

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

Wednesday, May 25, 2022, 7:00 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

**\*\*\*ZOOM MEETING** - Contact [acooper@westlincoln.ca](mailto:acooper@westlincoln.ca) before 4 pm on the day of the meeting for an invitation if you would like to participate.

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	Pages
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. A14/2022WL – Comfort	3
Property Address: 1639 Rosedene Rd	
A minor variance application has been applied for to permit a proposed agricultural accessory building to be built 53.1 metres (174.21 feet) further then permitted away from the main building on the subject property with a total setback of 103.1 metres (338.25 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 foundation, which was apart of a previous agricultural coverall building that was pulled down in a wind storm roughly five years ago.	
b. A15/2022WL – Kozarichuk	22
Property Address: 1612 Regional Road 20	
A minor variance application has been applied for to permit an accessory dwelling unit to be built 8 square metres (86.11 square feet) larger then permitted with a total size of 106 square metres (1,140.97 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.

c. A16/2022WL – Stanpac

40

Property Address: 2790 Thompson Road

A minor variance application has been applied for to permit an equipment cover to be built 2 metres (6.56 feet) higher than permitted with a total height of 12 metres (39.37 feet) whereas Table 19 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum height in the industrial employment zone is 10 metres (32.81 feet). The variance for height will allow Stanpac to install a covering over a piece of their equipment. The covering is meant to reduce the noise of the equipment by shielding it.

**5. MINUTES FOR APPROVAL**

**6. NEW BUSINESS**

**7. ADJOURNMENT**

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

**DATE:** May 25<sup>th</sup>, 2022

**REPORT NO:** COA-014-22

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by Andrew Frandsen on behalf of  
Robert Comfort  
File No. A14/2022WL

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

**OVERVIEW:**

- A minor Variance application has been submitted by Andrew Frandsen for the property legally known as Concession 4, Part Lots 24 & 25, Part Road Allowance; RP 30R15584 Parts 1 & 3, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. The property is municipally known as 1639 Rosedene Road.
- This Minor Variance application has been submitted to permit an accessory building to be built 53.1 metres (174.21 feet) further then permitted away from the main building on the subject property with a total setback of 103.1 metres (338.25 feet), 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.
- In this instance the existing single detached dwelling is considered the main building on the property.
- This variance is required as the applicant is requesting the extra room so that they can use an existing foundation, which was a part of a previous agricultural coverall building that was pulled down in a wind storm roughly five years ago.
- On Tuesday May 17<sup>th</sup> the agent provided the Township with a site sketch for the property showing the setbacks of the proposed building.
- The site sketch was completed by Chambers and Associates Surveying LTD and it indicates that the proposed building will now have a 97.7 metre setback from the existing single detached dwelling. The required setback will now be 97.7 metres, 5.4 metres larger originally requested.
- This application has now been reviewed against the four tests of a Minor Variance and can be recommended for approval.

**RECOMMENDATION:**

1. THAT, the application for a Minor Variance made by Andrew Frandsen on behalf of Robert Comfort as outlined in Report COA-014-22, to permit a proposed 990.3 square metre accessory building to be located 103.1 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.

**BACKGROUND:**

The subject lands are situated on the east side of Rosedene Road, north of Regional Road 20 and south of Concession 4 Road, being legally described as Concession 4, Part Lots 24 & 25, Part Road Allowance; RP 30R15584 Parts 1 & 3, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. The property is municipally known as 1639 Rosedene Road. (See attachment 1 for a site sketch)

This application for Minor Variance has been applied for to permit an agricultural accessory building to be built 53.1 metres (174.21 feet) further then permitted away from the main building on the subject property with a total setback of 103.1 metres (338.25 feet), 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. The applicants are proposing to construct a 990.3 square metre accessory building for hay storage. The applicant is requesting the variance so that they can use an existing foundation, which was a part of a previous agricultural coverall building that was pulled down in a wind storm roughly five years ago.

**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 Floodplain, and Environmental Conservation Area with Significant Woodlands. 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 990.3 square metre building is accessory to the agricultural operation on the property as well 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 accessory building is proposed to be located around 130 metres from the nearest portion of the property that is designated Natural Heritage System. Township Staff believe that the proposed location would not significantly impact the environment or negatively impact neighbouring properties.

The proposed agricultural building is accessory to the existing agricultural buildings on the property, and would not significantly impact the environment, the ability to farm on the property, nor negatively impact neighbouring agricultural properties. The proposed building will be for hay storage

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 agricultural building and use and generally fits the character of the surrounding area.

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

The Township's Zoning By-law 2017-70, as amended identifies that the subject land is zoned Agricultural 'A', Environmental Conservation 'EC', and Environmental Protection 'EP'. 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 (hay storage building) is a permitted use under the regulations of the Agricultural Zone.

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 businesses that do not comply with the zoning by-law.

This property already has several accessory building that are existing around the property's single detached dwelling. Roughly there are six existing accessory buildings located to the rear of the property's single detached dwelling. These existing agricultural building range from being setback 17.4 metres to 85.8 metres from the single detached dwelling, with three of the existing accessory buildings being over 50 metres from the single detached dwelling.

While the hay storage building is initially proposed to be 103 m from the single detached dwelling, it is only proposed to be 66.7 m from the existing 415.7 square metre livestock

barn, 13.6 m from an existing 367.69 square metre hay storage building, and 10.8 m from an existing 238.5 square metre equipment storage building. Further, it is located in the same area as a former building which was removed a number of years ago in a wind storm. The area has not been actively farmed.

The purposed of the maximum distance setback to the main building is to ensure that buildings are clustered, to prevent illegal business to operate out of accessory building, and to preserve agricultural lands from sprawl. It is the Township's opinion that the while the proposed building is greater then 50 metres away it is still meeting the intent of the Zoning By-law, as it is situated in the same general area of all of the existing accessory buildings, is within 20 metres from three existing buildings, and because the owners are bona fide farmers who will in fact be able to use the proposed hay storage building for its intended agricultural use.

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

**Yes**

The applicant is proposing to construct a 990.3 square metre agricultural accessory building on the subject property. The building is initially proposed to be located 103.1 metres from the existing main agricultural building (the existing single detached dwelling) whereas 50 metres is required from the nearest wall of the main building to nearest wall of the accessory buildings.

The agent of the applicant has indicated that that the Comfort's farm is over 240 years old and that "the Comfort family homesteaded [on the subject property] during the American Revolution (displaced from the USA because of war) and it has been a continuously working and evolving farming operation ever since."

The agent of the applicant further indicated that "the proposed hay storage building is to be partially built on an existing foundation. There had been a Coverall building situated there but [the] structure was reduced to scrap during a wind storm about five years ago. The various buildings which have been added over the centuries have been built to the east of the barn and dwelling as the open land to the south of the barn has always been a fenced paddock for the livestock."

Furthermore, the agent of the applicant has explained that the Comfort's farm "is a diversified farming operation which has evolved over the years (centuries actually). The primary income is now derived from growing and selling hay and [that the property's existing hay storage building was] constructed in 1989. The hay operation has continued to expand which has necessitated the construction of the current proposed hay storage building."

The proposed agricultural hay storage building is indicated to be located where a previous coverall building existed on the property. The previous coverall building is visible from Township's 2018 aerial imagery. The previous building appeared to have a size of 471.5 square metres, which is roughly half of the size of the proposed hay storage building.

The accessory building is proposed to be used for the agricultural business that the applicants have operated from this property for numerous years. Building locations are intended to be clustered so that farmland is to be protected for the long term from development. As a previous building was in the location of the proposed hay storage and as the proposed hay storage will be using a portion of the existing foundation of coverall building that was blown down Staff believe that no viable agricultural land will be lost from the construction of the hay storage building in the location that it is currently proposed in.

Surrounding properties are also zoned agricultural and are currently being cash cropped. Planning staff are of the opinion that this building aids in helping this business grow and the agricultural sector in West Lincoln grow as well. Therefore, staff feel 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 no more than 103.1 metres from the main building whereas 50 metres is the required maximum distance from the main building. 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 106.2% increase (53.1 metre increase) from the Township's Zoning By-law's required maximum 50 metre setback, this variance would place the proposed accessory building at a 103.1 metre setback from the property's single detached dwelling. However, this variance would also have the hay storage building setback 69.4 m from the existing livestock barn. From the existing livestock barn the variance would only be a 38.8% increase (19.4 metres increase), which is significantly less.

At the same time, this variance would be permitting the proposed building to be utilizing a portion of the existing foundation from a coverall building that once was erected in the same location as the proposed hay storage. The previous covered building was erected prior to 2002 (the Township's earliest aerial imagery) and blew over in a windstorm after the Township's 2018 aerial imagery.

This variance would finally also have the proposed hay building setback 16.6 metres from the property's existing hay storage building.

Due to the history of the property and the placement of the existing buildings on the property, Staff believe that while the variance appears to be large it is in fact minor in nature as the variance will allow for the property to utilizing an existing foundation, not removing viable agricultural land as the building is still within the cluster, and adding in the agricultural operations of the property.

**Respecting Our Roots, Realizing Our Future**

**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 May 6<sup>th</sup> 2022. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector and Public Works Department have indicated that they have no objections to the proposed minor variance.

No other comments were received from agencies for this application at the time of this report.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on Friday May 6<sup>th</sup> 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 Friday May 20<sup>th</sup> 2022 as of the preparation of this report.

**CONCLUSION:**

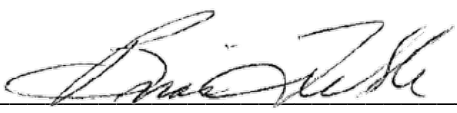
A Minor Variance application has been submitted by Andrew Frandsen on behalf of Robert Comfort for the property municipally known as 1639 Rosedene Road. The Minor Variance application was submitted to permit an agricultural accessory building to be located no more than 103.1 metres from the existing single detached dwelling and 69.4 metres from an existing livestock 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.

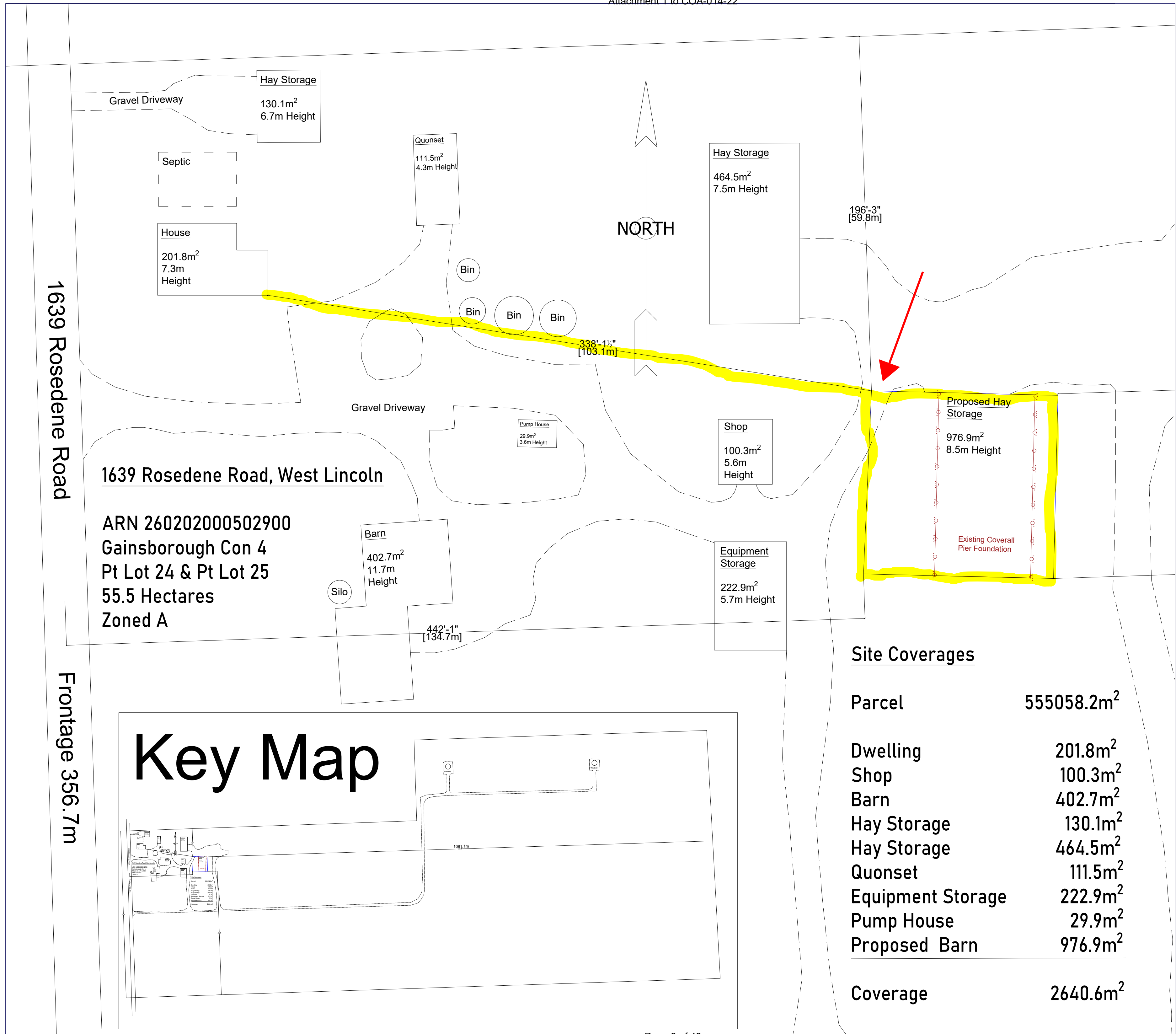
**ATTACHMENTS:**

1. Original Site Sketch
2. New Site Sketch
3. Agents comments
4. Accessory Building Zoning Provisions
5. Agency Comments

**Prepared by:**

  
\_\_\_\_\_  
**Madysen Etzl**  
**Planner II**

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



7731 Concession 3 Road  
Smithville, ON  
L0R 2A0  
905.246.2565

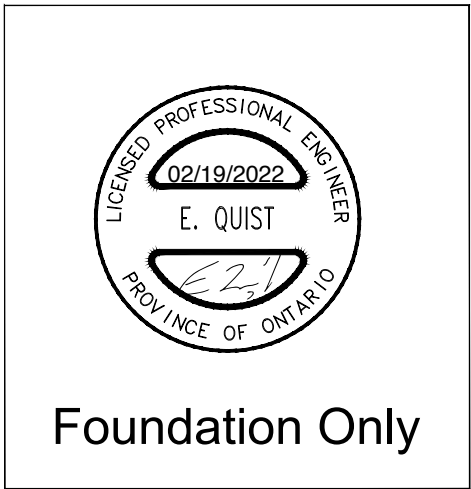
This drawing and all information that is contained within it is the exclusive property of Ontario Construction Resource Group Inc. It is not to be copied or used in any other way without the express written consent of Ontario Construction Resource Group Inc.

DATE 20 September 2021  
SCALE 1:400  
DRAWN Andrew  
FILE OCRG 21.020

PROJECT TITLE  
**Comfort Storage Building**

ADDRESS  
**1639 Rosedene Road,  
West Lincoln**

SHEET INDEX	
SHEET 1	— Cover
SHEET 2	— Site Plan
SHEET 3	— Elevations
SHEET 4	— Pier Layout
SHEET 5	— Floor Plan
SHEET 6	— Sections

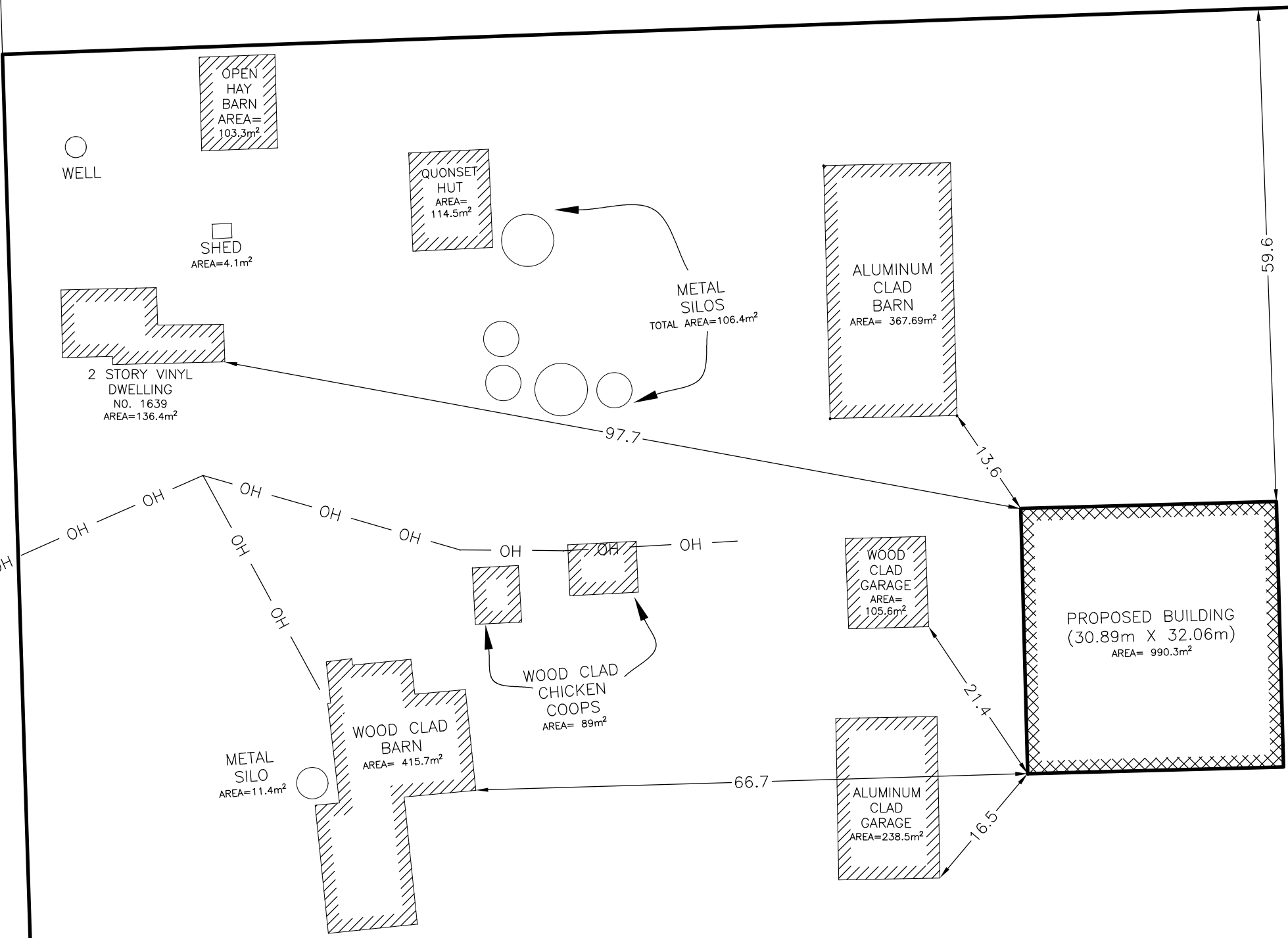


**SITE PLAN**

Sheet 2 of 6



ROSEDALE ROAD



LOT STATISTICS

LOT AREA	± 558178m <sup>2</sup>	55.82ha	100.0%
EXISTING DWELLING	136.4m <sup>2</sup>	0.0136ha	0.00024%
EXISTING ACCESSORY BUILDINGS	1678m <sup>2</sup>	0.1678ha	0.0030%
PROPOSED BUILDING	990.3m <sup>2</sup>	0.0990ha	0.0018%

SHEET 1 OF 2

SKETCH SHOWING PROPOSED BUILDING  
PART OF LOT 24, 25 & PART OF ROAD  
ALLOWANCE BETWEEN LOTS 24 & 25

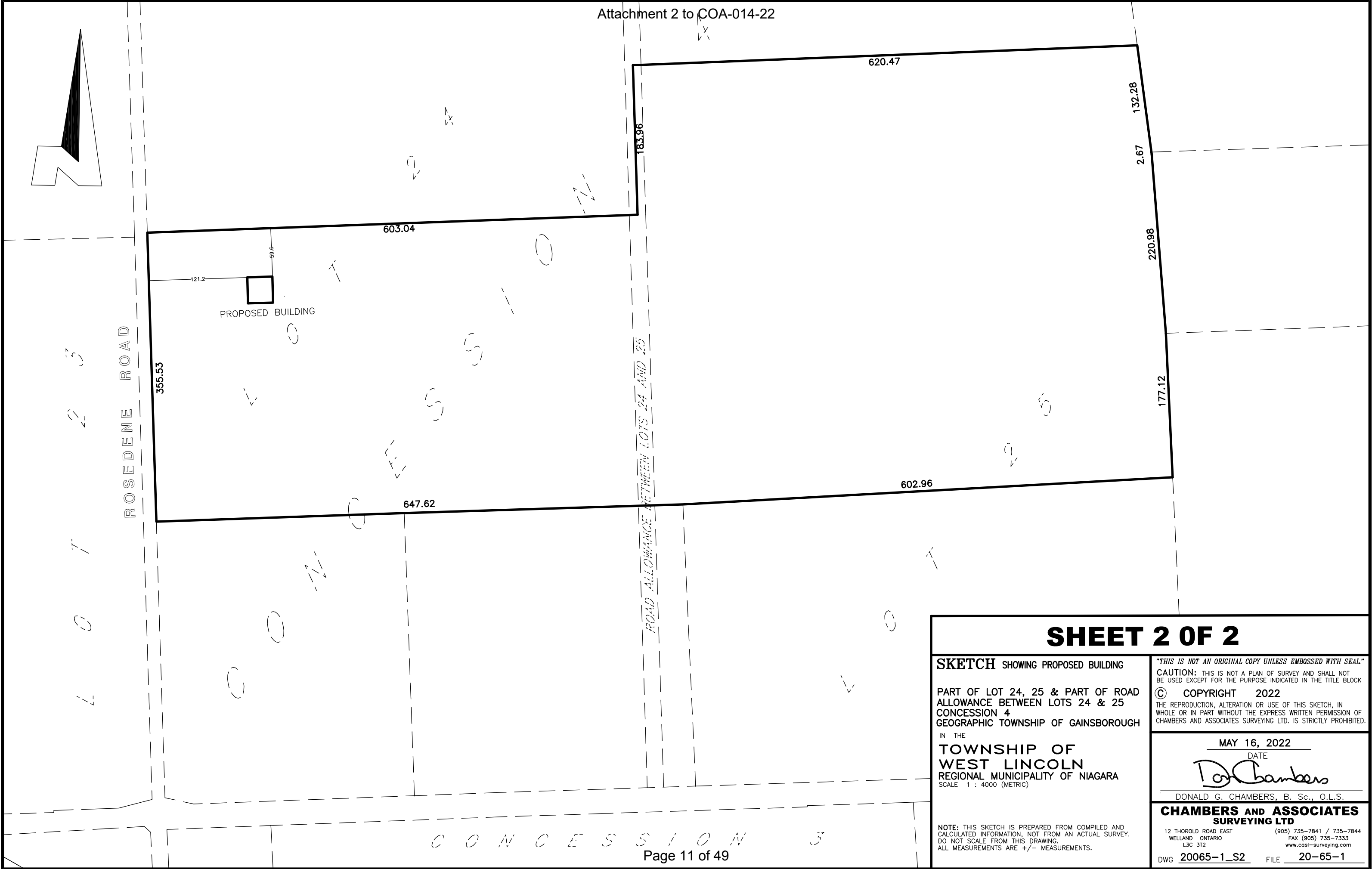
CONCESSION 4  
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH  
IN THE  
TOWNSHIP OF  
WEST LINCOLN  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 : 600 (METRIC)

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MAY 16, 2022  
DATE  
DONALD G. CHAMBERS, B. Sc., O.L.S.

CHAMBERS AND ASSOCIATES  
SURVEYING LTD  
12 THOROLD ROAD EAST (905) 735-7841 / 735-7844  
WELLAND ONTARIO FAX (905) 735-7333  
L3C 3T2 www.casl-surveying.com  
DWG 20065-1\_S1 FILE 20-65-1



**SHEET 2 OF 2**

**SKETCH** SHOWING PROPOSED BUILDING

PART OF LOT 24, 25 & PART OF ROAD  
ALLOWANCE BETWEEN LOTS 24 & 25  
CONCESSION 4  
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH

IN THE  
**TOWNSHIP OF  
WEST LINCOLN**  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 : 4000 (METRIC)

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**MAY 16, 2022**  
DATE  
*Don Chambers*  
DONALD G. CHAMBERS, B. Sc., O.L.S.

**CHAMBERS AND ASSOCIATES  
SURVEYING LTD**  
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WELLAND, ONTARIO FAX (905) 735-7333  
L3C 3T2 www.casl-surveying.com  
DWG **20065-1\_S2** FILE **20-65-1**



## Meghan Birbeck

---

**From:** Andrew Frandsen <andrew.ocrg@gmail.com>  
**Sent:** April 7, 2022 10:59 AM  
**To:** Meghan Birbeck  
**Cc:** Gerrit Boerema; Madyson Etzl; Bob Comfort  
**Subject:** RE: planning inquiry for 220016  
**Attachments:** Comfort OCRG 21.020-2 - Site Plan.pdf

Hi Meghan,

To follow up with our previous conversation, the Comfort farm is a diversified farming operation which has evolved over the years (centuries actually). The primary income is now derived from growing and selling hay and the most recent new building is a hay storage building constructed in 1989. The hay operation has continued to expand which has necessitated the construction of the current proposed hay storage building. For this reason I believe that the building labeled 'Hay Storage' (shown in green on attached Site Plan drawing) is the main building on this property.

Please let me know if you have any questions or if you require any further information.

Cheers, Andrew

Andrew Frandsen  
905.246.2565

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



---

**From:** Meghan Birbeck <mbirbeck@westlincoln.ca>  
**Sent:** April 7, 2022 9:45 AM  
**To:** Andrew Frandsen <andrew.ocrg@gmail.com>  
**Cc:** Gerrit Boerema <gboerema@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>  
**Subject:** RE: planning inquiry for 220016

Good morning Andrew,

The Township has had a similar situation in terms of a building blowing down and a farmer wanting to rebuild it – but when rebuilding it where the foundation is the location does not comply with the Township's current Zoning By-law 2017-70, as amended.

The action to move forward with this location if there is not a main building with 50 m from the proposed location would be a minor variance.

## Attachment 3 to COA-014-22

If you would like to proceed with a minor variance the Township is requiring that all applications go through a pre-application meeting first so that there are no misunderstandings prior to the submission. This meeting can take place over zoom or in person which ever you'd prefer.

The next available meeting dates are:

- 11-12pm Tuesday April 12
- 3-4 pm Tuesday April 12
- 1-2pm Tuesday April 26
- 2-3 Tuesday April 26
- 3-4 Tuesday April 26

Let me know what time works for you.

Best,  
Meghan

	<b>Meghan Birbeck</b>
	<b>Planner I</b>
	Tel: 905-957-3346 ext. 5140 Email: <a href="mailto:mbirbeck@westlincoln.ca">mbirbeck@westlincoln.ca</a> Web: <a href="http://www.westlincoln.ca">www.westlincoln.ca</a>
	  

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COVID 19 Update March 1, 2022 – Beginning March 1st, the Township of West Lincoln is continuing to implement next steps in the Province's Next Phase of Reopening.

**From:** Andrew Frandsen [<mailto:andrew.ocrg@gmail.com>]

**Sent:** April 6, 2022 7:29 AM

**To:** Meghan Birbeck <[mbirbeck@westlincoln.ca](mailto:mbirbeck@westlincoln.ca)>

**Subject:** RE: planning inquiry for 220016

Hi Meghan,

This will be somewhat challenging to get a 240+ year old working farm to fit into the current 2017 By-Law. The Comfort family homesteaded there during the American Revolution (displaced from the USA because of war) and it has been a continuously working and evolving farming operation ever since.

The original barn (south of the dwelling) could be considered the main building. This would reduce the separation distance to 69.4m but not 50m. The proposed hay storage building is to be partially built on an existing

### Attachment 3 to COA-014-22

foundation. There had been a Coverall building situated there but this structure was reduced to scrap during a wind storm about five years ago. The various buildings which have been added over the centuries have been built to the east of the barn and dwelling as the open land to the south of the barn has always been a fenced paddock for the livestock.

Would the fact that it is to be built on an existing foundation offer us a solution to accommodating the 50m distance requirement of the By-Law? I certainly hope it does.

Thanks, Andrew

Andrew Frandsen  
905.246.2565

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



---

**From:** Meghan Birbeck <[mbirbeck@westlincoln.ca](mailto:mbirbeck@westlincoln.ca)>

**Sent:** April 5, 2022 9:42 PM

**To:** [andrew.ocrg@gmail.com](mailto:andrew.ocrg@gmail.com); [bobcomfrt321@gmail.com](mailto:bobcomfrt321@gmail.com)

**Cc:** John Bartol <[jbartol@westlincoln.ca](mailto:jbartol@westlincoln.ca)>; Jessica Kroes <[jkroes@westlincoln.ca](mailto:jkroes@westlincoln.ca)>; Gerrit Boerema <[gboerema@westlincoln.ca](mailto:gboerema@westlincoln.ca)>

**Subject:** planning inquiry for 220016

Good evening,

In finishing the zoning review of your building permit for the hay storage I need your opinion on the buildings on your property.

I have been struggling on reviewing the following element:

- Agricultural accessory buildings have a maximum setback of 50 metres to a main building on the property (see attachment)

In your site plan you have indicated that the proposed accessory agricultural building is 103 m from the single detached dwelling.

Can you let me know if in your opinion there is a "main building" on the property that the proposed hay storage is within 50 m of?

The Township's Zoning By-law 2017-70, as amended, identifies that Agricultural use and Single Detached Dwellings are permitted as the principle use of the property.

In addition, it defines the following:

- Agricultural use:
  - o means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fiber, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures.
- Accessory use:
  - o means a use naturally and normally incidental to, subordinate to or exclusively devoted to a principal use and located on the same lot.

- Main building:
  - o means a building for a principal use of the lot, and in a Residential Zone the dwelling is the main building

Best,  
Meghan



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**COVID 19 Update March 1, 2022 – Beginning March 1st, the Township of West Lincoln is continuing to implement next steps in the Province's Next Phase of Reopening.**

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

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

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

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

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



**Meghan Birbeck**

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**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** May 17, 2022 11:12 AM  
**To:** Meghan Birbeck  
**Subject:** NPCA Comments - May 25th Committee of Adjustment Meeting  
**Attachments:** 1612 Highway 20, West Lincoln.pdf; 1639 Rosedene Road, West Lincoln.pdf

Hello Meghan,

NPCA staff have reviewed the three applications you had circulated for 1639 Rosedene Road, 1612 Regional Road 20, and 2790 Thompson Road. I can confirm that the NPCA will have no objections to any of these three applications - File Nos. A14/2022WL, A15/2022WL, A16/2022WL. The rational for each application is included below.

**A14/2022WL**

- As per the attached NPCA regulated mapping NPCA staff note the presence of regulated Watercourses, Provincially Significant Wetlands (PSW), and Unevaluated Wetlands, and a Flood Hazard on the subject property.
- NPCA staff note that the proposed agricultural accessory structure will not fall within any NPCA regulated features, hazards, or their development buffers. As such, the NPCA will not object to the proposed structure of Minor Variance application.

**A15/2022WL**

- As per the attached NPCA regulated mapping, NPCA staff note the presence of a regulated Watercourse on the subject property. In addition, NPCA staff note that there may be Unevaluated Wetlands associated with the Watercourse on site near the southern edge of the subject property.
- NPCA staff note that the proposed addition will not fall within any NPCA regulated features, hazards, or their development buffers. As such, the NPCA will not object to the proposed addition or Minor Variance application.

**A16/2022WL**

- NPCA staff note that no features or hazards are present on the subject property. As such, the NPCA will have no objections to the proposed application.

Sincerely,

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

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



# 1639 Rosedene Road, West Lincoln

Attachment 5 to CMAA 014-17



3/18/2021, 4:46:24 PM

Roads

Corporate Watershed Divide NPCA

NPCA APPROXIMATE REGULATION LANDS

Regulated

Wetland Allowance

Regulation Wetlands

OWES WETLANDS

Non-Provincially Significant Wetland

Provincially Significant Wetland

Top of Slope Allowance

Top of Slope Features

Stable

Unstable

Reaches Draining 125ha Requiring FPM

Regulated

Cross Sections Inventory

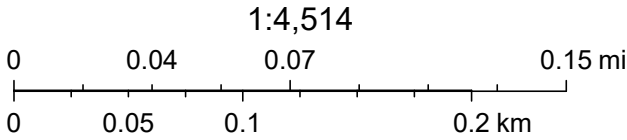
Cross Section

XSCutline

Assessment Parcels

2K Hydrography

2K HydroPoly



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

Web AppBuilder for ArcGIS



## Meghan Birbeck

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**From:** Ray Vachon  
**Sent:** May 9, 2022 10:15 AM  
**To:** Meghan Birbeck; Busnello, Pat; Development Planning Applications; Dunsmore, Susan; Young, Katie; Nikolas Wensing; Mike DiPaola; Jennifer Bernard; John Schonewille; Jessica Kroes; Lyle Killins; Gerrit Boerema; Brian Treble; Madyson Etzl  
**Subject:** RE: Notice of Hearing to May 25th, COA meeting - West Lincoln

Hi,

The variance for A14/2022WL since it's within the Fifteen Mile municipal drain. The variance would have no affect with regards to the drain.

Regards,



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**From:** Meghan Birbeck  
**Sent:** May 6, 2022 2:07 PM  
**To:** Busnello, Pat <[pat.busnello@niagararegion.ca](mailto:pat.busnello@niagararegion.ca)>; Development Planning Applications <[devtplanningapplications@niagararegion.ca](mailto:devtplanningapplications@niagararegion.ca)>; Dunsmore, Susan <[Susan.Dunsmore@niagararegion.ca](mailto:Susan.Dunsmore@niagararegion.ca)>; Young, Katie <[Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca)>; Nikolas Wensing <[nwensing@npca.ca](mailto:nwensing@npca.ca)>; Mike DiPaola <[mdipaola@westlincoln.ca](mailto:mdipaola@westlincoln.ca)>; Jennifer Bernard <[jbernard@westlincoln.ca](mailto:jbernard@westlincoln.ca)>; John Schonewille <[jschonewille@westlincoln.ca](mailto:jschonewille@westlincoln.ca)>; Jessica Kroes <[jkroes@westlincoln.ca](mailto:jkroes@westlincoln.ca)>; Lyle Killins <[lkillins@live.com](mailto:lkillins@live.com)>; Gerrit Boerema <[gboerema@westlincoln.ca](mailto:gboerema@westlincoln.ca)>; Brian Treble <[btreble@westlincoln.ca](mailto:btreble@westlincoln.ca)>; Madyson Etzl <[metzl@westlincoln.ca](mailto:metzl@westlincoln.ca)>; Ray Vachon <[rvachon@westlincoln.ca](mailto:rvachon@westlincoln.ca)>  
**Subject:** Notice of Hearing to May 25th, COA meeting - West Lincoln

Good afternoon,

Attached to this email are the 3 minor variance applications that are going to the May 25<sup>th</sup> Committee of Adjustment hearing.

## Attachent 5 to COA-014-22

1. A14/2022WL – Comfort - 1639 Rosedene Rd
  - To permit a proposed agricultural accessory building to be built 53.1 m further then permitted away from the main building on the subject property with a total setback of 103.1 m.
1. A15/2022WL – Kozarichuk - 1612 Regional Road 20
  - To permit an accessory dwelling unit to be built 6 m<sup>2</sup> larger then permitted with a total size of 106 m<sup>2</sup>.
2. A16/2022WL – Stanpac - 2790 Thompson Road
  - To permit an equipment cover/ enclosure to be built on the roof of their building 2 metres m higher then permitted with a total height of 12 m.

Best,  
Meghan



**Meghan Birbeck**

**Planner I**

Tel: 905-957-3346 ext. 5140  
Email: [mbirbeck@westlincoln.ca](mailto:mbirbeck@westlincoln.ca)  
Web: [www.westlincoln.ca](http://www.westlincoln.ca)



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## Meghan Birbeck

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**From:** Jennifer Bernard  
**Sent:** May 9, 2022 3:03 PM  
**To:** Meghan Birbeck  
**Subject:** RE: Notice of Hearing to May 25th, COA meeting - West Lincoln

Hi Meghan,

I have no comments on these 3 minor variance applications.

Thanks,  
Jenn



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**From:** Meghan Birbeck  
**Sent:** May 6, 2022 2:07 PM  
**To:** Busnello, Pat <pat.busnello@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Young, Katie <Katie.Young@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Jessica Kroes <jkroes@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>  
**Subject:** Notice of Hearing to May 25th, COA meeting - West Lincoln

Good afternoon,

Attached to this email are the 3 minor variance applications that are going to the May 25<sup>th</sup> Committee of Adjustment hearing.

1. A14/2022WL – Comfort - 1639 Rosedene Rd

**DATE:** May 25<sup>th</sup>, 2022

**REPORT NO:** COA-015-22

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by Mike Murray on behalf of Richard and Bonnie Kozarichuk  
File No. A15/2022WL

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

**OVERVIEW:**

- A minor Variance application has been submitted by Mike Murray on behalf of Richard and Bonnie Kozarichuk for the property legally described as Concession 4, Part Lot 11, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. Municipally known as 1612 Regional Road 20.
- This Minor Variance application has been applied for to permit an accessory dwelling unit to be built 8 square metres (86.11 square feet) larger than permitted with a total size of 108 square metres (1,162.5 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 minor variance application has been reviewed against the four tests of a Minor Variance. Planning Staff recommend supporting and approving the requested variance, subject to a condition.

**RECOMMENDATION:**

1. THAT, the application for the Minor Variance made by Mike Murray on behalf of Richard and Bonnie Kozarichuk as outlined in Report COA-015-22, to permit an attached accessory dwelling unit to be built with a total size of 108 square metres, BE APPROVED, subject to the following condition:
  - a. THAT, the applicant is to provide the Township of West Lincoln 's Building Department with documentation from a licensed sewage system installer and/ or designer indicating compliance of the proposed application with the appropriate section of Part 8, Ontario Building Code.

**BACKGROUND:**

The subject lands are situated on the west side of Regional Road 20, north of Bismark Road/ Silver Street, and south of Concession Road 4, being legally described as Concession 4, Part Lot 11, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. The subject property is municipally known as 1612 Regional Road 20 (see attachment 1 for a site sketch).

The subject property is approximately 4.13 acres (1.67 hectares) in size. The property is designated as Good General Agricultural and the property is zoned Agricultural 'A'. The surrounding properties have similar designations and zonings.

In November 2021, a building permit was submitted for an accessory dwelling unit to be attached to the existing single detached dwelling unit at 1612 Regional Road 20. Planning staff indicated that the permit for the proposed accessory dwelling unit could not receive zoning clearance as the accessory dwelling unit's size was larger than permitted at 106 square metres. Further staff indicated that 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.

Section 3.2.1 g) ii. of the Township's Zoning Bylaw 2017-70, as amended, identifies that for the purposes of this Subsection, the floor area shall include all area within a basement but shall not include a private garage or attic.

From reviewing the applicants survey Township Staff determined that the existing single detached dwelling (not including the garage) has a size of 170 square metres. Township Staff note that the existing single detached dwelling has a basement and believe that the floor area for subsection 3.2.1 g) ii. of the Township's Zoning Bylaw 2017-70, as amended, would then be 340 square metres - 40% of the existing dwelling would be 136 square metres.

During November and December, the agents of the property owner, worked to reconfigure the proposed accessory dwelling unit to be 100 square metres opposed to the desired size of 106 square metres. At the end of December 2021, the agent provided an updated drawing which showed the accessory dwelling unit to be less than 100 square metres and Planning Staff signed off on the permit on in January 2022.

Since January the property owners have decided that they indeed want the initial layout that they designed for their accessory dwelling unit and have decided to proceed with a minor variance.

In the justification letter that the applicants submitted with their minor variance application it explains that the accessory dwelling unit will be for the owners to move into and that the existing space will be used by their daughter and her family of four. The house will become a multi-generational home with the new area functioning as a space for the current owners to “age in place”. The justification letter also indicated that should mobility or health issues arise, or home nursing care be required the additional space will allow for greater accessibility for the accessory dwelling unit. The full justification letter can be found in the attachments.

The agent of the applicant is requesting an extra 2 square metres then what is currently require to ensure that if any measurements change slightly for technical reasons, following the minor variance possibly being granted, that the applicants will not have to reapply for a whole new variance.

This Minor Variance application has been applied for to permit an accessory dwelling unit to be built 8 square metres (86.11 square feet) larger then permitted with a total size of 108 square metres (1,162.5 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.

**CURRENT SITUATION:**

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

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

**Yes**

The property is designated as Good General Agriculture under the Township’s Official Plan. The Good General Agricultural designation comprises those lands designated as the second highest level of protection and preservation for agricultural purposes. Residential and accessory residential uses are permitted in the Good General Agricultural designation. As well, agricultural main and agricultural accessory buildings are also permitted in Good General Agricultural areas. The subject property in question is approximately 4.13 acres (1.67 hectares) in size.

Section 17 of the Township’s Official Plan discusses Affordable Housing and in turn accessory dwelling units. The Official Plan indicates that the changing profile of the population of the Township, as well as the need to create more affordable housing requires the Township to provide the opportunity for alternative forms of housing.

The Official Plan lists the follow as general provisions for accessory apartments (accessory dwelling units):

- a) *Only one accessory apartment will be permitted per property, either in a dwelling or in an accessory building.*
  - The proposed accessory dwelling unit related to this minor variance application is the first and only accessory dwelling unit being proposed for this property.
- b) *The accessory apartment must be subordinate in size to the main dwelling.*
  - The applicant's proposal of an accessory dwelling unit of 108 square metres will be 31.8% of the size of the existing single detached dwelling.
- c) *The lot size and configuration are sufficient in size to accommodate parking and amenity areas and services.*
  - The property is a rural agricultural property that is approximately 4.13 acres (1.67 hectares) in size. The property's current driveway is also roughly 120 m in length.
- d) *Details regarding size and permitted zones will be outlined in the Township's Zoning By-law.*
  - The applicant's property is permitted to have an accessory dwelling unit subject to the Township's Zoning By-law 2017-70, as amended.
- e) *Where the main dwelling is serviced by a septic system and private potable water, verification must be provided that the septic system is capable of accommodating an additional dwelling unit and that there is adequate potable water to service both the accessory apartment and the main dwelling unit.*
  - The Township's Building and Septic Inspectors do not have an issue with the proposed accessory dwelling unit.
- f) *The accessory apartment shall not be severed from the property that contains the principal residence.*
  - The proposed accessory dwelling unit is to be built attached to the existing single detached dwelling and is not planned to be severed from the property.
- g) *A lot may not have both an accessory apartment and a garden suite.*
  - Currently the lot does not have either an accessory dwelling unit or a garden suite.



*h) A zoning amendment is required to establish an accessory apartment in a townhouse dwelling.*

- Not applicable for this property.

The Official Plan also has the following provisions for accessory apartments (accessory dwelling units) in dwellings:

*a) Are permitted in all single, and semi-detached dwellings in the Township. A zoning amendment is required to establish an accessory apartment in a townhouse dwelling.*

- The proposed accessory dwelling unit is to be attached to a single detached dwelling.

*b) Must be directly attached to, or contained within, the main dwelling.*

- The proposed accessory dwelling unit is to be attached to the single detached dwelling through the rear garage wall.

*c) Must have a similar architecture and style to the main dwelling.*

- Is proposed to be designed similarly to the existing dwelling and will be located away from the road to the rear of the dwelling.

*d) Must comply will all zoning by-law regulations in terms of size, setbacks, height, etc.*

- This minor variance application is required as the size is 8% greater taen permitted.

Township Planning Staff are of the opinion that the proposed minor variance meets the general intent and purpose of the Official Plan as an accessory dwelling unit is permitted on the subject property.

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

The subject land is zoned Agricultural 'A' under the Township's Zoning By-law 2017-70, as amended. The Agricultural zone permits single detached dwellings, accessory dwelling units, and accessory buildings.

The Zoning By-law lists the follow as regulations for accessory dwelling units:

*a) Accessory dwelling units shall be located within a main building containing an existing principal use, or within a residential accessory building, on a lot where both the principal use and an accessory dwelling unit are permitted by the*

*applicable zone above the ground floor and remain a secondary use to the accessory building. (Bylaw 2018-61)*

- The proposed accessory dwelling unit is proposed to be built as an addition to the rear of the property's existing single detached dwelling.
- b) *A maximum of one (1) accessory dwelling unit is permitted on a lot, except where permitted otherwise by the applicable zone.*
- The proposed accessory dwelling unit related to this minor variance application is the first and only accessory dwelling unit being proposed for this property.
- c) *Accessory dwelling units shall comply with the regulations of the applicable zone.*
- The proposed accessory dwelling unit complies with the regulations of the Agricultural 'A' zone, with regards to setbacks and lot coverage.
- d) *A main building that is used for an accessory dwelling unit shall comply with the regulations of the applicable zone.*
- The existing single detached dwelling that the accessory dwelling unit is proposed to be attached to complies with the regulations of the Agricultural 'A' zone.
- e) *On a lot that is not serviced by municipal sewage services and/or municipal water services, an accessory dwelling unit shall not be permitted unless the lot has a minimum lot area of 0.4 hectare and the private sewage services and/or private water services are approved for the lot with adequate capacity for the accessory dwelling unit and any other uses on the lot.*
- The proposed lot is greater than 0.4 hectares at a rough size of 4.13 acres (1.67 hectares). The Township's Septic Inspector has indicated that the application indicates the potential for a significant increase in daily sewage effluent treatment demand. Thus, to ensure Ontario Building Code (Part 8) compliance, it is suggested the following be considered by the Committee of Adjustment:
    - i. THAT, the applicant is to provide the Township of West Lincoln Building Department with documentation from a licensed sewage system installer and/or designer indicating compliance of the proposed application with the appropriate section of Part 8, Ontario Building Code.
- f) *Parking for accessory dwelling units shall be provided in accordance with Section 3.12.*

- The proposed parking for the accessory dwelling unit will be accommodated within the existing garage and on the existing driveway.
- g) Where permitted in a Residential Zone, or as an accessory use to a dwelling that is permitted as a principal use in any other zone, an accessory dwelling unit shall be in accordance with the following additional regulations:*
- i. An accessory dwelling unit shall be located within a single detached dwelling, semi-detached dwelling or an accessory building on the same lot as a single detached dwelling or semi-detached dwelling;*
    - The proposed accessory dwelling unit is proposed to be built as an addition to the rear of the property's existing single detached dwelling.
  - ii. An accessory dwelling unit shall have a minimum floor area of 40 square metres and a maximum floor area of the lesser of 100 square metres or 40% of the floor area of the main building. For the purposes of this Subsection, the floor area shall include all areas within a basement but shall not include a private garage or attic. (Bylaw 2018-61)*
    - This minor variance application is required as the size is 8% greater than permitted.
  - iii. An accessory building that is used for an accessory dwelling unit shall comply with the requirements of Section 3.1, except that the maximum height of an accessory building that contains an accessory dwelling unit above the first storey shall be 8 metres;*
    - Not applicable for this property.
  - iv. The residential appearance and character of the dwelling as a single detached dwelling or semidetached 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 character of the accessory dwelling unit will be maintained with the proposed accessory dwelling unit, and the entrance to the unit will be from within the existing garage.
  - v. An accessory dwelling unit shall not be permitted on a lot that is used for a bed and breakfast establishment, boarding or rooming house, garden suite or group home.*
    - Not applicable for this property.

- vi. *A home occupation shall not be permitted within the accessory dwelling unit.*
  - A home occupation is not proposed within the accessory dwelling unit.
- vii. *For the purposes of satisfying the required parking for an accessory dwelling unit, tandem parking shall be permitted within a permitted parking area or driveway, including a driveway in a required front yard that has a minimum depth of 6m.*
  - Parking is not proposed to be altered/ is not needed to be altered with the proposed accessory dwelling unit.
- viii. *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)*
  - Parking is not needed to be altered with the proposed accessory dwelling unit.
- h) *Where permitted in a Commercial Zone, an accessory dwelling unit is only permitted within the same building as a permitted art gallery, commercial school, dry cleaning/laundry depot, financial institution, office including a medical office, personal service shop, private club, restaurant, retail store, service shop or studio, and shall be located above the first storey of the commercial building.*
  - Not applicable for this property.

The applicants are requesting a variance so that a floor area of 108 square metres can be permitted. As mentioned the applicants believe that the extra 8 square metres would provide them an adequate amount of room for the aging parent to provide space should mobility or health issues arise, or home nursing care be required the additional space will allow for greater accessibility for the accessory dwelling unit. The agent of the applicant is requesting an extra 2 square metres than what is currently require to ensure that if any measurements change slightly for technical reasons, following the minor variance possibly being granted, that the applicants will not have to reapply for a whole new variance.

The Township Planning Staff are of the opinion that the requested minor variance relating to the size of the attached accessory dwelling unit does 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 has proposed to construct a proposed attached accessory dwelling unit on the property. The proposed developments do not impact the maximum lot coverage of the property as the property is 4.13 acres (1.67 hectares) in size. The existing single detached dwelling is 114 metres from the front lot line and the proposed accessory dwelling unit is to be located to the rear of the existing dwelling. The single detached dwelling is already out of sight from the streetscape as there are several existing trees blocking the view of the dwelling from the road. As the existing single detached dwelling is out of sight from the road and the proposed accessory dwelling unit is to be located to the rear of the existing dwelling it as well will not be visible and is not expected to impact neighbouring properties.

Planning staff are of the opinion that the requested variance is appropriate development and use of the land.

**Is the proposal minor in nature?**

**Yes**

The applicants are proposing an accessory dwelling unit that is to be attached to the existing single detached dwelling. The accessory dwelling unit is proposed to be 6% larger than the Township's Zoning By-law 2017-70, as amended, permits, however the agent is requesting for an extra 8% in case technical issues arise in the construction process provided that the minor variance is granted. The applicants have indicated that the unit is to support the existing owners so that their daughter and her family can move into the existing single detached dwelling. Planning staff believe the extra 8% increase for the accessory dwelling unit is minor in nature as the property is substantial in size and can support the extra 8 square metres for the accessory dwelling unit.

**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 May 6<sup>th</sup>, 2022. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Public Works Department has no objections for this application.

The Township's Septic Inspector has indicated that the application indicates the

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potential for a significant increase in daily sewage effluent treatment demand. Thus, to ensure Ontario Building Code (Part 8) compliance, it is suggested the following be considered by the Committee of Adjustment:

- THAT, the applicant is to provide the Township of West Lincoln Building Department documentation from a licensed sewage system installer and/or designer indicating compliance of the proposed application in the appropriate section of Part 8, Ontario Building Code.

The NPCA have indicated that there is a presence of a regulated Watercourse on the subject property. In addition, NPCA staff note that there may be Unevaluated Wetlands associated with the Watercourse on site near the southern edge of the subject property. NPCA staff note that the proposed addition will not fall within any NPCA regulated features, hazards, or their development buffers. As such, the NPCA will not object to the proposed addition or Minor Variance application.

Niagara Region have not yet commented on this application.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on May 6<sup>th</sup>, 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 comments from the public were received at the time of writing this report.

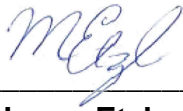
**CONCLUSION:**

A Minor Variance application has been submitted by Mike Murray on behalf of Richard and Bonnie Kozarichuk for the property municipally known as 1612 Regional Road 20. The Minor Variance application is submitted to permit an attached accessory dwelling unit to be built up to 8 square metres larger than permitted. Planning staff are of the opinion that the requested variance meets the four tests of a minor variance and as such, can recommend approval, subject to an attached condition.

**ATTACHMENTS:**

1. Site Sketch
2. Justification Letter
3. Floor Layout Design
4. Comments

**Prepared by:**



---

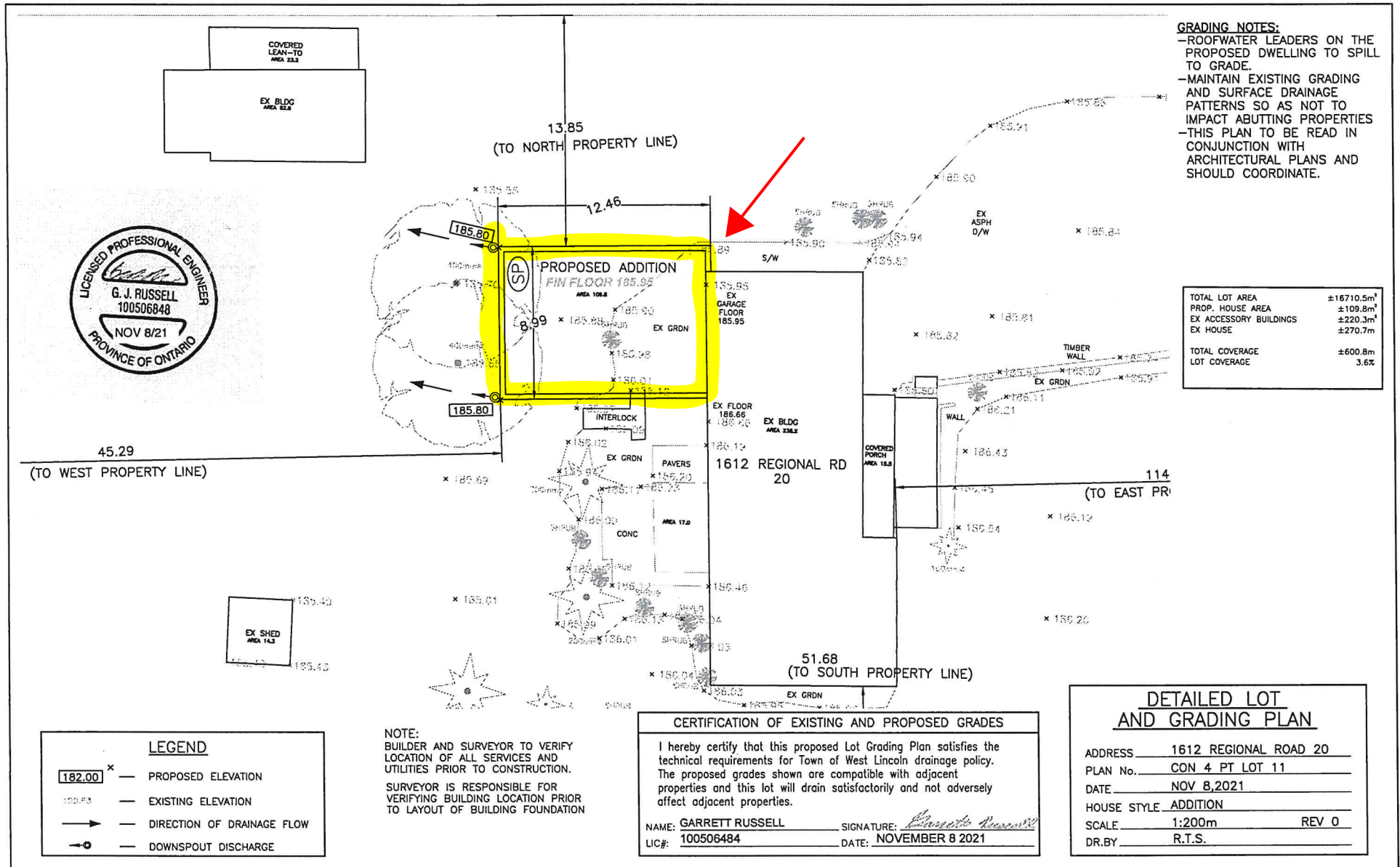
**Madyson Etzl**  
**Planner II**

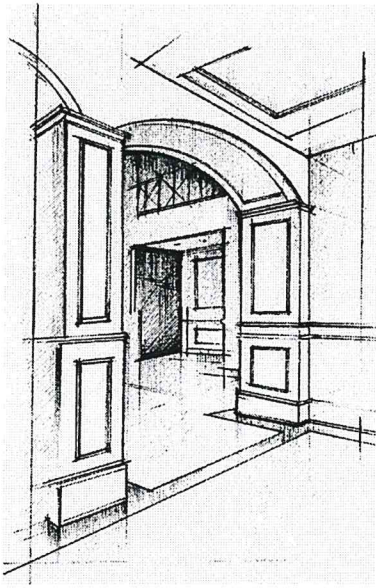


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**Brian Treble, RPP, MCIP**  
**Director of Planning and Building**







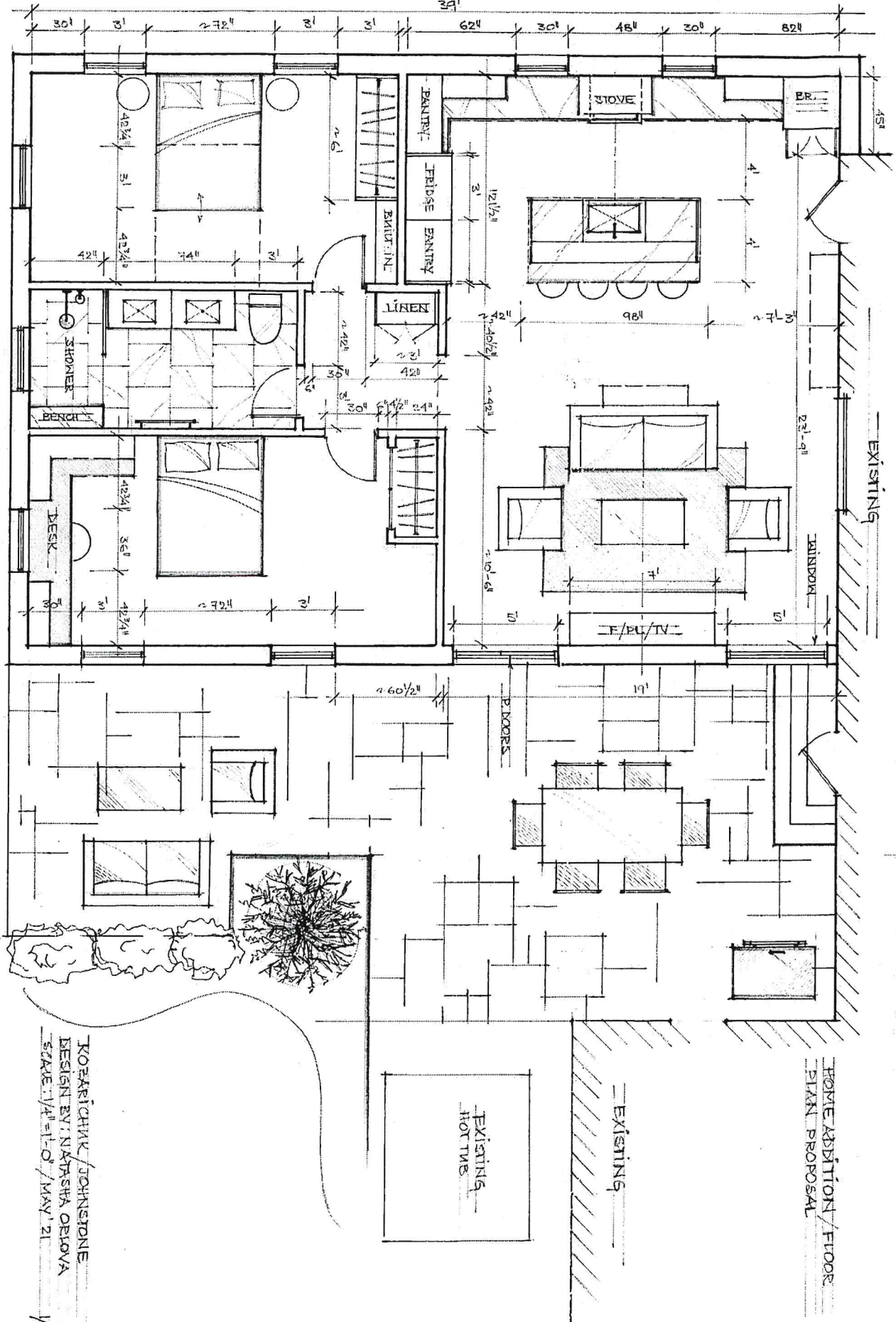
## MURRAY REMODELLING SOLUTIONS

Rick and Bonnie Kozarichuk have lived in their home for over 40 years and have been a part of this community for much longer. The next chapter has their daughter, and her family of four, purchasing the property to create a multi-generational home to be shared and enjoyed.

The additional living space of 6 sm we have petitioned for, will provide Rick and Bonnie with space to pursue their favorite hobbies- sewing and furniture design. In the long term, it provides space for Rick and Bonnie to “age in place”. Should mobility or health issues arise, or in home nursing care be required, the additional space will allow for greater accessibility.

Multi-generational homes allow families to provide care for aging parents conveniently. They provide grandparents to play a day-to-day role in the lives of their children and grandchildren. It is more evident now than ever before that our traditional housing ideas are greatly challenged by an ever-changing world, and multi-generational families are the fastest growing household type in the country.

The Kozarichuk family looks forward to the creation of this new home for these three generations, and for generations to come.





**Meghan Birbeck**

---

**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** May 17, 2022 11:12 AM  
**To:** Meghan Birbeck  
**Subject:** NPCA Comments - May 25th Committee of Adjustment Meeting  
**Attachments:** 1612 Highway 20, West Lincoln.pdf; 1639 Rosedene Road, West Lincoln.pdf

Hello Meghan,

NPCA staff have reviewed the three applications you had circulated for 1639 Rosedene Road, 1612 Regional Road 20, and 2790 Thompson Road. I can confirm that the NPCA will have no objections to any of these three applications - File Nos. A14/2022WL, A15/2022WL, A16/2022WL. The rationale for each application is included below.

**A14/2022WL**

- As per the attached NPCA regulated mapping NPCA staff note the presence of regulated Watercourses, Provincially Significant Wetlands (PSW), and Unevaluated Wetlands, and a Flood Hazard on the subject property.
- NPCA staff note that the proposed agricultural accessory structure will not fall within any NPCA regulated features, hazards, or their development buffers. As such, the NPCA will not object to the proposed structure of Minor Variance application.

**A15/2022WL**

- As per the attached NPCA regulated mapping, NPCA staff note the presence of a regulated Watercourse on the subject property. In addition, NPCA staff note that there may be Unevaluated Wetlands associated with the Watercourse on site near the southern edge of the subject property.
- NPCA staff note that the proposed addition will not fall within any NPCA regulated features, hazards, or their development buffers. As such, the NPCA will not object to the proposed addition or Minor Variance application.

**A16/2022WL**

- NPCA staff note that no features or hazards are present on the subject property. As such, the NPCA will have no objections to the proposed application.

Sincerely,

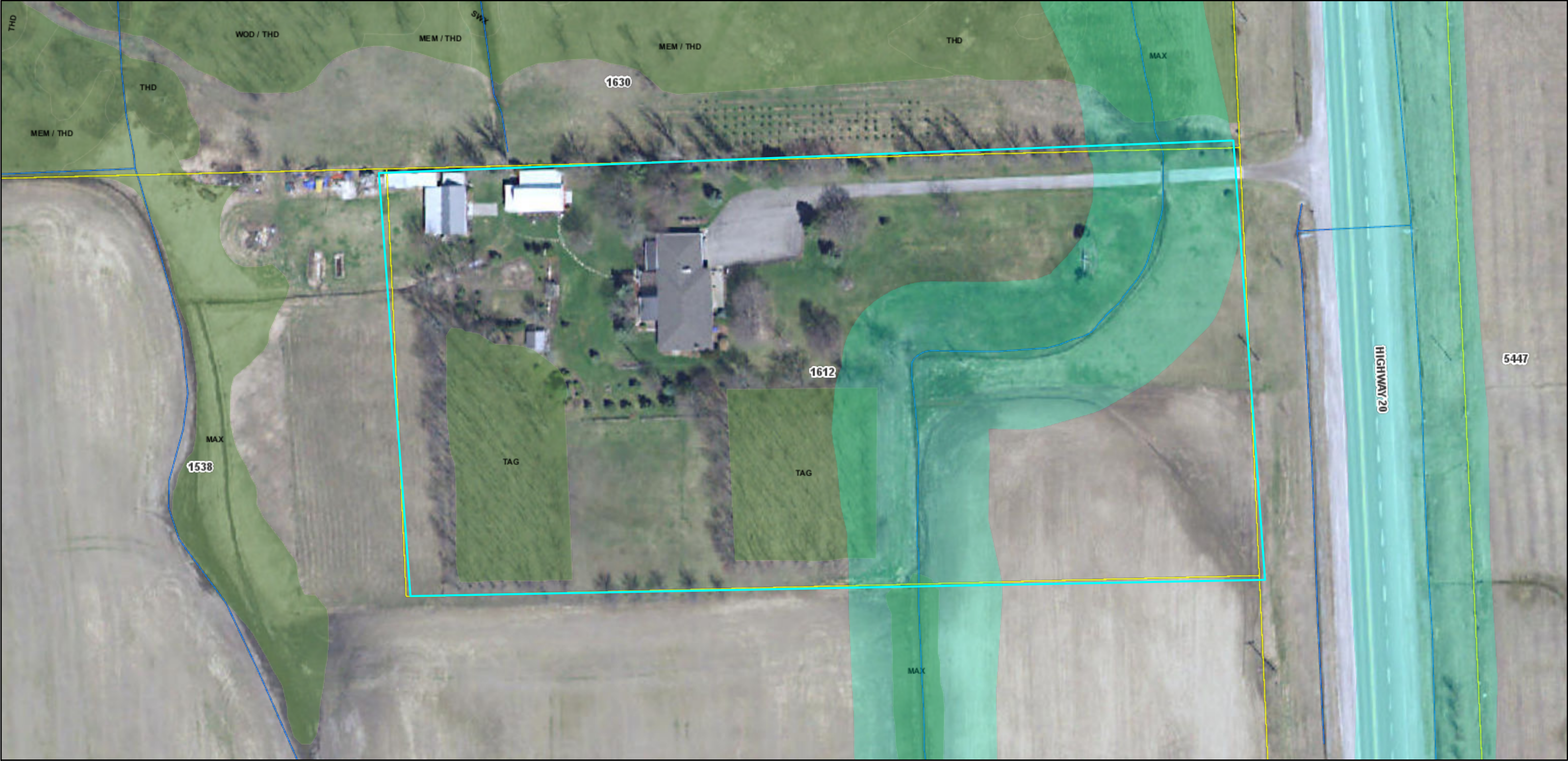
**Nikolas Wensing, B.A., MPlan**  
**Watershed Planner**

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

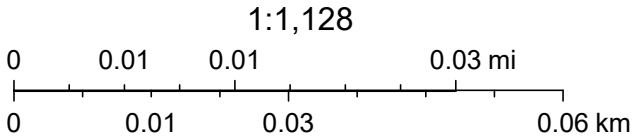
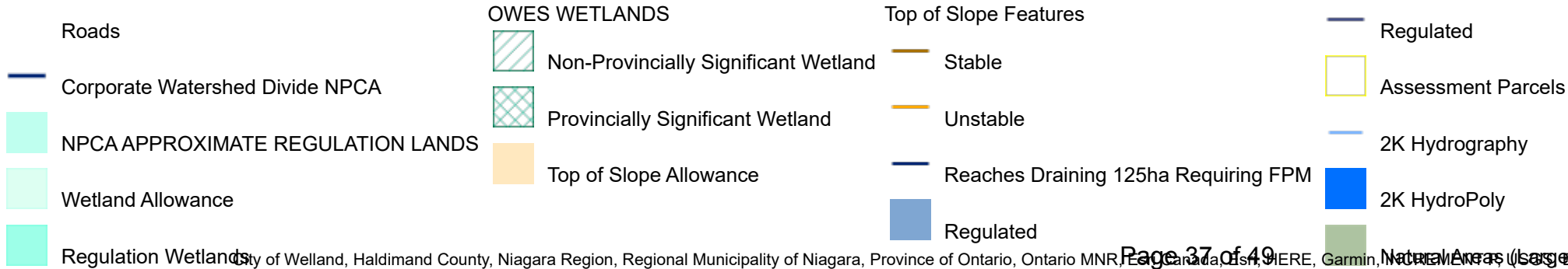


1612 Highway 20, West Lincoln

Attachment No. 4 to COA 045-22



4/8/2021, 4:28:06 PM



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

Web AppBuilder for ArcGIS



## Meghan Birbeck

---

**From:** Jennifer Bernard  
**Sent:** May 9, 2022 3:03 PM  
**To:** Meghan Birbeck  
**Subject:** RE: Notice of Hearing to May 25th, COA meeting - West Lincoln

Hi Meghan,

I have no comments on these 3 minor variance applications.

Thanks,  
Jenn



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

---

**From:** Meghan Birbeck  
**Sent:** May 6, 2022 2:07 PM  
**To:** Busnello, Pat <pat.busnello@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Young, Katie <Katie.Young@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Jessica Kroes <jkroes@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>  
**Subject:** Notice of Hearing to May 25th, COA meeting - West Lincoln

Good afternoon,

Attached to this email are the 3 minor variance applications that are going to the May 25<sup>th</sup> Committee of Adjustment hearing.

1. A14/2022WL – Comfort - 1639 Rosedene Rd

## Planning Application Review

<b>Application Number:</b>	A15/2022WL
<b>Date:</b>	May 13, 2022
<b>Property Address:</b>	1617 Regional Road 20
<b>Project:</b>	Kozarichuk

Planning Staff,

Please be advised the received information in regards to application relating to the functional capability of the existing Class 4 Sewage System has been reviewed. The application indicates the potential for a significant increase in daily sewage effluent treatment demand. Thus, to ensure Ontario Building Code (Part 8) compliance, it is suggested the following be considered by the Committee of Adjustment:

- 1) The applicant is to provide the Township of West Lincoln Building Department documentation from a licensed sewage system installer and/or designer indicating compliance of the proposed application in the appropriate section of Part 8, Ontario Building Code.

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:** May 25<sup>th</sup>, 2022

**REPORT NO:** COA-016-22

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by Mellisa Hill Inc. (Stanpac)  
File No. A16/2022WL

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

**OVERVIEW:**

- A minor Variance application has been submitted by Melissa Hill Inc. (Stanpac) for the property legally known as Concession 9, Part Lot 6, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara, municipally known as 2748, 2790 Thompson Road.
- A minor variance application is required to permit an equipment cover to be built with a total height of 12 metres (39.37 feet) whereas Table 19 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum height in the industrial employment zone is 10 metres (32.81 feet).
- The variance for height will allow Stanpac to install a covering over a piece of their equipment that is located against the south side of Stanpac's building.
- The existing building has a height of 10 metres (32.81 feet) so the proposed equipment cover will be 2 metres (6.56 feet) higher than the roof of the existing building.
- The covering is meant to reduce the noise of the equipment by shielding it.
- Noise generated by the equipment has caused numerous complaints from residents in Smithville.
- After reviewing the four tests of a minor variance planning staff recommend approval of the requested variance.

**RECOMMENDATION:**

1. THAT, the application for Minor Variance made by Mellisa Hill Inc. (Stanpac) as outlined in Report COA-016-22, to permit an equipment cover to be built with a total height of 12 metres, BE APPROVED.

**BACKGROUND:**

The subject lands are situated on the west side of Thompson Road, south of Spring Creek Road, north of London Road, being legally described as Concession 9, Part Lot 6, Plan M94 Lots 37, 43, & 44, Part Lot 42, RP 30R1634 Part 1, in the former Township of South Grimsby, now in the Township of West Lincoln. The subject property is municipally known as 2748 2790 Thompson Road. (See attachment 1 for a site sketch)



The subject property is approximately 10.2 acres (4.13 hectares) in size. The property is designated as an Employment Area within the Urban Settlement Area of Smithville and is zoned Industrial Employment 'M2'. The surrounding properties to the north, east, and south also share the same designation and zoning. While the properties to the west are planned for future restricted employment and residential development.

Stanpac is seeking to obtain a minor variance to build an equipment cover around a piece of equipment that is located against the south side of the existing building. The equipment cover would have a total height of total height of 12 metres (39.37 feet) whereas Table 19 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum height in the industrial employment zone is 10 metres (32.81 feet).

The Township's By-law Department has received several noise complaints in relationship to this piece of equipment on the Mellisa Hill Inc. (Stanpac) property. As a way to combat the noise complaints Mellisa Hill Inc. (Stanpac) would like to install a cover a piece of their equipment on their property. The covering is meant to reduce the noise of the equipment by shielding it. In addition, the covering would be 2 metres (6.56 feet) higher then the roof of the existing building.

The piece of equipment is called a cyclone and designed to separate dust from paper solids as part of the Stanpac operation.

**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 an Employment Area within the Urban Settlement Area of Smithville under the Township's Official Plan. The Employment Area designation recognizes existing and future areas appropriate for a broad range of employment in traditional manufacturing, warehousing and distribution as well as new industries and office type development. These lands are generally located in the north east corner of Smithville north of the CP Rail line and in proximity to Industrial Park Road and Spring Creek Road, and known as the "Smithville Industrial Park."

The Official Plan objectives with Employment Areas is that they encourage:

- employment development in order to achieve a more balanced live-work community as an alternative to out-commuting;
- a broad range of industrial employment areas; and
- prestige employment

The employment land in discussion is 10.2 acre (4.13 hectares) in size. The proposed variance for height would be to permit a covering to be installed over an existing piece

**Respecting Our Roots, Realizing Our Future**

of equipment that is situated beside the south side of the Mellisa Hill Inc. (Stanpac) building. The piece of equipment that is to be cover is already taller then the existing building, therefore it is believed that a 12-metre-high covering around the equipment would not appear alarming to the property. Section 18.15.1 Hazardous & Obnoxious use also restrict lands to create noise which maybe offensive or a nuisance, unless operating in accordance with all applicable Provincial and local rural and Regulations. Staff understand that the noise emissions fall within the Ministry of Environment Conservation and Parks noise emission criteria, and this proposed enclosure is above and beyond what they have been required to do by the Ministry.

Township Planning Staff are of the opinion that the minor variance meets the general intent and purpose of the Official Plan since it will be helping to support compatibility between employment and residential uses in Smithville.

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

The subject land is zoned Industrial Employment 'M2' under the Township's Zoning By-law 2017-70, as amended. The Industrial Employment zone permits buildings for Industrial Use. The proposed covering to be installed around a piece of equipment on Stanpac's property is a permitted use under the regulations of the M2 zone.

Under the Township's Zoning By-Law 2017-70, the permitted height of an Industrial building is 10 metres. The proposed equipment covering would result in a height of 12 metres, 2 metres higher then permitted. The piece of equipment that is proposed to be covered is vital for the work that Melissa Hill Inc. (Stanpac) does on the property, and it has been present on the property for the last couple of years. The covering will help Melissa Hill Inc. (Stanpac) continue to use the piece of equipment while mitigating the noise that the equipment creates. Township Planning staff believe that the minor variance meets the general intent and purpose of the Township's Zoning By-law.

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

The applicants have proposed to construct an equipment cover of the large piece of equipment that is located to the south of the existing building. The covering will be built on a new foundation wall and will be a steel I-beam structure, infilled with sound deadening (dampening) material on the south, west, and north side of the structure. The roof will also have sound deadening material.

Currently Melissa Hill Inc. (Stanpac) is working with sound engineers to determine if the sound deadening material is required on the east side of the structure as well. The east side faces Thompson Road. Residential uses are not located to the east as east of Thompson Road is the Industrial Park.

As the Township has received noise complaints related to the exterior equipment, it is the believe that the minor variance is desirable for the use of the land as the height variance for a covering will help mitigate the impact of the industrial area on nearby residential properties.

**Is the proposal minor in nature?**

**Yes**

The proposed covering is to go over an existing piece of equipment and not over the whole building. The existing piece of equipment is already higher then the existing building, which is 10 metres in height. As the covering is meant to only go around the existing equipment Staff believe that the extra 2 metre variance will not appear alarming from the Streetscape. Furthermore, as the height variance is just for a relatively small area, Township Staff believe that the height variance is minor.

**FINANCIAL IMPLICATIONS:**

Council has waived the requirement of Mellisa Hill Inc. (Stanpac) having to be responsible for the minor variance fee to facilitate this minor variance.

**INTER-DEPARTMENTAL COMMENTS:**

Notification was mailed to all applicable agencies and departments on Friday May 6<sup>th</sup>, 2022. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Public Works Department has no objections for this application.

The Township's Building/ By-law Inspector believes that the proposed covering will help mitigate the impacts that the noise from Stanpac has on nearby residential neighbours.

The Niagara Peninsula Conservation Authority offers no objection to this Minor Variance application.

Regional Planning and Development Services staff have not commented on this Minor Variance application.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on May 6<sup>th</sup>, 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 comments from the public were received at the time of writing this report.


**CONCLUSION:**


A Minor Variance application has been submitted by Melissa Hill Inc. (Stanpac) for the property municipally known as 2748, 2790 Thompson Road. The Minor Variance application is submitted to permit a covering to be installed over a piece of equipment that is located to the south of the existing industrial building, the covering is to be built 2 metres taller than permitted. Planning staff are of the opinion that the requested variance meets the four tests of a minor variance and as such, can recommend approval.

**ATTACHMENTS:**

1. Site Sketch
2. Photos
3. Covering Sketch
4. Comments

**Prepared by:**

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

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



DATE	REVISION	NO.
2021.02.23	ISSUED FOR REVIEW	
2021.02.24	REVISED PER TOWN-SHIP COMMENTS	



	Required	Provided	Comments
Minimum Lot Area	2,000.00 m <sup>2</sup>	41,315.37 m <sup>2</sup>	Lots 37, 42, 43, 4
Maximum Building Area	20,657.69 m <sup>2</sup>	12586.413 m <sup>2</sup>	50% of Lot Area
Maximum Lot Coverage	50 %	30.46 %	

<p>STANPAC 2790 THOMPSON ROAD SMITHVILLE, ON</p>
<p>STANPAC SITE PLAN UPDATE  SMITHVILLE, ON</p>
<p>AS-CONSTRUCTED SITE PLAN</p>

**WALTERFEDY**  
KITCHENER HAMILTON 505.855.1378 [www.walterfedy.com](http://www.walterfedy.com)

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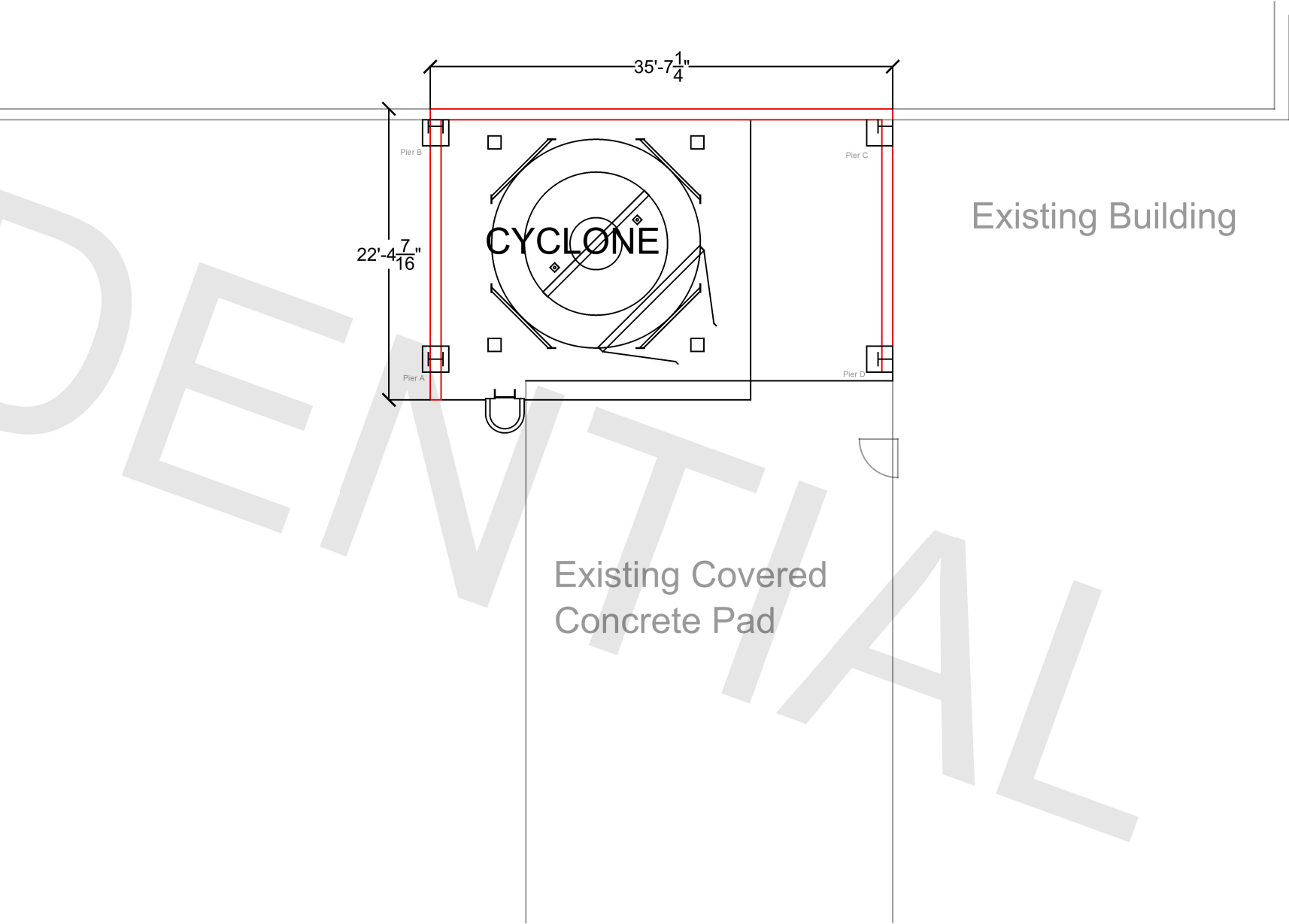
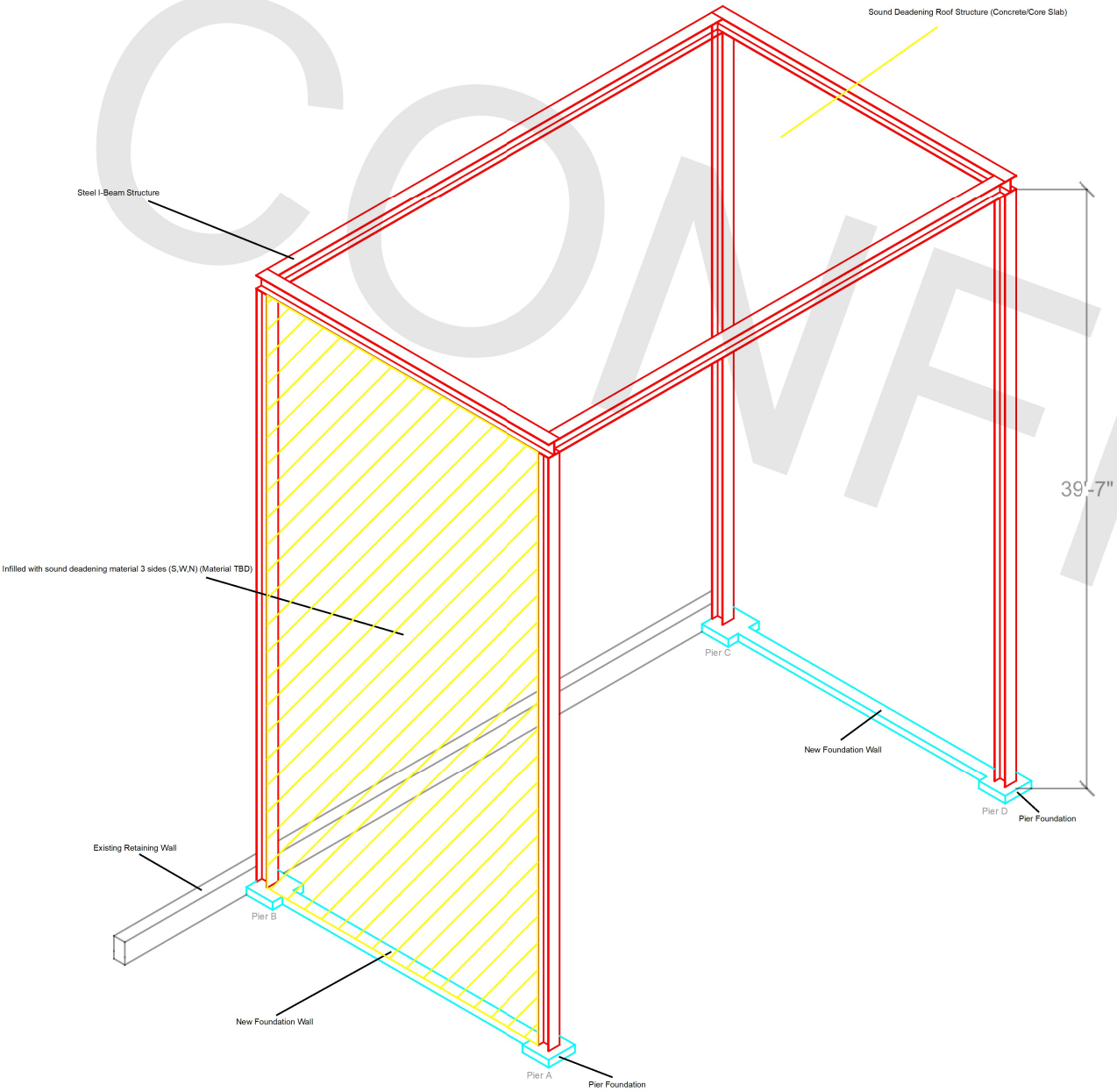
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SCALE: 1:500  
DATE: 2021.02.24  
PROJECT NO: 2021-0008-10  
CADD NO: 2021-0008-10-EX  
DRAWN BY: R.K.  
CHECKED BY: R.K.

SP-1









## **Meghan Birbeck**

---

**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** May 17, 2022 11:12 AM  
**To:** Meghan Birbeck  
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### **A14/2022WL**

- As per the attached NPCA regulated mapping NPCA staff note the presence of regulated Watercourses, Provincially Significant Wetlands (PSW), and Unevaluated Wetlands, and a Flood Hazard on the subject property.
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- NPCA staff note that the proposed addition will not fall within any NPCA regulated features, hazards, or their development buffers. As such, the NPCA will not object to the proposed addition or Minor Variance application.

### **A16/2022WL**

- NPCA staff note that no features or hazards are present on the subject property. As such, the NPCA will have no objections to the proposed application.

Sincerely,

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

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

## Meghan Birbeck

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