</i> | | 10% of <i>gross floor area</i> | | - |

- (1) Minimum *yard* requirements apply to *buildings*, *structures* and aggregate stockpiles.
- (2) A minimum of 50% of required *landscaped open space* shall be located in the *front 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*.

9. THAT, Map C3 to Schedule ‘A’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on 8635 Silver Street, shown on Schedule ‘A’, attached hereto and forming part of this By-law from an Employment “M2” zone to an Institutional “I” zone.
10. THAT, Map B2 to Schedule ‘A’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the 9299 Twenty Road shown on Schedule ‘A’, attached hereto and forming part of this By-law from a Commercial “C3” zone to an Agricultural ‘A’ zone.
11. THAT, Map E7 to Schedule ‘A’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of 5220 Vaughan Road, shown on Schedule ‘A’, attached hereto and forming part of this By-law from a Commercial “C3” zone to an Agricultural “A” zone.
12. THAT, Map C7 to Schedule ‘A’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of 5432 Sixteen Road, shown on Schedule ‘A’, attached hereto and forming part of this By-law from an Agriculturally Related “AR” zone to an Agricultural Related “AR-204” zone with a site specific exception.
13. THAT, Section 13 “Special Provisions” to Zoning Bylaw 2017-70, as amended, is hereby amended by adding the following to Table 29 “Site Specific Exceptions”:

| Site-Specific Provision # | Map # | Parent Zone(s) | Permitted Uses | Regulations |
|---------------------------|-------|----------------|--|-------------------------|
| 204 | C7 | AR | As per the parent zone, plus an abattoir | As per the parent zone. |

14. THAT, the Clerk of the Township of West Lincoln is hereby authorized to effect any minor modifications or corrections to the By-law of a descriptive, numerical or grammatical nature as may be deemed necessary after passage of this By-law.
14. THAT, this By-law shall become effective from and after the date of passing thereof.

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

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

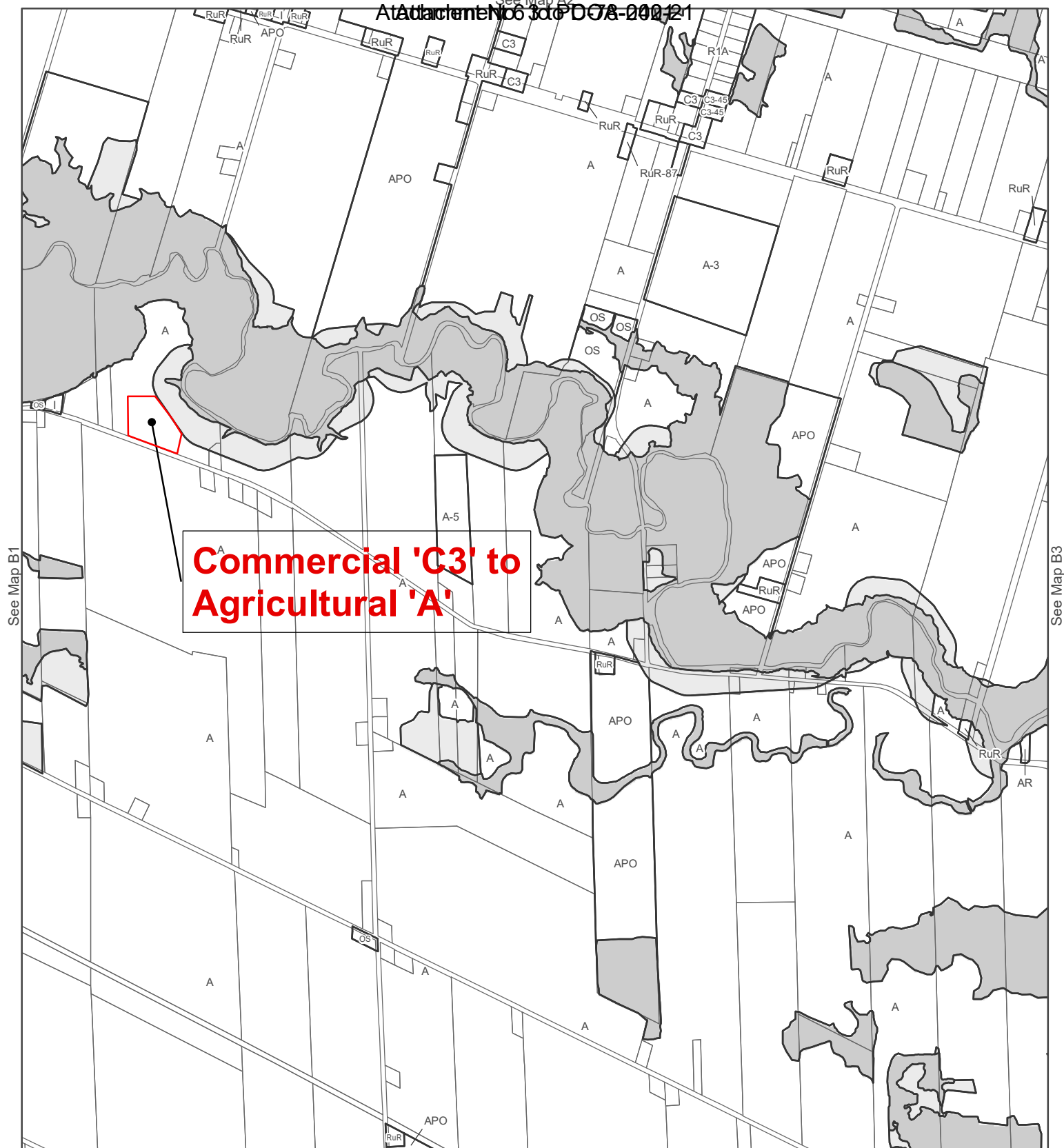
EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2019-##

The Township's Comprehensive Zoning By-law 2017-70 was passed by the Council of the Corporation of the Township of West Lincoln on June 26, 2017. This By-law amends Zoning By-law 2017-70, as amended, to address issues that have become apparent during its first four years of implementation.

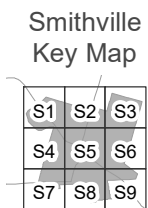
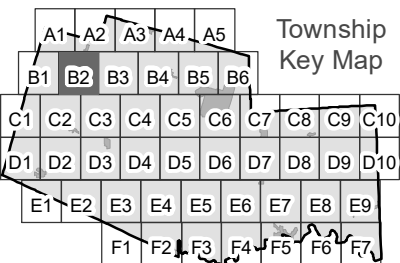
A Public Meeting was held on June 14, 2021. No members of the public provided oral comments. Two written comments were received from property owners. No other public comments were received. All comments received were evaluated by staff and Council through their decision.

File: 1601-009-21
Township of West Lincoln

DRAFT



**Commercial 'C3' to
Agricultural 'A'**



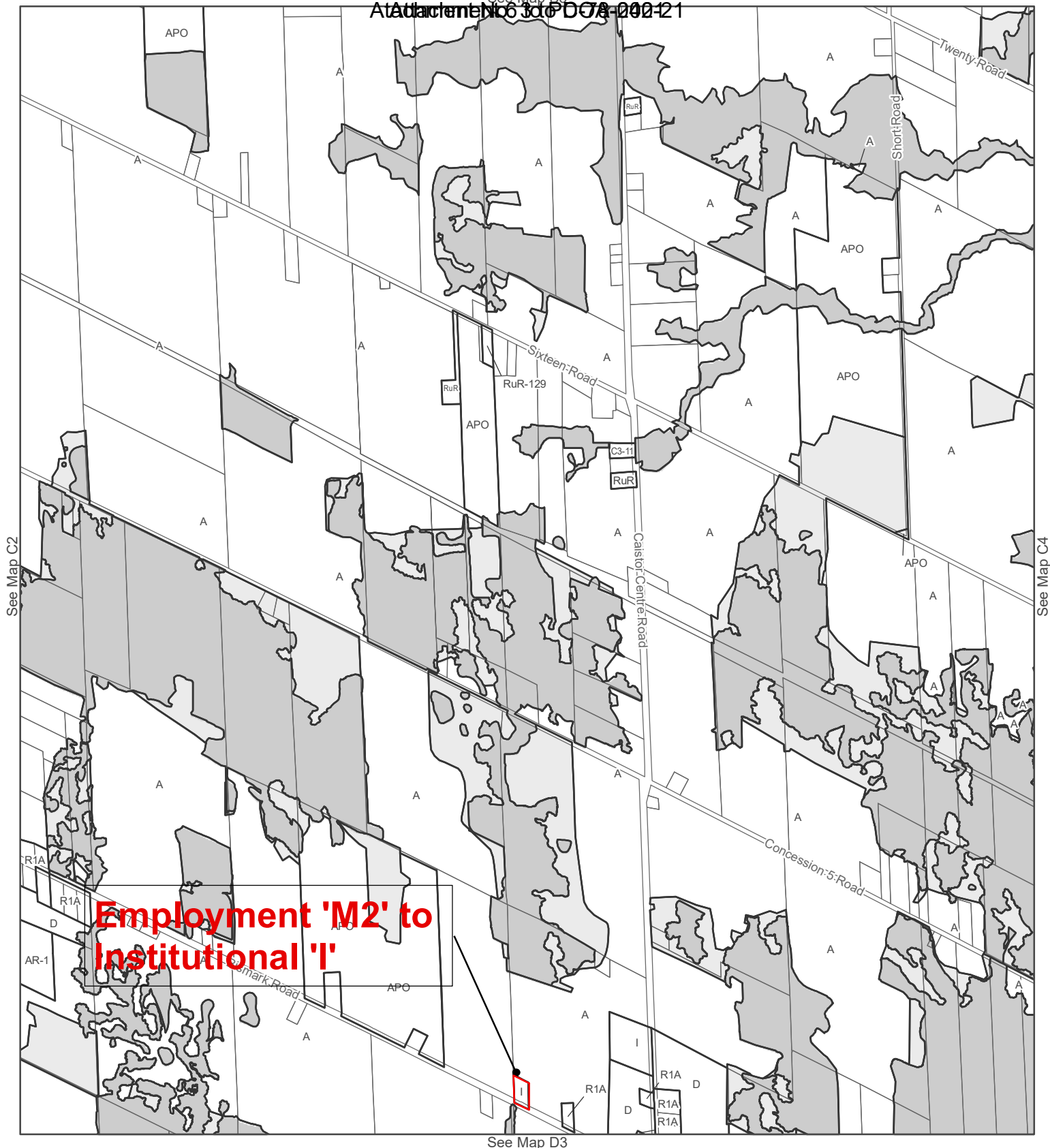
- Settlement Area Boundary
- Zone Boundary
- EC
- EP
- Waste Management Facility Assessment Area

Township of West Lincoln
Schedule A
Zoning By-law No.2017-70

Map
B2

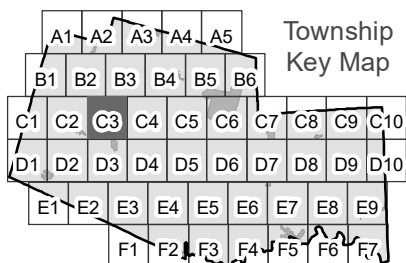
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Last Updated: February 2021

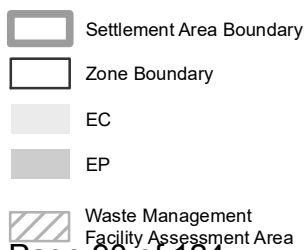
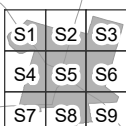


**Employment 'M2' to
Institutional 'I'**

See Map D3



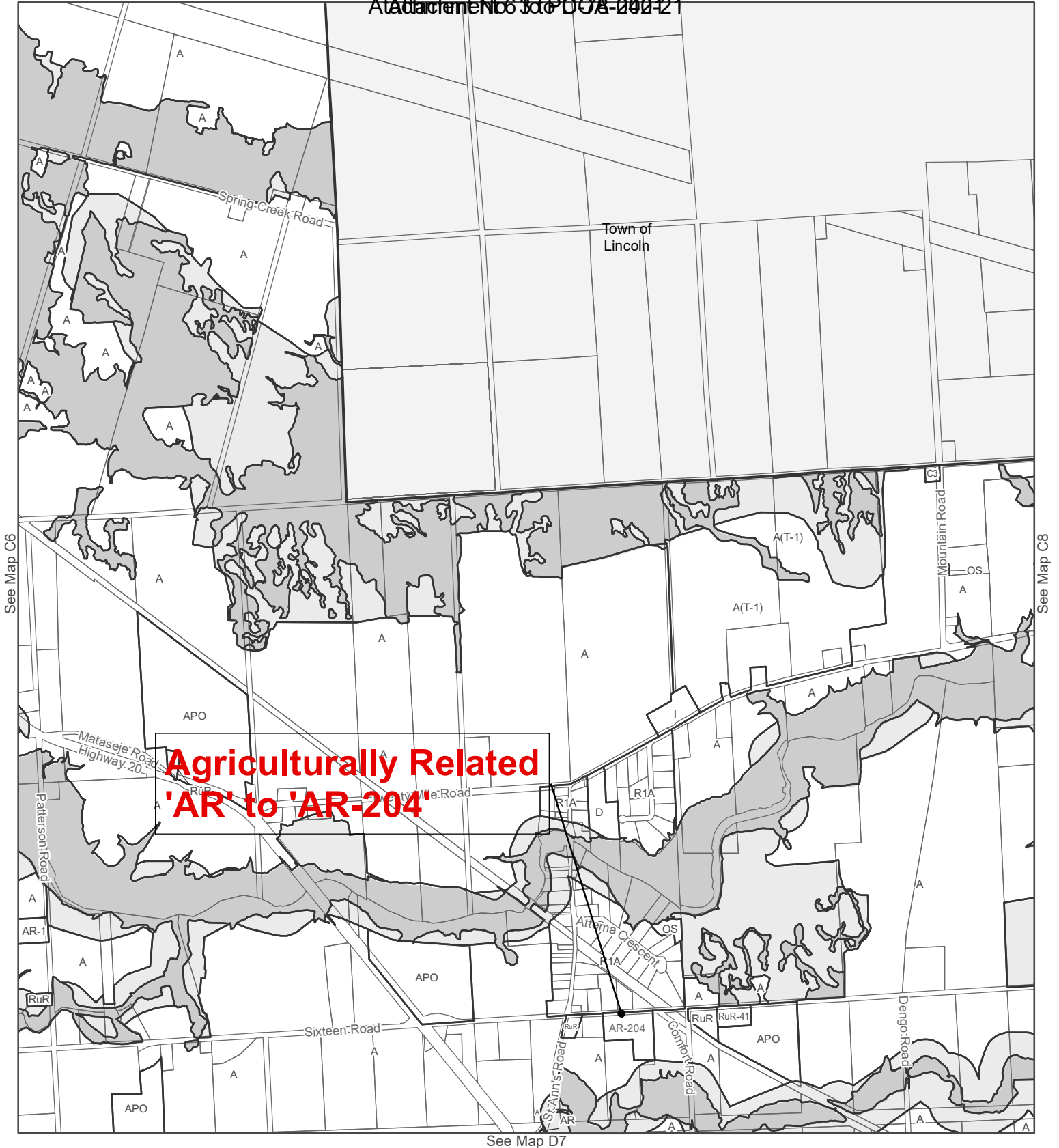
Smithville Key Map



Township of West Lincoln Schedule A Zoning By-law No.2017-70

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Last Updated: February 2021

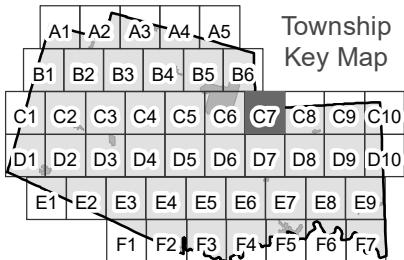
Map
C3



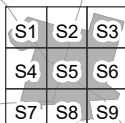
See Map C6

See Map C8

See Map D7



Smithville Key Map

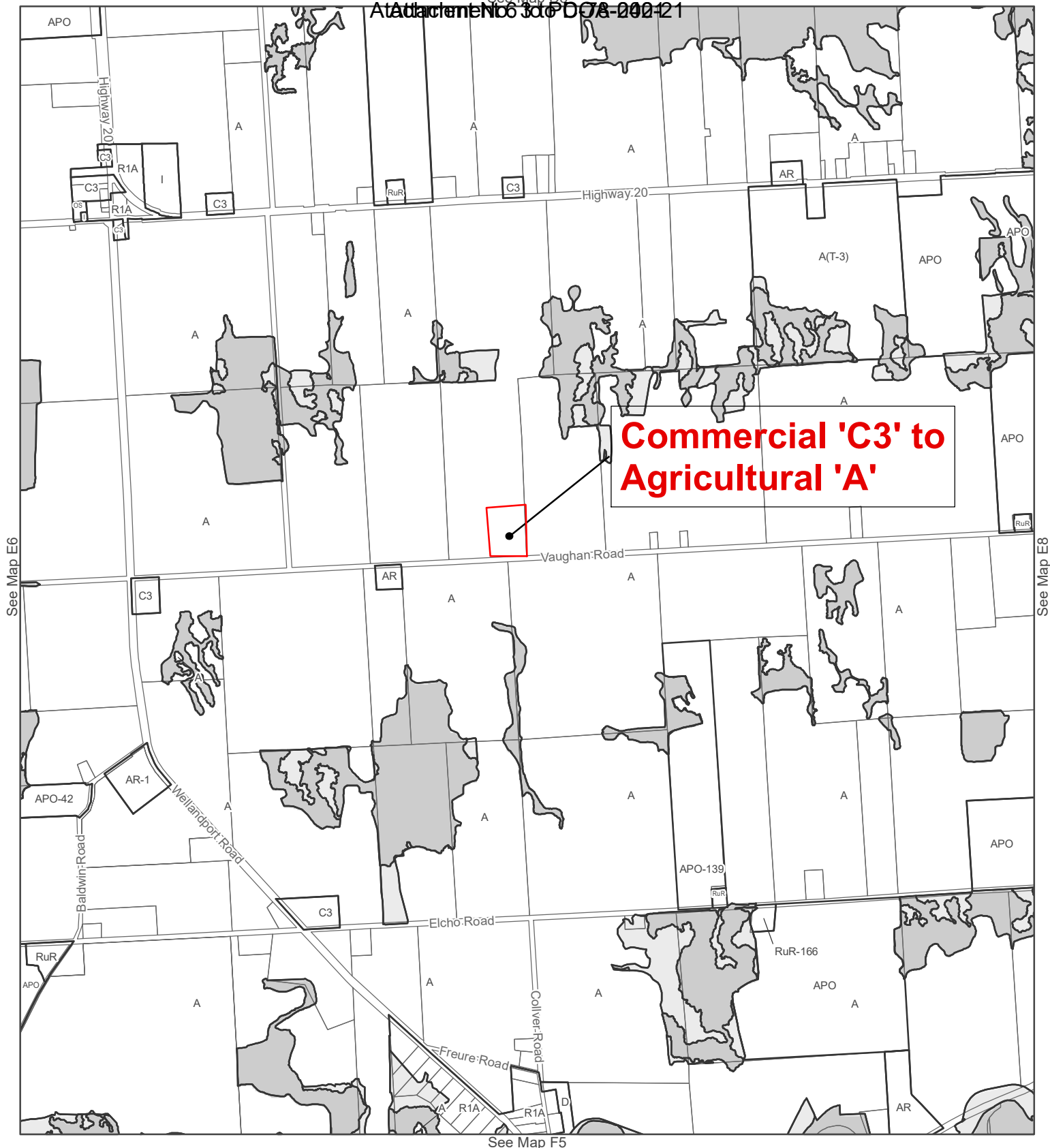


- Settlement Area Boundary
- Zone Boundary
- EC
- EP
- Waste Management Facility Assessment Area

Township of West Lincoln Schedule A Zoning By-law No.2017-70

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Last Updated: February 2021

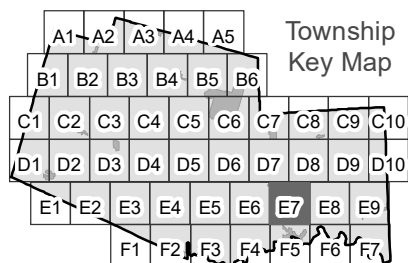
Map
C7



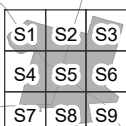
See Map E6

See Map E8

See Map F5



Smithville Key Map



- Settlement Area Boundary
- Zone Boundary
- EC
- EP
- Waste Management Facility Assessment Area

Township of West Lincoln

Schedule A

Zoning By-law No. 2017-70

1:20,000

0 500 m

Last Updated: February 2021

Map
E7

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: October 14, 2021 9:50 AM
To: Meghan Birbeck
Subject: NPCA Comments - October 27th Committee of Adjustment Meeting

Hello Meghan,

Please see below the NPCA's comments on the four applications you had circulated to me for the October 27th Committee of Adjustment meeting.

20 Wallis Avenue

- A portion of the subject property is impacted by a mapped Floodplain Hazard, and the 30 metre development buffer associated with a Provincially Significant Wetland (PSW). However, the proposed carport addition does not fall within the hazard or development buffer on site.
- As such, the NPCA will have no objections to the proposed Minor Variance.

6662 Vaughan Road

- A portion of the subject property falls within 15 metres of a Watercourse. However, the proposed shop appears to be located outside of the 15 metre development buffer associated with the Watercourse.
- As such, the NPCA will have no objections to the proposed Minor Variance.

3625 Sixteen Road

- The subject property is impacted by NPCA regulated Watercourses, Unevaluated Wetlands, and a mapped Floodplain Hazard. However, the proposed Quail Livestock Barn is located outside of the Floodplain Hazard, outside of the 15 metre development buffer associated with the Watercourses, and outside of the 30 metre development buffer associated with the Wetlands.
- As such, the NPCA will have no objections to the proposed Minor Variance.

7330 Concession 3 Road

- The subject property is impacted by NPCA regulated Watercourses, and Provincially Significant Wetlands (PSW). Although the proposed lot lines appear to bisect a portion of the 15 metres development buffer associated with a Watercourse, NPCA Policy does not prohibit lot creation within 15 metres of a Watercourse.
- As such, the NPCA will have no objections to the proposed Surplus Farm Dwelling Severance application.

Please let me know if you have any questions.

Sincerely,

Meghan Birbeck

From: Jennifer Bernard
Sent: October 12, 2021 10:37 AM
To: Meghan Birbeck
Subject: RE: October Committee of Adjustment meeting, West Lincoln

Hi Meghan,

I have no comments to provide for the revised application A28/2021WL and A30/2021WL.

Thanks,
Jenn



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

COVID 19 Update September 21, 2021 – As we continue to navigate the pandemic, the Township of West Lincoln is preparing to implement new regulations from the Provincial Government, which require all eligible individuals to be fully vaccinated against COVID-19 (two doses plus 14 days), and to provide proof of their vaccination status prior to accessing certain businesses and settings. Please read the latest update on our [website](#)

From: Meghan Birbeck
Sent: October 12, 2021 10:10 AM
To: Busnello, Pat <pat.busnello@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; susan.dunsmore@niagararegion.ca; Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Sue.Mabee@dsbn.org; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Jessica Kroes <jkroes@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Ray Vachon <rvachon@westlincoln.ca>
Subject: FW: October Committee of Adjustment meeting, West Lincoln

Good morning,

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

October 14, 2021

File No.: D.17.12.MV-21-0092

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

Dear Ms. Birbeck:

Re: Minor Variance Application
Regional and Provincial Comments
Township File No.: A28/2021WL
Address: 6662 Vaughan Road, Township of West Lincoln

Regional Planning and Development Services staff has completed a review for the above-mentioned Minor Variance application which has been applied for to permit a proposed Type 2 Agricultural Accessory Building to be built with a height of 6.7 metres whereas Table 1-1 of the Township's Zoning By-law 2017-70, as amended, identifies that the maximum height for a Type 2 Agricultural Accessory Building is 5.5 metres. The following Provincial and Regional comments are provided to assist the Committee in considering this application.

Core Natural Heritage System

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

The proposed agricultural accessory building is more than 15 m from Fish Habitat. As such, Environmental planning offers no requirements.

Conclusion

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

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

Best Regards,

A handwritten signature in blue ink, appearing to read 'R. Alguire', is positioned above the printed name.

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

cc: Lori Karlewicz, B. Sc., Planning Ecologist, Niagara Region

DATE: October 27th, 2021

REPORT NO: COA-041-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Chris Attema of Attema Consulting Services Inc. on behalf of Spring Creek Quail Farms
File No. A29/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Chris Attema of Attema Consulting Services Inc. on behalf of Spring Creek Quail Farms/ CRO Quail Farms Inc. for the property legally known as Concession 8, Part Lot 13, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara, municipally known as 3625 Sixteen Road.
- This Minor Variance application is requesting a decrease in the Minimum Distance Separation II (MDS II) for a new proposed livestock operation to neighboring single detached dwellings.
- A minor variance application has been applied for to permit the decrease in the minimum distance separation II (MDS II) setback for a proposed quail livestock barn from 176 metres to 103 metres.
- The last livestock operations had a permit approved April 23, 2019, roughly 918 days ago (2 years, 6 months, and 4 days ago).
- The separation distances calculated by MDS II vary according to a number of variables, including type and number of livestock, type of manure system, livestock management (i.e., tie stall barn vs. free stall barn), and expansion factor (any building permits issued for expansion in the previous 3 years).
- The Expansion Factor only applies for MDS II, and is based on the percentage increase in the number of Nutrient Units for the proposed construction of a first or altered livestock facility, compared to the Nutrient Units of all existing livestock facilities on the lot. The greater the percentage increase, the greater the value for the Expansion Factor and the further the resulting MDS II setbacks, all things being equal.
- Where a livestock facility is to be expanded, and one or more building permits to establish or expand that livestock facility were already issued within the previous 3 years, the percentage increase shall be calculated using the total additional Nutrient Units established or added by building permit(s) issued during the previous 3-year period, plus the proposed expansion, as the numerator, and the total existing Nutrient Units prior to the previous 3-year period as the denominator.

OVERVIEW CONTINUED:

- If it had been over 3 years since the last permit was issued for a livestock operation on the property, then the minimum distance separation requirement would be 126 metres.
- However, it has not technically been 3 years since the last permit was issued for a livestock operation on the property so the minimum distance separation requirement is 176 metres.
- The requested variance for a separation of 103 metres is a reduction in the MDS formula II of 23 metres if the previous building permit was granted longer than 3 years ago and a reduction in the MDS formula II of 73 metres if the previous building permit was granted less than 3 years ago.
- The application has identified that it will not be feasible for the applicants to construct the proposed barn on the property without relief from the calculated MDS II.
- Further, the applicants have identified that there is also a Niagara Peninsula Conservation Authority constraint on this property.
- 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 application made by Chris Attema on behalf of Spring Creek Quail Farms as outlined in Report COA-041-21; to permit a decrease in the required Minimum Distance Separation II (MDS II) setback for a proposed new quail livestock barn (230 feet x 50 feet x 1 storey total barn area) to 103 metres, BE APPROVED; subject to the following condition:
 - a. THAT, the variance not be deemed to be in full force and effective until after April 23, 2022.

BACKGROUND:

The subject lands are situated on the north side of Sixteen Road, west of Victoria Avenue Road, east of Moote Road, and south of Twenty Mile Road, being legally described as Concession 6, Part Lot 2, and Part Lot 3, in the former Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 3625 Sixteen Road. (See attachment 1 for a site sketch)

The subject property is approximately 56.67 acres (22.94 hectares) in size. The property is designated as Good General Agricultural with pockets of the Natural Heritage System and is zoned predominantly Agricultural 'A' with some Environmental Protection 'EP' zoning as well. The property also has a site specific provision that indicates that the maximum gross floor area for an abattoir is 237 square metres. The majority of the surrounding properties to 3625 Sixteen Road also share the same designation and zoning.

This Minor Variance application is requesting a decrease in the Minimum Distance Separation II (MDS II) for a new proposed livestock operation to neighboring single detached dwellings. The owners of the property are hoping to obtain a minor variance to permit the decrease in the minimum distance separation II (MDS II) setback for a proposed quail livestock barn from 176 metres to 103 metres.

The last livestock barn at this operation had a permit approved April 23, 2019, roughly 918 days ago (2 years, 6 months, and 4 days ago). The separation distances calculated by MDS II vary according to a number of variables, including type and number of livestock, type of manure system, livestock management (i.e., tie stall barn vs. free stall barn), and expansion factor (any building permits issued for expansion in the previous 3 years). The Expansion Factor only applies for MDS II, and is based on the percentage increase in the number of Nutrient Units for the proposed construction of a first or altered livestock facility, compared to the Nutrient Units of all existing livestock facilities on the lot. The greater the percentage increase, the greater the value for the Expansion Factor and the further the resulting MDS II setbacks, all things being equal. Where a livestock facility is to be expanded, and one or more building permits to establish or expand that livestock facility were already issued within the previous 3 years, the percentage increase shall be calculated using the total additional Nutrient Units established or added by building permit(s) issued during the previous 3-year period, plus the proposed expansion, as the numerator, and the total existing Nutrient Units prior to the previous 3-year period as the denominator.

If it had been over 3 years since the last permit was issued for a livestock operation on the property, then the minimum distance separation requirement would be 126 metres. However, it has not technically been 3 years since the last permit was issued for a livestock operation on the property so the minimum distance separation requirement is 176 metres. The requested variance for a separation of 103 metres is a reduction in the MDS formula II of 23 metres if the previous building permit was granted longer than 3 years ago and a reduction in the MDS formula II of 73 metres if the previous building permit was granted less than 3 years ago. The application has identified that it will not be feasible for the applicants to construct the proposed barn on the property without relief from the calculated MDS II. Further, the applicants have identified that there is also a Niagara Peninsula Conservation Authority constraint on this property.

A pre-consultation meeting was held for this application on April 1, 2021. Following the meeting the applicants were provided with comments from the Township, Region, and NPCA. Within the Township's comments it was asked that the applicants provide a justification letter written by the owner and their agent providing the reasons why a reduction of this size is appropriate. It was also indicated that it would be helpful for the applicants and their agent to address page 102 of the MDS Guideline titled 'Reducing MDS II Setbacks'. Furthermore, the Township indicated that it would be helpful for the applicant to have something in writing from the neighbour indicating no objection. The requested documentation from the Pre-Consultation meeting was not prepared with this application.

CURRENT SITUATION:

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

**Does the proposal maintain the general intent and purpose of the Official Plan?
Yes, with a condition**

The property is primarily 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. Agricultural main and accessory buildings are permitted in Good General Agricultural areas. Residential and accessory residential uses are also permitted in the Good General Agricultural designation. The agricultural property in question is approximately 56.67 acres (22.94 hectares) in size.

Section 4 of the Township's Official Plan discusses Agricultural Land Use Policies. Part 4.2.1 c) identifies that one of the policies for all agricultural areas is that *the Minimum Distance Separation Formulae, as amended from time to time, shall be utilized to determine separation distances between new or expanding livestock operations and new or expanding non-farm uses in all Agricultural areas. The implementation of the Minimum Distance Separation Formulae shall be through the Township's Zoning By-law. New and expanding uses within all Agricultural Designations including the creation of new lots as permitted by Section 17.13 of this plan and new or expanding livestock facilities shall comply with the minimum distance separation formulae.*

The minor variance application is proposing to decrease the setback for a proposed livestock operation to neighboring single detached dwellings to 103 metres. The Minimum Distance Separation II (MDS II) formula identifies that the setback, as calculated by Mr. Attema, would be 176 metres if the last livestock building permit was issued within the last three years and would be 126 metres if the last livestock building permit was issued more than three years ago. See chart below for a comparison of the setbacks.

Comparing permit issued less than 3 years ago to one issued more than 3 years ago

| Permit date | Distance | Reduction to proposed setback |
|---|------------|-------------------------------|
| If last livestock permit was issued within the last 3 years | 176 metres | 73 metres 41.5% reduced |
| If the livestock permit was issued more than 3 years ago | 126 metres | 23 metres 18.25% reduced |

Township staff believe that a 41.5% reduction in the MDS requirement cannot be justified at this time. However, staff believe that an 18.25% reduction is more understandable as it is a comparable reduction as to what has been accepted in the past. In order to obtain the 18.25% reduction, Township staff recommend adding the

following condition: that the variance not be deemed to be in full force and effective until after April 23, 2022.

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

The subject land is primarily zoned Agricultural 'A' under the Township's Zoning By-law 2017-70, as amended. The property also has a site specific provision that indicates that the maximum gross floor area for an abattoir is 237 square metres. The Agricultural zone permits agricultural main buildings, single detached dwellings, and accessory buildings. The proposed accessory building is a permitted use under the regulations of the A zone.

Under Section 3.10 of the Township's Zoning By-law 2017-70, as amended, Minimum Distance Separation formulas are identified. Part 3.10.2 specifically discusses the regulations related to Minimum Distance Separation II (MDSII). Part 3.10.2 a) indicates the following: *Notwithstanding the yard or setback requirements of this By-law to the contrary, all buildings and structures to be used for housing livestock or manure storage or anaerobic digesters, including any alterations, enlargements, renovations or replacements thereof, shall comply with the Minimum Distance Separation II (MDS II) Guidelines attached as Schedule "B" to this By-law.*

A pre-consultation meeting was held for this application on April 1, 2021. Following the meeting the applicants were provided with comments from the Township, Region, and NPCA. Within the Township's comments it was asked that the applicants provide a justification letter written by the owner and their agent providing the reasons why a reduction of this size is appropriate. It was also indicated that it would be helpful for the applicants and their agent to address page 102 of the MDS Guideline titled 'Reducing MDS II Setbacks'. Furthermore, the Township indicated that it would be helpful for the applicant to have something in writing from the neighbour indicating no objection.

The requested documentation from the Pre-Consultation meeting was not prepared with this application. As a result, Township staff believe that a 41.5% reduction in the MDS requirement cannot be justified.

However, staff believe that an 18.25% reduction is more acceptable as it is a comparable reduction as to what has been accepted in the past. In addition, this reduction will be mitigating environmental impacts as it will allow the applicants to avoid Niagara Peninsula Conservation Authority Features that exist throughout the property.

In order to obtain the 18.25% reduction, Township staff recommend adding the following condition: that the variance not be deemed to be in full force and effective until after April 23, 2022.

Is the proposal desirable for the appropriate development or use of the land?
Yes, with a condition

There are five livestock barns (230 feet x 50 feet x 1 storey total barn area) on the property already. The proposed barn will be located beside the existing cluster of livestock barns and will help grow the agricultural operations on the property.

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

Is the proposal minor in nature?
Yes, with a condition

The subject application is requesting to permit a setback of 103 metres for a proposed livestock barn to existing nearby single detached dwellings.

Township staff believe that a 41.5% reduction in the MDS requirement cannot be justified as it is not a minor reduction. However, staff believe that an 18.25% reduction is more acceptable as it is a comparable reduction to what has been accepted in the past. In addition, this reduction will be mitigating environmental impacts as it will allow the applicants to avoid Niagara Peninsula Conservation Authority Features that exist throughout the property.

In order to obtain the 18.25% reduction, Township staff recommend adding the following condition: that the variance not be deemed to be in full force and effective until after April 23, 2022.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on October 6th, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector has not yet commented on this application.

The Township's Public Works Department does not have any objections to this application.

Regional Planning and Development Services staff offers no comments to this Minor Variance application.

The Niagara Peninsula Conservation Authority (NPCA) has indicated that the subject property is impacted by NPCA regulated Watercourses, Unevaluated Wetlands, and a

mapped Floodplain Hazard. However, the proposed Quail Livestock Barn is located outside of the Floodplain Hazard, outside of the 15 metre development buffer associated with the Watercourses, and outside of the 30 metre development buffer associated with the Wetlands. As such, the NPCA has no objections to the proposed Minor Variance.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands October 7th, 2021. A notice was posted to the Township's website on the same day, and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

No comments have been received as of October 7th, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Chris Attema of Attema Consulting Services Inc. on behalf of Spring Creek Quail Farms/ CRO Quail Farms Inc. for the property municipally known as 3625 Sixteen Road. To ensure that the variance is in fact minor the Township can only recommend supporting this minor variance application with the following condition that the variance not be deemed to be in full force and effective until after April 23, 2022.

ATTACHMENTS:

1. Site Sketch / MDS II Calculation
2. Zoning Provisions
3. Comments

Prepared by:

Madyson Etzl
Planner II

Brian Treble, RPP, MCIP
Director of Planning and Building

APPENDIX 4



Minimum Distance Separation II

Worksheet 1

Prepared By: Chris Attema, Attema Consulting Services Inc.

Description:
Application Date: Wednesday, March 20, 2019

Municipal File Number:
Applicant Contact Information

Aaron Oosterhoff

Location of Subject Livestock Facilities

Regional Municipality of Niagara, Township of West Lincoln

GAINSBOROUGH, Concession: 6, Lot: 2

Roll Number: 2602020200052090000

Calculation Name: *Farm 1*
Description:

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

| Manure Type | Type of Livestock/Manure | Existing Maximum Number | Existing Maximum Number (NU) | Total Maximum Number | Total Maximum Number (NU) | Estimated Livestock Barn Area |
|-------------|--------------------------|-------------------------|------------------------------|------------------------|---------------------------|-------------------------------|
| Solid | Quail, - | 29,200 ft ² | 109.4 | 57,550 ft ² | 215.6 | 57,550 ft ² |

There have been building permits issued on this lot for livestock barns or manure storages in the past three years.

Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Existing design capacity (NU): 109.4

Design capacity after alteration (NU): 215.6

$$\begin{array}{ccccccc}
 \text{Factor A} & \text{Factor B} & \text{Factor C} & \text{Factor D} & & \text{Building Base Distance 'F'} & \\
 (\text{Odour Potential}) & (\text{Size}) & (\text{Orderly Expansion}) & (\text{Manure Type}) & & (\text{minimum distance from livestock barn}) & \\
 0.7 & \times & 413.15 & \times & 0.8700 & \times & 0.7 = 176 \text{ m (578 ft)}
 \end{array}$$

$$\begin{array}{c}
 \text{Storage Base Distance 'S'} \\
 (\text{minimum distance from manure storage}) \\
 176 \text{ m (578 ft)}
 \end{array}$$

MDS II Setback Distance Summary

| Description | Minimum Livestock Barn Setback Distance | Actual Livestock Barn Setback Distance | Minimum Manure Storage Setback Distance | Actual Manure Storage Setback Distance |
|---------------------------------|---|--|---|--|
| Type A Land Uses | 176 m 578 ft | TBD | 176 m 578 ft | TBD |
| Type B Land Uses | 352 m 1,156 ft | TBD | 352 m 1,156 ft | TBD |
| Nearest lot line (side or rear) | 18 m 58 ft | TBD | 18 m 58 ft | TBD |
| Nearest road allowance | 35 m 116 ft | TBD | 35 m 116 ft | TBD |



Minimum Distance Separation II

Worksheet 1

Prepared By: Chris Attema, Attema Consulting Services Inc.

Preparer Information

Chris Attema
Attema Consulting Services Inc.
5365 Concession Four Road
St. Ann's, ON, Canada L0R 1Y0
Phone #1: 905 386-0272
Email: chrisattema@gmail.com

Signature of Preparer: _____

Chris Attema

Date: _____

NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.



Minimum Distance Separation II

Worksheet 1

Prepared By: Chris Attema, Attema Consulting Services Inc.

Description:
Application Date: Wednesday, March 20, 2019

Municipal File Number:
Applicant Contact Information
 Aaron Oosterhoff

Location of Subject Livestock Facilities

Regional Municipality of Niagara, Township of West Lincoln

GAINSBOROUGH, Concession: 6, Lot: 2

Roll Number: 2602020200052090000

Calculation Name: *Farm 1*
Description:

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

| Manure Type | Type of Livestock/Manure | Existing Maximum Number | Existing Maximum Number (NU) | Total Maximum Number | Total Maximum Number (NU) | Estimated Livestock Barn Area |
|-------------|--------------------------|-------------------------|------------------------------|------------------------|---------------------------|-------------------------------|
| Solid | Quail, - | 48,050 ft ² | 180.0 | 57,550 ft ² | 215.6 | 57,550 ft ² |

There have been building permits issued on this lot for livestock barns or manure storages in the past three years.

Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Existing design capacity (NU): 180.0

Design capacity after alteration (NU): 215.6

$$\begin{array}{ccccccc}
 \text{Factor A} & \text{Factor B} & \text{Factor C} & \text{Factor D} & & \text{Building Base Distance 'F'} & \\
 (\text{Odour Potential}) & (\text{Size}) & (\text{Orderly Expansion}) & (\text{Manure Type}) & & (\text{minimum distance from livestock barn}) & \\
 0.7 & \times & 413.15 & \times & 0.6226 & \times & 0.7 = 126 \text{ m (414 ft)}
 \end{array}$$

$$\begin{array}{c}
 \text{Storage Base Distance 'S'} \\
 (\text{minimum distance from manure storage}) \\
 126 \text{ m (414 ft)}
 \end{array}$$

MDS II Setback Distance Summary

| Description | Minimum Livestock Barn Setback Distance | Actual Livestock Barn Setback Distance | Minimum Manure Storage Setback Distance | Actual Manure Storage Setback Distance |
|---------------------------------|---|--|---|--|
| Type A Land Uses | 126 m 414 ft | TBD | 126 m 414 ft | TBD |
| Type B Land Uses | 252 m 827 ft | TBD | 252 m 827 ft | TBD |
| Nearest lot line (side or rear) | 13 m 41 ft | TBD | 13 m 41 ft | TBD |
| Nearest road allowance | 25 m 83 ft | TBD | 25 m 83 ft | TBD |



Minimum Distance Separation II

Worksheet 1

Prepared By: Chris Attema, Attema Consulting Services Inc.

Preparer Information

Chris Attema
Attema Consulting Services Inc.
5365 Concession Four Road
St. Ann's, ON, Canada L0R 1Y0
Phone #1: 905 386-0272
Email: chrisattema@gmail.com

Signature of Preparer: _____

Chris Attema

Date: _____

NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

- v. Along the boundaries of *outside storage areas*, where required in order to screen the *outside storage* from view from adjoining *lots* and *public streets*; and,
 - vi. Along the *interior side lot line* or *rear lot line* of a *lot* that contains an *outside display and sales area* and abuts a Residential Zone, along such abutting *lot line* or portion thereof;
 - vii. In accordance with the requirements of the applicable *zone*.
- b) The area of a *lot* required as *planting strips* may form part of the minimum *landscaped open space* required by this By-law.
 - c) Where an area of a *lot* is required to be used for no other purpose than a *planting strip*, it shall have a minimum width of 1.5 metres measured perpendicular to the adjoining *lot line* unless otherwise specified in this By-law.
 - d) Required *planting strips* shall be uninterrupted along their entire length except for required *driveways* and walkways which shall be permitted to interrupt the *planting strip* within 3 metres of the edge of a required *driveway* or within 1.5 metres of the edge of a walkway. For the purposes of this Subsection, a walkway that interrupts a required *planting strip* shall have a maximum width of 2 metres.
 - e) *Planting strips* shall be planted with vegetation except for any required fence or wall that forms part of the *planting strip* to achieve the required screening.
 - f) Where a fence, wall, row of trees or hedgerow forms part of a *planting strip* required by this By-law, it shall have a minimum *height* of 1.5 metres measured from the *average finished grade*. Within a required *sight triangle*, the *height* of the *planting strip* shall not exceed 0.8 metre measured from *average finished grade*. For the purposes of this Subsection, the *average finished grade* shall be measured along the nearest *lot line*.

3.10 MINIMUM DISTANCE SEPARATION

3.10.1 Compliance with Minimum Distance Separation I (MDS I) Guidelines

The following regulations apply to *non-agricultural uses, buildings and structures*:

- a) Notwithstanding the *yard* or setback requirements of this By-law to the contrary, all *lots, buildings and structures* to be used for a *non-agricultural use* outside of a *settlement area* shall comply with the *Minimum Distance Separation I (MDS I) Guidelines* attached as Schedule “B” to this By-law.
- b) The requirements of this Subsection shall not apply to prevent the continuation of an *existing non-agricultural use*, the *alteration* of the boundaries of an *existing lot*, or the enlargement, repair, renovation or replacement of *existing buildings and structures* on an *existing lot* outside of a *settlement area*, in accordance with Section 3.5.
- c) The requirements of this Subsection shall not apply to permitted *agriculture-related uses* and *on-farm diversified uses*, except where specifically required otherwise in this By-law.
- d) Nothing in this Subsection shall provide relief from the requirement for all *buildings and structures* to comply with the minimum *yard* and setback requirements of the applicable *zone* and the General Provisions of this By-law.

3.10.2 Compliance with Minimum Distance Separation II (MDS II) Guidelines

The following regulations apply to *agricultural uses, buildings and structures*:

- a) Notwithstanding the *yard* or setback requirements of this By-law to the contrary, all *buildings* and *structures* to be used for housing livestock or manure storage or anaerobic digesters, including any *alterations*, enlargements, renovations or replacements thereof, shall comply with the *Minimum Distance Separation II* (MDS II) Guidelines attached as Schedule “B” to this By-law.
- b) *Buildings* and *structures* to be used for housing livestock or manure storage or anaerobic digesters shall not be permitted on any *lot* or part thereof that is located within a *settlement area*. This Subsection shall not apply to prevent the continued *use* of *existing lots, buildings* and *structures* within a *settlement area* that were lawfully used for one or more of these purposes on the effective date of this By-law:
 - i. In accordance with Section 3.5; and,
 - ii. Provided that, for any *existing building* or *structure* that is subject to MDS II the *building* or *structure* shall not be *altered*, renovated, repaired or replaced in a manner that would increase the required separation distance calculated in accordance with Schedule “B”.
- c) Notwithstanding this Subsection, an *existing* manure storage system which does not meet the MDS II requirements may be replaced by a more compatible system which results in a reduction in the required separation distance calculated in accordance with Schedule “B”, provided the livestock housing capacity is not increased.
- d) The requirements of this Subsection shall not apply to require setbacks to permitted *agriculture-related uses* and *on-farm diversified uses*, except where such uses are subject to MDS I where specifically required in this By-law.
- e) Nothing in this Subsection shall provide relief from the requirement for all *buildings* and *structures* used for housing livestock or manure storage or anaerobic digesters to comply with the minimum *yard* and setback requirements of the applicable *zone* and the General Provisions of this By-law.
- f) For the purposes of this By-law and application of MDS II, *existing cemeteries* which are closed or inactive and receive low levels of visitation shall be treated as Type A land uses.

3.10.3 Cannabis Production (By-law 2019-04)

The following regulations apply to *cannabis production*:

- a) All *cannabis production* where permitted in *Agricultural Zones* shall have a minimum setback of 150m from all *lot lines* of other *lots*, except where specifically provided otherwise.
- b) All *cannabis production* where permitted in *Employment Zones* shall have a minimum setback of 45m from all *lot lines* abutting *lots* that are *used* or permitted to be *used* for a *dwelling* or an *institutional use*, except where specifically provided otherwise.
- c) No *outside storage* or outdoor growing or production of cannabis shall be permitted.
- d) For any *cannabis production building* or *structure* that consists of more than 10% glass and where artificial lighting is required, a solid fence having a minimum *height* of 1.8 metres

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: October 14, 2021 9:50 AM
To: Meghan Birbeck
Subject: NPCA Comments - October 27th Committee of Adjustment Meeting

Hello Meghan,

Please see below the NPCA's comments on the four applications you had circulated to me for the October 27th Committee of Adjustment meeting.

20 Wallis Avenue

- A portion of the subject property is impacted by a mapped Floodplain Hazard, and the 30 metre development buffer associated with a Provincially Significant Wetland (PSW). However, the proposed carport addition does not fall within the hazard or development buffer on site.
- As such, the NPCA will have no objections to the proposed Minor Variance.

6662 Vaughan Road

- A portion of the subject property falls within 15 metres of a Watercourse. However, the proposed shop appears to be located outside of the 15 metre development buffer associated with the Watercourse.
- As such, the NPCA will have no objections to the proposed Minor Variance.

3625 Sixteen Road

- The subject property is impacted by NPCA regulated Watercourses, Unevaluated Wetlands, and a mapped Floodplain Hazard. However, the proposed Quail Livestock Barn is located outside of the Floodplain Hazard, outside of the 15 metre development buffer associated with the Watercourses, and outside of the 30 metre development buffer associated with the Wetlands.
- As such, the NPCA will have no objections to the proposed Minor Variance.

7330 Concession 3 Road

- The subject property is impacted by NPCA regulated Watercourses, and Provincially Significant Wetlands (PSW). Although the proposed lot lines appear to bisect a portion of the 15 metres development buffer associated with a Watercourse, NPCA Policy does not prohibit lot creation within 15 metres of a Watercourse.
- As such, the NPCA will have no objections to the proposed Surplus Farm Dwelling Severance application.

Please let me know if you have any questions.

Sincerely,

DATE: October 27th, 2021

REPORT NO: COA-042-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by 2M Architects Inc. on behalf of
Katerina and Philip England
File No. A30/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by 2M Architects Inc. on behalf of Katerina and Philip England for the property legally known as Concession 8, Part Lot 13, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara, municipally known as 2897 South Grimsby Road 7.
- A minor variance application has been applied for that requests two variances.
- The first variance is to permit a proposed Type 2 Agricultural Accessory Building to be built with an interior side yard setback of 1 metres (3.28 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the minimum interior side yard setback for a Type 2 Agricultural Accessory Building is 2 metres (6.56 feet).
- The second variance is to permit a total lot coverage 17.2% to allow for the proposed Type 2 Agricultural Accessory Building whereas Table 12 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum lot coverage for an Agricultural property is 10%.
- The owner is requesting these variances to build an accessory building to store gardening equipment and vehicle.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval.

RECOMMENDATION:

1. THAT, the application for the first Minor Variance made by 2M Architects Inc. on behalf of Katerina and Philip England as outlined in Report COA-042-21, to permit an accessory building to be built with a minimum side yard setback of 1 metre (3.28 feet), BE APPROVED;
2. THAT, the application for the second Minor Variance made by 2M Architects Inc. on behalf of Katerina and Philip England as outlined in Report COA-042-21, to permit a total lot coverage of 17.2%, BE APPROVED.

- a. That all recommendations are subject to the following condition:
 - i. THAT, the Township's septic inspector approve the accessory building's location on the property in relation to the property's existing septic system.

BACKGROUND:

The subject lands are situated on the south side of Regional Road 20, east of South Grimsby Road 7, being legally described as Concession 8, Part Lot 13, 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 2897 South Grimsby Road 7. (See attachment 1 for a site sketch)

The subject property is approximately 0.26 acres (0.10 hectares) in size. The property is designated as Good General Agricultural and is zoned Agricultural 'A'. The majority of the surrounding properties to 2897 South Grimsby Road also share the same designation and zoning.

The owners of the property are hoping to obtain a minor variance to permit an accessory building to be built to store gardening equipment and vehicles. The proposed accessory building is 49.1 square metres (528.51 square feet) in size, which is permitted.

This minor variance application has been applied for that requests two variances. The first variance that is required is to permit a proposed Type 2 Agricultural Accessory Building to be built with an interior side yard setback of 1 metre (3.28 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the minimum interior side yard setback for a Type 2 Agricultural Accessory Building is 2 metres (6.56 feet). The second variance that is required is to permit a total lot coverage of 17.2% to allow for the proposed Type 2 Agricultural Accessory Building whereas Table 12 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum lot coverage for an Agricultural property is 10%.

The property is an extremely small agricultural property. The Township Zoning By-law identifies that the minimum lot area for an Agricultural 'A' zoned property is 40 ha (98.84 acres) and that the minimum lot area for a Rural Residential 'RuR' lot is 0.4 ha (0.99 acres), while the applicants' property is only 0.26 acres (0.10 hectares) in size. The single detached dwelling on the property already takes up roughly 12.5% and the proposed accessory building will take up 4.7 %.

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. This agricultural zoned property, which has a single detached dwelling as its principal use, is approximately 0.26 acres (0.10 hectares) in size.

The minor variance application is proposing to increase the total maximum lot coverage on their property by 7.2% (74.3 square metres) and increasing the current lot coverage by 4.7% (49.1 square metres), to permit a proposed accessory building to have a lot coverage of 17.2% (178 square metres) for both the existing dwelling and the proposed accessory building. The proposed building would be accessory to the existing residence on the property, and would not significantly impact the environment nor negatively impact neighbouring residential properties.

Section 4 of the Township's Official Plan discusses Agricultural Land Use Policies. Part 4.2 c) identifies that one of the objectives for all agricultural areas is *to promote small scale secondary uses and agriculture-related uses that are compatible with and do not hinder surrounding agricultural operations.*

Township staff believe that the proposed access building is small in scale and that it is appropriate for the applicants to have an accessory building on their small agricultural/residential lot and therefore support the lot coverage variance.

As the property is extremely small it already has a relatively small backyard. The variance to reduce the side yard setback from 2 metres to 1 metre for the proposed accessory building will allow the property to have more yard to utilize, without fragmenting it. Township staff believe this is appropriate for this property as the property is surrounded by agricultural land with no residential neighbours immediately adjacent.

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

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

Under Table 12 of the Township's Zoning By-law 2017-70, as amended, it indicates that the total lot coverage on an Agricultural zoned property is 10% of the lot area. Currently this property has a single detached dwelling that takes up 12.5% of the lot and is requesting a lot coverage of 17.2%. Prior to the 2017 compressive review the lot coverage may have allowed for the current lot coverage to be greater than 10%. Adding

Respecting Our Roots, Realizing Our Future

the one accessory building which has a size of 49.1 square metres would increase the lot coverage to 17.2%.

The Zoning By-law is written to have a minimum lot area of 40 ha (98.84 acres). However, the property only has a lot area of 0.26 acres (0.10 hectares), which makes the property an extremely small agricultural property. Small agricultural lots within West Lincoln have been transitioning to Rural Residential zonings 'RuR'. Rural Residential zoning have a minimum lot area of 0.4 ha (0.99 acres) and a maximum lot coverage of 20%. The 2897 South Grimsby Road 7 lot area is both smaller than Agricultural lots and Rural Residential lots. As such, Township staff believe that increasing the lot coverage on this property to 17.2% meets the general intent of the Zoning By-law so long as the existing septic system is not impacted.

The Zoning By-law's interior side yard setback for agricultural lots is to provide an appropriate amount of distance between neighboring properties. Opposite to where the accessory building is being proposed the neighbouring property has roughly 0.12 ha (0.30 acres) of trees. The neighbours tree coverage is larger then the property in question. Township staff believe reducing the setback for this property is appropriate as it will not be impacting the neighbour. In addition, it will offer the property more yard to utilize, without fragmenting it with the accessory building. Furthermore, it will hopefully offer a greater setback from the proposed accessory building and the properties septic system.

As the property is extremely small Township Staff believe that the accessory building is only appropriate if it does not impact its septic system as a result a condition to this application has been included. The condition is that the Township's septic inspector approve the accessory building's location on the property in relation to the property's septic system.

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

The applicants have proposed to construct a 49.1 square metre (528.51 square feet) accessory building, which proposes to be situated with a reduced side yard setback. The applicants also propose to increase the overall lot coverage. This building is proposed to be used to store gardening and residential equipment and vehicles. Accessory buildings are permit on agricultural properties.

As such, Planning Staff are of the opinion that the requested variance is appropriate development and use of the land provided that the septic function is not jeopardized.

Is the proposal minor in nature?
Yes

The subject application is requesting to permit a proposed accessory building to

increase the total lot coverage on the property. As the property is already over the lot coverage by 2.5% with their single detached dwelling their request to increase the lot coverage to 17.2% is only increasing the property's existing lot coverage by 4.7%. As the property is an extremely small agricultural lot and as accessory buildings are permitted on agricultural lots the Township believe the request to increase lot coverage is minor in nature so long as the septic function is not jeopardized.

In addition to lot coverage the application also includes a variance to reduce the interior side yard setback from 2 metres to 1 metre. Township staff believe this is minor as it will not be impacting the neighboring property and will improve the setback from the property's existing septic system to the proposed accessory building. However, Staff want to ensure that the property's septic system is not impacted by the proposed accessory building and as a result have attached a condition, that the Township's septic inspector approve the accessory building's location on the property in relation to the property's septic system.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on October 6th, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector has not yet commented on this application so they are away on holidays at the moment.

The Township's Public Works Department does not have any objections to this application.

Regional Planning and Development Services staff offers no comments to this Minor Variance application.

The Niagara Peninsula Conservation Authority has not yet commented on this Minor Variance application.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on September 2nd, 2021. A notice was posted to the Township's website on the same day, and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

No comments have been received as of Sept 22nd, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by 2M Architects Inc. on behalf of Katerina and Philip England for the property municipally known as 2897 South Grimsby Road 7. To ensure that the septic system on this property is not impacted by the proposed accessory building the Township can only support this minor variance application with the following condition that the Township's septic inspector approve the accessory building's location on the property in relation to the property's septic system.

ATTACHMENTS:

1. Site Sketch
2. Zoning Provisions
3. Comments

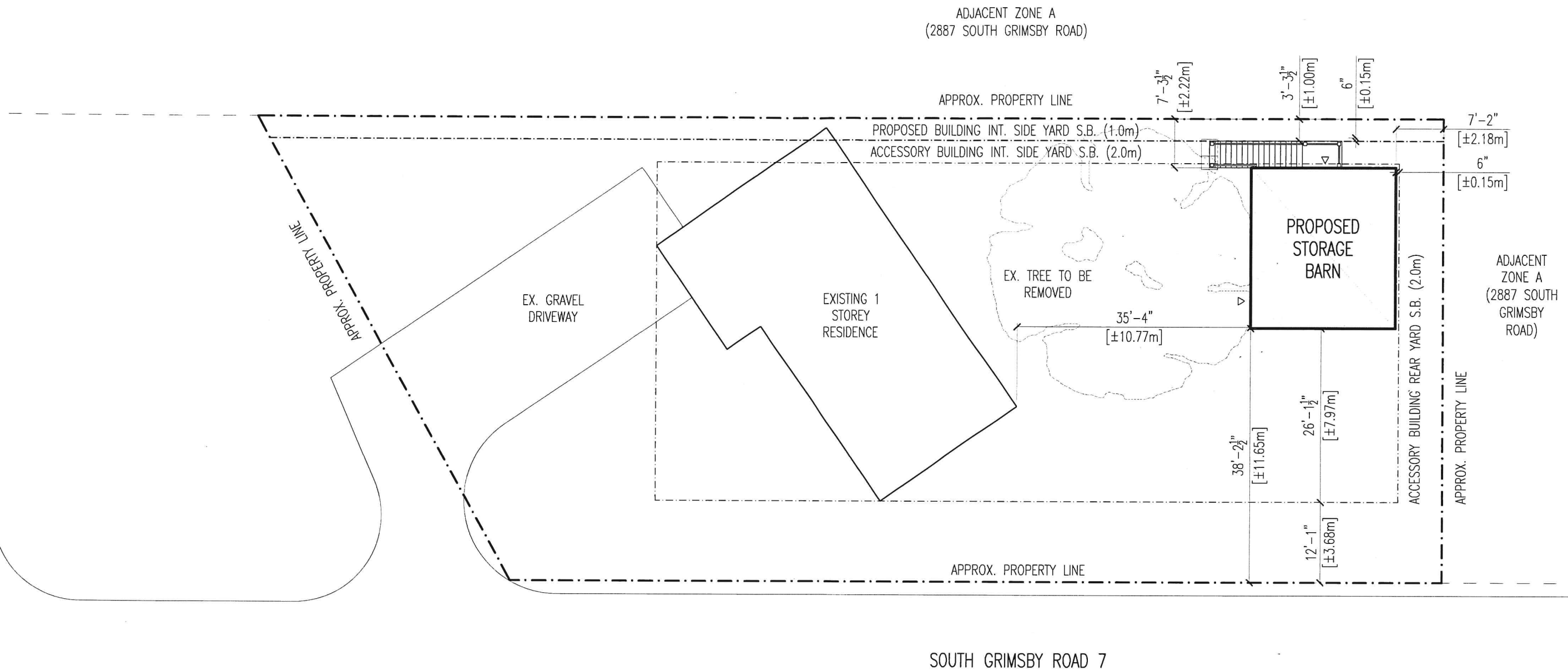
Prepared by:



Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



| COVERAGE TABLE | | | |
|------------------------------------|-------------|-------------|-----------|
| ZONE A - AGRICULTURAL | | | |
| | AREA ± (SF) | AREA ± (SM) | ±PROPOSED |
| LOT AREA | 11108.7 | 1032.0 | |
| EXISTING RESIDENCE | 1385.2 | 128.7 | 12.5% |
| PROPOSED STORAGE BARN | 528.0 | 49.1 | 4.7% |
| PROPOSED TOTAL COVERAGE | 1913.0 | 178.0 | 17.2% |
| ALLOWABLE LOT COVERAGE | 1110.9 | 103.2 | 10.0% |
| ALLOWABLE LOT COVERAGE (ACCESSORY) | 888.7 | 82.6 | 8.0% |

PART 5. AGRICULTURAL ZONES

5.1 APPLICABLE ZONES

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

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

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

5.2 PERMITTED USES

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

Table 11: Permitted Uses in Agricultural Zones

| Uses | Zones where Permitted | | |
|--|-----------------------|--------------------|-------------------|
| 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.

- 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*.

Meghan Birbeck

From: Jennifer Bernard
Sent: October 12, 2021 10:37 AM
To: Meghan Birbeck
Subject: RE: October Committee of Adjustment meeting, West Lincoln

Hi Meghan,

I have no comments to provide for the revised application A28/2021WL and A30/2021WL.

Thanks,
Jenn



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COVID 19 Update September 21, 2021 – As we continue to navigate the pandemic, the Township of West Lincoln is preparing to implement new regulations from the Provincial Government, which require all eligible individuals to be fully vaccinated against COVID-19 (two doses plus 14 days), and to provide proof of their vaccination status prior to accessing certain businesses and settings. Please read the latest update on our [website](#)

From: Meghan Birbeck
Sent: October 12, 2021 10:10 AM
To: Busnello, Pat <pat.busnello@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; susan.dunsmore@niagararegion.ca; Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Sue.Mabee@dsbn.org; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Jessica Kroes <jkroes@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Ray Vachon <rvachon@westlincoln.ca>
Subject: FW: October Committee of Adjustment meeting, West Lincoln

Good morning,