



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

Thursday, April 28, 2022, 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. A10/2022WL– Gabel	5
Property Address: 7627 Range Road 2	
A minor variance application has been applied for to permit a proposed accessory building to be built 0.3 metres (0.98 feet) higher then permitted with a total height of 5.8 metres (19.03 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum height that a Type 2 agricultural accessory building can be is 5.5 metres (18.04 feet). When the applicant first started the process of designing their accessory building it was classified as being a Type 3 agricultural accessory building and would not have required a minor variance for its proposed height.	
b. A09/2022WL – Hawkins	16
Property Address: 8200 Sixteen Rd.	
A minor variance application has been applied for to permit a proposed accessory building to be built 11 metres (36.09 feet) further then permitted away from the main building on the subject property with a total setback of 61 metres (200.13 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum distance that an accessory building can be built from a main building is	

50 metres (164.04 feet). The applicant is requesting the extra room so that they can use an existing driveway and have enough space to turn their truck and trailer around to park them in the proposed accessory building.

- c. A12/2022WL – Staios 36
Property Address: 7325 Sunset Place

A minor variance application has been applied for that requests two variances for an attached private garage.

The first variance that is required is to permit an attached garage to project from the house 8 metres (26.25 feet) further than allowed with a total projection from the house of 9.5 metres (31.17 feet) whereas Section 3.12.7 f) ii. of the Township's Zoning Bylaw 2017-70, as amended, identifies that a residential attached garage may project up to a maximum of 1.5 metres closer to the front lot line than the main front wall of the dwelling on the same lot (provided the front yard setback is met for the private garage).

The second variance that is required is to permit an attached garage to be built 3.49 metres (11.45 feet) wider than allowed for a private garage with a total width of 12.69 metres (41.63 feet) whereas Section 3.12.7 h) of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum garage width for an attached private garage shall be 50% of the total width of the dwelling on the lot, or 9.2 metres, whichever is less.

The applicant has identified that the variances will allow the proposed garage to be more esthetically pleasing.

- d. A11/2022WL – Mildenberger 58
Property Address: 9100 Silver St

A minor variance application has been applied for to permit a proposed attached garage to be built 2.55 metres (8.37 feet) wider then permitted with a total width of 11.75metres (38.55 feet) whereas Section 3.12.7 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum width of a proposed attached garage is shall be 50% of the total width of the dwelling on the lot, or 9.2 metres, whichever is less.

- e. A13/2022WL – Forester 77
Property Address: 3010 South Grimsby Road 18

A minor variance application has been applied for to will recognize a use that has historically been existing on a property. The property is

permitted to have a principle use of a single detached dwelling unit, however, the property has historically been structured as a duplex. In order for the applicants to obtain any future building permit (ex. swimming pool, front porch, etc.) for their property they are required to obtain a minor variance application to permit the historic use of the lot.

Therefore, the applicants are requesting three specific variances.

The first variance that is required is to permit an existing accessory dwelling unit to be 75.93 square metres (817.3 square feet) larger than permitted with a total size of 175.93 square metres (1,893.69 square feet) whereas Section 3.2.1 g) ii. of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum size for an attached accessory dwelling unit is the lesser of 100 square metres or 40% of the floor area of the main building.

The second variance that is required is to permit the existing entrance and exit for the accessory dwelling unit to be oriented toward the front façade of the dwelling whereas Section 3.2.1 g) iv. of the Township's Zoning Bylaw 2017-70, as amended, identifies that the residential appearance and character of the dwelling as a single detached dwelling shall be maintained, and any separate entrance and exit for the accessory dwelling unit shall be oriented toward the exterior side lot line, interior side lot line, or rear lot line, and not located on the front façade of the dwelling. (By-law 2019-63)

The third variance that is required is to permit the existing additional driveway for the accessory dwelling unit whereas Section 3.2.1 g) viii. of the Township's Zoning Bylaw 2017-70, as amended, identifies that the access to the required parking for the accessory dwelling unit shall be provided from the same driveway that provides access to the primary dwelling unit on the lot. (Bylaw 2018-61)

5. MINUTES FOR APPROVAL

- | | | |
|----|------------------|----|
| a. | 05-26-21 minutes | 94 |
| b. | 06-23-21 minutes | 98 |

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: April 28th, 2022

REPORT NO: COA-010-22

SUBJECT: **Recommendation Report**
Application for Minor Variance 7627 Range Road 2
Jesse and Patricia Gabel
File No. A10/2022WL

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

OVERVIEW:

- A minor Variance application has been submitted by Jesse and Patricia Gabel for the property located on the north side of Range Road 2, south of South Grimsby Road 10 and north-east of Twenty Road. The property is legally described as Range 2, Part Lot 4, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara. Municipally known as 7627 Range Road 2.
- This Minor Variance application has been applied for to permit a proposed accessory building to be built 0.3 metres higher than permitted with a total height of 5.8 metres whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum height of a Type 2 agricultural accessory building is 5.5 metres.
- The applicant first applied for a permit as a Type 3 accessory building, Planning staff later completed a housekeeping amendment that altered the Type 2 provisions for an accessory building to accommodate a total gross floor area of 120m² as opposed to only 100m².
- The proposed accessory building will be used for personal storage use.
- The minor variance application has been reviewed against the four tests of a Minor Variance and can be recommended for approval.

RECOMMENDATION:

1. THAT, the application for the Minor Variance made by Jesse and Patricia Gabel as outlined in report COA-010-22, to permit an accessory building to be built at a total height of 5.8 metres where 5.5 metres is required, BE APPROVED.

BACKGROUND:

The subject lands are situated to the north of Range Road 2, south of South Grimsby Road 10 and north-east of Twenty Road, being legally described as Range 2, Part Lot 4, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara, Municipally known as 7627 Range Road 2. (See attachment 1 for a site

sketch)

The subject property is approximately 0.51 hectares (1.25 acres) in size. The property is designated as Good General Agriculture in the Township's Official Plan and is zoned as Agriculture within the Township's Zoning By-law. The surrounding properties are also designated Agricultural and consist of farmland and single detached dwellings and associated accessory buildings.

The applicant is proposing a 111 square metre accessory building for personal storage use. The minor variance is proposed to allow for an accessory building to be constructed with a total height of 5.8 metres whereas 5.5 metres is the permitted maximum for an accessory building that falls within the Type 2 column in the Agricultural Accessory building provisions in the Township's Zoning by-Law. At the time the applicant submitted the accessory building permit in the Summer of 2021, the building fell within the Type 3 provisions as the building was over 100 square metres. These provisions allowed a maximum height to be 10 metres. Since this time, Township planning staff completed a housekeeping amendment to allow the Type 2 buildings to be constructed up to a total of 120 square metres. The applicant's accessory building was then deemed to be a Type 2 building and the 5.5 metre height restriction came into effect. The applicant had already had drawings completed and the trusses ordered for the building and therefore did not want to make the building bigger in size to fall within Type 3 again, and decided to apply for a Variance 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

The property is designated as Good General Agriculture within in the Township's Official Plan. The Good General Agricultural Zone comprises those lands designated as the second highest level of protection and preservation for agricultural purposes. Residential and accessory residential uses are permitted in the Good General Agricultural designation. The proposed accessory building will be accessory to the existing residence on the property and would not significantly impact the environment or agriculture in the area nor negatively impact neighbouring residential properties.

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

Yes

The subject land is zoned Agricultural 'A' in the Township's Zoning By-law 2017-70, as amended, and is 0.51 hectares (1.25 acres) in size. The agricultural zone permits single

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detached dwellings and their associated accessory buildings. The proposed accessory building is a permitted use under the regulations of the Agricultural Zone.

Within the Township's Zoning By-law, Table 1-1, accessory buildings that fall under the Type 2 Column of Table 1-1 in the Townships' Zoning By-law (accessory buildings 10 - 120 metres squared) less than 120 metres squared shall have a height of no more than 5.5 metres to the mid-point of the roof (between the eaves and the peak) This ensures that there is a consistent height of accessory buildings within the smaller agricultural lots in the Township and that there is no neighbouring impact with the height of the buildings.

The applicant could have constructed a larger building where the height restriction could have been 10 metres based on the size of the lot, however he had already completed the drawings and ordered trusses for the current building size so had to complete a minor variance. As such, Township Planning Staff are of the opinion that the minor variance meets the general intent and purpose of the Township's Zoning Bylaw

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

Yes

The applicant is proposing to construct a 111 square metre accessory building. This building is proposed to be used as a storage building. The accessory building will not cause any impact to neighbouring properties. As such, Planning Staff are of the opinion that the requested variance, regarding the height of the accessory building, is appropriate development and use of the land on this property.

Is the proposal minor in nature?

Yes

The subject application is requesting to permit a proposed 111 square metre accessory building to be built with a maximum height of 5.8 metres whereas 5.5 is the permitted maximum. Seeing as the townships zoning had changed over the summer changing the total gross floor area of a Type 2 building from a maximum of 100 square metres to a maximum of 120 square metres, the applicant could essentially construct over 120 square metres on the property with a height of 10 metres. However, the applicant already had the building materials ordered and decided to stick within the Type 2 provisions which caps the height at 5.5 metres.

Planning staff feel that the additional 0.3 metres is minor as it could be 10 metres in height if the building was larger.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

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Notice was mailed to all agencies on April 8th 2022, No agency comments have been received as of April 14th during the preparation of this report.

The Township Public Works Department has provided no objections to this application.

The Township's Septic Inspector has indicated that he does not have any objections to this application.

The Niagara Peninsula Conservation Authority (NPCA) have indicated that the proposed storage structure is not located near any NPCA regulated features or hazards. As such, the NPCA will have no objections to the proposed storage structure or Minor Variance application.

The Niagara Region has indicated that the subject property exhibits potential for the discovery of archaeological resources due to the presence of a streams (south) and the Lower Twenty Mile Creek Wetland Complex within 300 metres. Based on correspondence with the Township (dated April 14, 2022), the proposed accessory structure will be constructed utilizing pre-engineered slab. In recognizing that disturbance will not occur based on the drawings of the proposed accessory building, Regional staff have no archaeological assessment requirements for the proposed Minor Variance application. However, the Region would like to advice that any future *Planning Act* application for the property may require an archaeological assessment in order to satisfy Provincial and Regional policies relative to the identification and protection of archaeological resources.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on April 8th 2022. 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. There have been no public comments received in regards to this application.

CONCLUSION:

A Minor Variance application has been submitted by Jesse and Patricia Gabel for the property municipally known as 7627 Range Road 2. The Minor Variance application is submitted to permit an accessory building with a total height of 5.8 metres whereas 5.5 metres is the permitted maximum. Planning staff are of the opinion that the requested variance meets all four tests of a minor variance and as such, can recommend approval.

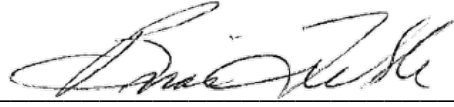
ATTACHMENTS:

1. Site Drawings
2. Applicants Comments
3. Agency Comments

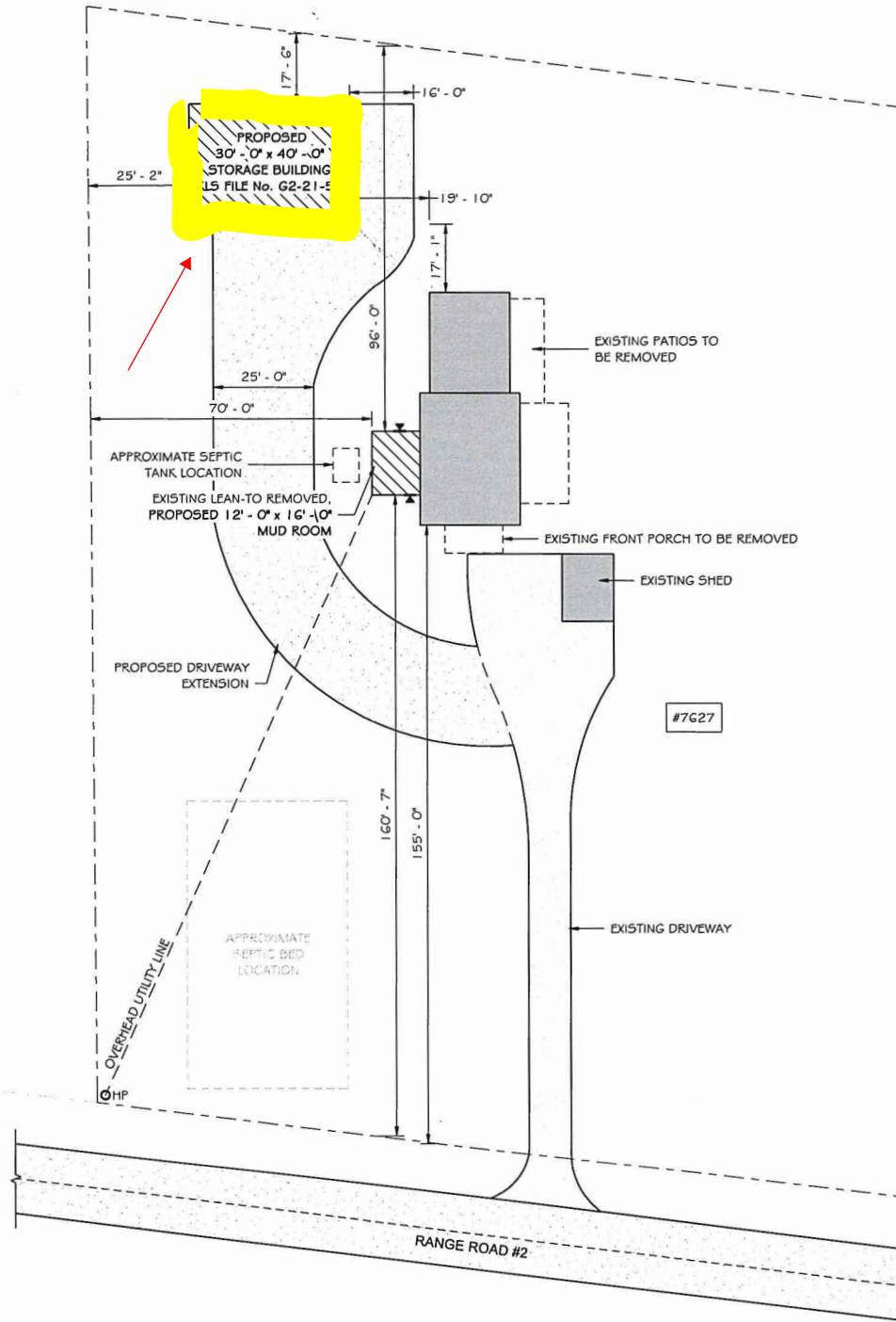
Prepared by:



Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



7627 RANGE ROAD #2 - SMITHVILLE, ON.	
ROLL NUMBER	2602-030-012-45500
LOT AREA	1.26 ACRES
ZONING	A - AGRICULTURAL, TYPE 3 (> 100m ²)
MAX. LOT COVERAGE	5% OF LOT OR 320m ² - 272.7 m²
MIN. INT. SIDE YARD	7.5 m (24.60 ft)
MIN. REAR YARD	4.5 m (14.76 ft)
MIN. SETBACK FROM BLDG	3 m (9.84 ft)
MAX. BUILDING HEIGHT	10 m (30.48 ft)
STORAGE BUILDING	365.7 m² (1200 ft²)
HOUSE ADDITION	58.5 m² (192 ft²)
IDENTIFIED USING TOWNSHIP OF WEST LINCOLN ZONING BYLAW No. 2017-70, * TOWNSHIP OF WEST LINCOLN GIS	



1333 HIGHWAY #3
DUNNVILLE, ONTARIO
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THE DRAWINGS AND SPECIFICATIONS
ARE THE PROPERTY OF THE ENGINEER
TO BE USED ONLY FOR THE PROJECT
FOR WHICH THEY WERE ISSUED.

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BASIC SITE	3	MAY 26/21	BS
ISSUED FOR PERMIT	2	APR. 26/21	BS
ISSUED FOR REVIEW	1	MAR. 30/21	BS
PRINTS	NO.	DATE	BY
ISSUED/REVISIONS			

JESSE GABEL

FOUNDATION PLAN

7627 RANGE ROAD #2,
SMITHVILLE, ON.,
LOR 2A0

DRAWING

BASIC SITE

As indicated

G3-21-56

DRAWING FILE:
C:\Users\Bennett\Documents\Projects\7627 Range Road #2\7627 Range Road #2.dwg

DRAWN BY
B. BENNETT
DATE
MAY 26, 2021
SHEET
1 OF 1

DRAWING NUMBER
C-1

Minor Variance Justification Letter

To whom it may concern,

This letter is to explain the application for a minor variance to construct a storage building at, 7627 Range Rd. 2.

The building requires a height greater than 5.5m to accommodate the length of the items being stored.

In addition, due to the constraints imposed by the Covid-19 impacts on the construction industry, the applicant was forced to have roof trusses assembled before obtaining final permit permission from the township.

At the time, the height restrictions for a building of this footprint were greater and allowed for the larger roof truss. When the town by-law was updated, the trusses had been built and therefore the expense to have them re-constructed to conform to the new height restrictions would be financially unfeasible.

The building will be used to store the applicants vehicles, as well as various construction and siding materials that are stored vertically and require a minimum ceiling clearance of 12ft to be contained effectively in a building of this footprint.

I thank you for your time and consideration,

Jesse Gabel

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: April 20, 2022 1:42 PM
To: Meghan Birbeck
Subject: NPCA Comments - April Committee of Adjustment Applications - West Lincoln
Attachments: 8200 Sixteen Road, West Lincoln.pdf

Hello Meghan,

I am emailing you today regarding the five Committee of Adjustment applications you had circulated to me earlier in April. The five application numbers are A09/2022WL, A10/2022WL, A11/2022WL, A12/2022WL and A13/2022WL. **Please note** that I was unable to locate the property for 7325 Sunset Place - please provide me with the ARN or PIN number for this property so that I can confirm if NPCA will have any concerns. Please see my comments on the other applications below.

A09/2022WL

- NPCA staff note that the neighboring property to the east is impacted by the presence of Unevaluated Wetlands. The black text on the attached NPCA mapping which indicates **MAX**, and the surrounding green area shows the approximate location of the Unevaluated Wetlands.
- NPCA staff note that the current location for the proposed structure falls within 15 metres of the Unevaluated Wetlands to the east. NPCA staff recommend that the location of the proposed structure be revised such that it is located at least 30 metres from the Unevaluated Wetlands to the east. NPCA staff will also request that Erosion and Sediment Control fencing be added to the plan to indicate the limit of the proposed site disturbance. Should development and all site disturbance be located at least 30 metres from the neighbouring wetlands, then the NPCA will likely have no objections to this application.
- Should the applicant wish to proceed with the current location for the proposed structure, then further site visits by NPCA staff and/or potential evaluation by a qualified ecologist (at the landowner's expense) may be required to determine the boundary of the Unevaluated Wetlands on the subject property as development is proposed near these features.
- Finally, NPCA staff will require that the Minor variance review fee of \$410.00 be submitted for this application. NPCA staff will reach out to the applicant to obtain the fee payment.

A10/2022WL

- NPCA staff note that the proposed storage structure is not located near any NPCA regulated features or hazards. As such, the NPCA will have no objections to the proposed storage structure or Minor Variance application.

A11/2022WL

- NPCA staff have already reviewed and approved the proposed garage through a work permit application. As such, the NPCA will have no objections to this application.

A12/2022WL

Meghan Birbeck

From: Young, Katie <Katie.Young@niagararegion.ca>
Sent: April 19, 2022 10:23 AM
To: Meghan Birbeck
Cc: Development Planning Applications
Subject: Regional Comments-MV application- 7627 Range Road 2, WL

Hi Meghan,

Please find below Regional comments for the MV application at 7627 Range Road 2. Please let me know if you have any questions.

7627 Range Road 2- MV-22-0049

Regional Planning and Development Services staff have reviewed the proposed Minor Variance for 7627 Range Road 2 in the Township of West Lincoln, to permit a proposed accessory building 0.3 metres higher than permitted in the Township's Zoning By-law with a total height of 5.8 metres. The following comments are offered from a Provincial and Regional perspective to assist the Committee in considering the application.

The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' ("MHSTCI") Criteria for Evaluating Archaeological Potential, the subject property exhibits potential for the discovery of archaeological resources due to the presence of a streams (south) and the Lower Twenty Mile Creek Wetland Complex within 300 metres. Based on correspondence with the Township (dated April 14, 2022), the proposed accessory structure will be constructed utilizing pre-engineered slab. In recognizing that disturbance will not occur based on the drawings of the proposed accessory building, Regional staff have no archaeological assessment requirements for the proposed Minor Variance application.

The applicant is advised that any future *Planning Act* application for the property may require an archaeological assessment in order to satisfy Provincial and Regional policies relative to the identification and protection of archaeological resources.

Thank you,

Katie Young, MSc (PI)

Development Planner

Planning and Development Services Department

Niagara Region | www.niagararegion.ca

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

P: 905-980-6000 ext. 3727 Toll-free: 1-800-263-7215

E: katie.young@niagararegion.ca

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Planning Application Review

Application Number:	A-10/2022WL
Date:	April 22, 2022
Property Address:	7627 Range Road 2
Project:	MV

Planning Staff,

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

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

Respectfully,

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

DATE: April 28th, 2022

REPORT NO: COA-009-22

SUBJECT: **Recommendation Report**
Application for Minor Variance by Coby and Nicole Hawkins
File No. A09/2022WL

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

OVERVIEW:

- A minor Variance application has been submitted by Coby and Nicole Hawkins for the property legally known as Concession 6, Part Lot 8, in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. The property is municipally known as 8200 Sixteen Road.
- This Minor Variance application has been submitted to permit an accessory building to be built 11 metres (36.09 ft) further then permitted away from the main building on the subject property with a total setback of 61 metres (200.13 ft) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the nearest point of a wall of an accessory building must be located within 50 metres (164.04 ft) of the main building.
- This variance is required as the applicants have indicated that they require extra room between the proposed building and an existing accessory building to have enough space to turn their truck and trailer around to park in the new propped building while utilizing the property's existing driveway.
- This application has now been reviewed against the four tests of a Minor Variance and can be recommended for approval, subject to the attached conditions.

RECOMMENDATION:

1. THAT, the application for a Minor Variance made by Coby and Nicole Hawkins as outlined in Report COA-009-22, to permit a proposed 185.81 square metre accessory building to be located 61 metres from the main building on the subject property whereas Table 1-1 of the Township's Zoning By-Law requires accessory buildings to be located within 50 metres of the main building on the property, BE APPROVED, subject to the following conditions:
 - a. That the proposed development be circulated to the NPCA for review and approval prior to the issuance of any building permits
 - b. That the owner fulfils one of the below sub-conditions:
 - i. Submits a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments) for the area of proposed development, prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI"), for review and approval

- with a copy provided to the Township of West Lincoln and Niagara Region. The report must be accepted by the Ministry, and a copy of any applicable MHSTCI letters of acknowledgement shall be provided to the Niagara Region prior to clearance of this condition. OR;
- ii. Submits additional information to the Niagara Region to demonstrate previous disturbance/construction works, location of fill on the site, and/or grading work within the location of the proposed accessory dwelling prior to April 28, 2022. OR;
 - iii. Submits a letter, written by a licensed archaeologist to confirm that an archaeological study is not required.
- c. That the following archaeological resource warning clause is implemented to protect for any potential archaeological resources that are discovered during construction activities on the site:

“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (“MHSTCI”) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

BACKGROUND:

The subject lands are situated on the south side of Sixteen Road, west of Allen Road and east of Caistor Centre Road, being legally described as Concession 6, Part Lot 8, in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. The property is municipally known as 8200 Sixteen Road. (See attachment 1 for a site sketch)

An accessory building (storage building) has been proposed for the subject property. This project originally was submitted as a building permit on December 1, 2021. The building was originally proposed to be placed 61 metres away from the property’s main building (single detached dwelling). On December 15, 2021 the applicant/ their agent moved the proposed building to be closer to the property’s main building and comply with the Township’s Zoning By-law 2017-70, as amended. The proposed building was moved to have a setback of 50 metres from the property’s main building. This permit is ready to be issued to the applicant and is currently waiting for a payment. However, the applicant has now indicated that they would like to proceed with a minor variance application as they would like to be permitted to build their proposed accessory building with the original

setback of 61 metres.

On March 1, 2022 the applicant and their builder attended a pre-application meeting with Township Planning Staff. Prior to submitting the minor variance application staff requested that the applicant provided more information for the following areas:

1. Why the proposed accessory building would not function at a setback of 50 metres
2. What the extra 11 metres provides the applicant
3. What the accessory building will be used for; and
4. Any future plans for the property and the proposed building

The applicant answered the above questions with the following responses:

1. Why the proposed accessory building would not function at a setback of 50 metres

“[the applicant] will not have the ability to safely turn [their] truck and trailer around to be able to park it in [their] shop [if it is located with a setback of 50 metres]. [In addition, they] will lose 11 metres of [their] existing driveway.”

2. What the extra 11 metres provides the applicant

“The ability to safely manoeuvre [their] vehicles, [including] trailers and recreational vehicles.”

3. What the accessory building will be used for; and

“Storage of [their] trailers x 2, [their] side by side vehicle, [their] truck, and [their] wife’s car.”

4. Any future plans for the property and the proposed building

“No future plans.”

This application for a minor variance has been applied for to permit an accessory building to be located 61 metres from the property’s main building, whereas Table 1-1 of the Townships Zoning By-law states that the nearest point of a wall of the accessory building must be located within 50 metres of the main building. The applicants are proposing to construct a 185.8 square metre accessory building for storage for their personal vehicles. The applicant is requesting the 11 metre additional setback to allow them to use their existing driveway and have enough room to turn their vehicles around while avoiding an existing accessory building.

As currently proposed the existing accessory building will have a 21 metre (69 feet) setback from the proposed accessory building. If the applicant was to have their proposed accessory building located 50 metres from the existing single detached dwelling, then the proposed accessory building would only have a setback of 10 metre (32.8 feet) from the existing accessory building, which the applicant has indicated would be too tight and unsafe to park his vehicles in the proposed building.

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 Township of West Lincoln Official Plan designates the subject property as Good General Agricultural. The Good General Agricultural areas are accorded the second highest level of protection and preservation. Good General Agricultural lands are predominantly Classes 1 through Class 3 soils according to the Canada Land Inventory, and are well suited for a wide range of field crops and agricultural uses. Lands within the Good General Agricultural Designation shall be used for a full range of agriculture, and agriculture-related secondary uses that can adapt to changing farming needs and practices. Residential and accessory residential uses are also permitted in the Good General Agricultural designation.

In addition to the Good General Agricultural designation, the Official Plan identifies that this property contains elements of the Township's Natural Heritage System. The specific elements of the Natural Heritage System that are found on this property are the Core Heritage Corridor, Fish Habitat, Environmental Protection Area with Provincially Significant Wetlands, and Environmental Conservation Area with Significant Woodlands and Regionally Significant Areas of Natural and Scientific Interest. These elements of the Natural Heritage System are of special importance to the character of the Township and to its ecological health and integrity. Furthermore, these elements are significant in the context of the surrounding landscape because of their size, location, outstanding quality or ecological functions. They contribute to the health of the broader landscape, protecting water resources, providing wildlife habitat, reducing air pollution and combating climate change.

The proposed 185.8 square metre accessory building is accessory to the existing single detached dwelling on the property, and is being proposed to be built on the portion of the property that is designated as Good General Agricultural. The proposed accessory building be located around 180 metres (590.6 feet) from the nearest portion of the property that is designated as apart of the Natural Heritage System. Township Staff believe that the proposed location would not significantly impact the environment or negatively impact neighbouring properties.

The applicant would be permitted to build a new drive way on the property to have the building located southwest of the existing single detached dwelling and within 50 of the dwelling, however this would result in farm land that is currently cultivated being lost. Township Staff believe that the proposed variance would have less of an impact of the existing cultivated land being disturbed then if the applicant built a new driveway south west of the existing driveway/ dwelling in order to have enough room to turn their vehicles around.

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

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

Yes

The Township's Zoning By-law 2017-70, as amended identifies that the subject land is zoned Agricultural 'A', Environmental Conservation 'EC', and Environmental Protection 'EP'. The agricultural parcel is separated by the Hydro One Network with 10.32 hectares (25.49 acres) of land between Sixteen Road and the Hydro Corridor and 4.20 hectares (10.38 acres) of land south of the Hydro Corridor.

The property is zoned Agricultural where the accessory building is being proposed. The agricultural zone permits main agricultural buildings and their associated accessory buildings as well as single detached dwellings and their associated accessory buildings. The proposed accessory building (storage building) is a permitted use and structure under the regulations of the Agricultural Zone, provided it is used for storage related to the single detached dwelling. No business and commercial activities are permitted.

Under Table 1-1 of the Township's Zoning By-law accessory buildings shall be no further than 50 metres from the main building on the property. This ensures that the buildings are constructed in clusters to preserve agricultural land and to minimize the potential for large accessory buildings to be used to operate large businesses out of. The applicant attempted to relocate their proposed accessory building to conform with the Township's Zoning By-law, however, due to an existing accessory building, the location that conforms with the Zoning By-law does not provide an adequate amount of space for the application to utilize the full potential of the proposed building. The applicant has indicated that in order for them to utilize the full potential of the proposed building the variance is required. In building the proposed accessory building where it is currently proposed Township staff do note that it appears that several trees may have to be removed. The applicant indicated that the proposed building is only for his family's storage needs and has no future plans for it other than the current storage needs. As it is being proposed behind the existing accessory building on the property staff believe that it is being clustered on the property and meeting the general intent of the Township Zoning Bylaw.

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

Yes

The applicant is proposing to construct a 185.8 square metre accessory building on the subject property. The building is proposed to be located 61 metres from the existing main building whereas 50 metres is required from the nearest wall of the main building to nearest wall of the accessory buildings.

The accessory building is proposed to be used for the residential vehicle storage needs. Building locations are intended to be clustered so that the long term ability for farm land to be farmed is protected. Surrounding properties are also zoned agricultural and environmental and are currently being cash cropped. Planning Staff believe that having the proposed building located 61 metres behind the existing single detached dwelling and 21 metres behind the existing accessory building and is better for the agricultural land then the applicant building a new driveway for the proposed building and having it located 50 metres south west existing single detached dwelling, which would be permitted and

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would also solve the applicants struggles with accessing the proposed building.

Planning staff are of the opinion that this is appropriate development of the land and that the building location is appropriate in this situation.

Is the proposal minor in nature? Yes

The subject application is requesting to permit a proposed accessory building to be located 61 metres from the main building whereas 50 metres is the required maximum distance from the setback. The purpose of the Township's Zoning By-law 2017-70 requiring accessory buildings to be located within 50 metres is to ensure that uses are expanding in clusters to preserve agricultural land and to minimize the potential for large accessory buildings to be used to operate businesses that are not agricultural or permitted in the Zoning Bylaw.

The proposed variance is a 22% increase (11 metre increase) from the Township's Zoning By-law's required maximum 50 metre setback. The Township also recognize that the applicant also took around 3 months to try and be comfortable with having the proposed accessory located in a position that would conform with the Township's Zoning By-law, as the applicant initially readjusted their proposed plans in December 2021 to have a 50 metres setback but decided to come in for a pre-application minor variance meeting in March 2022.

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

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on Friday April 8th 2022. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township Public Works Department has provided no objections to this application.

The Township's Septic Inspector has indicated that he does not have any objections to this application.

The Niagara Peninsula Conservation Authority have indicated that there is a presence of an unevaluated wetland to the east of the proposed accessory building and the current proposed location is potentially within the 15 metre buffer of the unevaluated wetland. However as this proposed minor variance is in regards to the setback of the existing single detached dwelling and not the setback from the east lot line/ unevaluated wetland Township staff feel that the NPCA's concerns can be addressed during the building permit process and have recommended the following condition "That the proposed development

be circulated to the NPCA for review and approval prior to the issuance of any building permits.”

The Niagara Region has indicated Regional staff do not object to the proposed Minor Variance application, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies, subject to the conditions as set out below:

1. That the owner fulfills one of the below sub-conditions:
 - a. Submits a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments) for the area of proposed development, prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries (“MHSTCI”), for review and approval with a copy provided to the Township of West Lincoln and Niagara Region. The report must be accepted by the Ministry, and a copy of any applicable MHSTCI letters of acknowledgement shall be provided to the Niagara Region prior to clearance of this condition. OR;
 - b. Submits additional information to the Niagara Region to demonstrate previous disturbance/construction works, location of fill on the site, and/or grading work within the location of the proposed accessory dwelling prior to April 28, 2022. OR;
 - c. Submits a letter, written by a licensed archaeologist to confirm that an archaeological study is not required.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

2. That the following archaeological resource warning clause is implemented to protect for any potential archaeological resources that are discovered during construction activities on the site:

“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (“MHSTCI”) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer

Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on Friday April 8th 2022. A notice was posted to the Township's website on the same day, and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

No public comments have been received as of April 22nd 2022 as of the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Coby and Nicole Hawkins for the property municipally known as 8200 Sixteen Road. The Minor Variance application was submitted to permit an accessory building to be located 61 metres from the main building whereas Table 1-1 of the zoning bylaw requires that accessory buildings shall be no further than 50 metres. Planning staff are of the opinion that this application meets all four tests of a minor variance, and as such, can recommend approval of this application; subject to the attached conditions.

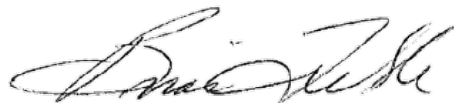
ATTACHMENTS:

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

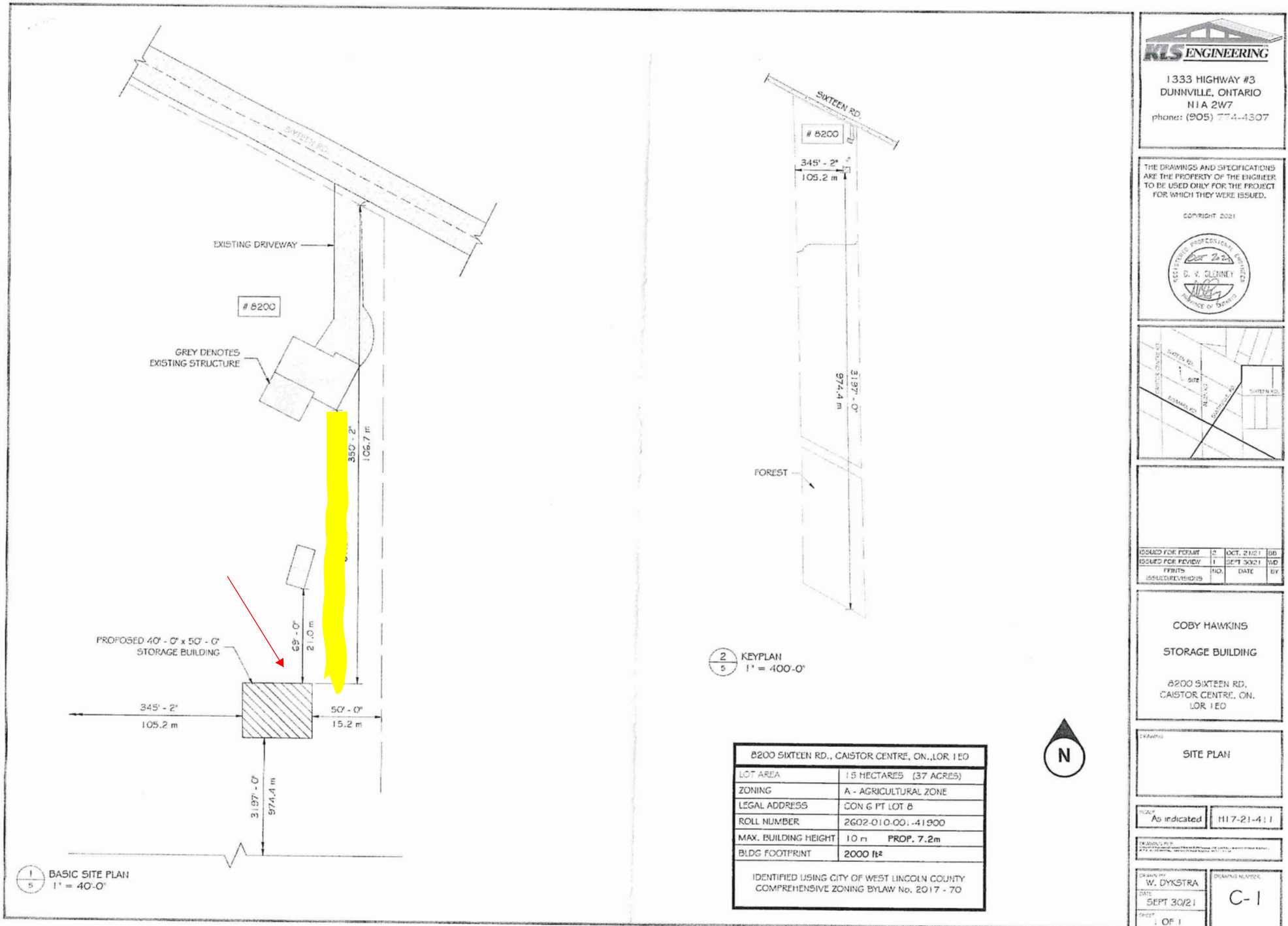
Prepared by:



Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



8. Additional Comments:

TOWNSHIP PLANNING:

- By applying for a minor variance application it is not guaranteed that the request will be approved.
- Township staff are requesting that the following additional documentation (additional to the application) be submitted to help the applicant's proposal for an accessory building to be located further then 50 metres from the property's main dwelling:
 - A Justification Letter written explaining in detail:
 - 1 ▪ Why the proposed accessory building would not function at a setback of 50 metres;
 - 2 ▪ What the extra 11 metres provides the applicant;
 - 3 ▪ What the accessory building will be used for; and
 - 4 ▪ Any future plans for the property and the proposed building

9. Site Visit: _____

- ① I will not have the ability to safely turn my truck & trailer around to be able to park it in my shop. I will lose 11 metres of my ~~existing~~ driveway.
- ② The ability to safely manover my Vehicles - Trailers - recreational vehicles
- ③ Storage of my trailers X 2 -
 - my side by side vehicle
 - my truck & my wifes car
 - ~~the~~
- ④ - No future plans

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

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

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

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

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

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: April 20, 2022 1:42 PM
To: Meghan Birbeck
Subject: NPCA Comments - April Committee of Adjustment Applications - West Lincoln
Attachments: 8200 Sixteen Road, West Lincoln.pdf

Hello Meghan,

I am emailing you today regarding the five Committee of Adjustment applications you had circulated to me earlier in April. The five application numbers are A09/2022WL, A10/2022WL, A11/2022WL, A12/2022WL and A13/2022WL. **Please note** that I was unable to locate the property for 7325 Sunset Place - please provide me with the ARN or PIN number for this property so that I can confirm if NPCA will have any concerns. Please see my comments on the other applications below.

A09/2022WL

- NPCA staff note that the neighboring property to the east is impacted by the presence of Unevaluated Wetlands. The black text on the attached NPCA mapping which indicates **MAX**, and the surrounding green area shows the approximate location of the Unevaluated Wetlands.
- NPCA staff note that the current location for the proposed structure falls within 15 metres of the Unevaluated Wetlands to the east. NPCA staff recommend that the location of the proposed structure be revised such that it is located at least 30 metres from the Unevaluated Wetlands to the east. NPCA staff will also request that Erosion and Sediment Control fencing be added to the plan to indicate the limit of the proposed site disturbance. Should development and all site disturbance be located at least 30 metres from the neighbouring wetlands, then the NPCA will likely have no objections to this application.
- Should the applicant wish to proceed with the current location for the proposed structure, then further site visits by NPCA staff and/or potential evaluation by a qualified ecologist (at the landowner's expense) may be required to determine the boundary of the Unevaluated Wetlands on the subject property as development is proposed near these features.
- Finally, NPCA staff will require that the Minor variance review fee of \$410.00 be submitted for this application. NPCA staff will reach out to the applicant to obtain the fee payment.

A10/2022WL

- NPCA staff note that the proposed storage structure is not located near any NPCA regulated features or hazards. As such, the NPCA will have no objections to the proposed storage structure or Minor Variance application.

A11/2022WL

- NPCA staff have already reviewed and approved the proposed garage through a work permit application. As such, the NPCA will have no objections to this application.

A12/2022WL

8200 Sixteen Road, West Lincoln



4/20/2022, 11:37:21 AM

SWOOP 2020 Imagery

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Roads

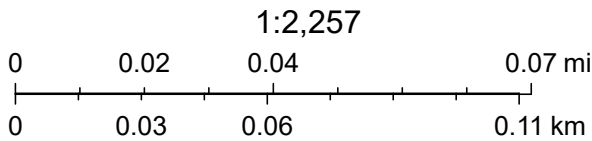
Corporate Watershed Divide NPCA

NPCA APPROXIMATE REGULATION LANDS

- Wetland Allowance
- Regulation Wetlands
- OWES WETLANDS
 - Non-Provincially Significant Wetland
 - Provincially Significant Wetland
- Top of Slope Allowance

Top of Slope Features

- Stable
- Unstable
- Regulated



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

Web AppBuilder for ArcGIS

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

April 22, 2022

Region File: D.16.12.MV-22-0047

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

Dear Ms. Birbeck:

**Re: Regional and Provincial Comments
Proposed Minor Variance Application
Township File: A09/2022WL
Owners: Coby Hawkins and Nicole Hawkins
8200 Sixteen Road
West Lincoln**

Regional Planning and Development Services staff have reviewed the above-noted Minor Variance application, which proposes one variance. The property is designated “Good General Agricultural and Natural Heritage System” in the Township’s Official plan, and is zoned “Agricultural” within the Township’s Zoning By-law (No. 2017-70), as amended.

The applicant is proposing to construct an accessory building and is requesting relief from the Township’s Zoning By-law to permit the accessory building to be built 11 m (36.09 ft) further than permitted from the main building on the property with a total setback of 61 m (200.13 ft). The Township’s Zoning By-law identifies the maximum distance that an accessory building can be built from a main building is 50 m (164.04 ft).

Staff note that there was no pre-consultation meeting for this application. The following comments from a Provincial and Regional perspective are provided to assist the Committee in their consideration of the application.

Provincial and Regional Policies

The subject lands are located within a “Prime Agricultural Area” under the *Provincial Policy Statement, 2020* (“PPS”), identified as “Prime Agricultural Area” in the “Provincial

Agricultural System” under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and are designated as “Good General Agricultural Area” in the *Regional Official Plan* (“ROP”).

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. The permitted uses and activities for Prime Agricultural Areas is primarily agriculture, agriculture-related, and on-farm diversified uses. The predominant use of land in Good General Agricultural Areas is for agriculture of all types, including livestock operations. Compatible uses such as forestry and conservation of plant and wildlife is also permitted.

In addition to agriculture, agriculture-related, and on-farm diversified uses, within the Good General Agricultural Area designation, the ROP permits the continued operation of legally established residential facilities, as well as the reasonable expansion or change in the use of such facilities subject to specific criteria, including not superseding urban area boundaries, not impacting the Core Natural Heritage System, or resulting in the intrusion of new incompatible land uses. Subject to the below comments, Regional staff are satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional policies.

Natural Heritage

The subject property is impacted by the Region’s Core Natural Heritage System (“CNHS”), consisting of the Caistor Centre Provincially Significant Wetland Complex (“PSW”), Regionally Significant Life Science ANSI, Significant Woodland, and Type 2 Fish Habitat. The property is also mapped as part of the Growth Plan Provincial Natural Heritage System (“NHS”). As such, these features are considered Key Natural Heritage Features (“KNHF”) and Key Hydrologic Features (“KHF”) and the natural heritage policies identified in the Provincial Growth Plan apply accordingly.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation (“NHE”) when development and/or site alteration is proposed within 120 m of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study (“EIS”) when development and/or site alteration is proposed within 120 m of PSW, within 50 m of Significant Woodland/ANSI and within 15 m of Type 2 Fish Habitat. Further, Growth Plan policies also require that a minimum 30 m Vegetation Protection Zone (“VPZ”) as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF or its VPZ.

The accessory building is outside of the above-noted setbacks for PSW/Significant Woodland/ANSI but is within 120 m of the KHF supporting Fish Habitat. The Growth Plan allows for accessory buildings provided they are not within the KHF or VPZ, and are located in close proximity to existing development. Additionally, a planted VPZ is not required if the VPZ area will continue to be used for agriculture. The accessory building meets these requirements and therefore, staff offer no objection to the minor variance.

Archaeological Potential

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' ("MHSTCI") Criteria for Evaluating Archaeological Potential, the subject property exhibits potential for the discovery of archaeological resources due to the presence of a stream that traverses the property, the Caistor Centre Wetland Complex on-site, and the Lower Twenty Mile Creek Wetland Complex (northeast) within 300 metres. Based on a review of available aerial imagery, it does not appear that the area of the proposed accessory building has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Regional staff note that ground disturbance does not include agricultural cultivation, gardening, or landscaping.

Accordingly, in order to ensure that any potential archaeological resources that may be located on the property are adequately protected, Regional staff requires that the applicant submit a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments with applicable MHSTCI acknowledgement letters) with the Minor Variance application. The requirement for a Stage 1 Archaeological Assessment may be waived by the Region if the applicant is able to demonstrate that previous significant, intensive, or extensive ground disturbance below top soil level for the lands of the proposed location of the accessory dwelling has occurred, or, if a letter written by a licensed archaeologist is provided which confirms that an archaeological study is not required.

Appropriate conditions, as well as a standard warning clause with respect to the identification and protection of archaeological resources is provided within the attached Appendix.

Conclusion

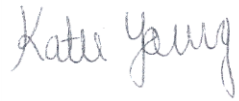
Regional staff do not object to the proposed Minor Variance application, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies, subject to the conditions as set out in the attached Appendix. Local staff should be satisfied that the proposed development meets any applicable local requirements and provisions.

If you have any questions related to the above comments, please contact the undersigned at Katie.Young@niagararegion.ca, or Alexander Morrison, Senior Development Planner at Alexander.Morrison@niagararegion.ca. Please send a copy of the staff report and notice of the Committee's decision on this application.

D.16.12.MV-22-0047

April 22, 2022

Kind regards,

A handwritten signature in cursive script that reads "Katie Young".

Katie Young
Development Planner

cc: Alexander Morrison, MCIP, RPP, Senior Development Planner, Niagara Region
Lori Karlewicz, Planning Ecologist, Niagara Region

Appendix
Regional Conditions of Minor Variance
8200 Sixteen Road, West Lincoln

1. That the owner fulfills one of the below sub-conditions:
 - a) Submits a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments) for the area of proposed development, prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI"), for review and approval with a copy provided to the Township of West Lincoln and Niagara Region. The report must be accepted by the Ministry, and a copy of any applicable MHSTCI letters of acknowledgement shall be provided to the Niagara Region prior to clearance of this condition. OR;
 - b) Submits additional information to the Niagara Region to demonstrate previous disturbance/construction works, location of fill on the site, and/or grading work within the location of the proposed accessory dwelling prior to April 28, 2022. OR;
 - c) Submits a letter, written by a licensed archaeologist to confirm that an archaeological study is not required.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

2. That the following archaeological resource warning clause is implemented to protect for any potential archaeological resources that are discovered during construction activities on the site:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be

contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”



Planning Application Review

Application Number:	A-09/2022WL
Date:	April 22, 2022
Property Address:	8200 Sixteen Road
Project:	MV

Planning Staff,

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

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

Respectfully,

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

DATE: April 28th, 2022

REPORT NO: COA-012-22

SUBJECT: **Recommendation Report**
Application for Minor Variance by John Staios
File No. A12/2022WL

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

OVERVIEW:

- A minor Variance application has been submitted by John Staios for the property being part of Concession 8, Part Lot 17, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara. Municipally known as 7325 Sunset Place.
- This Minor Variance application has been applied for to request two variances for an attached private garage.
- The first variance that is required is to permit an attached garage to project 8 metres (26.25 feet) further from the house and into the front yard than allowed with a total projection from the main front wall of the house of 9.5 metres (31.17 feet), whereas Section 3.12.7 f) ii. of the Township's Zoning Bylaw 2017-70, as amended, identifies that a residential attached garage may project up to a maximum of 1.5 metres closer to the front lot line than the main front wall of the dwelling on the same lot (provided the front yard setback is met for the private garage).
- The second variance that is required is to permit an attached garage to be built 3.49 metres (11.45 feet) wider than allowed for a private garage with a total width of 12.69 metres (41.63 feet), whereas Section 3.12.7 h) of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum garage width for an attached private garage shall be not more than 50% of the total width of the dwelling on the lot, or 9.2 metres, whichever is less, except where otherwise specified in this By-law. The width of the dwelling shall be measured in a straight line along the main front wall of the dwelling between the outside edges of the side walls of the dwelling.
- The applicant has indicated that the reasoning for the larger width and larger project is to store 5 vehicles along with recreational vehicles and to have the development be built aesthetically pleasing.
- The minor variance application has been reviewed against the four tests of a Minor Variance.
 - Planning Staff do not recommend that the first variance, for the projection of 9.5 metres, to be approved.
 - Planning Staff do recommend that the second variance, for width, to be supported and approved; subject to conditions.

RECOMMENDATION:

1. THAT, the application for the Minor Variance made by John Staios as outlined in Report COA-012-22, to permit an attached private garage to be built with a total projection of 9.5 metres, NOT BE APPROVED;
2. THAT, the application for the Minor Variance made by John Staios as outlined in Report COA-012-22, to permit an attached private garage to be built with a total width of 12.69 metres, BE APPROVED;

a. The both recommendations are subject to the following conditions:

i. THAT, the driveway not exceed 6 metre in width.

ii. That the Owner fulfils one of the below sub-conditions:

1. Submits a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments) for the area of proposed development, prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI"), for review and approval with a copy provided to the Township of West Lincoln and Niagara Region. The report must be accepted by the Ministry, and a copy of any applicable MHSTCI letters of acknowledgement shall be provided to the Niagara Region prior to clearance of this condition. OR;
2. Submits additional information to the Niagara Region to demonstrate previous disturbance/construction works, location of fill on the site, and/or grading work within the location of the proposed accessory dwelling prior to April 28, 2022. OR;
3. Submits a letter, written by a licensed archaeologist to confirm that an archaeological study is not required.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

iii. That the following archaeological resource warning clause is implemented to protect for any potential archaeological resources that are discovered during construction activities on the site:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the

proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

BACKGROUND:

The subject lands are situated west of Grimsby Road 12 and north of Regional Road 20, being legally described as Concession 8, Part Lot 17, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara. The subject property is municipally known as 7325 Sunset Place located within a recently created vacant land condo. (See attachment 1 for a site sketch)

The subject property is approximately 1.5 acres (0.6 hectares) in size. The property is within a part of the Hamlet Settlement Area of Regional Road 12 and is zoned Rural Residential. The surrounding properties to 7323 Sunset Place have Rural Residential zoning and Service Commercial zoning. The owner initially applied for a building permit in March 2022. However, Planning Staff were unable to sign off on the permit as the proposed garage width and projection do not comply with the Township's Zoning By-law, as amended. After conversations with the applicants the applicants decided to move forward with this minor variance application to address their garage's proposed projection and width rather than change their proposed plans for the attached garage.

The applicant attended a pre-application meeting with Planning Staff on March 15, 2022. During the meeting the Township Staff indicated that it was their initial opinion that the applicant should consider reducing the width and projection of the proposed attached garage to conform as close as possible to the Township's Zoning By-law 2017-70, as amended – this being as close as possible to 9.2 metres wide and 1.5 m in projection. Staff further identifying that they were aware that a width of 9.2 metres is difficult to accommodate a three bay garage. Township Staff have seen a three bay garage proposed at 10.5 metres in the past. Since the pre-application meeting the applicant has not altered their initial concept.

In addition, during the pre-application meeting staff requested that in addition to the minor variance application that the applicant also submit the following: a justification letter (addressing why the proposed attached garage would not function at a width of

9.2 metres; what the extra space provides the applicant; and why the proposed attached garage would not function at a projection of 1.5 metres), the internal layout of the attached garage, showing the need for the extra space, and the elevation design for the detached garage, showing whether the dwelling is over powered by the larger proposed garage width. The internal layout and elevation design can be seen in attachment 2 and 3.

The applicant has provided the following justification for their minor variance application:

- The proposed attached garage will not function at a width of 9.2 metres because of the required space needed to store the 5 vehicles owned along with recreational vehicles and some yard equipment. A layout is provided to give an idea of the space required.
- The proposed attached garage was set with a projection larger than the allowed 1.5 metres in an effort to have the front of the dwelling to be more aesthetically pleasing. Without the projection the garage over powers the look of the front elevation of the home. Having the garage placed on an angle to the house provides a more pleasing look and allows for more creative landscaping. See the colour rendering of the front elevation and landscaping.
- It is worth noting that the property is located on a private road with only 4 homes being constructed. These homes are located on estate lots therefore an estate home has been designed and proposed for construction.

This Minor Variance application has been applied for that requests two variances for an attached private garage.

The first variance that is required is to permit an attached garage to project from the house 8 metres (26.25 feet) further than allowed with a total projection from the house of 9.5 metres (31.17 feet), whereas Section 3.12.7 f) ii. of the Township's Zoning Bylaw 2017-70, as amended, identifies that a residential attached garage may project up to a maximum of 1.5 metres closer to the front lot line than the main front wall of the dwelling on the same lot (provided the front yard setback is met for the private garage).

The second variance that is required is to permit an attached garage to be built 3.49 metres (11.45 feet) wider than allowed for a private garage with a total width of 12.69 metres (41.6 feet) whereas Section 3.12.7 h) of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum garage width for an attached private garage shall be 50% of the total width of the dwelling on the lot, or 9.2 metres, whichever is less, except where otherwise specified in this By-law. The width of the dwelling shall be measured in a straight line along the main front wall of the dwelling between the outside edges of the side walls of the dwelling. The proposed garage is 34% of the total façade of the dwelling.

The applicant has indicated that the current Zoning provisions are not desirable for the garage space and curb appeal needed for the lifestyle of the owner.

Respecting Our Roots, Realizing Our Future

CURRENT SITUATION:

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

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

Yes, for the width

Yes, for the projection

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

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

Yes, for the width

No, for the projection

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

The Proposed Attached Garage Width:

Under the Township's Zoning By-Law 2017-70, as amended, attached garages cannot exceed 50% of the total width of the dwelling on the lot, or 9.2 metres, whichever is less, except where otherwise specified in this By-law. While the width of the proposed attached private garage is less than 50% of the total width of the dwelling on the lot at 34% it is proposed to be larger than 9.2 metres at 12.69 metres (41.63 feet). Therefore, the proposed garage is 3.49 metres (11.45 feet) wider than the Township's Zoning By-law 2017-70, as amended, permits.

The reason for the regulation of width of an attached private garage in the Township's Zoning By-law is to help ensure that dwellings have a residential appearance and alignment with the Township's Urban Design Standards 6.1.1.1 and 6.1.1.18.

Section 6.1.1 of the Township's Urban Design Standards focuses on Residential properties, specifically detached and semi-detached residential lots.

Section 6.1.1.1 offers a guideline for the built form and street relationship specifically identifying that the front façade should be aligned parallel with the street. The habitable portion of the dwelling (not the garage) should be located close to the minimum front yard setback.

Section 6.1.1.18 offers a guideline for garages and driveways specifically identifying that garages should not dominate the streetscape and must be complementary in character and quality to the principle dwelling.

The property has a width of approximately 59.54 metres and the proposed dwelling and

attached garage have a combined width of approximately 37.81 metres. The proposed single detached dwelling along with the attached garage represent about 63.5% of the width of the property. As there is about 10 metres of clearance on either side of the dwelling Staff believe that the house along with the proposed garage do not drastically over power the property. Furthermore, as the proposed attached garage is only responsible for 34% of the house both the house and the property will not be over burdened by the garage.

The Township Planning Staff are of the opinion that the requested first minor variance relating to the width of the attached garage does meets the general intent and purpose of the Township's Zoning Bylaw.

The Proposed Attached Garage Projection:

Under the Township's Zoning By-Law 2017-70, as amended, attached garages in residential zones can project up to a maximum of 1.5 metres closer to the front lot line than the main front wall of the dwelling on the same lot (provided the front yard setback is met for the private garage). The proposed attached garage has a setback of 30.5 metres from the front lot line, which meets the rural residential zone required 15 metres front yard setback. While the proposed garage meets the front yard setback it is proposed to project more than 1.5 metres at 9.5 metres (31.17 feet). Therefore, the attached garage is proposed to be 8 metres (26.25 feet) further in front of the dwelling than permitted by the Township's Zoning By-law 2017-70, as amended.

Planning staff would like to indicated that the subject property is vacant. As it is vacant there is no current building on the property that creates a conflict on the property that would require the garage to be built with a projection this large. In 2019, the Township's Zoning By-law was amended to allow attached garages to project to a specific amount in front of a single detached dwelling. This amendment allows attached garages to project up to 1.5 metres in front of a dwelling on a residential lot and for them to project up to 4 metres on any other zoned lot. Prior to 2019 attached garages were not able to project at all.

In addition, Planning Staff have noted that is the proposed development was rotated clockwise it would reduce the degree that the garage projects in front of the main front wall of the proposed single detached dwelling.

The Township Planning Staff are of the opinion that the proposed minor variance for the projection of the garage does not meets the general intent and purpose of the Township's Zoning Bylaw.

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

Yes, for the width

No, for the projection

The applicant has proposed to construct a 142.6 square metre (1,534.93 square feet) attached private garage to their proposed dwelling with a width of 12.69 metres and a projection of 9.5 metres. The applicants submitted a building permit one month ago to

the Township, in which planning staff determined it was not compliant with respects to the width and projection of the proposed attached garage.

Accessory buildings are permitted on Rural Residential zoned properties. If the applicants proposed a detached garage the Township would permit a garage that would be 100 square metres (1,076.39 square feet). A detached garage would have to be reduced by 42.6 square metres (458.54 square feet) to be permitted. However, it would not have a width requirement but would not be allowed to project at all in front of the dwelling.

Since the proposed garage is less than 50% of the total width of the dwelling on the lot and because several other properties in the area have received approval for wider garage widths within the last year, Planning Staff are of the opinion that the requested variance for width is an appropriate development and use of land on this property, as the garage does not dominate the streetscape and is complementary to the character and quality of the principle dwelling, subject to it not projecting further than 1.5 m.

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

Is the proposal minor in nature?

Yes, for the width

No, for the projection

The neighboring residential properties in the Hamlet of Regional Road 12 are permitted to construct an attached private garage in accordance with the Township's Zoning By-law. The applicants for 7325 Sunset Place are proposing to build an attached private garage that is not only wider but also projecting further from the house than is allowed.

The applicants proposed garage is 38% wider than the Township's Zoning By-law 2017-70, as amended, permits. However, the proposed garage is still less than 50% of the total width of the dwelling on the lot. The Township's Planning Staff believe that the width of the proposed attached garage is minor for the property as it does not dominate the streetscape. As a result, Planning Staff can support the requested width.

The applicants proposed garage is over 5 times further in front of the proposed dwelling than Township's Zoning By-law 2017-70, as amended, permits. Planning staff are of the opinion that the requested variance regarding projection is not minor in nature, especially in combination with the requested variance regarding width. Planning Staff cannot support the requested projection as a wider garage projected further in front of dwelling will lead to the garage not appearing to be secondary to the dwelling.

Planning Staff have discussed with the applicant that they can rotate the location of the proposed building on the property. Rotating the location of the proposed building will avoid the garage overpowering the property and maintain the applicants' current desired layout. Rotating the proposed building is possible and practical as the dwelling and attached garage have not yet been built on the property.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on April 8th, 2022. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector does not object to the proposed application.

The Niagara Peninsula Conservation Authority has indicated that they have no issues with the proposed application at 7325 Sunset Place due to a lack of NPCA regulated features or hazards on the property.

Regional staff do not object to the proposed Minor Variance application, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies, subject to the Owner fulfilling the following conditions:

1. That the Owner fulfils one of the below sub-conditions:
 - a. Submits a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments) for the area of proposed development, prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI"), for review and approval with a copy provided to the Township of West Lincoln and Niagara Region. The report must be accepted by the Ministry, and a copy of any applicable MHSTCI letters of acknowledgement shall be provided to the Niagara Region prior to clearance of this condition. OR;
 - i. Submits additional information to the Niagara Region to demonstrate previous disturbance/construction works, location of fill on the site, and/or grading work within the location of the proposed accessory dwelling prior to April 28, 2022. OR;
 - ii. Submits a letter, written by a licensed archaeologist to confirm that an archaeological study is not required.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

2. That the following archaeological resource warning clause is implemented to protect for any potential archaeological resources that are discovered during construction activities on the site:

“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (“MHSTCI”) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on April 8th, 2022. A notice was posted to the Township’s website on the same day, and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

No public comments have been received as of April 22nd, 2022, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by John Staios for the property municipally known as 7325 Sunset Place. The Minor Variance application is submitted to permit an attached garage to be built 8 metres (26.25 feet) further in front of the dwelling than allowed and 3.49 meters (11.45 feet) wider than allowed. Planning staff are of the opinion that the requested variance regarding width meets all four tests of a minor variance and as such, can recommend approval; subject to conditions.

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

ATTACHMENTS:

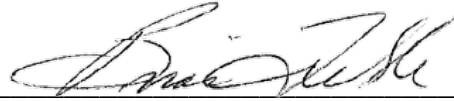
1. Site Sketch
2. Internal layout
3. Elevation design

4. Applicant's Justification
5. Agency Comments

Prepared by:



Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



Caution:
This is not a plan of survey and shall not be used except for the purpose indicated in the title block.

NOTE:
The builder is to verify the location of all street hardware and utilities prior to construction.
Driveways and/or driveway approaches shall be located such that hydro vaults and other street furniture are minimum 1.2 metres from the projections of the outside garage walls unless otherwise detailed on the lot grading plan.

SUMP PUMPS
Sump pump with check valve are to be installed in dwelling to pump the weeping tiles to the storm private drain. The sump outlet pipe shall extend a minimum of 150mm above the proposed grade at the dwelling (basement ceiling) prior to discharging to the storm private drain. See Detail "C".

FEBUARY 24, 2022
DATE

AJCE *A. J. Clarke and Associates Ltd.*
SURVEYORS • ENGINEERS • PLANNERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2269
email: ajc@ajcclarke.com



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


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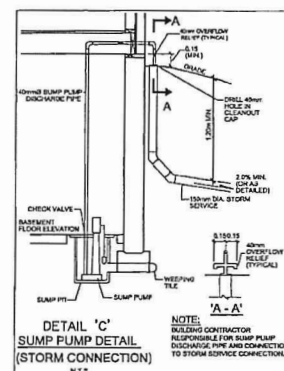
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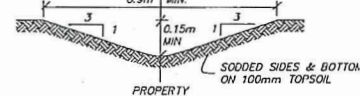
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LEGEND:

000.00	EXISTING GROUND ELEVATION
(000.00)	PROPOSED FINISHED GROUND ELEVATION
000.00	PROPOSED FINISHED GROUND ELEVATION AT DWELLING
S(000.00)	PROPOSED SWALE INVERT ELEVATION
	PROPOSED DIRECTION OF SURFACE DRAINAGE FLOW
	DENOTES DOWNSPOUT
	DENOTES ENTRANCE DOOR LOCATION
	DENOTES GARAGE DOOR LOCATION
	DENOTES SHEET FLOW DIRECTION
HYD	DENOTES HYDRANT
LS	DENOTES LIGHT STANDARD
HP	DENOTES UTILITY POLE
400mm	DENOTES 400mm DIA. TREE
WV	DENOTES WATER VALVE
CD	DENOTES CATCH BASIN
	DENOTES TEMPORARY TREE PROTECTION FENCE (SEE DETAIL 'A')
	DENOTES SEDIMENT CONTROL FENCE (SEE DETAIL 'B')
	DENOTES TREE TO BE REMOVED
XXX	DENOTES REMOVED FOOTINGS



TYPICAL SWALE CROSS-SECTION N.T.S.



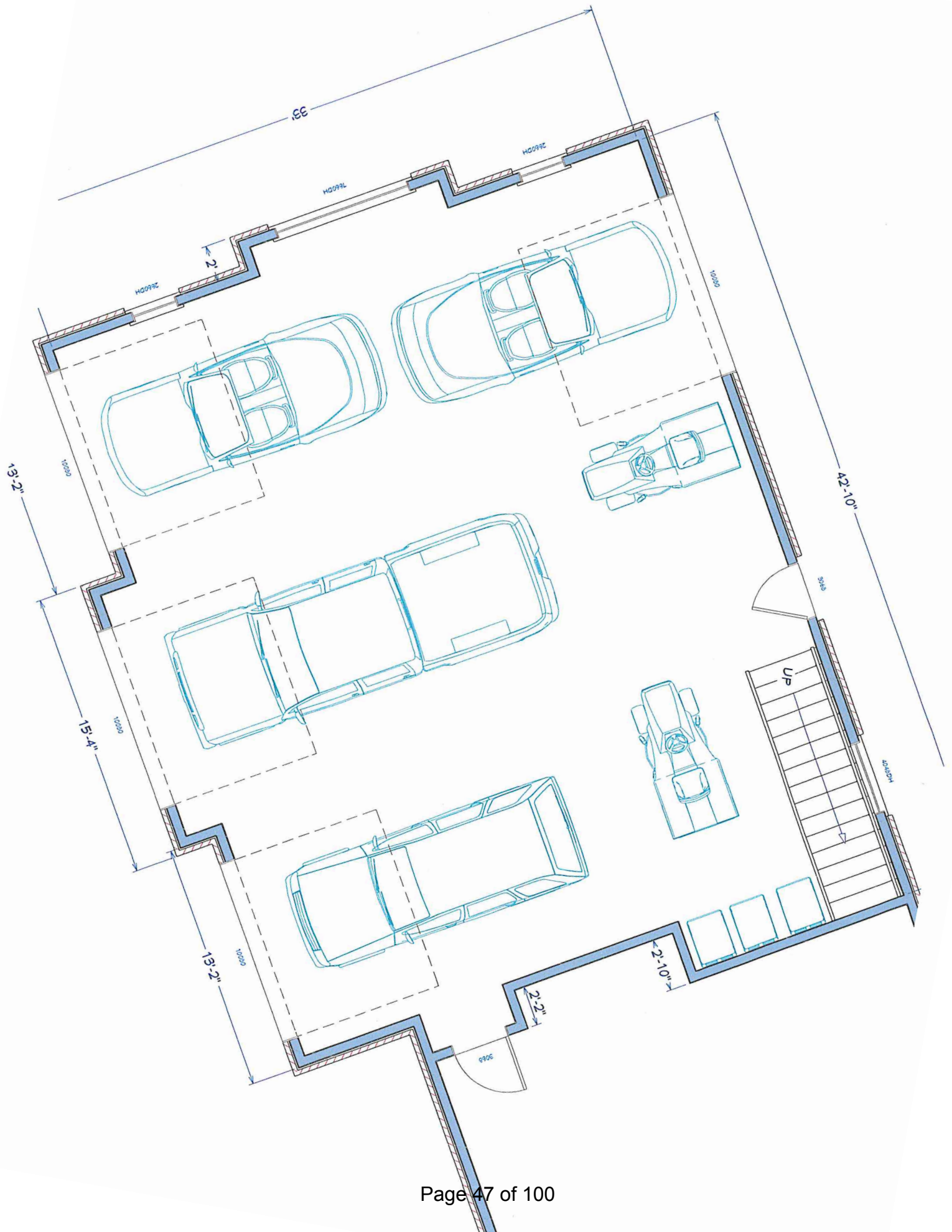
NOTE:
Swales to be placed in a manner to meander around trees where grades permit to reduce impact on adjacent trees

C O M M O N

ELEMENTS

ROAD

(ESTABLISHED BY CONDOMINIUM PLAN No. 319)





Custom Home Design
WWW.RIJUS.COM

March 22, 2022

Variance application.

Unit 3 Condominium Plan 319

7325 Sunset Place

Grassie, Ontario L0R 1M0

Staio's residence.

The proposed attached garage will not function at a width of 9.2 metres because of the required space needed to store the 5 vehicles owned along with recreational vehicles and some yard equipment. A layout is provided to give an idea of the space required.

The proposed attached garage was set with a projection larger than the allowed 1.5 metres in an effort to have the front of the dwelling to be more esthetically pleasing. Without the projection the garage over powers the look of the front elevation of the home. Having the garage placed on an angle to the house provides a more pleasing look and allows for more creative landscaping. See the colour rendering of the front elevation and landscaping.

It is worth noting that the property is located on a private road with only 4 homes being constructed. These homes are located on estate lots therefore an estate home has been designed and proposed for construction.



Planning Application Review

Application Number:	A-12/2022WL
Date:	April 22, 2022
Property Address:	7325 Sunset Place
Project:	MV

Planning Staff,

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

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

Respectfully,

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

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: April 20, 2022 4:31 PM
To: Meghan Birbeck
Subject: Re: NPCA Comments - April Committee of Adjustment Applications - West Lincoln

Hello Meghan,

Thank you for all of this information, it is greatly appreciated. You are correct in that I did review two other Minor Variances in this area and that I did not have any issues with them. I can confirm that the NPCA will also have no issues with the proposed application at 7325 Sunset Place due to a lack of NPCA regulated features or hazards on the property.

Sincerely,

Nikolas Wensing, B.A., MPlan

Watershed Planner

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

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

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

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

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

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

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Wednesday, April 20, 2022 1:48 PM
To: Nikolas Wensing <nwensing@npca.ca>
Subject: RE: NPCA Comments - April Committee of Adjustment Applications - West Lincoln

Hi Nikolas,

7325 Sunset Place is part of Condominium Plan Niagara North Condos being part of Concession 8, Part Lot 17, in the former Township of South Grimsby.

Attachment No. 5 to COA-012-22

MPCA does not have the parcels on our mapping but you will see the Condo in the screen shots below.
Last summer you reviewed two other minor variances regarding garage widths and I do not believe you had any issues back then.

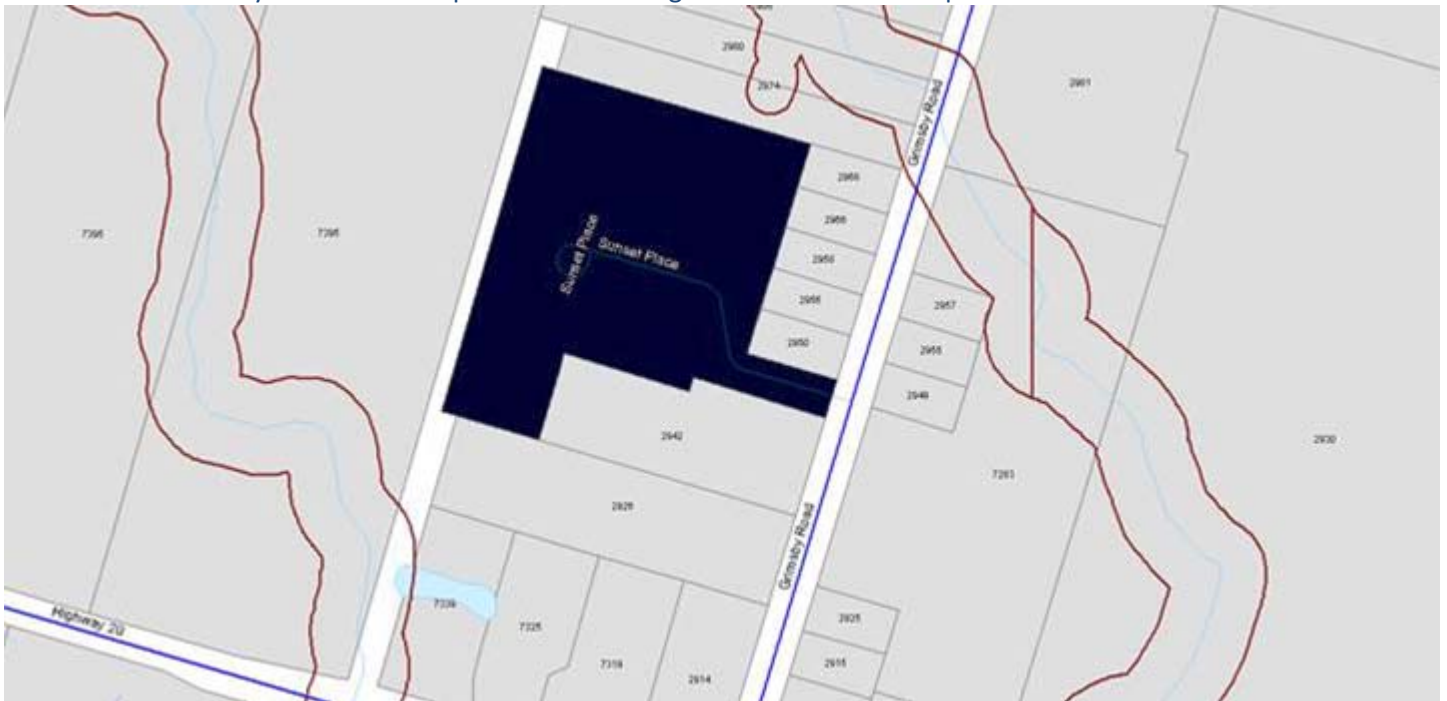
The whole has a total ownership parcel of 465190000.
The parcels currently do not have MPCA Roll numbers.

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

The adjacent property north of the entrance of Sunset place is 2950 Regional Road 12, Grassie, Ontario Con 8 Pt Lot 17 Plan 476 Lot; 5

Parcel image with NPCA Layer

- The NPCA layer that comes up is NNEI Screening west and west of the private subdivision



Best,
Meghan

Meghan Birbeck

Planner I

Tel: 905-957-3346 ext. 5140
Email: mbirbeck@westlincoln.ca
Web: www.westlincoln.ca



West Lincoln
Your Future Naturally

Planning and Development Services

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

Via Email

April 25, 2022

Region File: D.16.12.MV-22-0050

Meghan Birbeck
Planner I / 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 Minor Variance
Township File: A12/2022WL
Applicant/Owner: John Staios
Agent: Maurizio Testa
7325 Sunset Place
West Lincoln**

Regional Planning and Development Services staff have reviewed the proposed Minor Variance for 7325 Sunset Place in the Township of West Lincoln. The property is designated "Hamlet Settlement Area" in the Township's Official Plan and zoned "Rural Residential (RuR)" in the Township's Zoning By-Law (No. 2017-70), as amended.

The applicant is proposing to construct an attached garage and is requesting relief from the Township's Zoning By-law to permit the attached garage to project 9.5 metres (31.17 feet) further from the house than permitted and 3.49 metres (11.45 feet) wider than permitted in the Township's Zoning By-law.

Regional staff note that there was no pre-consultation meeting for this application. The following comments are offered from a Provincial and Regional perspective to assist the Committee in considering the application.

Provincial and Regional Policies

The subject land is located within a Rural Settlement Area under the Provincial Policy Statement ("PPS"), and is designated as within the Hamlet of Regional Road 12 in the Regional Official Plan ("ROP").

Within the Rural Settlement Area, development is generally concentrated and an appropriate range and mix of land uses are to be provided. The ROP provides that Hamlets are areas, designated within local Official Plans, for development of a low density nature without the provision of municipal services. Agricultural uses may continue in the Hamlet Areas; however, some opportunities for development, including residential uses compatible with the rural environment can be provided. Development in the Hamlet area must be on lots that have an adequate water supply and are suitable for private waste disposal systems. Subject to the below comments, Regional staff are satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional policies.

Archaeological Potential

Provincial and Regional policies provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' ("MHSTCI") Criteria for Evaluating Archaeological Potential, the subject property exhibits potential for the discovery of archaeological resources due to the presence of a stream (west) within 300 metres. Based on a review of available aerial imagery, it does not appear that the subject land has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Regional staff note that ground disturbance does not include agricultural cultivation, gardening, or landscaping.

Accordingly, in order to ensure that any potential archaeological resources that may be located on the property are adequately protected, Regional staff requires that the applicant submit a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments with applicable MHSTCI acknowledgement letters) with the Minor Variance application. The requirement for a Stage 1 Archaeological Assessment may be waived by the Region if the applicant is able to demonstrate that previous significant, intensive, or extensive ground disturbance below top soil level for the lands of the proposed location of the accessory dwelling has occurred, or, if a letter written by a licensed archaeologist is provided which confirms that an archaeological study is not required.

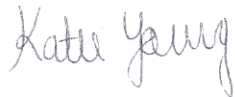
Appropriate conditions, as well as a standard warning clause with respect to the identification and protection of archaeological resources is provided within the attached Appendix.

Conclusion

Regional staff do not object to the proposed Minor Variance application, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies, subject to the Owner fulfilling the conditions as set out in the attached Appendix. Local staff should be satisfied that the proposed development meets any applicable local requirements and provisions.

If you have any questions related to the above comments, please contact the undersigned at Katie.Young@niagararegion.ca, or Alexander Morrison, Senior Development Planner at Alexander.Morrison@niagararegion.ca. Please send a copy of the staff report and notice of the Committee's decision on this application.

Kind regards,



Katie Young
Development Planner

cc: Alexander Morrison, MCIP, RPP, Senior Development Planner

Attachment

Appendix – Regional Conditions of Minor Variance

Appendix
Regional Conditions of Minor Variance
7325 Sunset Place, West Lincoln

1. That the Owner fulfills one of the below sub-conditions:
 - a) Submits a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments) for the area of proposed development, prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI"), for review and approval with a copy provided to the Township of West Lincoln and Niagara Region. The report must be accepted by the Ministry, and a copy of any applicable MHSTCI letters of acknowledgement shall be provided to the Niagara Region prior to clearance of this condition. OR;
 - b) Submits additional information to the Niagara Region to demonstrate previous disturbance/construction works, location of fill on the site, and/or grading work within the location of the proposed accessory dwelling prior to April 28, 2022. OR;
 - c) Submits a letter, written by a licensed archaeologist to confirm that an archaeological study is not required.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

2. That the following archaeological resource warning clause is implemented to protect for any potential archaeological resources that are discovered during construction activities on the site:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with

archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

DATE: April 28th, 2022

REPORT NO: COA-011-22

SUBJECT: **Recommendation Report**
Application for Minor Variance-9100 Silver Street/ Regional Road 65
Werner Mildenberger
File No. A11/2022WL

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

OVERVIEW:

- A minor Variance application has been submitted by Werner Mildenberger for the property located on the south side of Silver Street/ Regional Road 65, east of Abingdon Road and west of Caistor Center Road. The property is legally described as Concession 4, Part Lot 15: RP30R9199; Part 2, in the former Township of Caistor now in the Township of West Lincoln, Region of Niagara. Municipally known as 9100 Silver Street.
- This Minor Variance application has been applied for to permit a proposed attached garage to be built 2.55 metres (8.37 feet) wider than permitted with a total width of 11.75 metres (38.55 feet) whereas Section 3.12.7 of the Townships Zoning Bylaw 2017-70, as amended, identifies that the maximum width of a proposed attached garage shall be 50% of the total width of the dwelling on a lot, or 9.2 metres, whichever is the lesser number.
- The applicant is requesting the wider garage for personal storage space for applicant's vehicles, gardening equipment, and tools which cannot currently fit into the existing garage.
- The minor variance application has been reviewed against the four tests of a Minor Variance and can be recommended for approval, subject to conditions.

RECOMMENDATION:

1. THAT, the application for the Minor Variance made by Werner Mildenberger as outlined in report COA-011-22, to permit an attached garage to be built 2.55 metres wider than the permitted maximum, BE APPROVED, subject to the following conditions:
 - a. THAT, the driveway not exceed 6 metres in width;
 - b. That the Owner fulfils one of the below sub-conditions:

- i. Submits a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments) for the area of proposed development, prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI"), for review and approval with a copy provided to the Township of West Lincoln and Niagara Region. The report must be accepted by the Ministry, and a copy of any applicable MHSTCI letters of acknowledgement shall be provided to the Niagara Region prior to clearance of this condition. OR;
- ii. Submits additional information to the Niagara Region to demonstrate previous disturbance/construction works, location of fill on the site, and/or grading work within the location of the proposed accessory dwelling prior to April 28, 2022. OR;
- iii. Submits a letter, written by a licensed archaeologist to confirm that an archaeological study is not required.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

- c. That the following archaeological resource warning clause is implemented to protect for any potential archaeological resources that are discovered during construction activities on the site:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

BACKGROUND:

The subject lands are situated on the south side of Silver Street/ Regional Road 65, east

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of Abingdon Road and west of Caistor Centre Road. The property is legally described as Concession 4, Part Lot 15: RP30R9199; Part 2, in the former Township of Caistor now in the Township of West Lincoln, Region of Niagara. Municipally known as 9100 Silver Street. (See attachment 1 for a site sketch)

The subject property is approximately 0.61 hectares (1.5 acres) in size. The property is designated as apart of the Abingdon Hamlet Settlement Area in the Township's Official Plan and is zoned as Residential Low Density Type 1A 'R1A' within the Township's Zoning By-law. The surrounding properties are also designated Hamlet and consist of single detached dwellings and associated accessory buildings.

The applicant is proposing a 102.7 square metre attached garage for personal storage as part of a new house build. The minor variance is proposed to allow for the garage width to be wider than the permitted maximum. Garage widths should be 50% of the main dwelling of 9.2 metres whichever is the lesser number. The permit application came for the proposed garage on February 9th 2022 and the extra 2.55 metre width was identified by planning staff. Planning staff have now had the chance to have a pre-application meeting and guide the applicant through the next steps of permitting the additional width through a minor variance.

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 subject property is designated within the Hamlet Settlement area of Abingdon within the Township's Official Plan. The purposes of the Hamlet Settlement Area are to provide residential and associated commercial, institutional, recreational and open space land uses within existing and established hamlet settlement areas of the Township. All recognized hamlets areas are designated as Hamlets in the Township's Official Plan to be consistent with the Regional Policy plan. The proposed single detached dwelling and attached garage are permitted in the Hamlet Settlement Area of Abingdon and would not significantly impact neighbouring properties, environment or agricultural uses in the area.

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

The subject land is zoned Residential Low Density 'R1A' in the Township's Zoning By-law 2017-70, as amended, and is 0.61 hectares (1.5 acres) in size. The Residential Low Density zone permits single detached dwellings and their associated accessory buildings. The proposed attached garage is a permitted use under the regulations of the Residential

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Low Density Zone within the Hamlet Settlement Area of Abingdon.

Under the Township's Zoning By-Law single detached dwellings on residential lots are permitted an attached garage, however the garage cannot project further then 1.5 metres closer to the front lot line than the main front wall of the dwelling, and the width of the garage cannot be any wider than 50% of the main dwelling or 9.2 metres, whichever number is less.

The proposed garage does project 5 metres from the main front wall of the dwelling, however, due to the angle of Regional Road 65 still complies with the Township's Zoning By-law 2017-70, as amended, Private Garage regulation 3.12.7 f) ii. regarding garage projection. Regulation 3.12.7 f) ii. identifies that on residential lots an attached private garage may project up to a maximum of 1.5 metres closer to the front lot line than the main front wall of the dwelling on the same lot [provided the front yard setback is met for the private garage]. With the angle of Regional Road 65 does not project more then 1.5 metres closer to the front lot line than the main front wall of the dwelling.

The width of the proposed dwelling and garage is 29.16 metres and 50% is 14.58 metres, which is greater then 9.2 metres and therefore the maximum permitted width for your garage is 9.2 metres. It appears that the proposed garage has a width of 11.74 metres, which is roughly 40.3% of the width of the proposed dwelling and garage.

The applicants submitted their permit on February 9th 2022 and the larger width of the garage was identified through a planning review. Planning staff met with the applicant through a pre-application meeting and discussed what would be needed to comply with Townships zoning or the option of going through a minor variance process.

As such, Township Planning Staff are of the opinion that the minor variance meets the general intent and purpose of the Township's Zoning Bylaw

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

Yes

The reason for the regulation of width of an attached private garage in the Township's Zoning By-law is to help ensure that dwellings have a residential appearance and alignment with the Township's Urban Design Standards 6.1.1.1 and 6.1.1.18.

Section 6.1.1 of the Township's Urban Design Standards focuses on Residential properties, specifically detached and semi-detached residential lots.

Section 6.1.1.1 offers a guideline for the built form and street relationship specifically identifying that the front façade should be aligned parallel with the street. The habitable portion of the dwelling (not the garage) should be located close to the minimum front

yard setback.

Section 6.1.1.18 offers a guideline for garages and driveways specifically identifying that garages should not dominate the streetscape and must be complementary in character and quality to the principle dwelling.

The applicant is proposing to construct a 102.7 square metre attached garage. This garage is proposed to be utilized for personal storage use. The attached garage is permitted on the Residential Low Density zoned parcel within the Hamlet Settlement Area of Abingdon attached to a single detached dwelling. The property is surrounded by larger residential lots containing single detached dwellings with attached or detached garages. The attached garage will not cause any impact to neighbouring properties as it still meets applicable setbacks. As such, Planning Staff are of the opinion that the requested variance, regarding the width of the attached garage, is appropriate development and use of the land on this property.

Is the proposal minor in nature?

Yes

The subject application is requesting to permit a single detached dwelling with an attached garage which is proposed to be 102.7 square metres in size with a total width of 11.75 metres whereas 9.2 metres is the permitted maximum. Planning staff feel that the 2.55 increase in width is minor for the applicant's additional storage needs as it represents on 40.3% of the façade of the dwelling and it is not over bearing and meets the intent of the Township's Urban Designs Standards. The applicant states with the additional width of the proposed garage there will be no need nor intent to construct a detached garage in the future on the subject property.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notice was mailed to all agencies on April 8th 2022, No agency comments have been received as of April 14th during the preparation of this report.

Township's Septic Inspect does not object to the proposed application.

The Niagara Peninsula Conservation Authority has indicated that staff have already reviewed and approved the proposed garage through a work permit application. As such, the NPCA will have no objections to this application.

Regional staff do not object to the proposed Minor Variance application, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies, subject to the Owner fulfilling the following conditions:

1. That the Owner fulfils one of the below sub-conditions:
 - a. Submits a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments) for the area of proposed development, prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI"), for review and approval with a copy provided to the Township of West Lincoln and Niagara Region. The report must be accepted by the Ministry, and a copy of any applicable MHSTCI letters of acknowledgement shall be provided to the Niagara Region prior to clearance of this condition. OR;
 - b. Submits additional information to the Niagara Region to demonstrate previous disturbance/construction works, location of fill on the site, and/or grading work within the location of the proposed accessory dwelling prior to April 28, 2022. OR;
 - c. Submits a letter, written by a licensed archaeologist to confirm that an archaeological study is not required.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

2. That the following archaeological resource warning clause is implemented to protect for any potential archaeological resources that are discovered during construction activities on the site:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all

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activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on April 8th 2022. 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. There have been no public comments received in regards to this application.


CONCLUSION:

A Minor Variance application has been submitted by Werner Mildenerger for the property municipally known as 9100 Silver Street. The Minor Variance application is submitted to permit an attached garage with a total width of 11.75 metres whereas 9.2 metres is the permitted maximum. Planning staff are of the opinion that the requested variance meets all four tests of a minor variance and as such, can recommend approval.

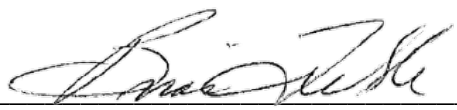
ATTACHMENTS:

1. Site Drawings
2. Justification
3. Layout
4. Comments

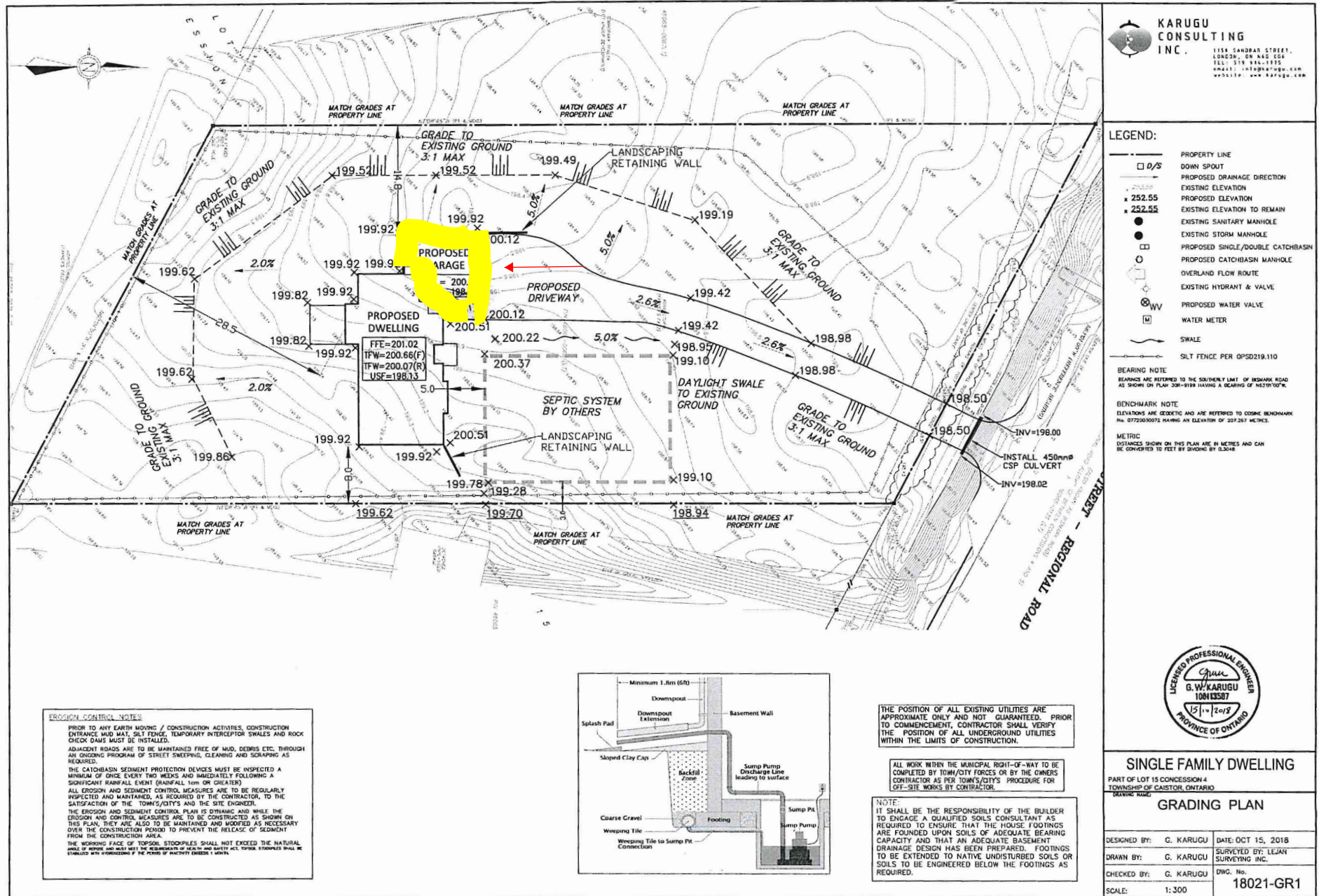
Prepared by:



Madyson Etzl
Planner II



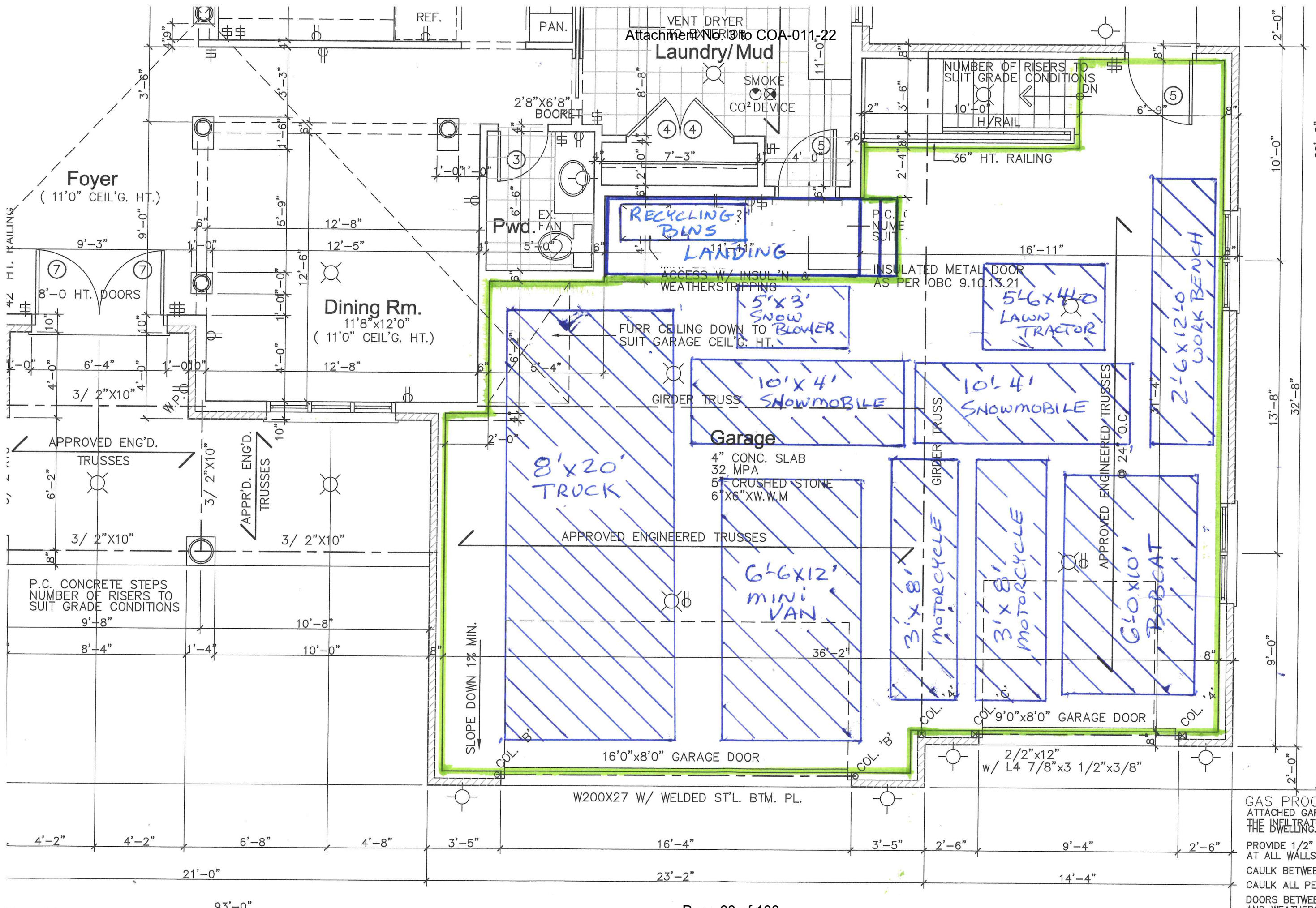
Brian Treble, RPP, MCIP
Director of Planning and Building



- ① TWO VEHICLES 8'x20' AND 6'6"x12'0"
" MOTORCYCLES 3'x8'
" SNOWMOBILES 4'x10'
DRIVING LAWNMOWER TRACTOR 4'x5'6"
BOBCAT SKIDSTEER 6'x10'
WORK BENCH 2'6"x12'0"
- ② GARAGE HAS A ADEQUATE SIZE OF
LANDING FOR ALL RECYCLING BINS
AND SAFETY FOR ENTERING OF HOUSE
FROM GARAGE.
- ③ CENTRE OF FRONT OF HOUSE AND
GARAGE TO ROAD IS APPROXIMATELY
67 METRES.
- ④ GARAGE SET ON WEST SIDE OF HOUSE
FOR GREATER DISTANCE FROM
ROAD BECAUSE OF THE PROPERTY
BEING A PARALLELOGRAM SHAPE.
- ⑤ HOUSE AND GARAGE HAS BEEN
APPROVED BY N.P.C.A. ONLY FOR
ITS LOCATION OUTSIDE THE
FLOODPLAIN WHICH STARTED THE
SPRING OF 2021.

THE GARAGE, AS PLANNED, IS SYMMETRICAL TO THE HOME LAYOUT AND LENGTH. FURTHERMORE, THE SPACE WILL ACCOMMODATE THE USE AS OUTLINED IN THE ACCOMPANYING DETAILED PLAN LAYOUT.

THE HOUSE AS DESIGNED WITH THE ADDED GARAGE SIZE, OPTIMIZES THE PROPERTY AS WELL AS ENHANCES THE CURB APPEAL. TO THIS END, THERE IS NO NEED NOR INTENT TO CONSTRUCT A DETACHED STORAGE SHED.



Attachment No. 3 to COA-011-22

Laundry/Mud

Foyer
(11'0" CEIL'G. HT.)

Dining Rm.
11'8"x12'0"
(11'0" CEIL'G. HT.)

Garage

4" CONC. SLAB
32 MPA
5" CRUSHED STONE
6"x6" XW.W.M

RECYCLING
BINS
LANDING

8'x20'
TRUCK

6'6"x12'
mini
VAN

5'x3'
SNOW
BLOWER

5'6"x4'0"
LAWN
TRACTOR

2'6"x12'0"
WORK BENCH

10'4'
SNOWMOBILE

10'4'
SNOWMOBILE

3'x8'
MOTORCYCLE

3'x8'
MOTORCYCLE

6'0"x10'
BOBCAT

16'0"x8'0" GARAGE DOOR

COL. 9'0"x8'0" GARAGE DOOR

W200X27 W/ WELDED ST'L. BTM. PL.

2/2"x12"
w/ L4 7/8"x3 1/2"x3/8"

GAS PROOFING NOTES :
ATTACHED GARAGES MUST BE COMPLETELY
THE INFILTRATION OF CARBON MONOXIDE AT
THE DWELLING.

PROVIDE 1/2" DRYWALL WITH MIN. 2 COA'
AT ALL WALLS ADJACENT TO DWELLING.
CAULK BETWEEN GYP. BOARD AND OTHER
CAULK ALL PENETRATIONS SUCH AS HOSE
DOORS BETWEEN GARAGE AND DWELLING SI
AND WEATHERSTRIPPED AND PROVIDED WIT
GARAGE SLAB SHALL BE SLOPED TO DRAIN
WHERE AN ATTACHED GARAGE IS ADJACENT



Planning Application Review

Application Number:	A-11/2022WL
Date:	April 22, 2022
Property Address:	9100 Silver Street
Project:	MV

Planning Staff,

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

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

Respectfully,

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

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: April 20, 2022 1:42 PM
To: Meghan Birbeck
Subject: NPCA Comments - April Committee of Adjustment Applications - West Lincoln
Attachments: 8200 Sixteen Road, West Lincoln.pdf

Hello Meghan,

I am emailing you today regarding the five Committee of Adjustment applications you had circulated to me earlier in April. The five application numbers are A09/2022WL, A10/2022WL, A11/2022WL, A12/2022WL and A13/2022WL. **Please note** that I was unable to locate the property for 7325 Sunset Place - please provide me with the ARN or PIN number for this property so that I can confirm if NPCA will have any concerns. Please see my comments on the other applications below.

A09/2022WL

- NPCA staff note that the neighboring property to the east is impacted by the presence of Unevaluated Wetlands. The black text on the attached NPCA mapping which indicates **MAX**, and the surrounding green area shows the approximate location of the Unevaluated Wetlands.
- NPCA staff note that the current location for the proposed structure falls within 15 metres of the Unevaluated Wetlands to the east. NPCA staff recommend that the location of the proposed structure be revised such that it is located at least 30 metres from the Unevaluated Wetlands to the east. NPCA staff will also request that Erosion and Sediment Control fencing be added to the plan to indicate the limit of the proposed site disturbance. Should development and all site disturbance be located at least 30 metres from the neighbouring wetlands, then the NPCA will likely have no objections to this application.
- Should the applicant wish to proceed with the current location for the proposed structure, then further site visits by NPCA staff and/or potential evaluation by a qualified ecologist (at the landowner's expense) may be required to determine the boundary of the Unevaluated Wetlands on the subject property as development is proposed near these features.
- Finally, NPCA staff will require that the Minor variance review fee of \$410.00 be submitted for this application. NPCA staff will reach out to the applicant to obtain the fee payment.

A10/2022WL

- NPCA staff note that the proposed storage structure is not located near any NPCA regulated features or hazards. As such, the NPCA will have no objections to the proposed storage structure or Minor Variance application.

A11/2022WL

- NPCA staff have already reviewed and approved the proposed garage through a work permit application. As such, the NPCA will have no objections to this application.

A12/2022WL

- As mentioned above, NPCA staff are having some difficulty locating the subject property on the NPCA's regulated mapping. NPCA staff will request that the ARN and/or PIN number be provided at this time so that the NPCA can provide comments on the subject property.

A13/2022WL

- NPCA staff will not object to the three Minor Variance applications submitted to permit existing uses on the subject property.

Please let me know if you have any questions.

Sincerely,

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

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

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

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

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

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

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

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

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

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

Planning and Development Services

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

Via Email

April 25, 2022

Region File: D.16.12.MV-22-0048

Meghan Birbeck
Planner I / 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 Minor Variance
Township File: A11/2022WL
Applicant/Owner: Werner Mildenberger
9100 Silver Street
West Lincoln**

Regional Planning and Development Services staff have reviewed the proposed Minor Variance for 9100 Silver Street in the Township of West Lincoln. The property is designated "Hamlet Settlement Area" in the Township's Official Plan and zoned "Residential Low Density – Type 1 A 'R1A'" in the Township's Zoning By-Law (No. 2017-70), as amended.

The applicant is proposing to construct an attached garage and is requesting relief from the Township's Zoning By-law to permit the attached garage be built 2.55 metres (8.37 feet) wider than permitted in the Township's Zoning By-law with a total width of 11.75 metres (38.55 feet).

Regional staff note that there was no pre-consultation meeting for this application. The following comments are offered from a Provincial and Regional perspective to assist the Committee in considering the application.

Provincial and Regional Policies

The subject land is located within a Rural Settlement Area under the *Provincial Policy Statement, 2020* ("PPS"), and is designated as within the Hamlet of Abingdon in the *Regional Official Plan* ("ROP").

Within the Rural Settlement Area, development is generally concentrated and an appropriate range and mix of land uses are to be provided. The ROP provides that Hamlets are areas, designated within local Official Plans, for development of a low density nature without the provision of municipal services. Agricultural uses may continue in the Hamlet Areas; however, some opportunities for development, including residential uses compatible with the rural environment can be provided. Development in the Hamlet area must be on lots that have an adequate water supply and are suitable for private waste disposal systems. Subject to the below comments, Regional staff are satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional policies.

Archaeological Potential

Provincial and Regional policies provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' ("MHSTCI") Criteria for Evaluating Archaeological Potential, the subject property exhibits potential for the discovery of archaeological resources due to the presence of a streams (north and west) and the Moores Creek Slough Forest Wetland Complex within 300 metres. Based on correspondence with Township staff (dated April 25, 2022) the property is vacant and has not been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Regional staff note that ground disturbance does not include agricultural cultivation, gardening, or landscaping.

Accordingly, in order to ensure that any potential archaeological resources that may be located on the property are adequately protected, Regional staff requires that the applicant submit a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments with applicable MHSTCI acknowledgement letters) with the Minor Variance application. The requirement for a Stage 1 Archaeological Assessment may be waived by the Region if the applicant is able to demonstrate that previous significant, intensive, or extensive ground disturbance below top soil level for the lands of the proposed location of the accessory dwelling has occurred, or, if a letter written by a licensed archaeologist is provided which confirms that an archaeological study is not required.

Appropriate conditions, as well as a standard warning clause with respect to the identification and protection of archaeological resources is provided within the attached Appendix.

Regional Permit Requirements

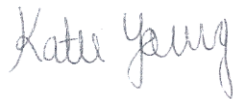
Region staff acknowledge that future construction works are required within the Regional Road 65 road allowance to permit a new driveway access for the proposed residence. Prior to any future construction taking place within the Regional road allowance, a Regional Construction Encroachment and Entrance Permit must be obtained from Niagara Region's Transportation Services Division, Public Works Department. Applications can be made online through the Region's website using the following link: <http://niagararegion.ca/living/roads/permits/default.aspx>

Conclusion

Regional staff do not object to the proposed Minor Variance application, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies, subject to the Owner fulfilling the conditions as set out in the attached Appendix. Local staff should be satisfied that the proposed development meets any applicable local requirements and provisions.

If you have any questions related to the above comments, please contact the undersigned at Katie.Young@niagararegion.ca, or Alexander Morrison, Senior Development Planner at Alexander.Morrison@niagararegion.ca. Please send a copy of the staff report and notice of the Committee's decision on this application.

Kind regards,



Katie Young
Development Planner

cc: Alexander Morrison, MCIP, RPP, Senior Development Planner
Robert Alguire, C.E.T., Development Approvals Technician

Attachment

Appendix – Regional Conditions of Minor Variance

Appendix
Regional Conditions of Minor Variance
9100 Silver Street, West Lincoln

1. That the Owner fulfills one of the below sub-conditions:
 - a) Submits a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments) for the area of proposed development, prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI"), for review and approval with a copy provided to the Township of West Lincoln and Niagara Region. The report must be accepted by the Ministry, and a copy of any applicable MHSTCI letters of acknowledgement shall be provided to the Niagara Region prior to clearance of this condition. OR;
 - b) Submits additional information to the Niagara Region to demonstrate previous disturbance/construction works, location of fill on the site, and/or grading work within the location of the proposed accessory dwelling prior to April 28, 2022. OR;
 - c) Submits a letter, written by a licensed archaeologist to confirm that an archaeological study is not required.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

2. That the following archaeological resource warning clause is implemented to protect for any potential archaeological resources that are discovered during construction activities on the site:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with

archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

DATE: April 28th, 2022

REPORT NO: COA-013-22

SUBJECT: **Recommendation Report**
Application for Minor Variance by the Forster-Smiths'
File No. A13/2022WL

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

OVERVIEW:

- A minor Variance application has been submitted by Ann Forster-Smith, Stephan Forster-Smith, Ella Forster-Smith, and Gage Greenway for the property known as Concession 8, Part Lot 34, RP 30R1971; PART 1, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara. Municipally known as 3010 South Grimsby Road 18.
- A minor variance application has been applied for to recognize a use that has historically been existing on the property. The property is permitted to have a principle use of a single detached dwelling, however, the property has for an unknown period of time functioned as a semi-detached dwelling.
- In order for the owners to obtain any future building permit (ex. swimming pool, front porch, etc.) for their property, they are required to obtain a minor variance application to recognize the second unit.
- Municipal Property Assessment Corporation's (MPAC) Comprehensive Report for the property identifies that the existing dwelling was built in 1969, before the Township's first Zoning Bylaw which was put into effect in 1979, however it is unknown if the building was constructed as a single detached or semi detached dwelling.
- The current owners utilize the dwelling as a dwelling with an attached accessory dwelling unit.
- Niagara Navigator offers aerial photos of the property, which date back to 2000. Arial images for the property from the years 2000, 2002, 2006, 2010, 2013, 2015, and 2018 show that the footprint of the building and multiple driveways on the property have not waived over the years and have remained the same. Additionally, Google street view offers 2012 as the latest images of the property and in 2012 the property had two front doors
- The Township only has one permit record for this property, which is from 2008 and was for renovations to the basement. Within the 2008 basement renovation permit file that the Township has for the property there are photos indicating that the property had two front doors in 2008.

OVERVIEW CONTINUED:

- The Township's Septic inspect has indicated that from an aerial review of the property it appears that the property has two septic systems. From the aerial review the Septic Inspector has identified that it appears that both septic systems appear to have been installed prior to the building code including septic systems, which was in 1997/1998.
- In order for the current owners to be able to fully utilize the existing accessory dwelling unit three specific variances are being requested.
- The first variance that is required is to permit an existing accessory dwelling unit to be 75.93 square metres (817.3 square feet) larger then permitted with a total size of 175.93 square metres (1,893.69 square feet) being the southerly unit whereas Section 3.2.1 g) ii. of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum size for an attached accessory dwelling unit is the lesser of 100 square metres or 40% of the floor area of the main building.
- The second variance that is required is to permit the existing entrance and exit for the accessory dwelling unit to be oriented toward the front façade of the dwelling whereas Section 3.2.1 g) iv. of the Township's Zoning Bylaw 2017-70, as amended, identifies that the residential appearance and character of the dwelling as a single detached dwelling shall be maintained, and any separate entrance and exit for the accessory dwelling unit shall be oriented toward the exterior side lot line, interior side lot line, or rear lot line, and not located on the front façade of the dwelling. (By-law 2019-63)
- The third variance that is required is to permit the existing additional driveway for the accessory dwelling unit whereas Section 3.2.1 g) viii. of the Township's Zoning Bylaw 2017-70, as amended, identifies that the access to the required parking for the accessory dwelling unit shall be provided from the same driveway that provides access to the primary dwelling unit on the lot. (Bylaw 2018-61)
- The applicants have submitted their explanation as to the reason as to why the minor variance application has been submitted, which can be found in the attachments.
- The minor variance application has been reviewed against the four tests of a Minor Variance and can be recommended for approval, subject to the attached conditions.

RECOMMENDATION:

1. THAT, the application for the Minor Variance made by the Forster-Smiths' as outlined in Report COA-013-22, to permit an existing accessory dwelling unit to be 75.93 square metres larger then permitted with a total size of 175.93 square metres whereas Section 3.2.1 g) ii. of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum size for an attached accessory dwelling unit is the lesser of 100 square metres or 40% of the floor area of the main building, BE APPROVED.

2. THAT, the application for the Minor Variance made by the Forster-Smiths' as outlined in Report COA-013-22, to permit the existing entrance and exit for the accessory dwelling unit to be oriented toward the front façade of the dwelling whereas Section 3.2.1 g) iv. of the Township's Zoning Bylaw 2017-70, as amended, identifies that the residential appearance and character of the dwelling as a single detached dwelling shall be maintained, and any separate entrance and exit for the accessory dwelling unit shall be oriented toward the exterior side lot line, interior side lot line, or rear lot line, and not located on the front façade of the dwelling, BE APPROVED.
3. THAT, the application for the Minor Variance made by the Forster-Smiths' as outlined in Report COA-013-22, to permit the existing additional separate driveway for the accessory dwelling unit whereas Section 3.2.1 g) viii. of the Township's Zoning Bylaw 2017-70, as amended, identifies that the access to the required parking for the accessory dwelling unit shall be provided from the same driveway that provides access to the primary dwelling unit on the lot, BE APPROVED.
 - a. That all three variances are subject to the following conditions:
 - i. THAT, the applicant provides to the satisfaction of the Township of West Lincoln Building Department documentation from a qualified sewage system installer and/or designer indicating compliance with Section 8.2.1.6 A & B and 8.9.1.2 of the Ontario Building Code, prior to a building permit being issued.

BACKGROUND:

The subject lands are situated west of South Grimsby Road 18, north of Regional Road 20, and south of Young Street being legally described as Concession 8, Part Lot 34, RP 30R1971; PART 1, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara. The subject property is municipally known as 3010 South Grimsby Road 18. (See attachment 1 for a site sketch)

The subject property is approximately 0.44 hectare (1.09 acre) in size. The property is within the Hamlet Settlement Area of Fulton and is zoned Residential Low Density – Type 1 A 'R1A'. The property is at the northwest corner of the Fulton Hamlet and is therefore surrounded by both low density residential development and agriculture land uses.

The applicants purchased the property in March of 2021 and since they have purchased the property they have been working to improve the dwelling and the property. In January 2022, the owners submitted a building permit to enlarge and cover the existing porches on the property, to improve their structural integrity and the front façade of the home. In February 2022, the applicants also submitted a pool permit application for a swimming pool located behind the southerly unit. Township staff were unable to provided zoning clearance for the permits as the main building on the property has an accessory dwelling unit that appears not to be compliant with the Zoning By-law and which essentially functioned as a semi-detached dwelling, which is not a permitted use

in a hamlet or low density residential property.

On March 10th, 2022, the owners of the subject parcel came into the Township office to discuss how to proceed with their property to recognize its current deficiencies so that the owners would be permitted to apply for building permits in the future without Zoning issues. During the meeting Staff indicated that to begin it would be beneficial to know how long the property has functioned as a semi-detached dwelling. From research that followed the meeting it is possible that the property has functioned as a semi-detached dwelling since the main structure was initially built in 1969, which is before the Township's first Zoning Bylaw which was put into effect in 1979. However, this is not known for sure and the burden of proof for legal non-compliance status is on the owner. Below is the following evidence that suggests that the property has historically functioned as a semi-detached dwelling:

- Niagara Navigator offers aerial photos of the property, which date back to 2000. Aerial images for the property from the years 2000, 2002, 2006, 2010, 2013, 2015, and 2018 show that the footprint of the building and multiple driveways on the property have not waived over the years and have remained the same.
- The Township only has one permit record for this property, which is from 2008 and was for renovations to the basement. Within the 2008 basement renovation permit file that the Township has for the property there are photos indicating that the property had two front doors in 2008.
- Google street view offers 2012 as the latest images of the property and in 2012 the property had two front doors.
- The Township's Septic Inspector has indicated that from an aerial review of the property it appears that the property has two septic systems located in the front yard. From the aerial review the Septic Inspector has identified that it appears that both septic systems were installed prior to the building code including septic systems, which was in 1997/1998.

The Township's Zoning By-law defines:

- a semi-detached dwelling:
 - o as a dwelling divided by a common wall into two (2) attached dwelling units, each having a separate entrance from the exterior of the dwelling.
- An accessory dwelling unit:
 - o as means a dwelling unit which is accessory to a permitted principal use.

In addition to the Township's Zoning Bylaw it is often understood that a semi-detached dwelling is shared by two different families and that the dwelling is built over two different lots, where the shared common internal wall of the dwelling marks the dividing property lines.

Section 3.2.3 of the Township's Zoning Bylaw 2017-70, as amended, discusses dwelling units. Specifically, Section 3.2.3 a) indicates that except where specifically

permitted otherwise in the By-law, a maximum of one (1) dwelling unit is permitted on a lot.

The subject property is only one lot and it is only one family (two generations) that utilize the property. With the parents residing in one half of the building and the daughter and her partner residing in the other half of the building and together they share the backyard. Staff therefore believe that the current owners utilize the building as an attached accessory dwelling unit rather than a semi-detached dwelling. Unlike a semi-detached dwelling, an accessory dwelling unit is permitted on the subject property without rezoning the property as semi-detached units are not permitted in the R1A zone.

Even though the property allows an accessory dwelling unit on the property there are three variances that need to be addressed to legalize the existing property.

The first variance that is required is to permit an existing accessory dwelling unit to be 75.93 square metres (817.3 square feet) larger than permitted with a total size of 175.93 square metres (1,893.69 square feet) whereas Section 3.2.1 g) ii. of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum size for an attached accessory dwelling unit is the lesser of 100 square metres or 40% of the floor area of the main building.

The second variance that is required is to permit the existing entrance and exit for the accessory dwelling unit to be oriented toward the front façade of the dwelling whereas Section 3.2.1 g) iv. of the Township's Zoning Bylaw 2017-70, as amended, identifies that the residential appearance and character of the dwelling as a single detached dwelling shall be maintained, and any separate entrance and exit for the accessory dwelling unit shall be oriented toward the exterior side lot line, interior side lot line, or rear lot line, and not located on the front façade of the dwelling. (By-law 2019-63)

The third variance that is required is to permit the existing additional driveway for the accessory dwelling unit whereas Section 3.2.1 g) viii. of the Township's Zoning Bylaw 2017-70, as amended, identifies that the access to the required parking for the accessory dwelling unit shall be provided from the same driveway that provides access to the primary dwelling unit on the lot. (Bylaw 2018-61)

All three variances are to recognize the existing situation on the property.

CURRENT SITUATION:

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

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

The Township of West Lincoln Official Plan designates the subject property as a Hamlet Settlement Area. This property is in the Fulton hamlet of the Township of West Lincoln. The predominant use of land in this category shall be single-detached dwellings. Other uses that are considered necessary to serve the Hamlet or the surrounding agricultural area may be permitted including but not limited to; schools, parks, churches, bed and breakfast establishments, home occupations, nursing homes, government and institutional uses and public utilities. Hamlets may include commercial uses deemed necessary to serve the surrounding residential and agricultural area and commercial or industrial uses such as a builders' supply yard, feed mill, public garage, farm implement dealer or other similar uses.

Section 7.2.3 of the Township's Official Plan outlines the policies for Hamlet Settlement Areas.

Policy B indicated that lands within Hamlets will be zoned to recognize current uses where appropriate.

The Township amalgamated with South Grimsby, Caistor and Gainsborough Township in 1970 after the subject property built its main building – which was in 1969. The Township has not found any records to indicate how the original building was constructed (as a semi-detached dwelling/ accessory dwelling unit or single detached dwelling) and with its historic use Staff believe that recognizing an existing accessory addition that possibly predates the Township's amalgamation meets the intent of Policy B.

Policy C indicates that the protection of residential uses within Hamlet will be given priority over other uses, especially in the case of neighbouring uses which are deemed not compatible. The onus will be on the new non-residential use to ensure compatibility with adjacent residential uses.

As the properties accessory dwelling unit has historically been existing on the property and as it provides additional residential use on the subject property Staff believe that recognizing an existing accessory addition that possibly predates the Township's amalgamation meets the intent of Policy C.

Policy D indicates that new multi-unit dwellings shall only be permitted by rezoning where it can be demonstrated that an adequate supply of potable water and sewage treatment systems can be provided in accordance with all applicable laws and

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regulations. Existing multi-residential uses may be recognized in the Township Zoning By-law.

As the applicants are working towards legitimizing their existing accessory dwelling unit Staff believe the proposed minor variances meet the intent of Policy D.

Section 17 of the Township's Official Plan discusses affordable housing and accessory apartments (accessory dwelling units). Township Staff believe that the general intent of Section 17 is maintained within each of the three requested minor variances as it may be possible that the existing accessory dwelling pre-dates the Township of West Lincoln's Official Plan. In addition, the accessory dwelling unit is located within the main building, there is only accessory dwelling unit on the property, the unit of a lesser size than the main dwelling unit, no changes to parking are required, the units each have a septic system which are believed to have been built prior to the building code, and there is the same architecture across the existing building.

A new accessory building would be required to be on the same septic system as the main unit, however, since the accessory dwelling unit is existing no direct changes have to be made to the systems on the property. Due to the age of the systems the Township's septic inspector has requested that the following condition be included on the decision of these variances: "THAT, the applicant provides to the satisfaction of the Township of West Lincoln Building Department documentation from a qualified sewage system installer and/or designer indicating compliance with Section 8.2.1.6 A & B and 8.9.1.2 of the Ontario Building Code, prior to a building permit being issued."

The Township's Official Plan notes that the profile of the population in West Lincoln and in the Region is changing specifically the population is aging, which creates a demand for diverse forms of housing. Township Planning Staff are of the opinion that the requested three minor variances 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

The subject land is zoned Residential Low Density – Type 1A 'R1A' in the Township's Zoning By-law 2017-70, as amended. The subject parcel is 0.44 hectare (1.09 acre) in size. The R1A zone permits one single detached dwelling unit and accessory dwelling units, which can be built as an addition or as a second floor of an accessory building.

Section 3.2.1 of the Township's Zoning By-law 2017-70, as amended, provides the regulations for accessory dwelling units. Township Staff believe that the general intent

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of Section 3.2.1 is maintained for the accessory dwelling unit as the lot is larger than 0.4 ha, there is only one accessory dwelling unit existing/ proposed on the property, the accessory dwelling unit is located within the main building and accessory dwelling units are permitted on low density residential zoned lots.

In terms of the requested variances regarding the size, multiple front doors, and multiple drive ways, Township Staff believe that they meet the general intent of the Zoning By-law 2017-70, as amended, because nothing is proposed to change on the lot as the applicants are requesting to recognize what has been historically functioning on the lot for an unknown period of time.

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

Yes

Township Staff have been looking into the history of the property. Staff believe that it is possible that the property has functioned as a semi-detached dwelling or accessory apartment since the main structure was initially built in 1969, which is before the Township's first Zoning Bylaw, official plan, and even before the Township was amalgamated. However, this is not known for sure. Below is the following evidence that suggests that the property has historically functioned as a semi-detached dwelling:

- Niagara Navigator offers aerial photos of the property, which date back to 2000. Aerial images for the property from the years 2000, 2002, 2006, 2010, 2013, 2015, and 2018 show that the footprint of the building and multiple driveways on the property have not waivered over the years and have remained the same.
- The Township only has one permit record for this property, which is from 2008 and was for renovations to the basement. Within the 2008 basement renovation permit file that the Township has for the property there are photos indicating that the property had two front doors in 2008.
- Google street view offers 2012 as the latest images of the property and in 2012 the property had two front doors.
- The Township's Septic inspect has indicated that from an aerial review of the property it appears that the property has two septic systems. From the aerial review the Septic Inspector has identified that it appears that both septic systems were installed prior to the building code including septic systems, which was in 1997/1998.

As the proposed three minor variances will not be changing the appearance of the subject property but legitimizing what has historically been existing on the property Staff believe the requested variances are appropriate development and use of the land.

In addition, by granting the requested variances it will allow the owners to submit

building permits for the property in the future. Future building permit would likely renovate the property and improve its appearance from the street.

Is the proposal minor in nature?

Yes

As nothing is actually changing with the proposed variances it is believe that the three requested variances are minor in nature.

If the variances are approved the applicants have proposed designing the front porches to appear more as one dwelling by adding a peaked rood over both of the front doors. This design work would help units appear more connected from the streetscape.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on April 8th, 2022. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic inspect has indicated that from an aerial review of the property it appears that the property has two septic systems. From the aerial review the Septic Inspector has identified that it appears that both septic systems appear to have been installed prior to the building code including septic systems, which was in 1997/1998. Due to the age of the septic system the Township's Septic Inspector has asked that the following condition be placed on this application:

1. THAT, the applicant provides to the satisfaction of the Township of West Lincoln Building Department documentation from a qualified sewage system installer and/or designer indicating compliance with Section 8.2.1.6 A & B and 8.9.1.2 of the Ontario Building Code, prior to a building permit being issued.

The Niagara Peninsula Conservation Authority has indicated that staff will not object to the three Minor Variance applications submitted to permit existing uses on the subject property.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on April 8th, 2022. A notice was posted to the Township's website on the same day, and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

No public comments have been received as of April 22nd, 2022, during the preparation of this report.


CONCLUSION:

A Minor Variance application has been submitted by the Forester Smiths' for the property municipally known as 3010 South Grimsby Road 18. The Minor Variance application is submitted to permit the existing accessory dwelling unit on the subject property whereas the size is larger then permitted, there is an entry and exit located on the front façade, and the unit has its own driveway. Planning staff are of the opinion that the requested variance regarding the addition meets all four tests of a minor variance and as such, can recommend approval, subject to a condition being addressed.


ATTACHMENTS:

1. Applicants' Justification Letter
2. Internal Layout
3. Future plans
4. Site Sketch
5. Agency Comments

Prepared by:



Madyson Etzel
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building

3010 South Grimsby Road 18, Smithville, ON.

Information for the Committee of Adjustment, in support of our application for a Minor Variance:

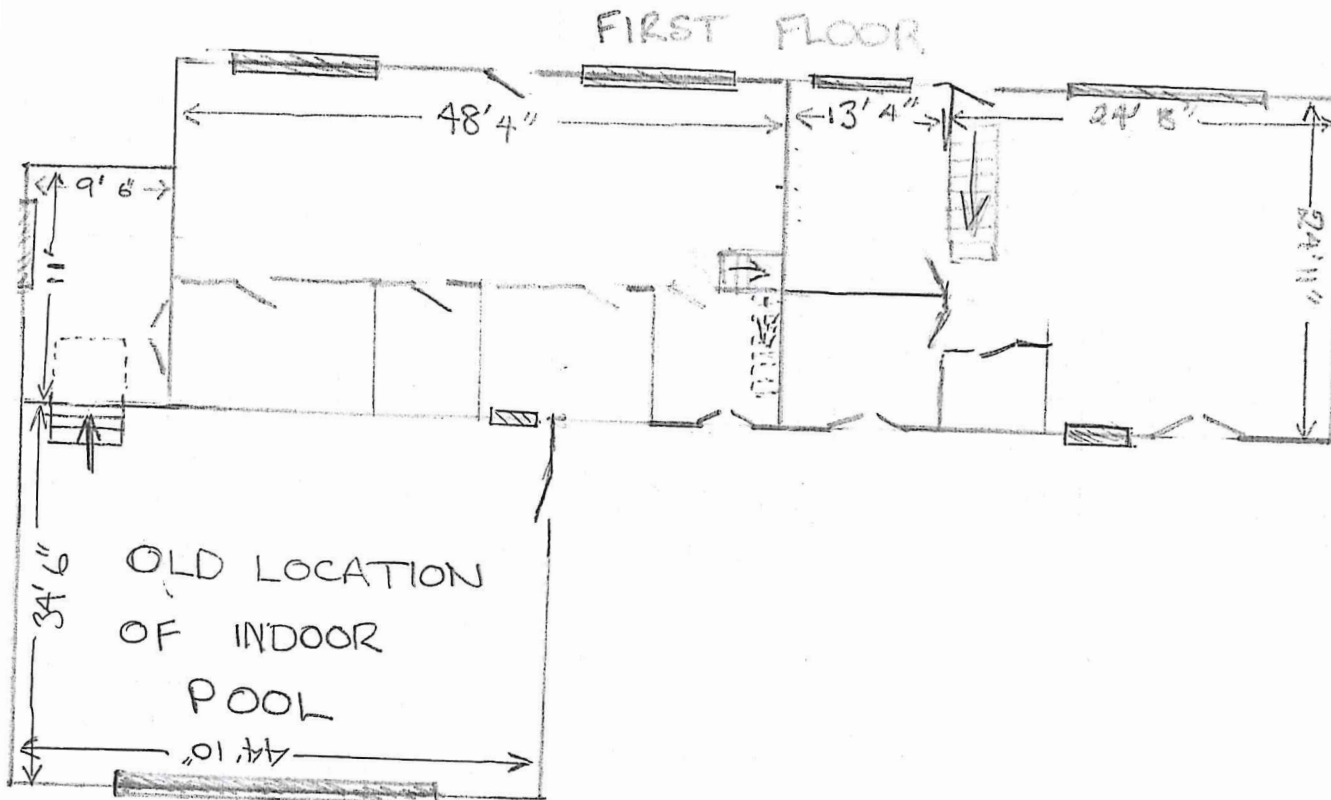
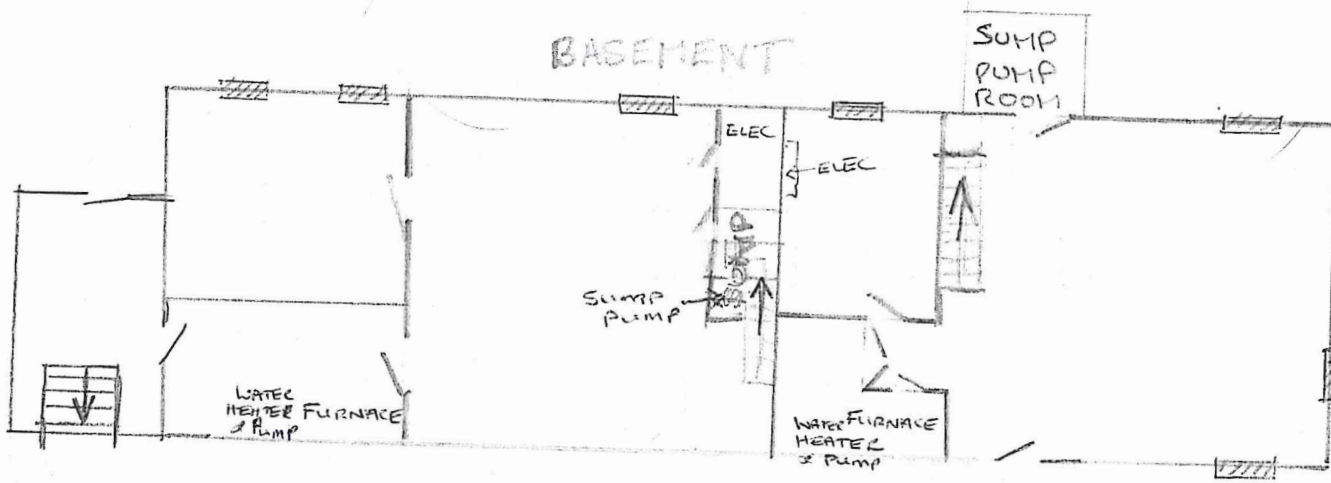
We had the pleasure of moving to West Lincoln in March of 2021 with the hope of making some renovations to our new home to enhance its appearance in keeping with the other properties on the street.

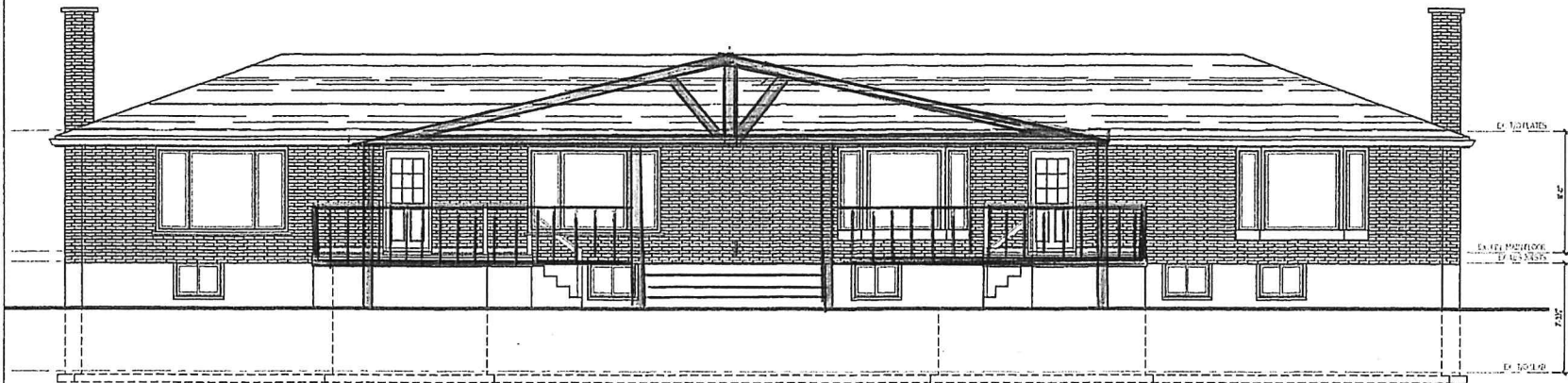
The property was built in 1969 (total approx. 2400 sq. ft). There is very little information available with regard to any alterations or additions to the property.

We understand that also in 1969 an indoor pool was constructed at a mezzanine level to the rear of the right-hand side of the property (Approx. 1875 sq. ft.) The pool is no longer there, and this area is currently used for storage. We do not know at what time the pool was filled in, but it was not there when we took possession.

There is no documentation available to determine if the dwelling ever consisted of one unit only, or a main dwelling with accessory dwelling unit, as it is currently. There is no evidence internally showing that the property was ever one single dwelling. There are 2 septic systems, 2 cisterns, 2 separate entrances, 2 sets of stairs to basements, 2 sump pumps, 2 furnaces, 2 water pumps and 2 water heaters, servicing separately the 2 sides of the dwelling. We understand that the Town Septic Inspector may have some knowledge regarding the septic systems.

We purchased the property already in the configuration of 2 adjoining dwellings with the intention of using it as a main dwelling with in-law unit. A planning application to add peaks to the front of the property highlighted the non-compliance and we are of course happy to change our plans to enhance the appearance as a single detached dwelling, even though there are 2 separate doors on the front. Our main intention, as stated above, is to enhance the appearance of the property in keeping with the nearby properties.





1 FRONT ELEVATION
A2.01

Ministry of Municipal Affairs and Housing

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE O.M.B. BUILDING CODE TO BE A DESIGNER.

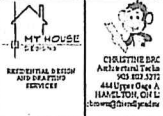
RECORDED AND INDEXED IN THE O.M.B. DIVISION 12

37210

Drawings must NOT be sealed. Owner must check and verify all dimensions and drawings on site and any discrepancies to the designer prior to proceeding with any of the work.

1 OF 21 21 ISSUED FOR AS-BUILT

REF. DATE: DESCRIPTION:

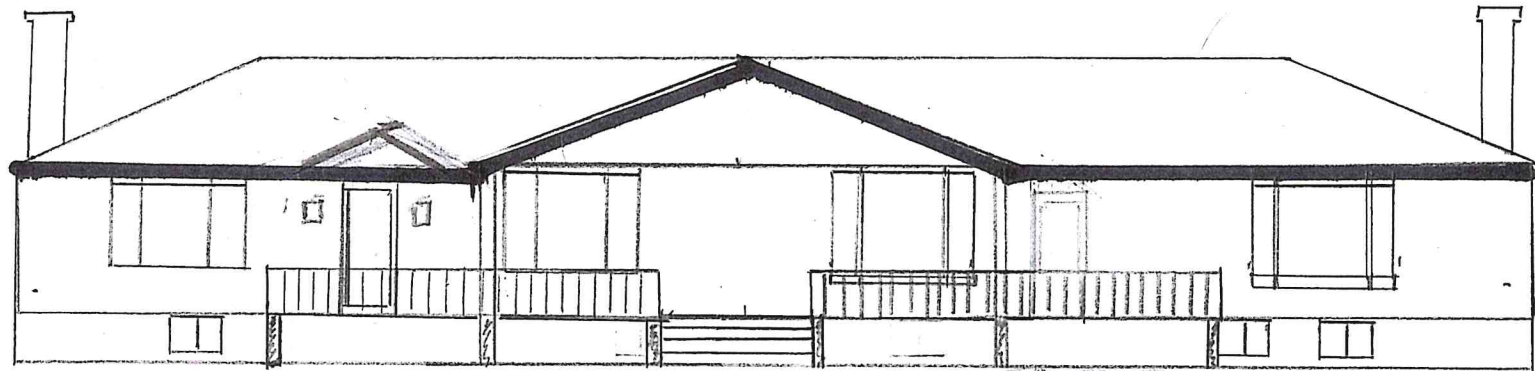


CUBIT:
FORSTER-SMITH RESID

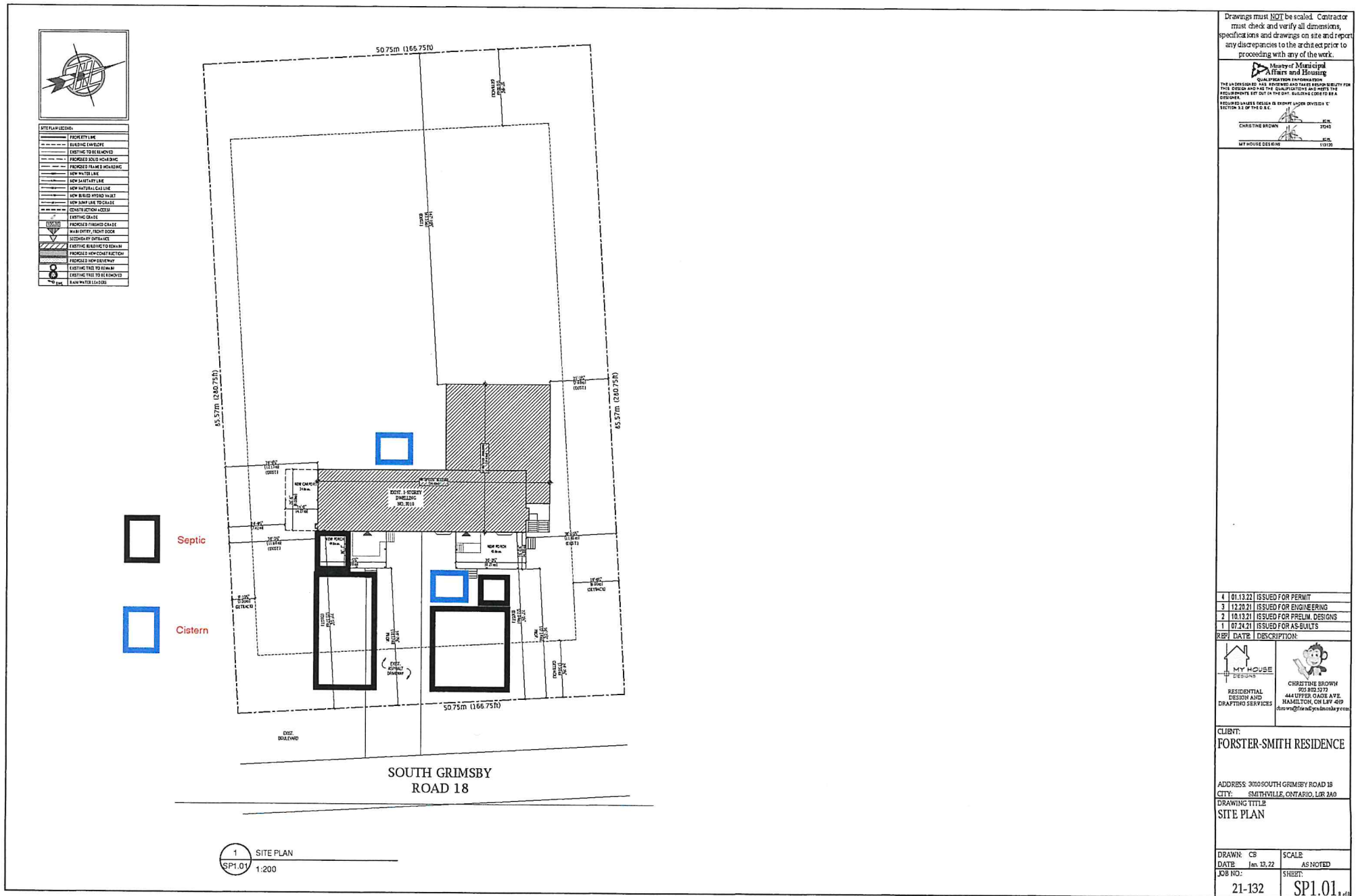
ADDRESS: 300 SOUTH GRIMSBY RD A
CITY: SMITHVILLE, ONTARIO, L0
DRAWING TITLE:

ELEVATIONS

DRAWN: CB	SCALE: NO SCALE
DATE: 1/2/21	SHEET: A2.0
JOINT: 21-132	



EXISTING
TREES
(NOW APPROX 4')



Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: April 20, 2022 1:42 PM
To: Meghan Birbeck
Subject: NPCA Comments - April Committee of Adjustment Applications - West Lincoln
Attachments: 8200 Sixteen Road, West Lincoln.pdf

Hello Meghan,

I am emailing you today regarding the five Committee of Adjustment applications you had circulated to me earlier in April. The five application numbers are A09/2022WL, A10/2022WL, A11/2022WL, A12/2022WL and A13/2022WL. **Please note** that I was unable to locate the property for 7325 Sunset Place - please provide me with the ARN or PIN number for this property so that I can confirm if NPCA will have any concerns. Please see my comments on the other applications below.

A09/2022WL

- NPCA staff note that the neighboring property to the east is impacted by the presence of Unevaluated Wetlands. The black text on the attached NPCA mapping which indicates **MAX**, and the surrounding green area shows the approximate location of the Unevaluated Wetlands.
- NPCA staff note that the current location for the proposed structure falls within 15 metres of the Unevaluated Wetlands to the east. NPCA staff recommend that the location of the proposed structure be revised such that it is located at least 30 metres from the Unevaluated Wetlands to the east. NPCA staff will also request that Erosion and Sediment Control fencing be added to the plan to indicate the limit of the proposed site disturbance. Should development and all site disturbance be located at least 30 metres from the neighbouring wetlands, then the NPCA will likely have no objections to this application.
- Should the applicant wish to proceed with the current location for the proposed structure, then further site visits by NPCA staff and/or potential evaluation by a qualified ecologist (at the landowner's expense) may be required to determine the boundary of the Unevaluated Wetlands on the subject property as development is proposed near these features.
- Finally, NPCA staff will require that the Minor variance review fee of \$410.00 be submitted for this application. NPCA staff will reach out to the applicant to obtain the fee payment.

A10/2022WL

- NPCA staff note that the proposed storage structure is not located near any NPCA regulated features or hazards. As such, the NPCA will have no objections to the proposed storage structure or Minor Variance application.

A11/2022WL

- NPCA staff have already reviewed and approved the proposed garage through a work permit application. As such, the NPCA will have no objections to this application.

A12/2022WL

- As mentioned above, NPCA staff are having some difficulty locating the subject property on the NPCA's regulated mapping. NPCA staff will request that the ARN and/or PIN number be provided at this time so that the NPCA can provide comments on the subject property.

A13/2022WL

- NPCA staff will not object to the three Minor Variance applications submitted to permit existing uses on the subject property.

Please let me know if you have any questions.

Sincerely,

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

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

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

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

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

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

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

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

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

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

May 26, 2021, 7:00 p.m.

Present: Peter Forsberg
Bonnie Baarda
Dick Van Dyke

Staff: Madyson Etzl
Meghan Birbeck

1. CHAIR

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

The meeting was called into Order at 7pm.

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

There were none.

3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT

There were no requests for withdrawal or adjournment.

4. APPLICATIONS

a. A11/2021WL - Riverview Poultry

To permit a reduction in the front yard setback of 12.5 meters (41.01 feet) whereas Table 19 of the Township Zoning Bylaw 2017-70, as amended, identifies that the minimum front yard setback is 15 meters (49.21 feet). This request has been made for this employment zoned property to allow

for a building expansion that accommodates additional interior storage space and to maximize the number of loading docks on the property.

Ms. Etzl gave a presentation of the application to Committee members. The agent for the application, Mr. Donald Plumstead, indicated that the staff report summarized everything and that he did not have anything else to add. No questions were asked by the Committee or public.

As such, Member Baarda motioned to approve the application as outlined in the recommendation report.

Member VanDyke seconded the motion.

-All in favour

-Carried

b. B08/2021WL - Post Time Services

To permit a lot addition to Post Time Service's property who are located at 4061 Canborough Road. The application is proposing to sever off 0.809 hectares (2.00 acres) and retain 2.322 hectares (5.74 acres). The land proposing to be severed is currently vacant of any buildings. Post Time Service is proposing to increase their agricultural related operations with the 0.809 hectares of land. A zoning amendment will be needed to both recognize the deficient lot area on 4141 Canborough Road and to extend the Agricultural Related Zone on 4061 Canborough Road. Finally, as this will result in the extension of a commercial business, site plan approval will be required if the consent is approved.

Ms. Etzl gave a presentation of the application to Committee members, and added that since preparing the recommendation report the applicants has provided and updated survey sketch that they would like the committee to consider instead. The updated survey had 0.863 ha (2.13 ac) to be severed as the minor boundary adjustment. The Updated survey can be found attached to the minutes. Mr Kevin van der Wier, the agent, apologized for the change in the requested minor boundary adjustment.

Member Van Dyke asked for clarification on the survey and Ms. Birbeck explain again the new area that was be me severed from 4141 Canborough Road and merged with 4061 Canborough Road.

Member Baarda indicated that due to the original size of the small holding lot (4141 Canborough Road) merging the under utilized land with Post Time Services makes the most since for the land as the area is to small to

actually be farmed. Member Forsberg echoed Member Baarda's sentiment.

Member Van Dyke motioned to approve the application with the revised conditions to recognize the updated survey sketch.

Member Baarda seconded the motion.

-All in favour

-Carried

5. MINUTES FOR APPROVAL

There were none.

6. NEW BUSINESS

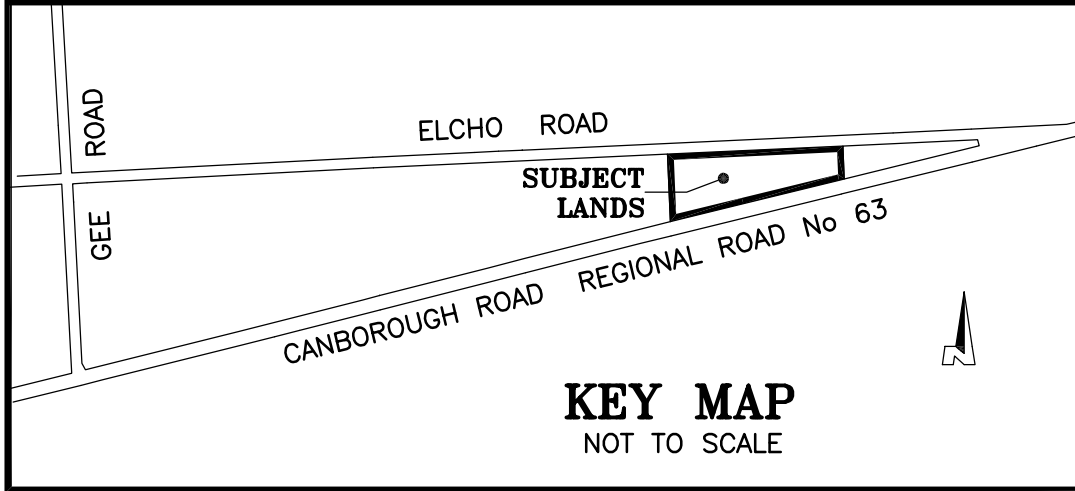
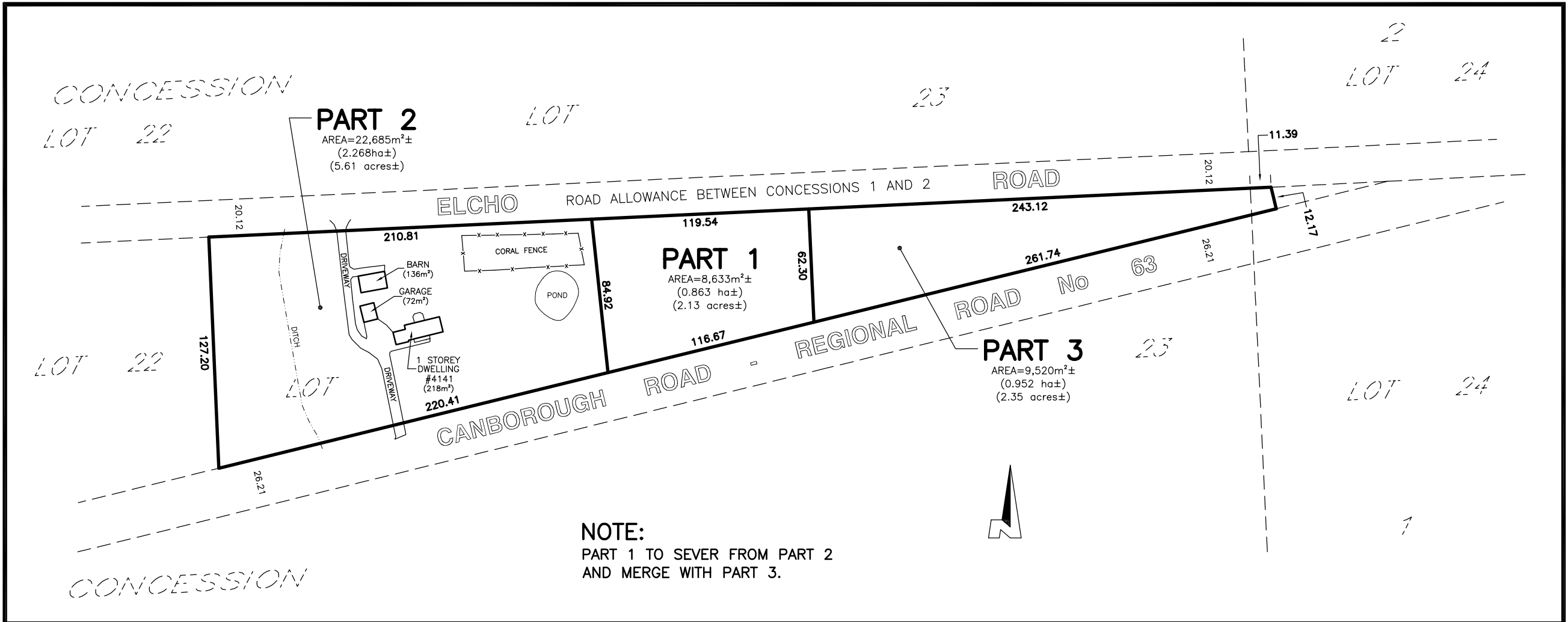
There were none.

7. ADJOURNMENT

That, this Committee does now adjourn at the hour of 7:22 pm

PETER FORSBERG, CHAIR

MEGHAN BIRBECK,
SECRETARY-TREASURER



SKETCH
PREPARED FOR SEVERANCE APPLICATION
PART OF LOT 23
CONCESSION 1
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH
TOWNSHIP OF WEST LINCLON
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 = 2,500 METRIC
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DATE **MAY 25, 2021** FILE No **94-185-4 (94185-4_SEV rev)**



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

June 23, 2021, 7:00 p.m.

Present: Peter Forsberg
Deborah Coon-Petersen
Kim Willis

Staff: Madyson Etzl
Meghan Birbeck

1. CHAIR

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

The meeting was called into Order at 7pm.

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

There were none.

3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT

There were no requests for withdrawal or adjournment.

4. APPLICATIONS

a. A12/2021WL – Donna and Bryon Hubber (Agent: Andrew Frandsen)

A minor variance application has been applied for that requests two variances for a garage. The first variance that is required is to permit an accessory garage to be built with a Type 3 accessory building classification with a size of 111.42 square meters (1199.31 square feet) and a height of

5.75 meters (18.86 feet) whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that Type 3 accessory buildings (greater than 100 square meters) are not permitted on lots with an area of 0.4 hectares or less. The second variance that is required is to permit a maximum a lot coverage of 8.4% for all accessory buildings or structures on the lot whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that the maximum lot coverage for accessory buildings on a lot that is 0.4 hectares or less is 8% of the lot area. The applicant is proposing the two variance to build the garage in a way to accommodate minimum storage needs.

Ms. Etzl gave a presentation of the application to Committee members.

The applicant, Mr. Byron Hubber, asked for clarification regarding the second variance for lot coverage of the property. Ms. Birbeck indicated that the sizer of the requested building only covers 3% of the property and does not come near the 8% that is already allowed and because what is being requested does not come near what is being proposed the Township does not believe that a variance for lot coverage is suitable for the property. Mr. Hubber asked for more clarification as to why the second variance was not permitted. Ms. Birbeck indicated that what is being proposed on the property does not require a variance for lot coverage because there is not proposed development that requires the variance the Township can not recommend approving the variance. Mr. Hubber indicated that he understood and was satisfied with the response.

No questions were asked by the Committee or public.

As such, Member Willis motioned to approve the first variance and deny the second variance.

Member Coon-Petersen seconded the motion.

-All in favour

-Carried

b. A13/2021WL – Cody Kelly

A minor variance application has been applied for to permit an accessory building to be located in the front yard, specifically 3.7 metres (12.14 feet) closer to the front lot line then the main building with a setback of 19.3 metres (63.32 feet) to the front lot line. Whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that an accessory building cannot be in the front yard and cannot be located closer to the front lot line

then the main building. The applicant indicated that to avoid the septic bed the front yard is the only place to build the accessory building.

Ms. Etzl gave a presentation of the application to Committee members. The applicant Mr. Cody Kelly, indicated that he did not have anything else to add.

Ms. Willis asked if Mr. Kelly intended to design the proposed accessory building to match the residential characteristics of the existing single detached dwelling. Mr. Kelly indicated that is absolutely his intentions and that he plans to redo the siding on his existing dwelling as well and it is the intention that both building will eventually match and coordinate together.

Ms. Birbeck asked Mr. Kelly to clarify that it is just an accessory building that is being proposed and not an accessory dwelling unit. Mr. Kelly indicated what it is just an accessory building that is proposed.

Member Coon-Petersen motioned to approve the application with the proposed condition.

Member Willis seconded the motion.

-All in favour

-Carried

5. MINUTES FOR APPROVAL

a. March 31 2021

Member Forsberg motioned to approve the minutes.

Member Willis seconded the motion.

-Carried

6. NEW BUSINESS

There were none.

7. ADJOURNMENT

That, this Committee does now adjourn at the hour of 7:24 pm

PETER FORSBERG, CHAIR

MEGHAN BIRBECK,
SECRETARY-TREASURER