



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

Wednesday, September 28, 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

A request for deferral was received on September 26th, 2022 regarding Minor Variance File No. A21/2022WL - Schilstra Brothers Inc for 113 Griffin Street South.

Please direct any questions to Mr. Gerrit Boerema, Senior Planner, if you have further questions regarding this deferral.

4. APPLICATIONS

- a. A07/2022WL - David and Mary Ellen Rae  
Property Address: 5981 Young Street, Smithville:

3

A minor variance application has been applied for to permit a proposed accessory dwelling unit with an area of 127.65 square metres, as well as a detached accessory building (garage) within the front yard. There are three (3) minor variances being requested for the subject property. The first variance being requested is an accessory dwelling unit with a total size of 127.65 sq.m, 27.65 sq.m larger from the required maximum size of 100 sq.m (or 40% of the floor area of the main building). The second variance being requested is an exception from the Township's By-law, that does not permit accessory buildings in the front yard. The third variance being requested is an exception from the Township's By-law; that does not permit an accessory building closer to the front line than the property's main building, with a front lot line setback of 42.95m.

- b. A26/2022WL - Twenty View Farms Inc.  
Property Address: 7224 Twenty Road, Smithville:

A minor variance application has been applied for to permit a driveway extension of 6 metres to an existing 18 metre driveway entrance, for a total width of 24 metres, whereas Table 3 of the Townships Zoning Bylaw 2017-70, as amended, identifies 16 metres as the maximum driveway width for non-residential uses.

**5. MINUTES FOR APPROVAL**

There are no minutes for approval at this time.

**6. NEW BUSINESS**

**7. ADJOURNMENT**

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

**DATE:** September 28<sup>th</sup>, 2022

**REPORT NO:** COA-008-22

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by David and Mary Ellen Rae  
File No. A07/2022WL

**CONTACT:** Gerrit Boerema, Senior Planner

**OVERVIEW:**

- A Minor Variance application has been submitted by David and Mary Ellen Rae for the property legally described as Concession East Gore, Part Lot R, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara. Municipally known as 5981 Young Street.
- An attached accessory dwelling unit is being proposed for the dwelling located at 5981 Young St. The project is proposed for the owner's family members to move onto the property.
- A Minor Variance application has been applied for originally to request multiple variances dealing with an accessory dwelling unit and accessory detached garage, however, they have revised their application and are now only asking for one variance relating to the size of the accessory dwelling unit.
- The minor variance is to permit an accessory dwelling unit to be built 21.5 square metres (231.4 square feet) larger then permitted with a total size of 121.5 square metres (1,307.82 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.
- After reviewing the four tests of a minor variance planning staff recommend approval of the requested variance, subject to two conditions.

**RECOMMENDATION:**

1. THAT, the application for the Minor Variance made by David and Mary Ellen Rae as outlined in Report COA-008-22, to permit an attached accessory dwelling unit to be built with a total size of 121.5 square metres, BE APPROVED, subject to the following conditions:
  - a. That the basement addition below the accessory dwelling unit not be used in association with the accessory dwelling unit, or accessed from the accessory dwelling unit; and,

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- b. That the owners provide elevation drawings showing the façade of both the existing dwelling and proposed accessory dwelling unit, showing compliance with Section 3.2.1 g) iv. of the Township's Zoning Bylaw, prior to the issuance of a building permit, to the satisfaction of the Township Planning Department.
- c. That the owners submit to the Township a letter written by a qualified septic designer with regards to how the accessory unit will be serviced through private septic services.

**BACKGROUND:**

The subject lands are situated on the north side of Young Street, west of Dobrindt Road, and east of South Grimsby Road 3, being legally described as Concession East Gore, Part Lot R, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara. The subject property is municipally known as 5981 Young Street (see attachment 1 for a site sketch).

The subject property is approximately 19.72 acres (7.98 hectares) in size. The property is designated as Unique Agricultural land and is a part of the Natural Heritage System, and a part of the Greenbelt. The property is zoned Agricultural 'A' and Environmental Protection 'EP. The surrounding properties to 5981 Young Street have similar designations and zonings. The applicants attended a pre-application meeting with the Township on February 15, 2022. Planning staff asked the applicants to submit a justification letter, survey sketch, floor layout design, and elevation along with their minor variance application.

The applicants have identified in their justification letter that the variance of the additional size is required to accommodate adequate living and sleeping space for their growing family. Their daughter and her partner and their son will be the ones who are moving into the accessory dwelling unit. The extra 21.5 square metres would help to accommodate two bedrooms for their growing family. In addition, the justification letter explains that the proposed detached garage is needed to be placed within a reasonable distance to access the accessory apartment for the family and children. Stating that they would have liked the garage to be attached to the house but that the Zoning By-law would not permitted the placement, as the house is to appear as a single family dwelling and not a semi-detached house or duplex. Further the letter mentions that the detached garage cannot be place directly behind the house because of the existing septic system and that if they placed the garage to the east of the accessory dwelling unit it would be disturbing the land that is currently farmed.

The initial Minor Variance application was applied for that requested one variance for an attached accessory building and two variances for a detached accessory building as

outlined below:

- The first variance that would be required is to permit an accessory dwelling unit to be built 33.6 square metres (361.67 square feet) larger than permitted with a total size of 133.6 square metres (1,438.1 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 proposed attached accessory building is 33.6% of larger than what is permitted.
- The second variance that would be required is to permit a proposed accessory building (detached garage) to be permitted in the front yard whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory building is not permitted in the front yard.
- The third variance that would be required is to permit the proposed accessory building (detached garage) to be built 5.75 metres (18.86 feet) in front of the property's main building with a front lot line setback of 42.95 metres (140.9 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory building cannot be built closer to the front lot line than the property's main buildings.

Since, the application was adjourned on March 30<sup>th</sup>, 2022, the applicants have revised their submission two times, once in June and more recently, in September. The June submission revised the first variance from a total size of 133.6 square metres to 127.65 square metres, while the other two variances pertaining to the detached garage were kept the same (as noted above). After a meeting with the Township on September 7<sup>th</sup>, 2022, the applicants revised their submission to permit an accessory dwelling unit 21.5 square metres (231.4 square feet) larger than permitted with a total size of 121.5 square metres (1307.82 square feet), revised from the initial submission of 133.6 square metres and the previously revised, 127.65 square metres. The applicants also revised the location of the detached garage to the east interior side yard, no longer requiring the additional two variances for the detached garage. The revised documents including the justification letter, survey sketch and floor layout design reflecting these changes can be found within the attachment section of the report.

In addition to the minor variances being requested Township Staff would also like formally recognize that there is an existing accessory building located on the subject property that is over 75 metres from the existing single detached dwelling. The Municipal Property Assessment Corporation (MPAC) identifies that the accessory building was built in 2007.

In 2018, the Township's Zoning Bylaw was amended to add in a maximum distance of 50 metres that an agricultural accessory building can be from a main building. This existing accessory building would be regulated Section 3.5 Existing Uses, Lots, Buildings and Structures of the Township's Zoning Bylaw 2017-70, as amended.

**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 Unique Agricultural lands under the Township's Official Plan. The Unique Agricultural designation comprises those lands designated as the highest level of protection and preservation for agricultural purposes. Residential and accessory residential uses are permitted in the this designation. As well, agricultural main and agricultural accessory buildings are also permitted in the Unique Agricultural areas. The subject property in question is approximately 19.72 acres (7.98 hectares) in size.

The property is also designated as Natural Heritage System. The whole property is covered with Greenbelt lands. With that the whole property is considered to be unique agriculture that would support Tender Fruit and Grape Lands. These lands are also given the highest level of protection and preservation. Unique Agricultural Lands shall consist of those areas that are well suited for specialty crops because of the unique climate and soil structure. Lands within the Unique Agricultural designation shall be used for a full range of agricultural uses and agriculture-related secondary uses that can adapt to changing farming needs and practices.

In addition, to the Greenbelt lands the property also has an Environmental Protection area for a flood plain with a fish habitat. The Environmental Protection area is located a significant distance from the property's single detached dwelling and the proposed attached accessory dwelling unit.

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

Additionally, Section 17 of the Township's Official Plan recognizes that an accessory apartment must be subordinate in size to the main dwelling, and as the accessory apartment will be attached to the existing dwelling, the proposed accessory dwelling unit must have a similar architecture and style to the main dwelling.

While staff are not completely satisfied that this unit could be made smaller and more subordinate in size (e.g. the large covered porch, the office etc.) staff believe it meets the intent of the Official Plan with respects to providing more housing options in the Township. Planning staff will be reviewing the accessory dwelling provisions of the zoning bylaw in the future to determine if the existing regulations support the Official Plan objectives and Provincial Policy.

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

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

The Township's Zoning By-Law 2017-70, as amended, identifies that an 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.

The proposed accessory dwelling unit is proposed to be build as an addition east of the property's existing single detached dwelling. The applicants have identified that to enhance the appearance, the accessory dwelling unit is proposed to be angled from the main dwelling and its exterior will blend in to match the existing main dwelling.

The Township's Zoning By-Law 2017-70, as amended, identifies that 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 area within a basement but shall not include a private garage or attic. (Bylaw 2018-61)

The existing single detached dwelling is roughly 250.84 square metres in size. 40% of the existing dwelling is then 100 square metres. The Township's Zoning By-Law 2017-70, as amended, stipulates that 100 square metres is therefore the maximum floor area of an accessory dwelling unit. The applicants are requesting a variance so that a floor area of 121.5 square metres can be permitted. As mentioned the applicants believe that the extra 21.5 square metres would provide them an adequate amount of room for the accessory dwelling unit to support 2 bedrooms and living space for the applicants' daughter, son-in-law, and grandchild.

The Township Planning Staff are of the opinion that the requested minor variance relating to the size of the attached accessory dwelling unit does meet the general intent and



purpose of the Township's Zoning Bylaw as it is permitting an accessory dwelling unit as the accessory dwelling unit is subordinate in size.

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

**Yes**

The applicants' revised proposal is to construct an attached accessory dwelling unit to the existing dwelling on the property. The proposed development does not impact the maximum lot coverage of the property as the property is 19.72 acres (7.98 hectares) in size. The proposed development is located over 40 metres (131.2 feet from the front lot line and towards the east side of the existing single detached dwelling placing them further way for any neighbours.

The proposed accessory dwelling would not be over powering the property as they would be setback quite a distance from the road and would be partially covered by the mature trees that are already existing in the front yard of the subject property. The mature trees are currently sheltering the single detached dwelling from the road.

Furthermore, as the proposed development will not be impacting the unique agricultural land on the property that is actively farmed and as they will not be over powering the subject property or streetscape 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 21.5% larger than the Township's Zoning By-law 2017-70, as amended, permits. The applicants have indicated that the unit is to support two bedrooms' one for the owner's daughter and their son-in-law and the other for their grandchild as well as living space for the new family. Planning staff believe the extra 21.5% increase for the accessory dwelling unit is minor in nature as the property is substantial in size and can support the extra 21.5 square metres for the accessory dwelling unit.

However, Planning Staff would also like to note that it would appear that the unit could be brought further into compliance with the removal of the office room and re-orientation of the building plans, however, the applicants have indicated that this is the minimum size needed to accommodate their family. Planning Staff are proposing to start a review process of the current regulations to review if they are in alignment with current Township Official Plan objectives and Provincial Policy.

**FINANCIAL IMPLICATIONS:**

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There are no financial implications associated with this application.

**INTER-DEPARTMENTAL COMMENTS AND PUBLIC COMMENTS:**

Notification was first mailed to all applicable agencies, departments, and neighbouring properties within a 60m radius of the subject lands on March 11<sup>th</sup>, 2022. The application was later adjourned on March 30<sup>th</sup>, 2022. Notification was then mailed to all applicable agencies, departments and members of the public within 60 metres of the subject property on September 2<sup>nd</sup>, 2022.

Only one public comment was received for this application from a neighbouring owner located at 5940 Young Street. The owner is in full support of the application and believes the application should be approved.

The Township's Septic Inspector has noted that the applicants must address Part 8 (Sewage System) Ontario Building Code and be in full compliance, and suggests adding a condition of approval that the applicants provide to the satisfaction of the Township of West Lincoln documentation from a qualified sewage system designer, installer and/or engineer indicating compliance of the proposed application with the appropriate sections of Part 8 Ontario Building Code.

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

The NPCA have noted the subject property is impacted by the NPCA Regulated Area with a tributary identified floodplain. The NPCA have noted that the proposed accessory dwelling unit is outside of any flood concern and is satisfied that there will be no negative impacts to the watercourse or the floodplain. Therefore, the NPCA also does not object to this minor variance application.

As well, the Niagara Region has no objections to this minor variance application and have noted that Regional staff are satisfied that the proposal is consistent with the PPS and conforms to both Provincial and Regional Plans. The proposed accessory dwelling unit is also located greater than 120m from the KHF (Key Hydrologic Features) and as such, Regional Environmental planning staff offer no objection to the minor variance.

**CONCLUSION:**

A Minor Variance application has been submitted by David and Mary Ellen Rae for the property municipally known as 5981 Young Street. The Minor Variance application is submitted to permit an attached accessory dwelling unit to be built 21.5 square metres larger than permitted. Planning staff are of the opinion that this minor variance application meets the four tests of a minor variance and as such, can recommend

approval, subject to a number of conditions.

**ATTACHMENTS:**

1. Location Map
2. Site Plan Sketch
3. Justification Letter
4. Floor Layout Design
5. Agency Comments
6. Public Comments

**Prepared by:**



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**Gerrit Boerema**  
**Senior Planner**



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







Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

**Location Map**  
**5981 Young Street**

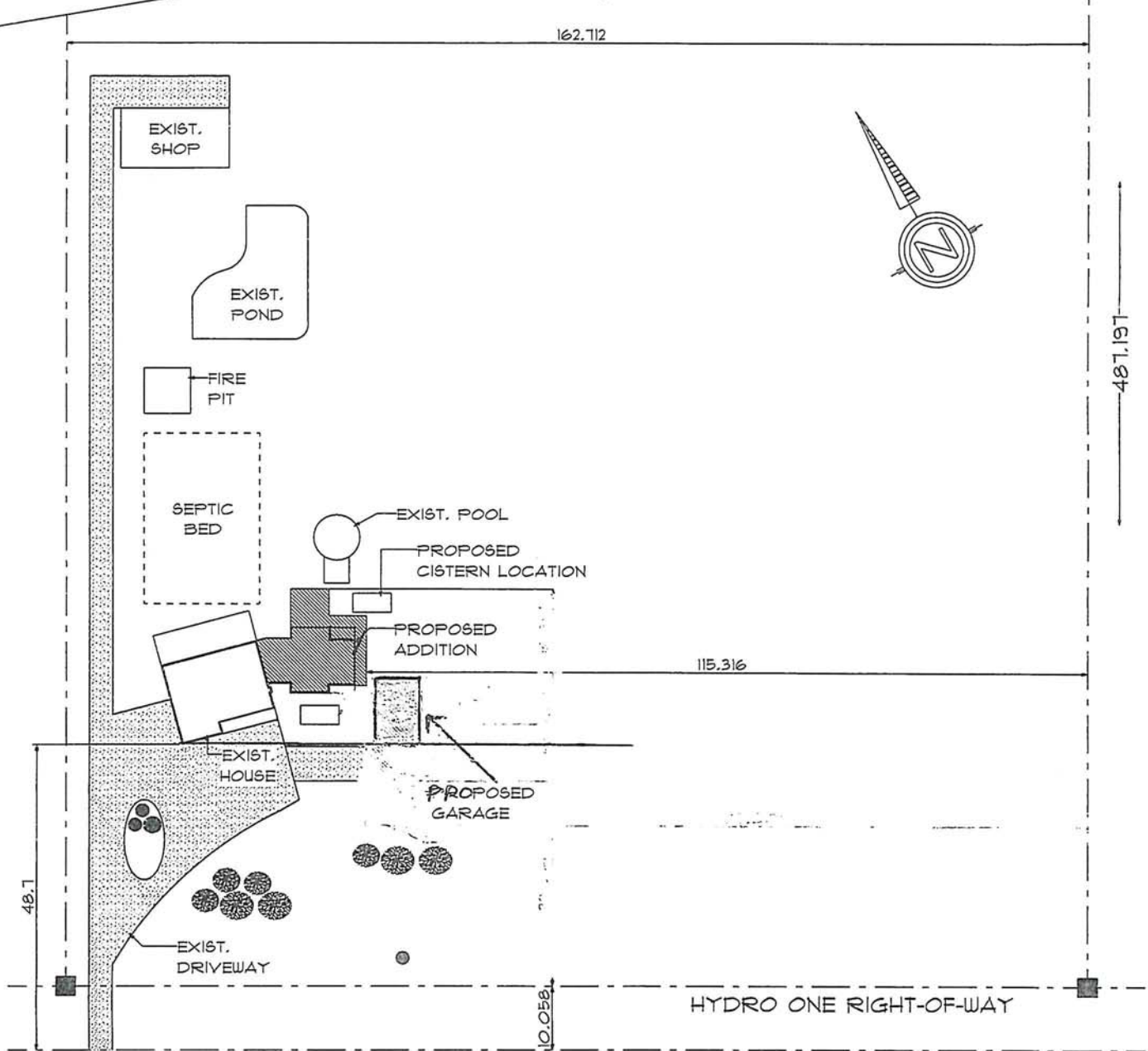


**Legend**

-  Subject Property
-  ZoneBoundary



Rae, Minor Variance  
A07/2022 WL



# SITE PLAN

SCALE: 1:1000

ALL MEASUREMENTS ARE +/- AND AS  
PER NIAGARA NAVIGATOR / HOMEOWNER

----- YOUNG STREET -----

Minor variance request, A07/2022WL

Dave and Mary Ellen Rae

5981 Young St., Smithville, ON

We would like to request a minor variance in size of an additional 21.5 square metres for an accessory dwelling. The size of the accessory apartment will be 121.5 square metres. This has been reduced from the initial submission of 133.55, and the 127.65 revision.

The requested size is required to accommodate adequate living and sleeping space for a growing family. Our daughter Kara, her partner Andrew and their son Parker will be living there, so a minimum of two bedrooms would be required. We would also like to accommodate for their growing family. This is in keeping with the general intent and purpose of the bylaw, and the new housing reality.

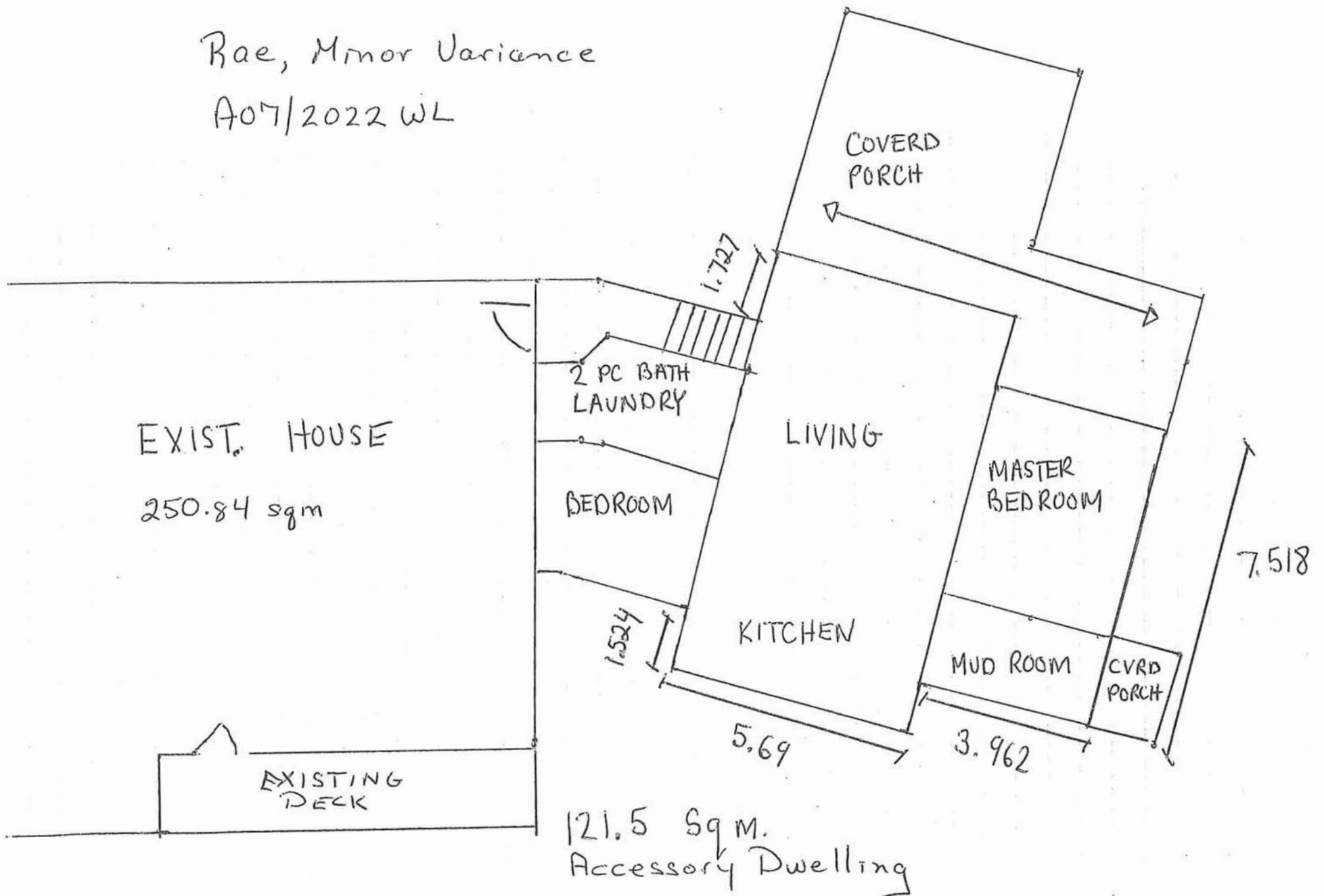
To enhance the appearance, the accessory apartment is angled from the main dwelling, this required additional square metres as well. The requested 121.5 square metres is subordinate in size to the 250.84 square metres of the existing main dwelling. The existing main dwelling has a 205.6sqm footprint.

Dual occupancy housing is desirable for the changing profile of the population of the Township of West Lincoln. The property size of 19.715 acres (7.978 hectares) and configuration is more than sufficient to accommodate the additional space being requested and parking for same.

We have changed the placement of the garage. Having the garage door facing the road allows the placement to be moved. The garage will no longer be in the front yard, or in front of the existing dwelling. Therefore these two variances are no longer required.

Rae, Minor Variance

A07/2022 WL





## Planning and Development Services

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

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### Via Email

March 23, 2022

File No.: D.16.12.MV-22-0029

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

Dear Ms. Birbeck:

**Re: Regional and Provincial Comments  
Proposed Minor Variance Application  
Township File: A07/2022WL  
Applicant/Owners: Mary Ellen Rae  
5981 Young Street  
West Lincoln**

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Regional Planning and Development Services staff has reviewed the above-noted Minor Variance application, which proposes three variances. The property is designated "Greenbelt Lands" in the Township's Official Plan, and is zoned "Agricultural" and "Environmental Protection" within the Township's Zoning By-law (No. 2017-70), as amended.

The applicant is proposing to construct an accessory dwelling unit addition and a detached accessory building and is requesting relief from the Township's Zoning By-law to permit:

- An accessory dwelling unit to be built 33.6 m<sup>2</sup> larger than permitted with a total size of 133.6 m<sup>2</sup>, whereas the Township's Zoning By-law identifies the maximum size for an attached accessory dwelling unit to be lesser of 100 m<sup>2</sup> or 40% of the floor area of the main building;
- An accessory building (detached garage) in the front yard, whereas Table 1-1 of the Township's Zoning By-law identifies that an accessory building is not permitted in the front yard; and
- An accessory building (detached garage) to be built in front of the property's main building with a front lot line setback of 42.95 m, whereas the Township's Zoning By-law identifies that an accessory building cannot be built closer to the front lot line than the property's main buildings.



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 property is designated “Specialty Crop Area” within the *Provincial Policy Statement* (“PPS”) and the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”). The property is designated “Specialty Crop Area- Niagara Peninsula Tender Fruit and Grape Area” of the “Protected Countryside” within the *Greenbelt Plan, 2017* (“Greenbelt Plan”). The *Regional Official Plan* (“ROP”) designates the land as “Unique Agricultural Area”.

The Provincial policies specify that Specialty Crop Areas shall be given the highest priority of protection for long-term agricultural use. Permitted uses in the Prime Agricultural Area, which encompasses the Specialty Crop Area, includes agricultural uses, agriculture-related uses, and on-farm diversified uses. The ROP permits a full range of agricultural, agriculture-related and on-farm diversified uses in the Unique Agricultural Area. Compatible uses such as forestry and conservation of plant and wildlife are also permitted.

Both the Greenbelt Plan and the ROP also permit expansions to existing buildings and structures, accessory structures and uses, and/or conversions of legally established existing uses which bring the use more into conformity with the Plans, subject to a demonstration of the following:

- a) new municipal services are not required; and
- b) the use does not expand into key natural heritage features and key hydrological features unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure.

The proposed variance is requested under Section 45(2)(a)(ii) of the *Planning Act, 1990*. The proposed development of the accessory structure addition for an additional dwelling unit will not require new municipal services, as the property is privately serviced. Further, the proposed use and associated buildings are not located with a key natural heritage feature or key hydrological feature.

Subject to the below comments, Regional staff is satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional plans.

## **Natural Heritage**

The subject property is impacted by the Region’s Core Natural Heritage System (“CNHS”), consisting of Type 2 (Important) Fish Habitat. The property is within the Protected Countryside of the *Greenbelt Plan*, which identifies permanent and

intermittent streams as Key Hydrologic Features (“KHF”). KHFs are subject to the natural heritage policies of the *Greenbelt Plan*.

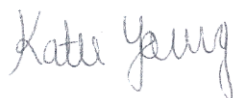
*Greenbelt Plan* policies require the completion of a Natural Heritage Evaluation (“NHE”) when development and/or site alteration is proposed within 120 m of a KHF in the Protected Countryside. Regional policies similarly require the completion of an Environmental Impact Study (“EIS”) when development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

The proposed addition and accessory building are greater than 120 m from the KHF. As such, Environmental planning staff offer no objection to the minor variance.

## 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. Local staff should be satisfied that the proposed development meets any applicable local requirements and provisions. 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, Niagara Region  
Lori Karlewicz, Planning Ecologist, Niagara Region

## Stephanie Pouliot

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**From:** Paul Leithwood [REDACTED]  
**Sent:** September 21, 2022 4:14 PM  
**To:** Stephanie Pouliot  
**Subject:** RE: Notice of Hearing and Full Package A072022WL - 5981 Young Street  
**Attachments:** 5981 Young Street A072022WL.pdf

Hi Stephanie,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the NPCA Mapping of **5981 Young Street**, in West Lincoln and notes that property is impacted by the NPCA Regulated Area with a tributary identified with floodplain.

### **NPCA Policy**

NPCA Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06* of the *Conservation Authorities Act*. The NPCA's Policies for the Administration of *Ontario Regulation 155/06* and the *Planning Act* provides direction for managing NPCA regulated features.

The subject property contains a tributary that branches off the Kupitz Drain (based on mapping) and has a 15-metre buffer. Any works or site alterations within 15 metres of a watercourse may require approval from the NPCA and should be discussed with NPCA staff prior to commencement of said works or site alteration. The NPCA is satisfied that the proposed minor variance is outside of any flood concern.

The NPCA is satisfied that there will be no negative impacts to the watercourse or the floodplain.

### **Conclusion**

As such the NPCA has no objections to the proposed Minor Variance application A07/2022WL.

<b>File No.</b>	07/2022WL
<b>Date:</b>	March 17, 2022
<b>Property Address:</b>	5981 Young Street
<b>Project:</b>	Septic comments

Please be advised that specific information relating to this application has not been received relating to the current and/or future function and capacity of the Class 4 sewage system. Specifically, Part 8 (Sewage System) Ontario Building Code must be addressed and be in full compliance.

Thus, to ensure required code compliance it is suggested the following be concluded in the Committee of Adjustment as a condition of approval.:

- 1) The applicant provides to the satisfaction of the Township of West Lincoln documentation from a qualified sewage system designer, installer and/or engineer indicating compliance of the proposed application with the appropriate sections of Part 8 Ontario Building Code.

Be further advised that the right is reserved to make additional comment with regard to this correspondence should any additional information be made available. We trust that the preceding services as required however, please do not hesitate to contact this office should additional information and/or clarification be required.

Respectfully,

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

## Stephanie Pouliot

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**From:** [REDACTED]  
**Sent:** September 8, 2022 8:46 AM  
**To:** Stephanie Pouliot  
**Subject:** COA file number A07/2022WL

I am writing you regarding the Committee of Adjustment application for three minor variances at 5981 Young Street. I live at 5940 Young Street and full support the application. I believe the applicant meets the 4 tests of a minor variance and feel the application should be approved.  
Respectfully submitted.

Kevin Gonnsen, BBM  
5940 Young Street,  
Smithville, ON L0R 2A0  
[REDACTED]

**DATE:** September 28<sup>th</sup>, 2022

**REPORT NO:** COA-028-22

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by Twenty View Farms Inc.  
7224 Twenty Road, Smithville ON L0R 2A0  
File No. A26/2022WL

**CONTACT:** Gerrit Boerema, Senior Planner

**OVERVIEW:**

- A minor variance application has been submitted by Daryl Haanstra for Twenty View Farms Inc., owner of 7224 Twenty Road.
- 7224 Twenty Road has a total lot size of approximately 34 hectares and is zoned Agricultural 'A'.
- The subject property contains the working farm of Twenty View Farms Inc.
- This Minor Variance application has been applied for to permit a driveway expansion of 6 metres to an existing 18 metre driveway entrance, for a total width of 24 metres, whereas Table 3 of the Township's Zoning Bylaw 2017-70, as amended, identifies 16 metres as the maximum driveway width for non-residential uses.
- The owner has stated that the additional width is to accommodate larger trucks turning into the driveway to enter the scales associated with the agricultural operations on the property.
- Any alterations that do not meet the current zoning bylaw regulations require approval through a minor variance, and is therefore the reason behind this application.
- A driveway permit has been conditionally issued by the Township on the condition that if the variance is not approved, the driveway extension will have to be removed. This was done to temporarily address the access issue for this year's harvest season.
- 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 Daryl Haanstra for Twenty View Farms Inc. as outlined in Report COA-028-22, to permit a driveway expansion of 6 metres to an existing 18 metre driveway entrance, for a total width of 24 metres, whereas Table 3 of the Township's Zoning Bylaw 2017-70, as amended, identifies 16 metres as the maximum driveway width for non-residential uses, BE APPROVED.

**BACKGROUND:**

The subject lands, being 7224 Twenty Road are located on the south side of Twenty Road. The property is approximately 34 hectares or 85 acres and contains the working farm of Twenty View Farms Inc. The subject lands contain a grain/seed, and feed operation with two main buildings and eight (8) silos, varying in size. The subject property is zoned Agricultural 'A' in the current zoning bylaw.

The applicant is proposing a driveway expansion of 6 metres to an existing 18 metre driveway entrance, for a total width of 24 metres, whereas Table 3 of the Township's Zoning Bylaw 2017-70, as amended, identifies 16 metres as the maximum driveway width for non-residential uses.

As the proposed expansion does not meet the current zoning requirement of 16 metres, the applicant has applied for a minor variance to permit relief from the required maximum driveway width.

The applicant has stated that the additional driveway width is required for a number of reasons including the fact that Twenty Road is at a large angle to the existing driveway and the necessity to accommodate large trucks hauling grain to the property and having to use the weigh scale.

**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 as Good General Agriculture in the Township's Official Plan.

Section 4 of the Township's Official Plan outlines the policies for Good General Agricultural Areas. Lands within the Good General Agricultural Designation are intended for a range of agriculture uses, including all types of field crops and livestock operations. These areas are also intended for secondary agriculture-related uses that can adapt to the changing farming needs and practices over time. The objective of these areas are to protect, promote, and develop viable agricultural areas and operations over the long-term in West Lincoln.

The proposed driveway widening is for a sole agricultural purpose and will improve the farming needs and practices at Twenty View Farms Inc. Doing so, will make the access safer and easier for trucks hauling grain and other agricultural products and farm equipment entering and exiting the farm. As such, this minor variance meets the general intent of the Township's Official Plan.

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

**Yes**

**Respecting Our Roots, Realizing Our Future**



The subject property is zoned Agricultural 'A'. Agricultural zones permit predominantly agricultural uses, agriculture-related uses, and on-farm diversified uses.

Table 3 in section 3.12.2 of the Township's Zoning Bylaw 2017-70, as amended, recognizes the maximum width of a driveway for non-residential uses to be 16 metres and the minimum width to be 9 metres. The applicant is proposing a driveway expansion of 6 metres to an existing 18 metre driveway entrance, for a total width of 24 metres. As the proposed driveway widening does not comply with the maximum requirement of 16 metres, a minor variance application is required to permit the exceeding provision of 24 metres. The additional driveway width is required due to the nature of the agricultural operation and the necessity for large trucks and agricultural machinery hauling grain and other agricultural products, and the angle of the road in relation to the existing driveway.

The bylaw also recognizes that no driveway shall exceed 50% of the area of a required yard, and shall not be located closer than 1.5 metres to an interior side lot line or rear lot line. As the proposed driveway complies to these additional regulations, the proposed provision still maintains the purpose of the zoning bylaw. As such, the proposed Minor Variance application meets the general intent of the Township's Zoning Bylaw.

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

**Yes**

The subject property, being the location of Twenty View Farms Inc. contains a working grain/seed, and feed operation. The existing driveway has an entrance of 18 metres that is no longer meeting the farming needs of the operation. As such, the proposed expansion of 6 metres is to improve the access for trucks and farm equipment entering and leaving the farm which will also enhance the overall farm operation.

In addition, the Township Public Works Department does not have any objection to the widened driveway. Therefore, the proposed driveway expansion can be considered appropriate development and use of land.

**Is the proposal minor in nature?**

**Yes**

The proposed driveway expansion of 6 metres to the existing 18 metre driveway entrance is a minor provision to improve the existing access by making it safer for those entering and leaving the farm operation. Although the requested variance creates a further non-complying situations, it is required to support agriculture and is appropriate under this circumstance. While the driveway entrance is significantly larger than what is permitted, the requested variance will not increase concerns or have a negative impact on the surrounding area and supports local agricultural operations. As such, staff believe that this application is minor in nature.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report.

**INTER-DEPARTMENTAL AND PUBLIC COMMENTS:**

**Respecting Our Roots, Realizing Our Future**

Notification was mailed to all applicable agencies, departments and members of the public within 60 metres of the subject property on September 8<sup>th</sup>, 2022. No comments have been received from members of the public at the time of writing this report. The Niagara Peninsula Conservation Authority, Township Septic Inspector, the Township Public Works Department and the Region of Niagara had no objections to the minor variance. The Niagara Region have noted the above property is impacted by the Region's Core Natural Heritage System (CNHS), however, since the proposed driveway is located outside of the above setback, the Region's Environmental Planning staff do not object to this application.

**CONCLUSION:**

A Minor Variance application has been submitted by Daryl Haanstra for Twenty View Farms Inc. The minor variance is to permit a driveway expansion that does not meet the required 16 metres maximum driveway width for non-residential uses.

Planning staff have reviewed this application against the four tests of a Minor Variance and against the applicable planning policies and recommend support for the driveway expansion with a total entrance width not exceeding 24 metres.

**ATTACHMENTS:**

1. Location Map
2. Agency Comments

**Prepared by:**



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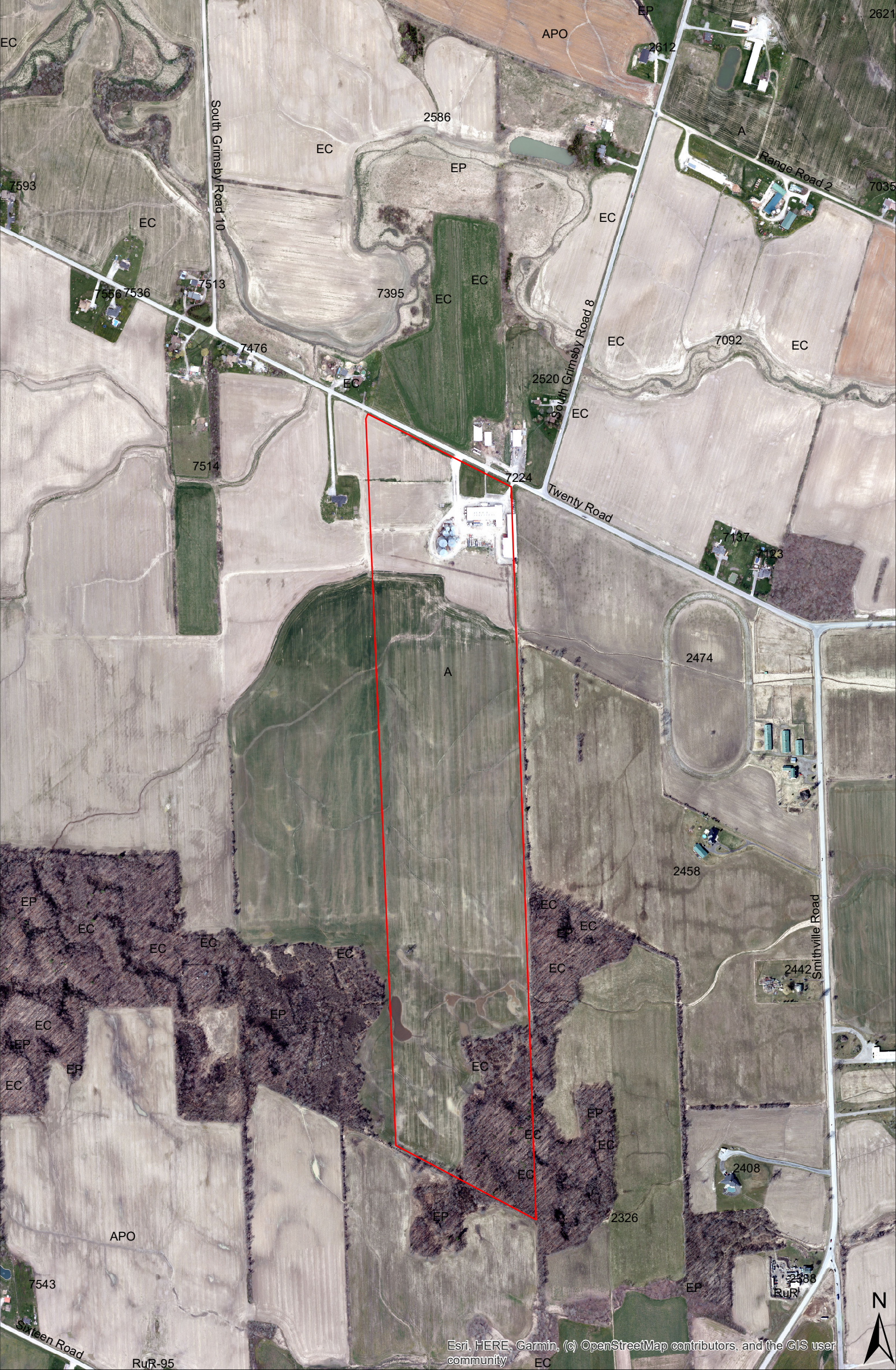
**Gerrit Boerema**  
Senior Planner



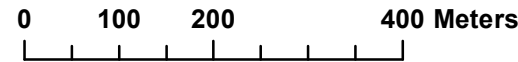
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**Brian Treble, RPP, MCIP**  
Director of Planning and Building







Location Map  
7224 Twenty Road



Legend

-  Subject Property
-  ZoneBoundary

Sept 2022





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# Memo

**To:** Stephanie Pouliot, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** September 19, 2022  
**Re:** File A26/2022WL – Twenty View Farms Inc., 7224 Twenty Rd

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A review has been completed of this minor variance application to permit a driveway extension of 6m to an existing 18m driveway entrance, for a total width of 24m, whereas Table 3 of the Townships Zoning By-law 2017-70 identifies 16m as the maximum.

Public Works has no objections to this application, the information provided indicates the owner has applied for a Culvert/Entrance Permit and will follow the proper process for the entrance widening.

**From:** [Karlewicz, Lori](#)  
**To:** [Stephanie Pouliot](#)  
**Cc:** [Lampman, Cara](#); [Boudens, Adam](#); [Development Planning Applications](#); [Young, Katie](#)  
**Date:** September 16, 2022 11:27:10 AM  
**Attachments:** [image001.png](#)  
[7224 Twenty Road.pdf](#)

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Hi Stephanie,

Regional staff have reviewed the circulated Minor Variance Application for 7224 Twenty Road, Smithville (Town File: A32/22 ; Region File: MV-22-0109) and offer the following comments:

### **Core Natural Heritage**

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Lower Twenty Mile Creek Provincially Significant Wetland Complex (PSW), Significant Woodland, and Type 2 (Important) Fish Habitat. Consistent with Regional Official Plan (ROP) Policy 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 120 m of PSW, 50 m of Significant Woodland and 15 m of Type 2 Fish Habitat.

The proposed driveway extension is outside of the above noted setbacks. As such, Environmental Planning staff do not object to the Minor Variance application.

Thank you,

**Lori Karlewicz**

Planning Ecologist

Planning and Development Services

Niagara Region

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