



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

Wednesday, February 22, 2023, 7:00 p.m.

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

Pages

1. CHAIR

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

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

3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT

Secretary Treasurer Stephanie Pouliot will speak to a Minor Variance application that has now been rescheduled to the March 29, 2023 Hearing date.

4. APPLICATIONS

- a. A01/2023WL - Kevin DeHaan
Property Address: 5280 Fieldstone Drive, Wellandport

2

A minor variance application has been applied for to permit a detached garage/accessory building in the technical front yard on the subject property whereas Section 3.1 – Table 1-2 of the Township's Zoning Bylaw 2017-70, as amended, identifies the interior side yard and rear yard as the permitted yards for an accessory building within Residential Zones. Table 1-2 also identifies that an accessory building shall be no closer to the front lot line than the main building.

5. MINUTES FOR APPROVAL

Minutes to be approved from the Friday February 10th, 2023 Annual General Meeting.

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: February 22nd, 2023

REPORT NO: COA-001-23

SUBJECT: **Recommendation Report**
Application for Minor Variance by Kevin DeHaan
5280 Fieldstone Drive, Wellandport ON L0R 2J0
File No. A01/2023WL

CONTACT: Gerrit Boerema, Senior Planner

OVERVIEW:

- A minor variance application has been submitted by Kevin and Laura DeHaan, property owners of 5280 Fieldstone Drive, Wellandport.
- 5280 Fieldstone Drive has a total lot size of approximately 1 acre and is zoned Residential Low Density 'R1A'.
- The Minor Variance application is being requested to permit a detached garage/accessory building in the technical front yard on the subject property and to be located closer to the technical front lot line than the main building.
- The lot is adjacent to three streets, Beaver Creek Crescent, Fieldstone Drive, and Canborough Road. However, a 0.3 metre reserve strip along Canborough Road means the property's frontage is along Beaver Creek Crescent, although the house is facing Canborough and has a driveway off of Fieldstone Drive.
- 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.
- 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 Kevin DeHaan as outlined in Report COA-001-23, to permit a detached garage/accessory building in the technical front yard on the subject property whereas the Township's Zoning Bylaw 2017-70, as amended, identifies the interior side yard and rear yard as the only permitted yards for an accessory building within Residential Zones, BE APPROVED, subject to the following conditions:
 - a. That the proposed garage be located at a setback of 7.5 metres from the front property line
 - b. That the proposed driveway shall not exceed the minimum clearance allowed, being 11 metres from the intersection

BACKGROUND:

The subject property, being 5280 Fieldstone Drive is situated in the Hamlet of Wellandport, on the east side of Fieldstone Drive, north of Canborough Road and south of Beavercreek Crescent. The property is approximately 1 acre or 4124.95 square metres in size. The subject property is located within the Hamlet Settlement Area of Wellandport, and is zoned Residential Low Density 'R1A' in the Township's current Zoning Bylaw.

The applicant is proposing a detached garage/accessory building in the technical front yard on the subject property, whereas Table 1-2 of the Township's Zoning Bylaw 2017-70, as amended, identifies the interior side yard and rear yard as the only permitted yards for an accessory building within Residential Zones. As the subject property has a 0.3 metre reserve strip along the Road Allowance of Canborough Road, the Township's Zoning Bylaw 2017-70, as amended, deems the front yard and front lot line along Beavercreek Crescent as it is the shortest lot line abutting a street.

As the proposed location of the garage/accessory building does not meet the current zoning requirements, the applicant has applied for a minor variance to permit relief from two zoning provisions including allowing the building within the front yard as well as, the requirement that an accessory building shall be no closer to the front lot line than the main building on the property.

The applicant has indicated at the time, they chose to position their dwelling in line with the rest of the dwellings along Canborough Road rather than Beavercreek Crescent, being unaware of the technical yards of the property. As such, a minor variance is required to permit the zoning reliefs noted above, and is therefore the reason behind this application.

CURRENT SITUATION:

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

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

Yes

The subject property is designated as Hamlet Settlement Area in the Township's Official Plan, specifically located in the Hamlet of Wellandport.

Section 7 of the Township's Official Plan outlines the policies for Hamlet Settlement Areas. Lands within the Hamlet Settlement Area Designation are intended for residential and associated commercial, institutional, and recreational uses. The predominant use of land within Hamlets are single-detached dwellings, with other uses necessary to serve the Hamlet as well as the surrounding agricultural area and rural community. One of the main objectives of this designation is to provide an alternate place for residential uses to be accommodated outside the Urban Area of Smithville and the Agricultural Area. Further, the intent is to protect residential uses from competing uses that are not compatible in the Hamlet area.

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The proposed detached garage is to be accessory to the residential use and will be located in line with the neighbouring dwellings to ensure the building is compatible with the surrounding area. Due to the orientation of the dwelling, the front yard functions more as a rear yard. 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

The subject property is zoned Residential Low Density 'R1A'. This zone permits residential uses and associated accessory uses in conjunction with the main residential use, being the existing dwelling on the subject property.

Table 1-2 in Section 3.1 of the Township's Zoning Bylaw 2017-70, as amended, recognizes the interior side yard and rear yard as the permitted yards for an accessory building within Residential zones. Table 1-2 also requires an accessory building to be no closer to the front lot line than the main building. As the subject property has a 0.3 metre reserve strip still in place between the south lot line and Canborough Road, the subject property does not have any legal frontage along Canborough Road. As such the Township's Zoning Bylaw 2017-70, as amended, deems the front yard and front lot line behind the dwelling in this case, along Beaver Creek Crescent.

The Township's Zoning Bylaw 2017-70, as amended, defines the front lot line for a corner lot, through lot, or through corner lot, as the shortest of the lot lines that divides the lot from the public street or private street. As the subject property does not have any frontage along Canborough Road, the shortest lot line being Beaver Creek Crescent is therefore deemed the front lot line. For these reasons, a minor variance is required to permit relief from the two zoning provisions noted above, being relief to permit the garage in the technical front yard and permitting the garage to be located in the front yard closer than the main building.

The applicant has proposed the accessory building at a setback of approximately 7.65 metres from the front lot line and 14.4 metres from the street. This would be compatible with the existing dwellings within Beaver Creek Crescent as 7.5 metres is the minimum front yard setback for a main building as outlined in Table 14 of the Township's Zoning Bylaw 2017-70, as amended. 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 proposed detached garage is appropriate development that is desirable within Hamlets as the use of the garage will be accessory to the residence that is located on the property. The garage has also been designed in a way which compliments the residential character of the neighbourhood. As such, Planning Staff believe the proposed accessory building can be considered appropriate development and use of land.

Is the proposal minor in nature?

Yes

The proposed location of the detached garage is a minor provision to accommodate the technicalities of the subject property, being the 0.3 metre reserve strip and the site of the existing dwelling. In this instance, the technical front yard functions as a rear yard due to the way the single detached dwelling is situated. As such, Planning 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:

Notification was mailed to all applicable agencies, departments and members of the public within 60 metres of the subject property on February 7th, 2023. The notice was also uploaded to the Township's website and a yellow notice sign was posted on the subject property on February 13th, 2023. At the time of writing this report, no comments have been received from members of the public for the proposed application.

The Township's Building Department has reviewed the proposed application and offers no concerns or objections. The Township's Septic System Inspector has also reviewed the proposed application and has no objections under Part 8 of the Building Code.

Further, the Township's Public Works Department has reviewed the proposed application and has no objections, though have noted there is an outstanding entrance permit approved in September 2022 that shows the proposed driveway to be 11 metres from the intersection which is the minimum clearance allowed, as such a condition of approval has been included to satisfy the concern from Public Works.

Additionally, the Niagara Peninsula Conservation Authority have noted the subject property does not contain any NPCA regulated features and as such, do not object or have concerns pertaining to the proposed application. Further, the Region of Niagara does not have any concerns or comments to provide for this application and as such, has no objections.

CONCLUSION:

A Minor Variance application has been submitted by Kevin and Laura DeHaan for their property located at 5280 Fieldstone Drive. The minor variance is to permit a detached garage in the technical front yard on the subject property, which is not permitted in a Residential Zone. As well as, the zoning provision that an accessory building shall not be closer to the front lot line than the main building.

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 detached garage, with the location of the accessory building being compatible and in line with the existing dwellings within Beaver Creek Crescent.

ATTACHMENTS:

1. Location Map
2. Site Plan
3. Agency Comments

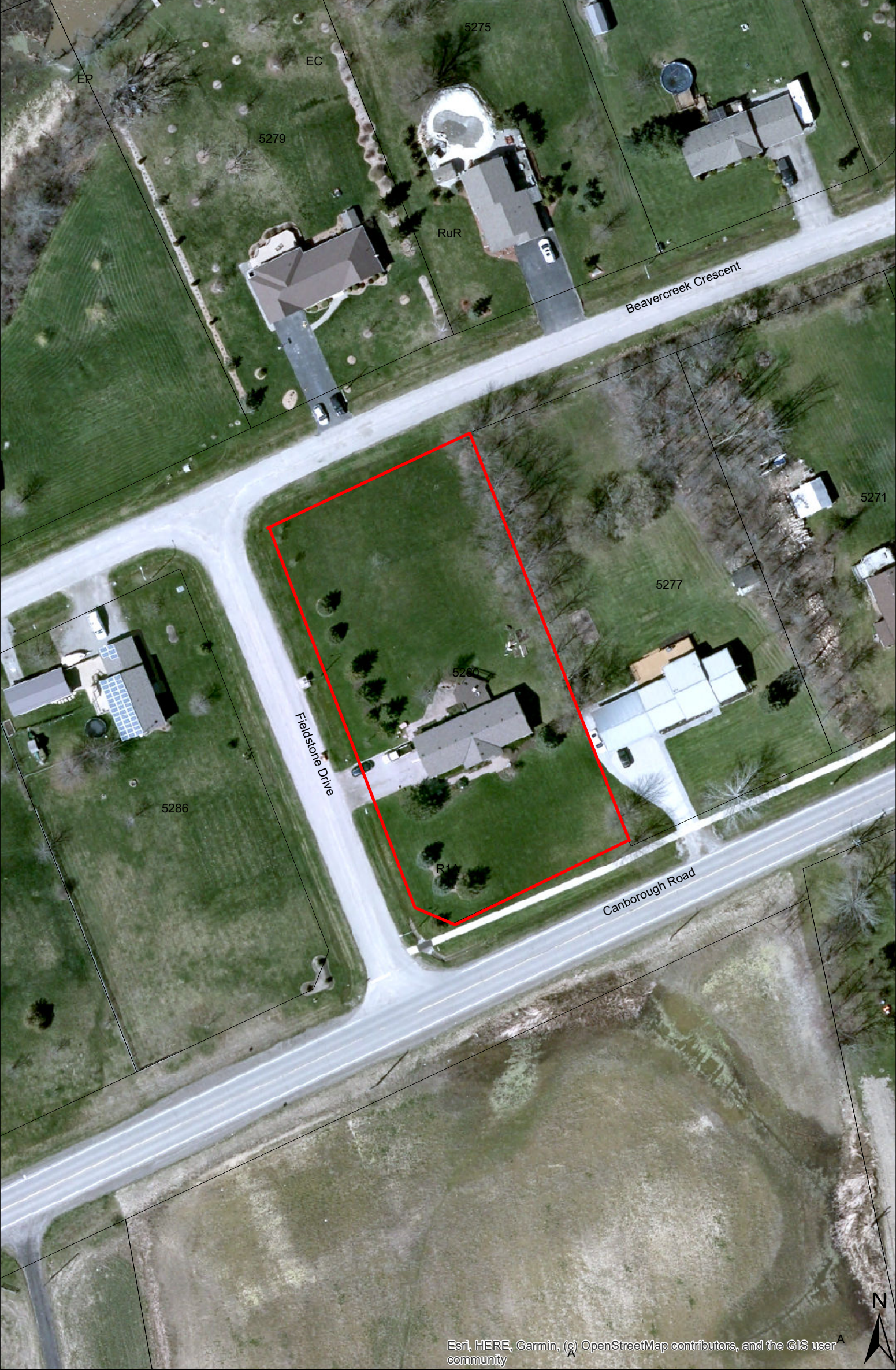
Prepared by:



Gerrit Boerema, RPP, MCIP
Senior Planner

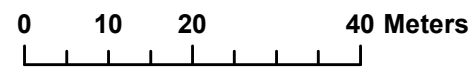


Dave Heyworth, RPP, MCIP
Manager of Planning



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

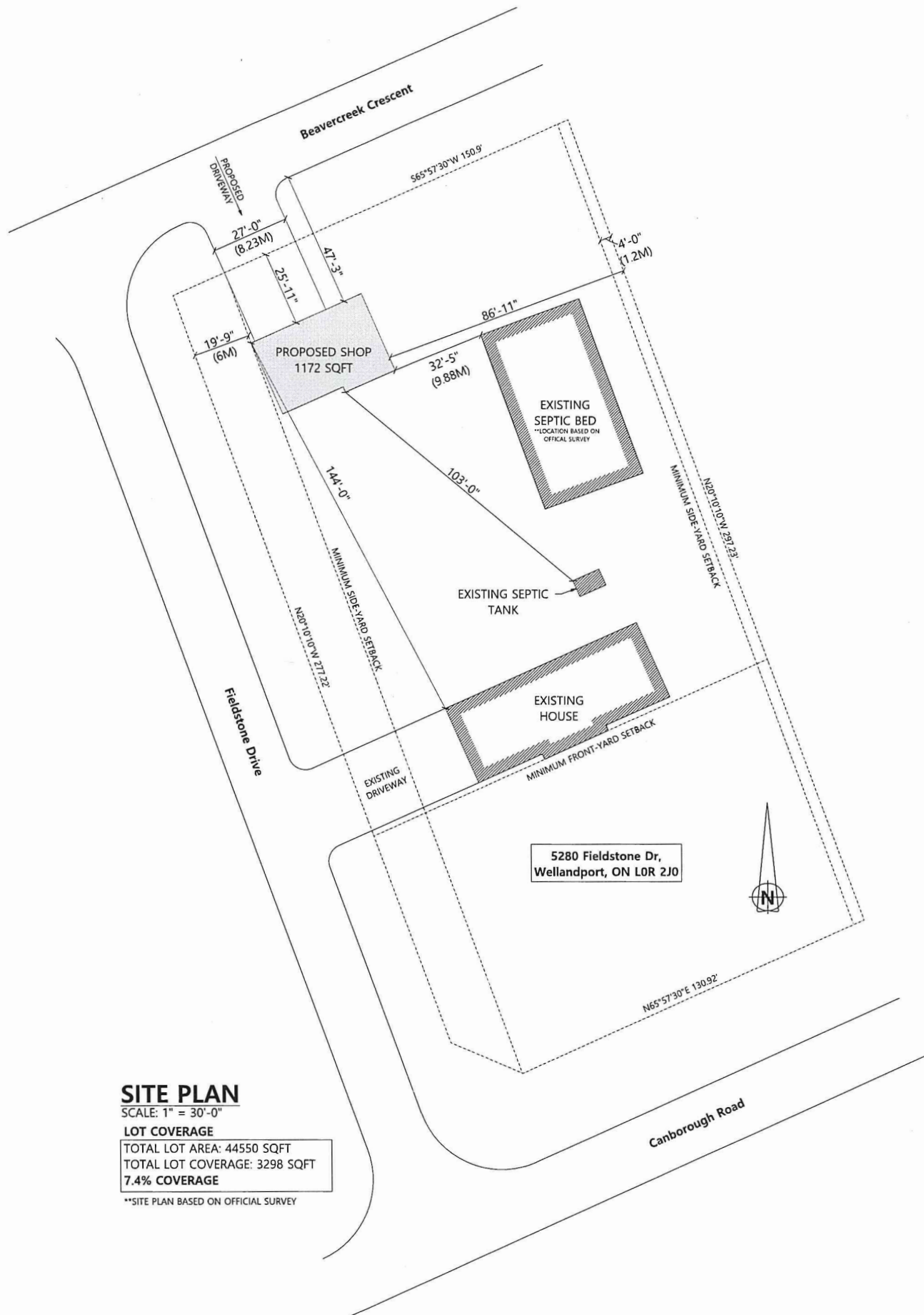
Location Map
5280 Fieldstone Drive



Legend

Subject Property

Zone Boundary



Memo

To: Stephanie Pouliot, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: February 15, 2023
Re: File A01/2023WL – 5280 Fieldstone Dr, Wellandport

A review has been completed of this minor variance application to permit a detached garage/accessory building in the technical front yard of the property.

Public Works has no objections to the application but notes that the proposed driveway appears to be 11.0m from the intersection which would be the minimum clearance allowed. An entrance permit would be required prior to any work beginning; the permit application is available on the Township website. The driveway width shall comply with the Township's Zoning By-law.