



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

Wednesday, May 31, 2023, 7:00 p.m.
Township Administration Building
318 Canborough Street, Smithville, Ontario

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**
There are no requests at this time.
- 4. APPLICATIONS**
 - a. **A04/2023WL - Brad and Kristi Hiseler (Dave MacDougall - Agent)** **3**
Property Address: 9707 York Road

A minor variance application has been applied for to permit a detached garage with an accessory dwelling to be located in front of and closer to the front lot line than the primary dwelling, whereas Table 1-1 in Section 3.1 of the Township's Zoning Bylaw 2017-70, as amended, does not permit an accessory building closer to the front lot line than the main building. This minor variance application is also requesting relief to permit a second septic system to service the accessory dwelling unit, whereas Section 3.2 of the Township's Zoning Bylaw 2017-70, as amended, does not permit accessory dwelling units to have a septic system separate from the main dwelling.
 - b. **A05/2023WI - Mary and Henry Otten** **18**
Property Address: 1561 Silverdale Road

A minor variance application has been applied for to permit an accessory dwelling unit with a floor area of 112 square metres (1200 square feet), whereas Section 3.2 of the Township's Zoning Bylaw 2017-70, as amended, only permits accessory dwelling units to be the lesser of 100 square metres or 40% of the floor area of the main building. This minor variance is requesting relief to permit the accessory dwelling unit 12

square metres larger than permitted. This minor variance application is also requesting relief to permit a second septic system to service the accessory dwelling unit, whereas Section 3.2 of the Township's Zoning Bylaw 2017-70, as amended, does not permit accessory dwelling units to have a septic system separate from the main dwelling.

- c. A08/2022WL - Mike Keizer and Chaundra Vachon
Property Address: 2433 Port Davidson Road

32

A minor variance application has been applied for to permit an accessory dwelling unit that has a total floor area of 192.52 square metres (2072.27 square feet), being 44.94% of the floor area of the primary dwelling, whereas Section 3.2 of the Township's Zoning Bylaw 2017-70, as amended, only permits an accessory dwelling unit to have a maximum floor area of the lesser of 100 square metres or 40% of the floor area of the main building. This minor variance application is requesting relief to permit the accessory dwelling 44.94% of the floor area of the primary dwelling. The applicants have indicated that a portion of the dwelling unit is a shared living space with the primary dwelling which is connected through the basement of the dwelling units.

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

REPORT

TOWNSHIP

COMMITTEE OF ADJUSTMENT

DATE: May 31st, 2023

REPORT NO: COA-008-23

FILE NO: A04/2023WL

SUBJECT: **Recommendation Report**
Application for Minor Variance by Dave MacDougall (Agent) on behalf of Brad and Kristi Hiseler

LOCATION: 9707 York Road (Regional Road 9), Caistor Centre, ON L0R 1E0

CONTACT: Gerrit Boerema, Senior Planner

OVERVIEW:

- A Minor Variance application has been submitted by Dave MacDougall on behalf of Brad and Kristi Hiseler, property owners of 9707 York Road.
- 9707 York Road has a total lot size of approximately 9.30 acres (3.76 hectares) and is zoned Agricultural 'A', with portions of the property also zoned Environmental Conservation 'EC' and Environmental Protection 'EP'.
- This Minor Variance application has been applied for to permit a detached garage with an accessory dwelling unit to be located in front of and closer to the front lot line than the primary dwelling whereas, Section 3.1, Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, does not permit an accessory building in the required front yard or closer to the front lot line than the main building.
- The applicants are proposing the accessory building approximately 26.4 metres in front of the dwelling and 25 metres from the front lot line, being approximately 34.4 metres closer to the front lot line than the main building.
- The applicants are also requesting relief to permit a second septic system to service the accessory dwelling unit, whereas Section 3.2 of the Township's Zoning Bylaw 2017-70, as amended, does not permit an accessory dwelling unit to have a septic system separate from the main dwelling.
- Any alterations that do not meet the current zoning bylaw regulations requiring correction such as by 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: Yes ☒ No ☐ Deferral ☐

THAT, the application for Minor Variance made by Dave MacDougall on behalf of Brad and Kristi Hiseler as outlined in Report COA-008-23, to permit an accessory building in front of and closer to the front lot line than the primary dwelling, and to permit a separate septic system, BE APPROVED, subject to the following conditions:

- I. That a Landscape Plan (and fee of \$450) be submitted to the Niagara Region for the area between the accessory building and watercourse for Regional approval. The plan shall include native trees, shrubs and/or ground cover as appropriate, and complement the existing vegetation

Respecting Our Roots, Realizing Our Future

- community.
- II. That the applicant remove the existing accessory building located 15.03 metres from the front lot line as shown on the attached sketch to further conform to the Township's Zoning By-law 2017-70, as amended.

TOTAL VARIANCES: 3

- To permit the accessory building in the required front yard, 25 metres from the front lot line
- To permit the accessory building closer to the front lot line than the main dwelling by approximately 26.4 metres
- To permit a septic system separate from the main dwelling to service the accessory dwelling unit

BACKGROUND: Surrounding Land Uses and Natural Heritage

- 9707 York Road is approximately 9.30 acres (3.76 hectares)
- The subject property is situated North of York Road, West of Caistorville Road and South of Concession 1 Road
- The subject property and the surrounding land uses are designated in the Township's Official Plan as Good General Agricultural Lands and Natural Heritage System. The surrounding features include Provincially Significant Wetlands, floodplain, fish habitat, valley shoreline, and Significant Woodlands, potential corridors which form part of the Core Natural Heritage Corridor. These also represent the Environmental Conservation and Environmental Protection areas as shown on the location map, found in Attachment 1.
- As such, the subject lands and surrounding properties are zoned Agricultural 'A', Environmental Conservation 'EC', and Environmental Protection 'EP' in the Township's Zoning Bylaw, protecting the Natural Heritage features noted above.

CURRENT SITUATION:

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

PLANNING ACT – FOUR TESTS

The Ontario Planning Act provides that a minor variance must meet the following four tests to be considered minor and supportable.

Does the proposal maintain the general intent and purpose of the Official Plan? Yes ☒ No ☐

Agricultural Policies Section 4 – Policy 4.2(c) emphasizes the main objective for all agricultural areas, being to promote small scale secondary uses and agriculture-related uses that are compatible with and do not hinder the surrounding agricultural operations. As the proposed accessory dwelling unit is permitted as a secondary use to the permitted single detached dwelling on the property and following the NPCA site visit, there are no adverse impacts anticipated that could hinder the surrounding agricultural operations or the environmental features, Planning staff believe the proposal does maintain the general intent of the OP.

Natural Environment Section 10 - Policy 10.6.2(a) identifies that the Conservation Authority shall be satisfied with the proposed development in accordance with Regulation 155/06 and be subject to the Conservation Authority's approval. Given the NPCA's initial comments and concern regarding an unevaluated wetland, the NPCA attended a site visit on May 26th, 2023. Following the site visit, the NPCA have provided revised comments indicating no objections with the proposed locations for both the septic system and accessory building.

Policy 10.7.2(i) of the OP also recognizes that environmental features that are considered to not have been adequately evaluated, be properly evaluated by a qualified professional, in this case the NPCA. As the NPCA staff have no objections following the site visit and have no concerns with the long term impact on the Core Natural Heritage System or adjacent lands and environmental features. As such, Planning staff believe the minor variances being requested are supportable and consistent with the general intent of the OP, subject to the condition of approval.

Affordable Housing Section 17- Policy 17.1.3(a) also recognizes and supports accessory dwelling units that are secondary and subordinate to the main dwelling on the property. Further, Planning staff would like to note that Policy 17.1.3(b) would prefer for accessory dwelling units to be located in the same cluster of buildings as the main building. As this could be considered a minor alteration, Planning staff have no objections to the proposed minor variance application as it does follow the general intent of the Township's OP.

Does the proposal maintain the general intent and purpose of the Zoning By-law? Yes ☒ No ☐

An accessory dwelling unit is permitted under the Agricultural 'A' zoning found in Part 5 of the Township's Zoning By-law 2017-70, as amended, subject to the additional regulations found in Part 3.2. Specifically, Policy 3.2.1(e) does not permit an accessory dwelling unit to have a separate septic system than the main dwelling.

- Variance is required but Planning staff believe the variance can be considered a minor alteration to ensure there is adequate servicing being provided if approved, for both dwelling units on the subject property.

Table 1-1 found in Part 3.1, identifies that an accessory building is permitted within all yards except the required front yard, and that the building is no closer to the front lot line than the main building.

- 2 variances would be required but Planning staff believe both could be considered minor and supportable.

Under the Environmental zoning, found in Part 11 of the Township's Zoning By-law 2017-70, as amended, notes that the denoted *uses* require approval by the Niagara Peninsula Conservation Authority "where the land is subject to the Niagara Peninsula Conservation Authority permit requirements under Ontario Regulation 155/06 Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

- Planning staff would consider the encroachment into the Environmental Conservation minor in nature provided no adverse impacts are anticipated on the Natural Heritage features or the surrounding area. The protection of these features will also be supported by the Landscape Plan, required as a Regional condition of approval.

Further, given the NPCA's site visit and resolving the wetland concern, and providing no further objections, Planning staff believe the proposed minor variance application does maintain the general intent of the Township's Zoning By-law, subject to the conditions of approval as indicated.

Is the proposal desirable for the appropriate development or use of the land? Yes ☒ No ☐

The proposed variances can be considered minor in nature as the dwelling unit is still maintaining the intent of the Township's OP and Zoning By-law, being that the accessory dwelling unit is secondary to the primary dwelling and maintains subordinate in size which is the case. Additionally, as the NPCA provides no further objections to the minor variance application and the Region will require a Landscape Plan be implemented, Planning staff believe the proposal is appropriate development and use of land.

Is the proposal minor in nature? Yes ☒ No ☐

Given the above analysis, Planning staff can consider the proposed variances minor in nature as the intents of the Township's OP and Zoning By-law are being maintained, and there are no adverse impacts anticipated that could hinder the surrounding agricultural operations or negatively effect the Natural Heritage features on the subject property or within the surrounding area.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

INTER-DEPARTMENTAL COMMENTS:


Building Department	No comments received, as such no objections.
Septic System Inspector	No comments received, as such no objections.
Public Works	No objections or comments to provide.
Niagara Peninsula Conservation Authority (NPCA)	NPCA attended a site visit on May 26 th . No objections were received pertaining to the proposed locations for septic or

	accessory building. If approved, NPCA suggests a Silt Erosion Control Fence be installed to provide adequate protection around the north side of the area of work. Please see Attachment 4 for the NPCA's full comments.
Niagara Region	Requiring a Landscape Plan and associated fee of \$450. If approved.
PUBLIC COMMENTS: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
None received at the time of writing this report.	
CONCLUSION:	
Based on the above analysis, Planning Staff recommend APPROVAL of the proposed minor variance application (A04/2023WL) as outlined in Report COA-008-23, to permit an accessory building in front of and closer to the front lot line than the primary dwelling, and to permit a separate septic system to service the accessory dwelling unit, subject to the condition of approval as indicated.	

Attachments:

1. Location Map
2. Site Plan
3. Justification Letter
4. Agency Comments

Prepared by:


Gerrit Boerema, RPP, MCIP
Senior Planner


Dave Heyworth, RPP, MCIP
Manager of Planning



Location Map

9707 York Road

0 37.5 75 150 Meters

West Lincoln
Your Future Naturally

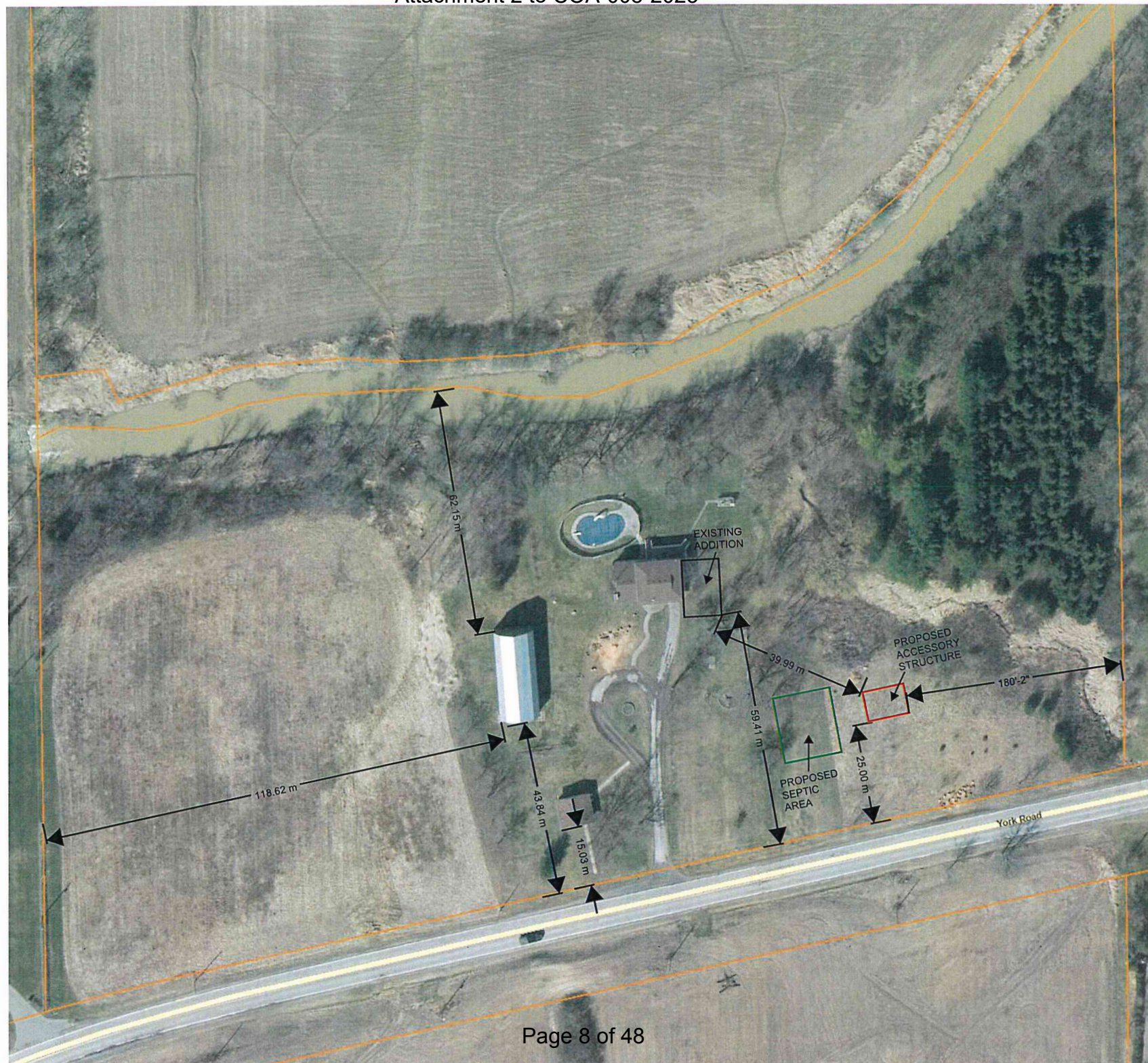
Legend

Zone Boundary
Zone

EC
EP

Subject Property

May 2023



Brad Hiseler
Hiseler@hotmail.com
9707 York Rd, Canfield, ON N0A1C0
[REDACTED]

Subject: Minor Variance for 9707 York Rd.

Dear Mr. Boerema

Please accept this application for a Minor Variance to permit the construction of an accessory garage with a <100m² accessory dwelling on the second floor, setback approximately 25 metres from the front lot line at the subject address. Please find enclosed the following material in support of an Application for a Minor Variance under Section 45 of the *Planning Act*:

1. A completed and signed Application Form;
2. A Site Plan Drawing; and
3. The required Application Fee in the amount of \$2,300.00

In response to **Question 4** on the Application Form:

The nature and extent of the relief requested is that an accessory structure with an accessory dwelling unit be permitted in the front yard, and that an accessory dwelling unit be permitted on a separate septic system than the primary dwelling.

In response to **Question 5 and 6** on the Application Form:

The proposed relief is minor in nature

The proposed front yard setback to the structure exceeds the required front yard setback for the applicable zone. The accessory garage/dwelling will be a minimum of 25m setback from the road, which is greater than the minimum setback of 15m required for a dwelling in the by-law. Furthermore, the proposed structure is not in-front of or blocking the primary dwelling from the street. Accordingly, there is no impact generated by locating the proposed structure in the front yard and it is considered minor.

The proposed accessory garage/dwelling is also proposed on a separate sanitary system. This system is being designed in order to be capable of being expanded to accommodate the primary dwelling in the future, if the existing septic for the primary dwelling fails. The lot is capable of accommodating the additional septic system and there is no impact being created by having a separate septic system. The proposed accessory dwelling unit will still be considered clearly secondary to the primary dwelling, as discussed further below. Accordingly, this relief is considered minor.

The proposed relief is desirable and appropriate

The proposed relief is desirable and appropriate as it serves to provide an additional, more affordable, type of dwelling unit; amidst a housing crisis. Furthermore, as demonstrated above and below, this can be accommodated on the subject lands without creating any impacts on adjacent properties, and while preserving productive farmland in the immediate vicinity. Lastly, the proposal is desirable and appropriate as it advances the regulatory and policy intents of both the Zoning By-law and Official Plan (as outlined below)

The proposed relief is in keeping with the intent of the Zoning By-law

Permitting the proposed accessory garage/dwelling unit within the front yard is in keeping with the intent of the Zoning By-law as the proposed structure still satisfies the required front yard setback on the lands under the Zoning By-law. Furthermore, the proposed structure does not obstruct the existing primary dwelling so no visual impact is anticipated from the public right-of-way.

Allowing the proposed accessory garage/dwelling unit on a separate septic system is still in keeping with the Zoning By-law as the dwelling unit is still clearly subordinate and secondary to the primary dwelling unit on the property. The dwelling unit is located above a detached garage, which is an accessory structure to the primary unit. Furthermore, the dwelling unit is less than 40% of the floor area of the primary dwelling unit, and up to a maximum of 100m², making it clearly subordinate in size. The location (above a garage) and size of the accessory dwelling unit demonstrate that it is clearly subordinate and secondary to the primary use. Furthermore, the proposed septic system is located to accommodate a future connection from primary dwelling should the existing system fail. The long-term plan would be for a central septic system to support both dwellings. Lastly, the proposed dwelling unit cannot be severed from the property, per Township policy, nor is that our intent. Based on the foregoing, the proposed relief is still in keeping with the intent of the zoning by-law; by ensuring the accessory dwelling unit is clearly secondary to the primary dwelling.

Many other alternatives were evaluated, but were not considered feasible from a technical/cost perspective, or took a significant amount of land out of agricultural production, which runs counter to Township policy direction. The proposed location and relief sought still satisfies the general intent of the Zoning By-law.

The proposed relief is in keeping with the intent of the Official Plan

The proposed relief satisfies the general intent of the official plan to preserve and protect productive farmland and natural heritage systems, while also providing an affordable type of housing in the neighbourhood. The relief requested can be accommodated without imposing any impacts on the surrounding properties and public realm, while meeting the policy objective of the official plan. Furthermore, as demonstrated above, the proposed accessory dwelling unit will remain to be clearly secondary and subordinate to the primary dwelling on the property.

As demonstrated per the above, the submitted Minor Variance satisfies the 4 tests established under the *Planning Act*, while also contributing towards the provision of affordable housing in the Township and achieving the other various policy objectives.

Sincerely,

Brad Hiseler



Growth Strategy and Economic Development

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

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

Via Email Only

May 24, 2023

Region File: D.17.12.MV-23-0034

Stephanie Pouliot

Planner 1 / Secretary Treasurer of the Committee of Adjustment

Township of West Lincoln

318 Canborough Street

Smithville, ON, L0R 2A0

Dear Ms. Pouliot:

**Re: Regional and Provincial Comments
Proposed Minor Variance
Township File: A04/2023/WL
Owner: Bradley Edward Alan Hiseler
Agent: Dave MacDougall
9707 York Road
Township of West Lincoln**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the proposed Minor Variance application at 9707 York Road in the Township of West Lincoln, which proposes to permit a detached garage with an accessory dwelling located in front of and closer to the front lot line than the primary dwelling and a separate septic system to service the accessory dwelling unit. The Township's Zoning By-law 2017-70, as amended, does not permit an accessory building closer to the front lot line than the main building and does not permit a separate septic system for accessory dwelling units.

The following comments are provided from a Provincial and Regional perspective to assist the Committee with their consideration of the application.

Provincial and Regional Policies

The property is located within the 'Prime Agricultural Area' as set out within the *Provincial Policy Statement, 2020*, ("PPS"), *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation*, and the *Niagara Official Plan, 2022* ("NOP"). Within the Prime Agricultural Area a full range of agricultural uses, agriculture-related uses, and on-farm diversified uses are permitted. The proposal to construct an

accessory dwelling unit on the property is a permitted use within the Township's Zoning By-law. Staff note that private servicing is the responsibility of Township staff. As such, subject to the below comments, staff offer no objections to the proposal.

Natural Environment System

The subject property is impacted by the Region's Natural Environment System ("NES"), consisting of Provincially significant wetland complex ("PSW"), significant woodland, and a permanent or intermittent watercourse. The property is mapped as part of the Provincial Natural Heritage System ("PNHS"). As such, these features are considered Key Natural Heritage Features ("KNHF") and Key Hydrologic Features ("KHF").

NOP policy 3.1.5.7.1 requires the completion of an Environmental Impact Study ("EIS") when development or site alteration is proposed within 120 m of a KNHF/KHF. Further, NOP policies require that a minimum 30 m Vegetation Protection Zone ("VPZ") as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation. Development or site alteration is generally not permitted within a KNHF/KHF or its VPZ.

However, accessory structures are permitted within the VPZ of features, provided there is no alternative location and the structure is in close proximity to the existing development footprint. The proposed building location meets these requirements.

Staff offer no objection to the location of the building, however, will require that the area between the building and the intermittent watercourse be planted with native species (trees, shrubs, groundcover/native seed mix) that complements the existing vegetation community. The intent of the Province is that this area will not be maintained by property owners. Staff will require that a Landscape Plan (and associated \$450 fee) be submitted for Regional approval for the area between the accessory building and watercourse. The plan shall include native trees, shrubs and/or ground cover as appropriate, that complement the existing vegetation community. An appropriate condition has been included in the attached Appendix. Provided this condition of approval is satisfied, Environmental Planning staff offer no objection to the minor variance.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, the PPS and NOP state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

The property is mapped as an area of archaeological potential in Schedule K of the NOP. NOP Policy 6.4.2.6 states that where a site proposed for development is located

within an area of archaeological potential, a Stage 1 Archeological Assessment by a licensed archaeologist is required.

Given the minor nature of the proposed variances, staff offer no archaeological assessment requirements for the proposed application. In lieu of an assessment, the following warning clauses are provided to the applicant for information in case of any resources uncovered through construction works:

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

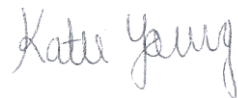
In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated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

Conclusion

Staff of the Regional Growth Strategy and Economic Development Department are satisfied that the proposed Minor Variance application is consistent with the PPS and conforms to Provincial and Regional plans, subject to a Landscape Plan (and associated \$450 fee) being submitted for Regional approval for the area between the accessory building and watercourse. An appropriate condition is attached.

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

Kind regards,



Katie Young, MCIP, RPP
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning
Lori Karlewicz, Planning Ecologist

Appendix
Regional Condition of Consent
9707 York Road, West Lincoln

1. That a Landscape Plan (and fee of \$450) be submitted to the Niagara Region for the area between the accessory building and watercourse for Regional approval. The plan shall include native trees, shrubs and/or ground cover as appropriate, and complement the existing vegetation community.

Stephanie Pouliot

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: May 26, 2023 4:16 PM
To: Stephanie Pouliot
Subject: RE: Notice of Hearing and Full Package -Wednesday May 31st

Good afternoon Stephanie,

NPCA staff were able to complete a site visit for 9707 York Road this afternoon.

Following the site visit our technical staff have indicated that they have no objection to the location of the septic and accessory building at 9707 York Rd., West Lincoln.

Staff have noted to the applicant that it would be beneficial to have a Silt Erosion Control Fencing installed around the area of work of the proposed accessory building. The length of the fencing should provide adequate protection around the north side of the area of work.

Please note that following the site visit today, the NPCA will have no objection to the proposed minor variance application shown on the plan that was provided for our review. At this time the NPCA does not require further review of this planning application or possible future building permit and therefore will not require a permit fee.

Please continue to circulate the NPCA for future applications for the subject property.

Have a great weekend.

Best,
 Meghan



Meghan Birbeck (MS)
 Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
 250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

905.788.3135 Ext 278

www.npca.ca

mbirbeck@npca.ca

From: Meghan Birbeck
Sent: Tuesday, May 23, 2023 4:33 PM
To: Stephanie Pouliot <spouliot@westlincoln.ca>
Subject: FW: Notice of Hearing and Full Package -Wednesday May 31st

Hi Stephanie,

Please see the NPCA's comments on the three minor variance applications for your May COA hearing below:

9707 York Road

- The NPCA have had a chance to review the Minor Variance Application to permit a detached garage with an accessory dwelling unit to be located in front of and closer to the front lot line than the primary dwelling and to permit a second septic system.
- The NPCA notes the presence of the following features on the subject property:
 - A floodplain hazard just north of the proposed project.
 - An erosion hazard just north of the proposed project.
 - A wetland along north of the proposed project.
 - A watercourse north to west of the proposed project.
 - A potential unevaluated wetland (that is larger than 0.5 ha) where the proposed building is located.

It appears the proposed works are located outside of the above noted features and associated buffers except for the potential unevaluated wetland. As NPCA policies do not support new development or site alterations within a wetland, these features need to be verified on site to ensure the proposed works are not located within any wetland feature.

- Technical staff require a site visit to verify features on the subject property prior to being able to provide comments on this proposal.
- At this point NPCA staff are unable to support the application as is and are requesting that the application be DEFERRED, until NPCA staff can assess the site and are satisfied that all works are not located within a wetland area.
- If the requirements that are determined following a site visit are unable to be met (such as possibly shifting the development), then NPCA staff would OBJECT to the proposed accessory building and septic as shown on the plan that was provided for our review.
- Any further development or site alteration proposed on the subject property should be circulated to the NPCA for review and approval.
- The NPCA's mapping of the property is attached to this email.
- Please contact me to set up a site visit for this application.

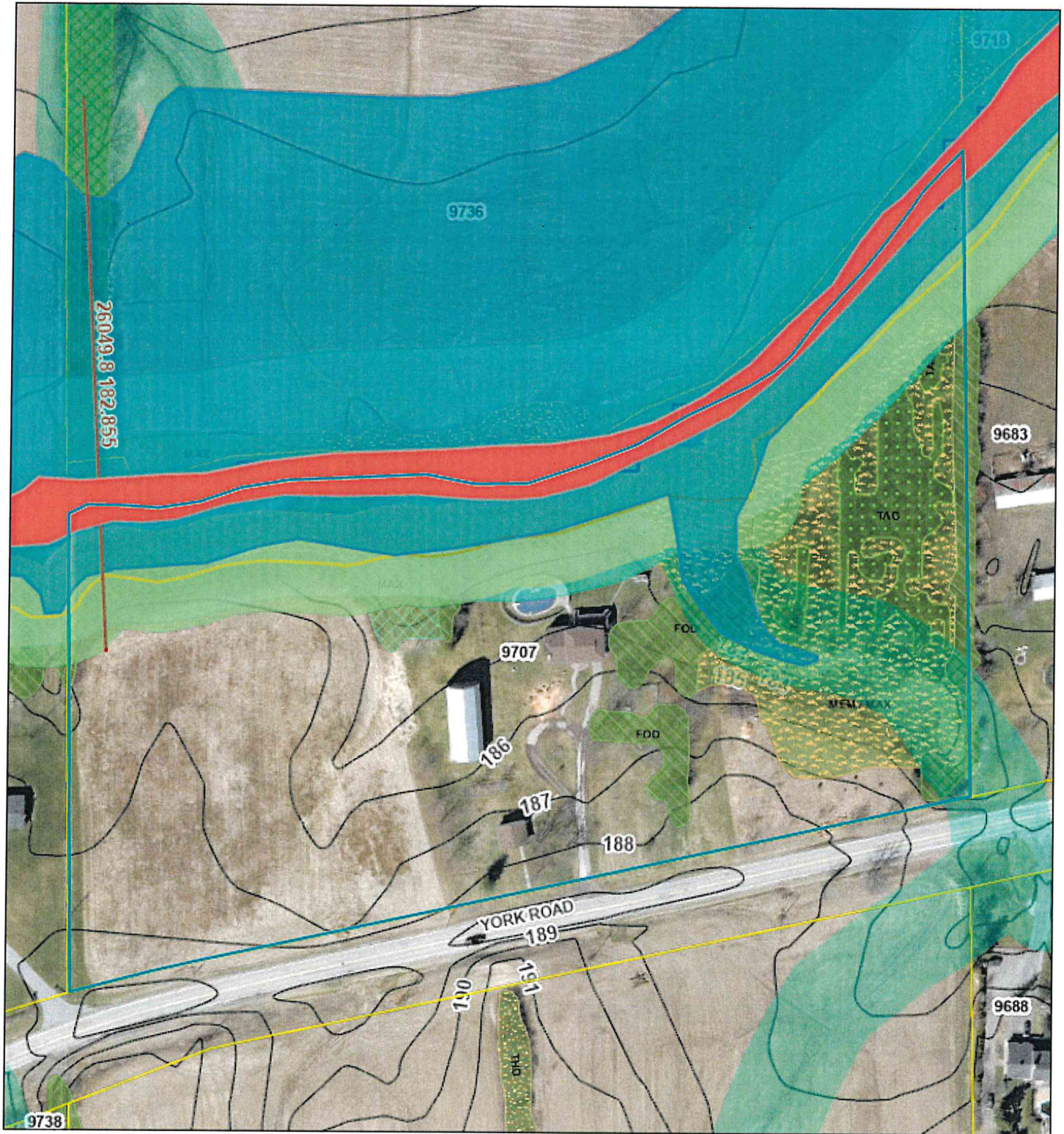
1561 Silverdale Road

- The NPCA have had a chance to review the Minor Variance Application to permit an accessory dwelling unit with an increased floor area and to permit a second septic system.
- The NPCA notes that there are no regulated features on the subject property, however there is the possibility of an unmapped flood hazard located along the watercourse that flows west to south of the property.
- However, following a technical review from staff there are no current flood concerns for the proposed application.
- The NPCA will have no objection to the proposed accessory dwelling shown on the plan that was provided for our review.
- At this time the NPCA does not require further review of this planning application and therefore does not require a fee.
- The NPCA's mapping of the property is attached to this email.

2433 Port Davidson Road

- The NPCA have had a chance to review the Minor Variance Application to permit an accessory dwelling unit with an increased floor area.

Regulated Land Map - 9707 York Rd



5/18/2023, 2:29:17 PM

LIO Wetlands DRAFT

Evaluated-Provincial

SWOOP 2020 NPCA

Red: Band_1

Green: Band_2

Blue: Band_3

Roads

NPCA APPROXIMATE REGULATION LANDS

Top of Slope Allowance

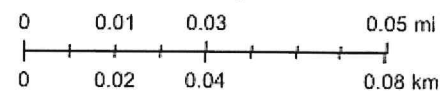
Top of Slope Features

Stable

Unstable

Wetland Allowance

1:2,257



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

Web AppBuilder for ArcGIS

REPORT

TOWNSHIP

COMMITTEE OF ADJUSTMENT

DATE: May 31st, 2023
REPORT NO: COA-009-23
FILE NO: A05/2023WL
SUBJECT: **Recommendation Report**
 Application for Minor Variance Mary and Henry Otten
LOCATION: 1561 Silverdale Road Saint Anns, ON L0R 1Y0
CONTACT: Gerrit Boerema, Senior Planner

OVERVIEW:

- A Minor Variance application has been submitted by Mary and Henry Otten, property owners of 1561 Silverdale Road.
- 1561 Silverdale Road has a total lot size of approximately 1.03 acres (0.42 hectares) and is zoned Agricultural 'A'.
- This Minor Variance application has been applied for permit an accessory dwelling unit with a floor area of 112 square metres (1200 square feet), whereas Section 3.2 of the Township's Zoning Bylaw 2017-70, as amended, only permits accessory dwelling units to be the lesser of 100 square metres or 40% of the floor area of the main building.
- This minor variance is requesting relief to permit the accessory dwelling unit 12 square metres larger than permitted.
- The applicants are also requesting relief to permit a second septic system to service the accessory dwelling unit, whereas Section 3.2 of the Township's Zoning Bylaw 2017-70, as amended, does not permit accessory dwelling units to have a septic system separate from the main dwelling.
- Any alterations that do not meet the current zoning bylaw regulations requiring correction such by 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: Yes ☒ No ☐ Deferral ☐

THAT, the application for Minor Variance made by Mary and Henry Otten as outlined in Report COA-009-23, to permit an accessory dwelling unit with a floor area of 112 square metres and a second septic system to service the accessory dwelling unit, BE APPROVED, subject to the following condition:

- I. That the location of the accessory dwelling unit be located behind the dwelling to maintain the residential character as a single detached dwelling as shown on the revised sketch received May 23rd, 2023.

TOTAL VARIANCES: 2

- To permit an accessory dwelling unit to be built 12 square metres larger than permitted
- To permit a septic system separate from the main dwelling to service the accessory dwelling unit

BACKGROUND: Surrounding Land Uses and Natural Heritage

- 1561 Silverdale Road is approximately 1.03 acres (0.42 hectares).
- The subject property is situated North of Highway 20 and East of Silverdale Road.

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- The subject property along with the surrounding land uses are designated in the Township's Official Plan as Good General Agricultural Lands.
- Approximately 500 metres to the North East and West of the subject property are designated as part of the Natural Heritage System in the Township's OP. This designation regulates and protects environmental features such as Environmental Conservation and Environmental Protection areas.
- Please note the subject property and abutting agricultural lands do not contain any Natural Heritage features.
- The surrounding lands appear to be actively farmed with a number of small rural residential properties, similar in size to the subject lands.
- As such, the subject lands and surrounding properties are zoned Agricultural 'A' in the Township's Zoning By-law, with the lands directly abutting the rear of the subject property zoned Agricultural Purposes Only 'APO'. Both Agricultural zonings protect and maintain these areas for long-term agricultural use.

CURRENT SITUATION:

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

PLANNING ACT – FOUR TESTS

The Ontario Planning Act provides that a minor variance must meet the following four tests to be considered minor and supportable.

Does the proposal maintain the general intent and purpose of the Official Plan? Yes ☒ No ☐

Agricultural Policies Section 4 – Policy 4.2(c) emphasizes the main objective for all agricultural areas, being to promote small scale secondary uses and agriculture-related uses that are compatible with and do not hinder the surrounding agricultural operations.

- As the proposed accessory dwelling unit is permitted as a secondary use to the permitted single detached dwelling on the property and there are no adverse impacts anticipated that could hinder the surrounding agricultural operations. Additionally, as a condition of approval has been included to locate the unit behind the dwelling, Planning staff believe positioning the accessory dwelling unit in the revised location is more compatible with the surrounding land uses.

Affordable Housing Section 17- Policy 17.1.3(a) recognizes and supports accessory dwelling units that are secondary and subordinate to the main dwelling on the property.

- As this is the case for the proposed minor variance application and the applicants are proposing an accessory dwelling unit only 12 square metres larger than permitted while being subordinate to the existing dwelling with a floor area of approximately 196 square metres.

For these reasons, Planning staff believe the proposed minor variance application is minor in nature and does follow the general intent of the Township's OP.

Does the proposal maintain the general intent and purpose of the Zoning By-law? Yes ☒ No ☐

An accessory dwelling unit is permitted as an accessory use to a permitted principal use, being the single detached dwelling under the Agricultural 'A' zoning found in Part 5 of the Township's Zoning By-law 2017-70, as amended, subject to the additional regulations found in Part 3.2.

Specifically, Policy 3.2.1(e) does not permit an accessory dwelling unit to have a separate septic system than the main dwelling.

- As such, a variance is required but Planning staff believe the variance can be considered a minor alteration to ensure there is adequate servicing being provided if approved, for both dwelling units on the subject property.

Additionally, Policy 3.2.1(g)[iii] only permits an accessory dwelling unit to have a maximum floor area of the lesser of 100 square metres.

- As such, a variance is required but Planning Staff can consider the proposed variance as minor given the accessory dwelling unit is still secondary and subordinate to the main dwelling.

Further, Planning staff would like to note Policy 3.2.1(g)[iv] that the residential appearance and character of the dwelling as a single detached dwelling shall be maintained.

- As the revised submission received May 23rd 2023, does maintain the character as a single family dwelling in comparison to the original submission, the revised location would be considered more aligned with the intent of this policy. Please see Attachment 3.

For these reasons, Planning staff believe the requested variances are minor in nature and maintain 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 ☒ No ☐

The proposed accessory dwelling unit is appropriate development and use of land as the property has enough space to locate the addition to meet the Township' zoning requirements to maintain the interior and rear yard setbacks.

Planning staff would like to note the revised sketch received May 23rd 2023, showing the accessory dwelling unit behind the house and further from the southern property line abutting 1557 Silverdale Road can be considered more desirable and preferred from the original submission, extending the dwelling to the maximum interior side setback of 5 metres. Given the concerns brought forward by the neighbours, locating the dwelling unit further from the southern lot line is more appropriate development, and would shift the dwelling unit 12.17 metres from the southern lot line.

Further, Planning staff believe locating the accessory dwelling unit behind the dwelling maintains the residential appearance as a single detached dwelling and is more compatible with the surrounding area. Additionally, as no adverse affects are anticipated with the proposed development, Planning staff believe the proposal is desirable for the use of land.

Is the proposal minor in nature? Yes ☒ No ☐

The proposed variances can be considered minor in nature as the dwelling unit is still maintaining the intent of the Township's OP and Zoning By-law, being that the accessory dwelling unit is secondary to the primary dwelling and maintains subordinate in size which is the case. Additionally, the revised concept showing the accessory dwelling unit behind the dwelling maintains the residential character as a single family dwelling and as such, Planning staff would prefer the revised location of the dwelling unit behind the dwelling and have included a condition of approval to support the revised submission.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

INTER-DEPARTMENTAL COMMENTS:

Building Department	No comments received, as such no objections.
Septic System Inspector	No comments received, as such no objections.
Public Works	No objections or comments to provide.
Niagara Peninsula Conservation Authority (NPCA)	Offer no objections, but have provided comments regarding an unmapped flood hazard. As indicated by NPCA staff, it currently does not offer any flood concerns. Please see Attachment 4 for the full comments received.
Niagara Region	Offer no objections and are satisfied that the proposed minor variance application is consistent with the PPS and conforms with Provincial and Regional plans. The subject property is located within an area for archaeological potential and as such, Regional staff have provided further comments. Please see Attachment 4.

PUBLIC COMMENTS: Yes ☒ No ☐

One public comment has been received at the time of writing this report. The public comment was received from the applicants' closest neighbour to the south of the subject property, being 1557 Silverdale Road. The public comment notes the following two concerns:

- Drainage concerns and resale value of their property decreasing.
- Please see Attachment 5 for the full comments received.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed minor variance application (A05/2023WL) as outlined in Report COA-009-23, to permit an accessory dwelling unit to be built 12 square metres larger than permitted with a total floor area of 112 square metres and a second septic system to service the accessory dwelling unit, subject to the condition of approval as indicated.

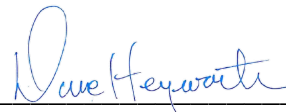
Attachments:

1. Location Map
2. Site Plan
3. Revised Site Plan
4. Agency Comments
5. Public Comment

Prepared by:



Gerrit Boerema, RPP, MCIP
Senior Planner



Dave Heyworth, RPP, MCIP
Manager of Planning





Location Map
1561 Silverdale Road

0 12.5 25 50 Meters



Legend

 ZoneBoundary

 Subject Property



SILVERDALE ROAD

SECONDARY DWELLING UNIT
PRIMARY ENTRANCE

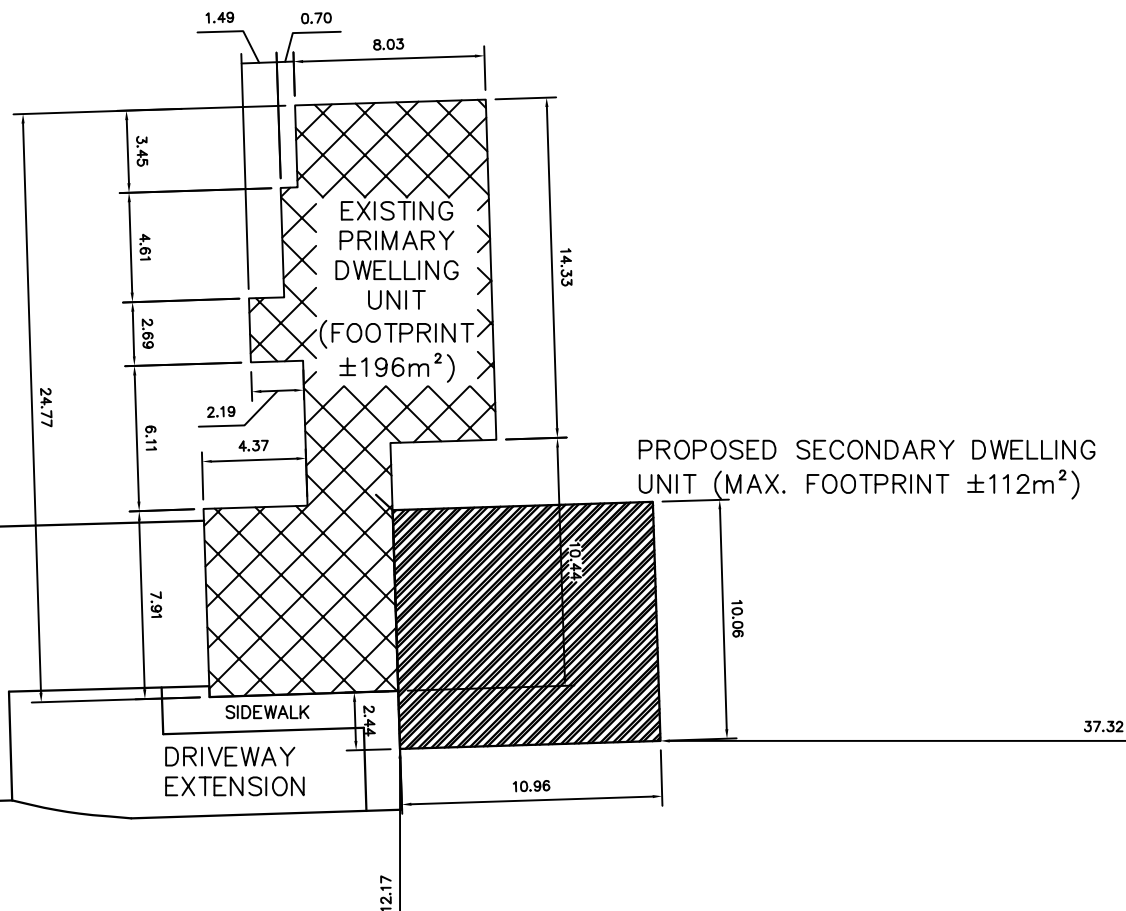
EXISTING PRIMARY DWELLING UNIT

PROPOSED SECONDARY DWELLING UNIT $\pm 88\text{m}^2$ (950 ft^2)
c/w PARTIAL BASEMENT $\pm 24\text{m}^2$ (250 ft^2)

5.00



SILVERDALE ROAD



Stephanie Pouliot

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: May 23, 2023 4:33 PM
To: Stephanie Pouliot
Subject: FW: Notice of Hearing and Full Package -Wednesday May 31st
Attachments: 1.3 Regulated Land Map - 9707 York Rd.pdf; 1.3 Regulated Lands Map - 1561 Silverdale Rd.pdf; 1.3 Regulated Lands Map - 2433 Port Davidson Rd.pdf

Hi Stephanie,

Please see the NPCA's comments on the three minor variance applications for your May COA hearing below:

9707 York Road

- The NPCA have had a chance to review the Minor Variance Application to permit a detached garage with an accessory dwelling unit to be located in front of and closer to the front lot line than the primary dwelling and to permit a second septic system.
- The NPCA notes the presence of the following features on the subject property:
 - A floodplain hazard just north of the proposed project.
 - An erosion hazard just north of the proposed project.
 - A wetland along north of the proposed project.
 - A watercourse north to west of the proposed project.
 - A potential unevaluated wetland (that is larger then 0.5 ha) where the proposed building in located.

It appears the proposed works are located outside of the above noted features and associated buffers except for the potential unevaluated wetland. As NPCA policies do not support new development or site alterations within a wetland, these features need to be verified on site to ensure the proposed works are not located within any wetland feature.

- Technical staff require a site visit to verify features on the subject property prior to being able to provide comments on this proposal.
- At this point NPCA staff are unable to support the application as is and are requesting that the application be DEFFERED, until NPCA staff can assess the site and are satisfied that all works are not located within a wetland area.
- If the requirements that are determined following a site visit are unable to be meet (such as possibly shifting the development), then NPCA staff would OBJECT to the proposed accessory building and septic as shown on the plan that was provided for our review.
- Any further development or site alteration proposed on the subject property should be circulated to the NPCA for review and approval.
- The NPCA's mapping of the property is attached to this email.
- Please contact the me to set up a site visit for this application.

1561 Silverdale Road

- The NPCA have had a chance to review the Minor Variance Application to permit an accessory dwelling unit with and increased floor area and to permit a second septic system.
- The NPCA notes that there are no regulated features on the subject property, however there is the possibility of an unmapped flood hazard located along the watercourse that flows west to south of the property.
- However, following a technical review from staff there are no current flood concerns for the proposed application.
- The NPCA will have no objection to the proposed accessory dwelling shown on the plan that was provided for our review.
- At this time the NPCA does not require further review of this planning application and therefore does not require a fee.
- The NPCA's mapping of the property is attached to this email.

2433 Port Davidson Road

- The NPCA have had a chance to review the Minor Variance Application to permit an accessory dwelling unit with and increased floor area.
- The NPCA notes the presence of a watercourse and a wetland on the subject property.
- However, the area of the proposed accessory dwelling is within the existing constructed dwelling on the property and outside of the setback of the watercourse.
- The NPCA will have no objection to the proposed accessory dwelling shown on the plan that was provided for our review. At this time the NPCA does not require further review of this planning application and therefore does not require a fee.
- The NPCA's mapping of the property is attached to this email.

Please let me know if you have any questions.

Sincerely,

Meghan



Meghan Birbeck (MS)
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

905.788.3135 Ext 278
www.npca.ca
mbirbeck@npca.ca

From: Stephanie Pouliot <spouliot@westlincoln.ca>

Sent: Wednesday, May 17, 2023 11:16 AM

To: Pat.busnello@niagararegion.ca; devtplanningapplications@niagararegion.ca; susan.dunsmore@niagararegion.ca; Katie.Young@niagararegion.ca; Meghan Birbeck <mbirbeck@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Barb Behring <bbehring@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>
Cc: Brian Treble <btreble@westlincoln.ca>; Dave Heyworth <dheyworth@westlincoln.ca>; Gerrit Boerema

Regulated Lands Map - 1561 Silverdale Rd



5/18/2023, 3:54:41 PM

SWOOP 2020 NPCA

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

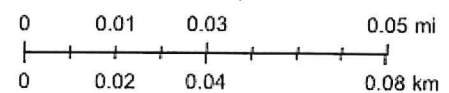
Roads

NPCA APPROXIMATE REGULATION LANDS

Reaches Draining 125ha Requiring FPM

- Assessment Parcels
- Natural Areas (Large Scale)
- Natural Community Types
- Open Water
- Wetland
- ELC Community Class/Series
- Open Water

1:2,257



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

Stephanie Pouliot

From: Jennifer Bernard
Sent: May 24, 2023 2:58 PM
To: Stephanie Pouliot
Subject: RE: Notice of Hearing and Full Package -Wednesday May 31st

Hi Stephanie,

I have no comments on the minor variance applications A04/2023WL, A05/2023WL and A08/2023WL.

Thanks,
 Jenn

Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.

	<p>Jennifer Bernard, C.E.T.</p> <p>Coordinator, Engineering Services</p> <p>Tel: 905-957-3346 ext 6732 Email: jbernard@westlincoln.ca Web: www.westlincoln.ca</p> <div data-bbox="592 1008 706 1110">  </div>
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From: Stephanie Pouliot <spouliot@westlincoln.ca>
Sent: May 17, 2023 11:16 AM
To: Pat.busnello@niagararegion.ca; devtplanningapplications@niagararegion.ca; susan.dunsmore@niagararegion.ca; Katie.Young@niagararegion.ca; mbirbeck@npca.ca; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Barb Behring <bbehrring@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>
Cc: Brian Treble <btreble@westlincoln.ca>; Dave Heyworth <dheyworth@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Shradha Arun <sarun@westlincoln.ca>
Subject: Notice of Hearing and Full Package -Wednesday May 31st

Hello,

Please find attached the Notice of Hearings along with the full packages for the May 31st COA meeting for the below minor variance applications:

Stephanie Pouliot

From: Young, Katie <Katie.Young@niagararegion.ca>
Sent: May 24, 2023 9:57 AM
To: Stephanie Pouliot
Cc: Development Planning Applications
Subject: Regional Comments - 1561 Silverdale Rd, WL (Township File: A05/2023WL; Region File: MV-23-0043)

Good morning Stephanie,

Regional staff has reviewed the proposed Minor Variance application at 1561 Silverdale Road to permit an accessory dwelling unit that is 12 square metres larger than permitted by the Township's Zoning By-law 2017-70, as amended and a second septic system to service the accessory dwelling unit.

The property is located within the 'Prime Agricultural Area' as set out within the *Provincial Policy Statement, 2020*, ("PPS"), *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation*, and the *Niagara Official Plan, 2022* ("NOP"). Within the Prime Agricultural Area a full range of agricultural uses, agriculture-related uses, and on-farm diversified uses are permitted. The proposal to add an accessory dwelling unit to the primary dwelling is a permitted use within the Township's Zoning By-law. Staff note that private servicing is the responsibility of Township staff. As such, subject to the below comments, staff offer no objections to the proposal.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, the PPS and NOP state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

The property is mapped as an area of archaeological potential in Schedule K of the NOP. NOP Policy 6.4.2.6 states that where a site proposed for development is located within an area of archaeological potential, a Stage 1 Archeological Assessment by a licensed archaeologist is required.

Given the minor nature of the proposed variance, staff offer no archaeological assessment requirements for the proposed application. In lieu of an assessment, the following warning clauses are provided to the applicant for information in case of any resources uncovered through construction works:

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

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

In conclusion, staff are satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional plans.

If you have any questions, please don't hesitate to reach out.

Kind regards,

Katie Young, MSc (PI), MCIP, RPP

Development Planner

Development Planning

Growth Strategy and Economic Development

Niagara Region | www.niagararegion.ca

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

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

E: katie.young@niagararegion.ca

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Stephanie Pouliot

From: Theresa Jonker [REDACTED]
Sent: May 23, 2023 8:42 PM
To: Stephanie Pouliot
Subject: Re: A05/2023WL-Otten

Good Evening Stephanie!

We are the neighbor's directly beside this property, at 1557. Although we do not want to cause hard feelings against these neighbors, we have some concerns about this accessory dwelling. We are deeply concerned about the following:

1. Drainage being done properly, since their property sits directly beside ours, and it is at a way higher elevation.
2. The resale value of our property decreasing, with this whole new rental addition going up.

Thankyou, Gerrit & Theresa Jonker

(please confirm you received)

REPORT

TOWNSHIP

COMMITTEE OF ADJUSTMENT

DATE: May 31st, 2023
REPORT NO: COA-010-23
FILE NO: A08/2022WL
SUBJECT: **Recommendation Report**
 Application for Minor Variance Mike Keizer and Chaundra Vachon
LOCATION: 2433 Port Davidson Road, Smithville, ON L0R 2A0
CONTACT: Gerrit Boerema, Senior Planner

OVERVIEW:

- A Minor Variance application has been applied for to permit an accessory dwelling unit that has a total floor area of 192.52 square metres (2072.27 square feet), being 44.94% of the floor area of the primary dwelling, whereas Section 3.2 of the Township's Zoning Bylaw 2017-70, as amended, only permits an accessory dwelling unit to have a maximum floor area of the lesser of 100 square metres or 40% of the floor area of the main building.
- This minor variance application is requesting relief to permit the accessory dwelling 44.94% of the floor area of the primary dwelling.
- The applicants have indicated that a portion of the dwelling unit is a shared living space with the primary dwelling which is connected through the basement of the dwelling units.
- The dwelling unit has already been constructed.
- Any alterations that do not meet the current zoning bylaw regulations requiring correction such by 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, subject to a condition.

RECOMMENDATION: Yes ☒ No ☐ Deferral ☐

THAT, the application for Minor Variance made by Mike Keizer and Chaundra Vachon as outlined in Report COA-010-23, to permit an accessory dwelling unit that has a total floor area of 96.26 square metres on the ground floor, plus a 96.26 square metres in the basement as a shared living space with the primary dwelling, being 33.71% of the floor area of the main dwelling, BE APPROVED, subject to the following condition:

- I. That the entrance between the shared space be open and accessible to the main dwelling unit at all times by removing the door from the basement opening.

TOTAL VARIANCES: 1

- To permit an accessory dwelling unit to be built with a floor area of 192.52 square metres, which is 44.94% of the floor area of the primary dwelling whereas, 40% or the lesser of 100 square metres is permitted.

BACKGROUND: Surrounding Land Uses and Natural Heritage

- 2433 Port Davidson Road is approximately 17.38 acres (7.04 hectares).
- The subject property is situated east of Port Davidson Road, south of Timeline Road (Regional Road 14), and north of Sixteen Road.
- The subject property along with the surrounding land uses are designated in the Township's Official Plan as Good General Agricultural Lands and Natural Heritage System. The Natural Heritage features are

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approximately 160 metres from the rear lot line forming the Environmental Protection area on the subject property which contains Provincially Significant Wetlands.

- The surrounding lands appear to be actively farmed with a number of rural residential properties varying in size from approximately an acre to a couple hectares. The surrounding agricultural properties being actively farmed range from approximately 10 hectares to greater than 30 hectares.
- As such, the subject lands and surrounding properties are zoned Agricultural 'A' in the Township's Zoning By-law, with the lands impacted by the Natural Heritage System being zoned Environmental Protection 'EP' on the subject property and Environmental Conservation 'EC' where applicable in the surrounding area, that contain environmental features such as valley shoreline, fish habitat, and as noted on the subject property, Provincially Significant Wetlands.
- Additionally, the lands directly abutting the north property line of the subject property is zoned Agricultural Purposes Only 'APO'. Both Agricultural zonings protect and maintain these areas for long-term agricultural use.

CURRENT SITUATION:

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

PLANNING ACT – FOUR TESTS

The Ontario Planning Act provides that a minor variance must meet the following four tests to be considered minor and supportable.

Does the proposal maintain the general intent and purpose of the Official Plan? Yes ☒ No ☐

Agricultural Policies Section 4 – Policy 4.2(c) emphasizes the main objective for all agricultural areas, being to promote small scale secondary uses and agriculture-related uses that are compatible with and do not hinder the surrounding agricultural operations.

- As the accessory dwelling unit is permitted as a secondary use to the permitted single detached dwelling on the property and there are no adverse impacts anticipated that could hinder the surrounding agricultural operations as the unit is located within an addition to the existing dwelling.

Affordable Housing Section 17- Policy 17.1.3(a) recognizes and supports accessory dwelling units that are secondary and subordinate to the main dwelling on the property.

- As this is the case for the proposed minor variance application and the accessory dwelling unit with the shared living space is still subordinate to the existing dwelling that has a floor area of approximately 428.36 square metres. With the shared living space, the accessory dwelling unit would be reduced to approximately 144.39 square metres. Therefore, remaining secondary to the primary dwelling on the subject property.

For these reasons, Planning staff believe the proposed minor variance application is minor in nature and does follow the general intent of the Township's OP.

Does the proposal maintain the general intent and purpose of the Zoning By-law? Yes ☒ No ☐

An accessory dwelling unit is permitted as an accessory use to a permitted principal use, being the single detached dwelling under the Agricultural 'A' zoning found in Part 5 of the Township's Zoning By-law 2017-70, as amended, subject to the additional regulations found in Part 3.2. Specifically, Policy 3.2.1(g)[ii] only permits an accessory dwelling unit to have a maximum floor area of the lesser of 100 square metres or 40% of the floor area of the main building.

- As such, a variance is required but Planning staff can consider the proposed variance to be considered minor given the accessory dwelling unit still being secondary and subordinate to the main dwelling, and with the condition of approval clearly showing the shared living space between the two dwelling units.
- Planning staff would like to note with the shared living space, the requested variance would be reduced to 33.71% of the floor area of the primary dwelling which further complies, and is more supportable than having no shared living space and being 44.94% of the floor area of the main building. As such, the condition of approval is included to ensure the accessory dwelling unit maintains subordinate to the main building.
- Planning and Building staff would also like to note that as part of the applicants' building permit application,

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updated drawings will be required to be submitted before the issuance of such permit.

For these reasons, Planning staff believe the requested variances are minor in nature and maintain 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 ☒ No ☐

The proposed accessory dwelling unit is appropriate development and use of land as the unit is located within the existing dwelling and the addition has been constructed to meet the Township' zoning requirements to maintain the interior and rear yard setbacks.

Additionally, no adverse affects are anticipated as the unit has already been constructed and to the Township's knowledge no concerns have been reported by members of the public, nor have any public comments been received to date.

Further, there are no negative impacts anticipated that could impact the surrounding agricultural or environmental features. As such, Planning staff believe the proposal is desirable and appropriate development for the use of land.

Is the proposal minor in nature? Yes ☒ No ☐

The proposed variance can be considered minor in nature as the dwelling unit is still maintaining the intent of the Township's OP and Zoning By-law, being that the accessory dwelling unit is secondary to the primary dwelling and maintains subordinate in size.

Further, with the shared living space bringing the accessory dwelling unit further into compliance and with the included condition of approval ensuring the accessory dwelling unit maintains subordinate, Planning staff can consider the proposed variance minor in nature

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

INTER-DEPARTMENTAL COMMENTS:

Building Department	No comments received, as such no objections except that updated drawings be submitted as part of the building permit application.
Septic System Inspector	No comments received, as such no objections.
Public Works	No objections or comments to provide.
Niagara Peninsula Conservation Authority (NPCA)	Offer no objections, but have noted a watercourse and a wetland on the subject property. Please see Attachment 5 for the full comments received.
Niagara Region	Offer no objections and are satisfied that the proposed minor variance application is consistent with the PPS and conforms with Provincial and Regional plans. The subject property is located within an area for archaeological potential and as such, Regional staff have provided further comments. Please see Attachment 5.

PUBLIC COMMENTS: Yes ☐ No ☒

None received at the time of writing this report.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed minor variance application (A08/2022WL) as outlined in Report COA-010-23, to permit an accessory dwelling unit that has a total floor area of 96.26 square metres on the ground floor, plus a 96.26 square metres in the basement as a shared living space with the primary dwelling, being 33.71% of the floor area of the main dwelling, subject to the condition of approval as indicated.

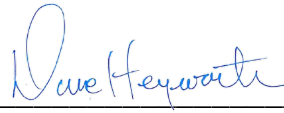
Attachments:

1. Location Map
2. Site Plan
3. Justification Letters
4. Proposed Building Drawings
5. Agency Comments

Prepared by:



Gerrit Boerema, RPP, MCIP
Senior Planner



Dave Heyworth, RPP, MCIP
Manager of Planning

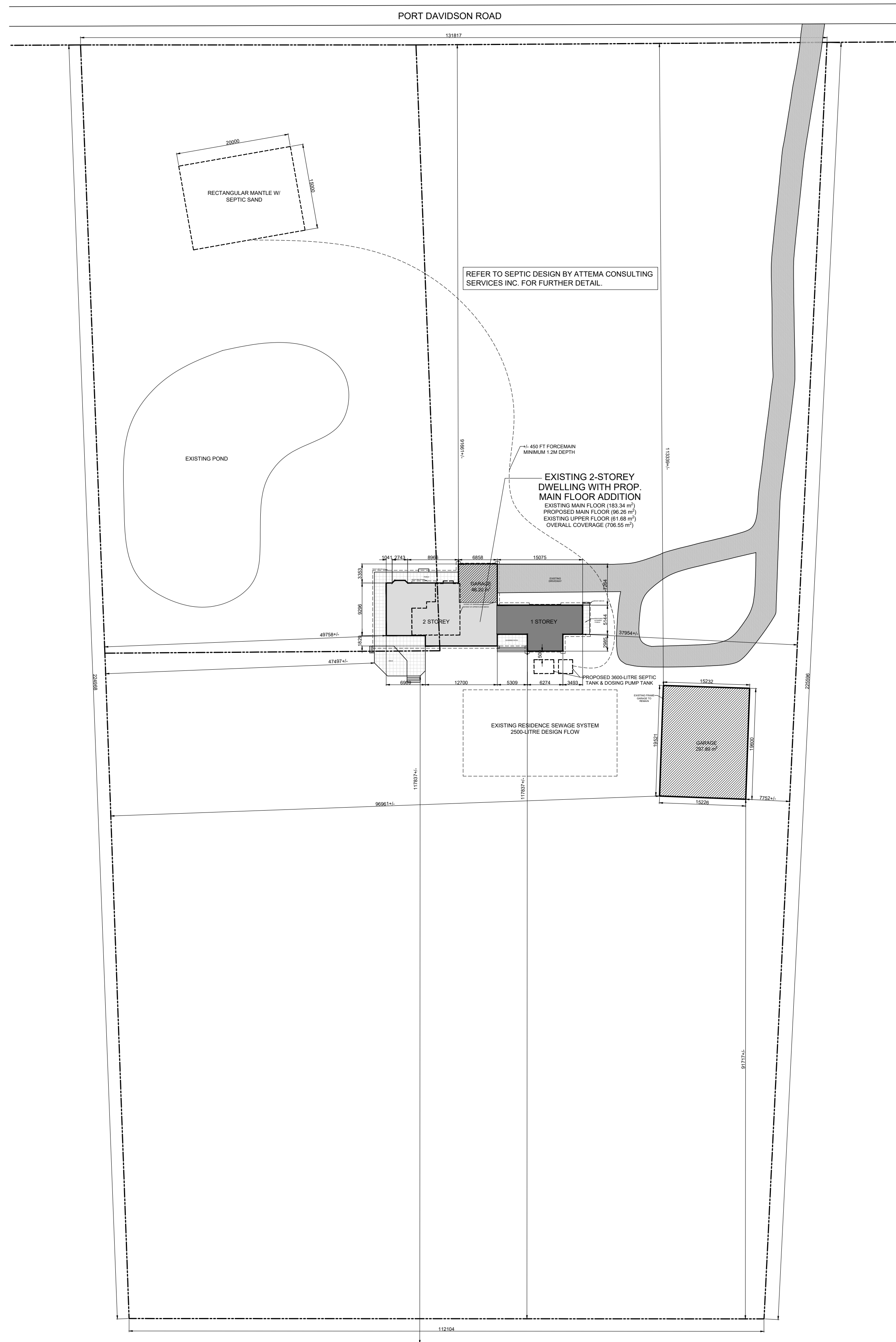


Location Map
2433 Port Davidson Road
0 37.5 75 150 Meters



Legend

- Zone Boundary
- Zone
- EC
- EP
- Subject Property

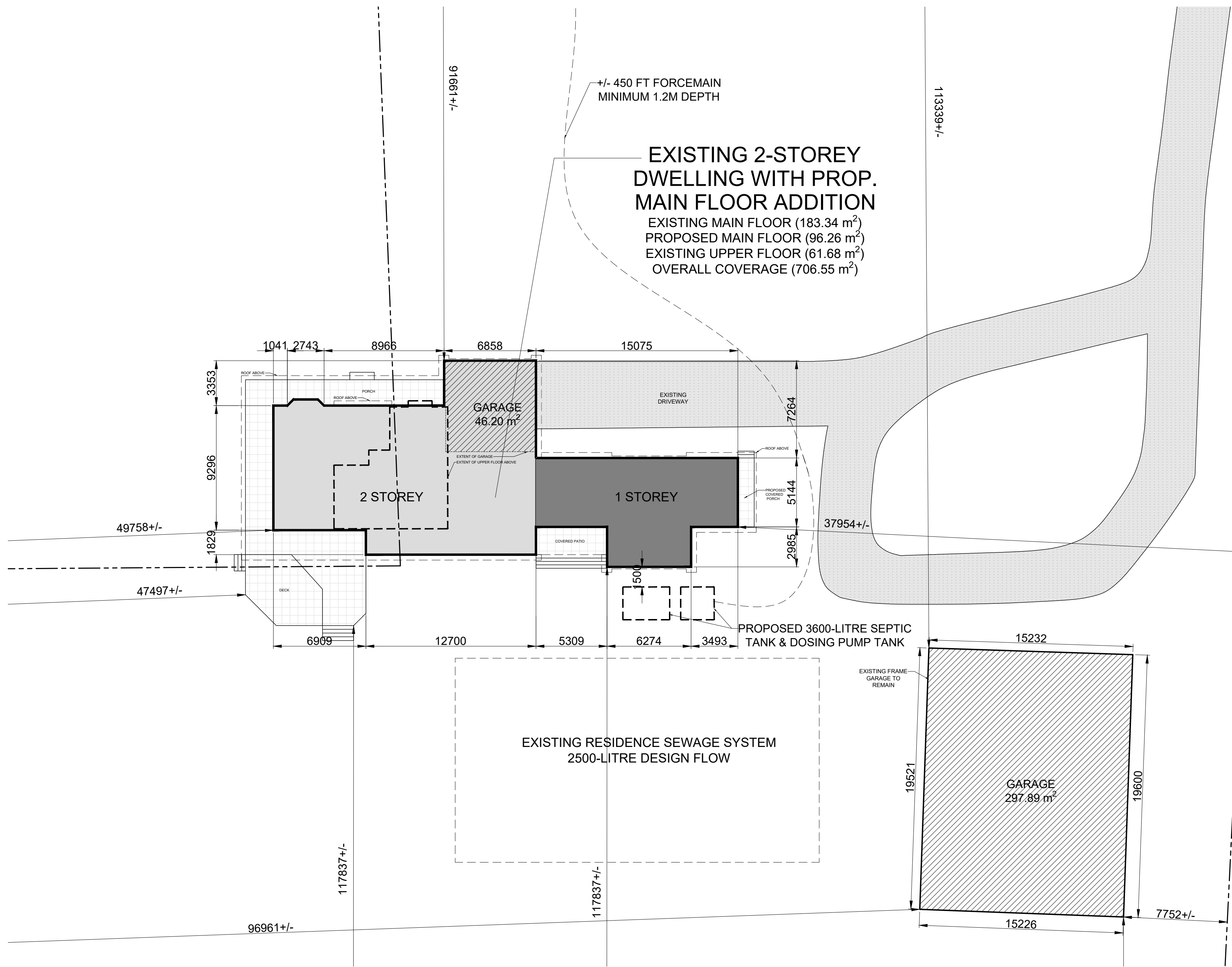
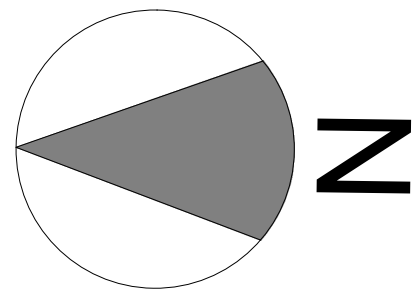


1
SP1.01
Proposed Site Plan
Scale 1:500

LOT STATISTICS
2433 Port Davidson Road, Smithville, Ontario
Zoning Designation - A
Lot Area: Minimum 40,00m ² ; Actual 27450m ²
Lot Frontage: Minimum 100.00m; Actual 131.82m
Front Yard: Required 15.00m; Proposed 91.66m (OK)
Rear Yard: Required 15.00m; Proposed 92.28m (OK)
Interior Side Yard: Required 5m; Proposed 7.75m, 47.50m (OK)
Lot Coverage: Allowed: 10% (2745.00m ²); Proposed 2.57% (706.55m ²) (OK)

EXISTING
NEW BUILD
GARAGE
PORCH/ PATIO

NOTE:
ALL DIMENSIONS SHOWN
IN MILLIMETERS UNLESS
NOTED OTHERWISE



2
SP1.01
Proposed Site Plan
Scale 1:200

DO NOT SCALE DRAWINGS

Note:
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3) All works to be in accordance with the Ontario Building Code.

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Architectural Design Services

www.smpdesignstudio.com

Drawing Submissions:
Date: July 12, 2021
Type: Engineering

David Shouldice
David Shouldice CBCO MAATO

In accordance with subsection 3.2.4. of Division C of the Building Code, I am qualified, and the firm is registered, in the appropriate classes/categories.
Individual BCIN: 19618 Firm BCIN: 31829

2433 Port Davidson Rd.
Smithville Ontario

Reviewed By: JT
Drawn By: MM, AC
Plot Date:

Page
SP1.01

Site Plan

We chose to purchase our family property with the intention of adding an in-law suite on to the existing home so that our mother could remain living on the family property in an independent manner. The current housing market made it prohibitive for her to live on her own and purchase another property while maintaining the cash flow needed for day to day living and expenses.

We worked with a design firm to complete a one level layout that would be conducive to someone that is aging and also suffers from severe arthritis in her knees. SMPL (the design firm) completed the plan for the in-law suite and the main home with renovations to the basements (both in the main house and the in-law suite) however neither of these plans were to be executed on, they were included as part of the design fee. When we submitted the plans (as given by SMPL) we were told that we could not have a staircase to the basement, so we removed the staircase as we were not using the basement it did not seem to be an issue at the time not to have the staircase.

Our mother has lived in the existing home for almost 30 years and expressed concern as to where she would store her crafts, her Christmas decorations, and her family memorabilia, we realised both that she needed a place to store her belongings as well as access to her furnace and breakers. We therefore had the contractor build in the staircase access for her for this purpose. This is her own space and she should be able to access it and her belongings without having to go through our home to do so. The intention is for her to live independently in her own home, separate from us.

We did not clearly understand the bylaw as at the time it was discussed verbally. We were aware of the limitations to the size of the addition and were careful to ensure the design did not exceed this. However, in selling our own home and previous properties the basement has never been recognized as living space and we assumed this to be the case here. However, at our last inspection we were told that the West Lincoln by law includes basements as living spaces and we were not in compliance with our permit. We would like to emphasize that this is not a living space, it is a storage space only, there are no plans or intentions for it to be a living space. Our mother is a senior, experiences some mobility issues but is a healthy and independent person and we are trying to build her, her own home that will allow her to remain so.

April 28, 2023

Re: Minor Variance 2433 Port Davidson Road.

To Whom It May Concern,

Please accept this letter as confirmation that the addition added to our home has basement access through an open doorway to the main house.

I believe this is what you need to satisfy the minor variance requirements and issue our occupancy permit.

Thank you.

Regards

Chaundra Perkins and Mike Keizer.

DO NOT SCALE DRAWINGS

Note:

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- 3) All works to be in accordance with the Ontario Building Code.

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Drawing Submissions:

Date:	Type:
April 09, 2021	Concepts

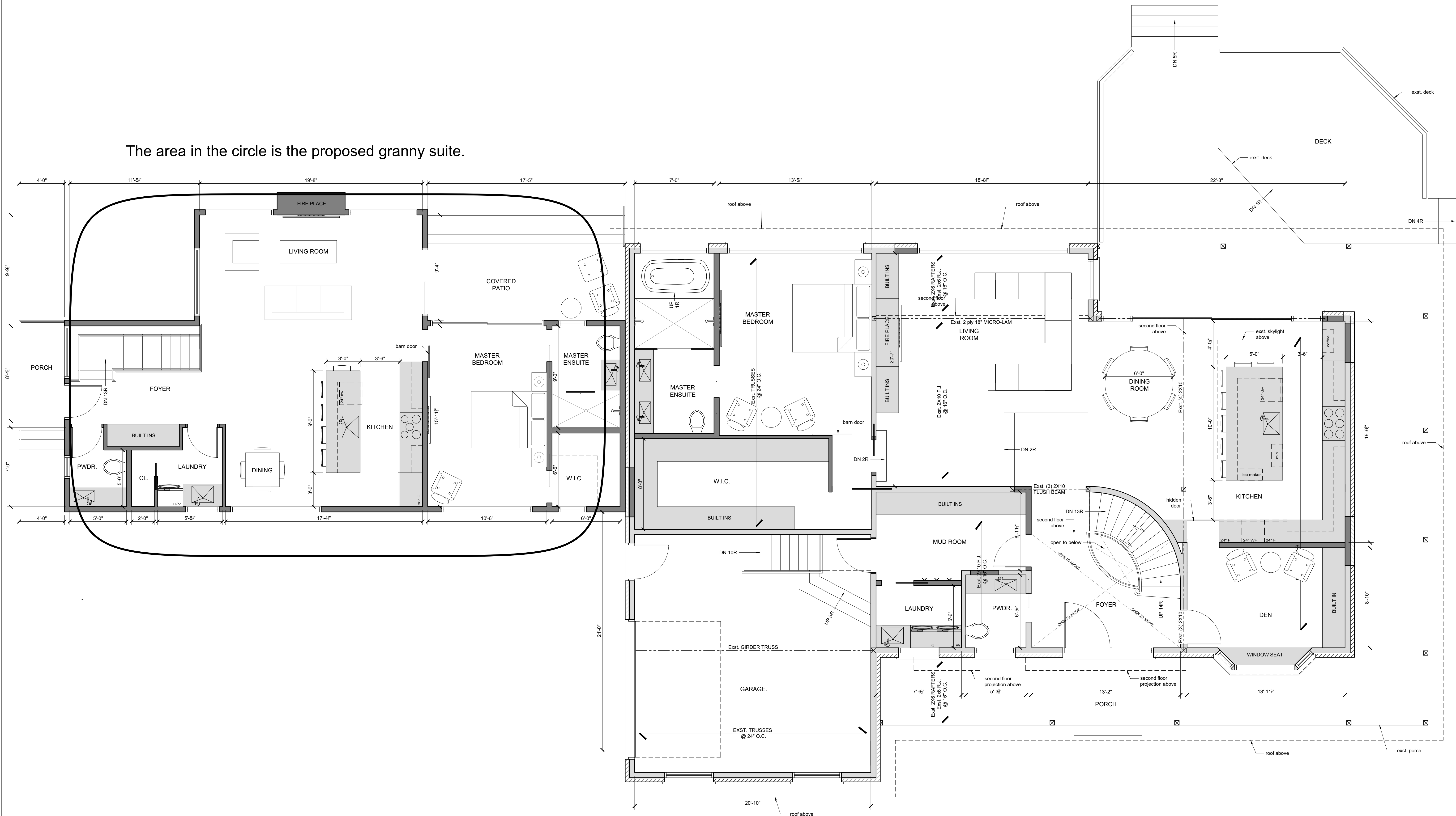
2433 Port Davidson Road
Smithville, Ontario

Reviewed By JT
Drawn By KC
Plot Date

Page
A1.05

Proposed
Main Floor

The area in the circle is the proposed granny suite.



- 2.3.1.4 Hot Water Piping Insulation
- Hot water pipes that are vertically connected to a hot water storage tank shall have heat traps on both inlet and outlet piping as close as practical to the tank, except where the tank,
 - has an integral heat trap, or
 - serves a recirculating system
 - The first 2.5m of hot water outlet piping of a hot water storage tank serving non-recirculating system shall be insulated to provide a thermal resistance of not less than RSI 0.62.
 - The inlet pipe of a hot water storage tank between the heat trap and the tank serving non-recirculation system shall be insulated to provide a thermal resistance of not less than RSI 0.62.

EXST. WALLS TO REMAIN
NEW WALLS

Typical porch slab (slab on grade condition)
6" R.C. slab on grade c/w 1" layer of 10# welded wire mesh placed 2" down from top of slab over 6" granular A or equal gravel on soil compacted to 98% standard proctor max dry engineered fill.
Note: If space below is changed to become excavated, the slab & wall requirement will require additional reinforcing.

- 9.10.19 Smoke Alarms
- Within dwelling units sufficient smoke alarms conforming to CANULC-531 shall be installed so that
 - There is at least one smoke alarm on each storey, including basements, and
 - On any storey of a dwelling unit containing sleeping rooms, a smoke alarm is installed.
 - In each sleeping room, and
 - in a location between the sleeping rooms and the remainder of the storey, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.
 - Smoke alarms shall have a visual signalling component conforming to the requirements in 18.5.3 of NFPA 72. The visual signalling component need not be integrated with the smoke alarm provided it is interconnected to it.
- Interconnected smoke alarms to be permanently connected and have a battery backup as per OBC 9.10.19.4

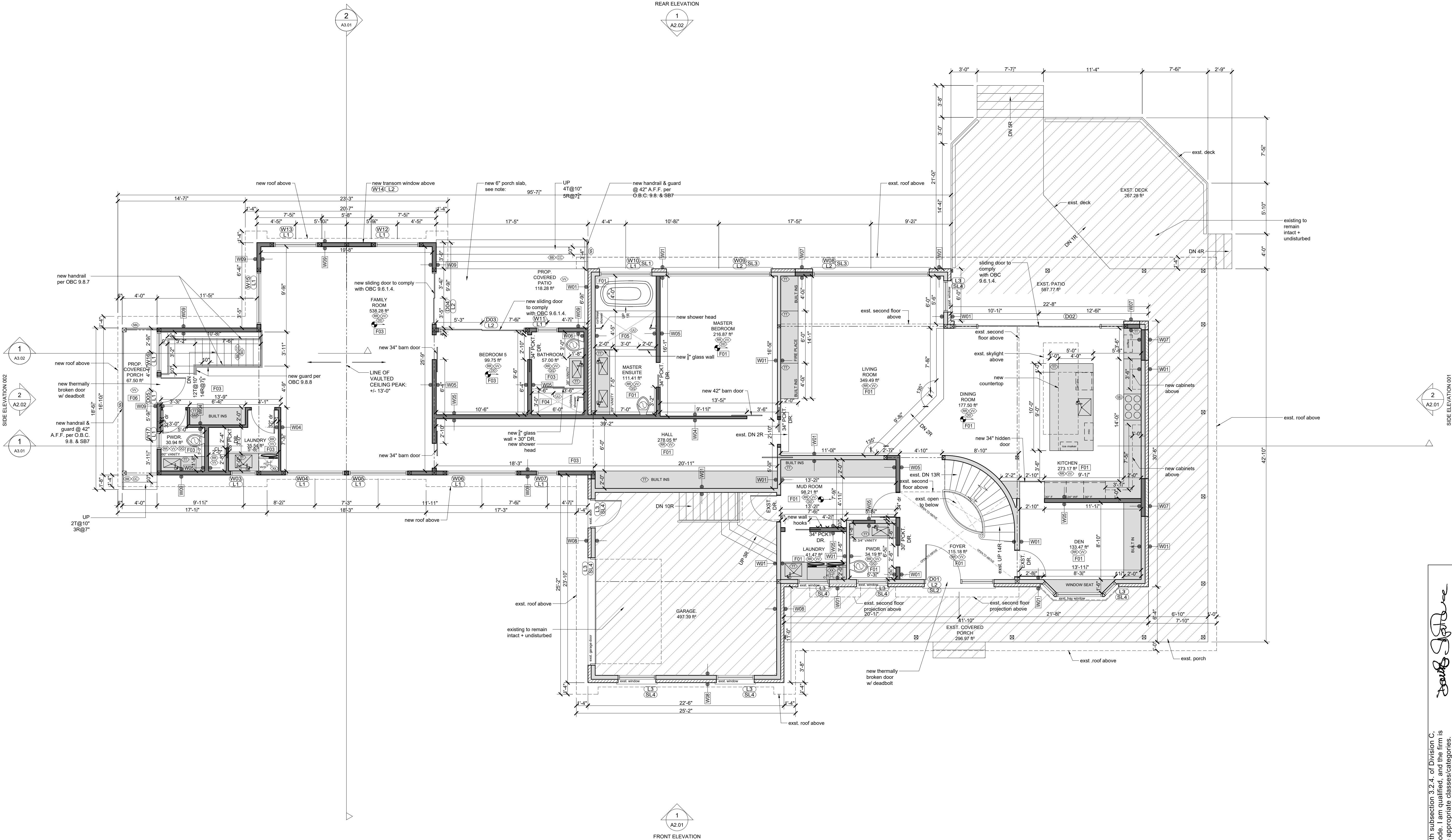
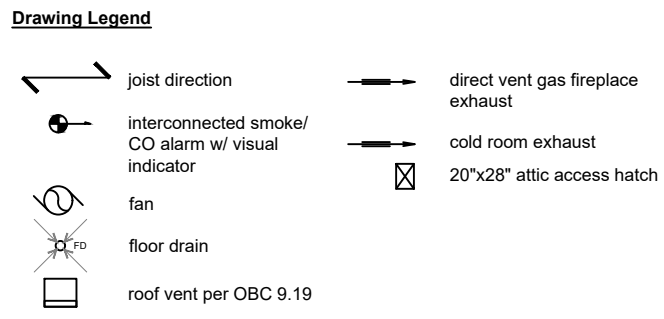
- 9.5.2.3 Stud Wall Reinforcement
- If wood wall studs or sheet steel wall studs enclose the main bathroom in a dwelling unit, reinforcement shall be installed to permit the future installation of the following,
 - For a water closet a grab bar described in Clauses 3.8.3.8 (3)(a) and a grab bar described in Clause 3.8.3.8 (3)(c)
 - For a shower a grab bar described in Clause 3.8.3.13 (2)(f), and
 - For a bathtub a grab bar described in Clause 3.8.3.13 (4)(c)

- 9.29.2 Waterproof Wall Finish
- Waterproof finish shall be provided to a height of not less than,
 - 1.8m (5'11") above the floor in shower stalls,
 - 1.2m (3'11") above the rim of bathtubs equipped with showers, and
 - 0.4m (15-3/4") above the rims of bathtubs not equipped with showers
- 9.29.10.4
- Ceramic and plastic tile installed on walls around bathtubs or showers shall be applied over moisture resistance backing
- 9.30.1.2 Water Resistance
- Finished flooring in bathrooms, kitchens, public entrance halls, laundry, and general storage areas shall consist of resilient flooring, felled-synthetic-fibre floor coverings, concrete, terrazzo, ceramic tile, mastic or other types of flooring providing similar degrees of water resistance.

Section 9.8 Stairs Handrails Guards

All interior/exterior stairs, handrails, and guards shall conform to O.B.C. Section 9.8 Maximum rise (10") minimum run 210mm (8-1/4"). minimum tread 255mm (10"), handrail not less 855mm (34") high and not more than 865mm (38") high above line through nosing's. Guards for porches, decks, landings, and balconies, serving not more than 1 dwelling unit and which are not more than 1800 mm (5'11") above finished ground level are permitted to be minimum 900mm (35-7/8") and must be minimum 1070mm (42") high for areas greater than 1800mm (5'11") above finished grade. Openings through required guards on balconies, porches, decks, stairs, landings and floor level around a stairwell in a dwelling unit shall prevent passage of a 100mm (4") diameter spherical object and prevent climbing. Headroom measured vertically through a line of outer edge of nosing's shall be at least 1900mm (6'3") for stairs serving a single dwelling unit and 2050mm (6'9") for all other stairs. Handrails are required for interior stairs with more than 2 risers and exterior stairs with more than 3 risers. Design guard on that no member, attachment or opening is located between 140mm (5-7/8") and 900mm (35-7/8") above deck surface will facilitate climbing.

- 9.10.22 Fire Protection for Gas, Propane and Electric Cooktops
- Framing, finishes and cabinetry installed directly above the location of the cooktop shall be not less than 750mm (29-7/8") above the level of cooktop burners or elements. Framing, finishes and cabinetry installed directly above the location of the cooktop is permitted to be reduced to 600mm (23-7/8") above the level of the elements or burners in compliance with 9.10.22.2 (a) and (b). Except as provided in 9.10.22.2 (2) and (3), combustible wall framing, finishes or cabinets within 450mm (17-7/8") of the area where the cooktop is to be located shall be protected above the level of the heating elements or burners by material providing fire resistance not less than that of a 5.5mm (7/16") thickness of gypsum board.
- Note: all wood framed window openings that exceed 48" wide are to have 2x6" plates @ bottom of opening (typ.) U.N.O.
- Note: structural engineer to be notified prior to pouring of concrete to inspect re-bar set-up during construction-engineer will not certify walls or footing slabs unless prior inspection is conducted - it is the responsibility of the contractor to notify the project engineer and make all arrangements.
- Note: adjustments or changes made to the floor layout, roof truss layout, beams, inlets & point loads or required load bearing walls must be identified prior to construction and SMPL Design Studio and project engineer must be notified for further review and approval.



Proposed Main Floor Plan
Scale 3/16" = 1'-0"

DO NOT SCALE DRAWINGS

Note:

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- All works to be in accordance with the Ontario Building Code.

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Drawing Submissions:
Date: June 4, 2021
Type: Engineering

David Shouldice
David Shouldice CBCO MAATO

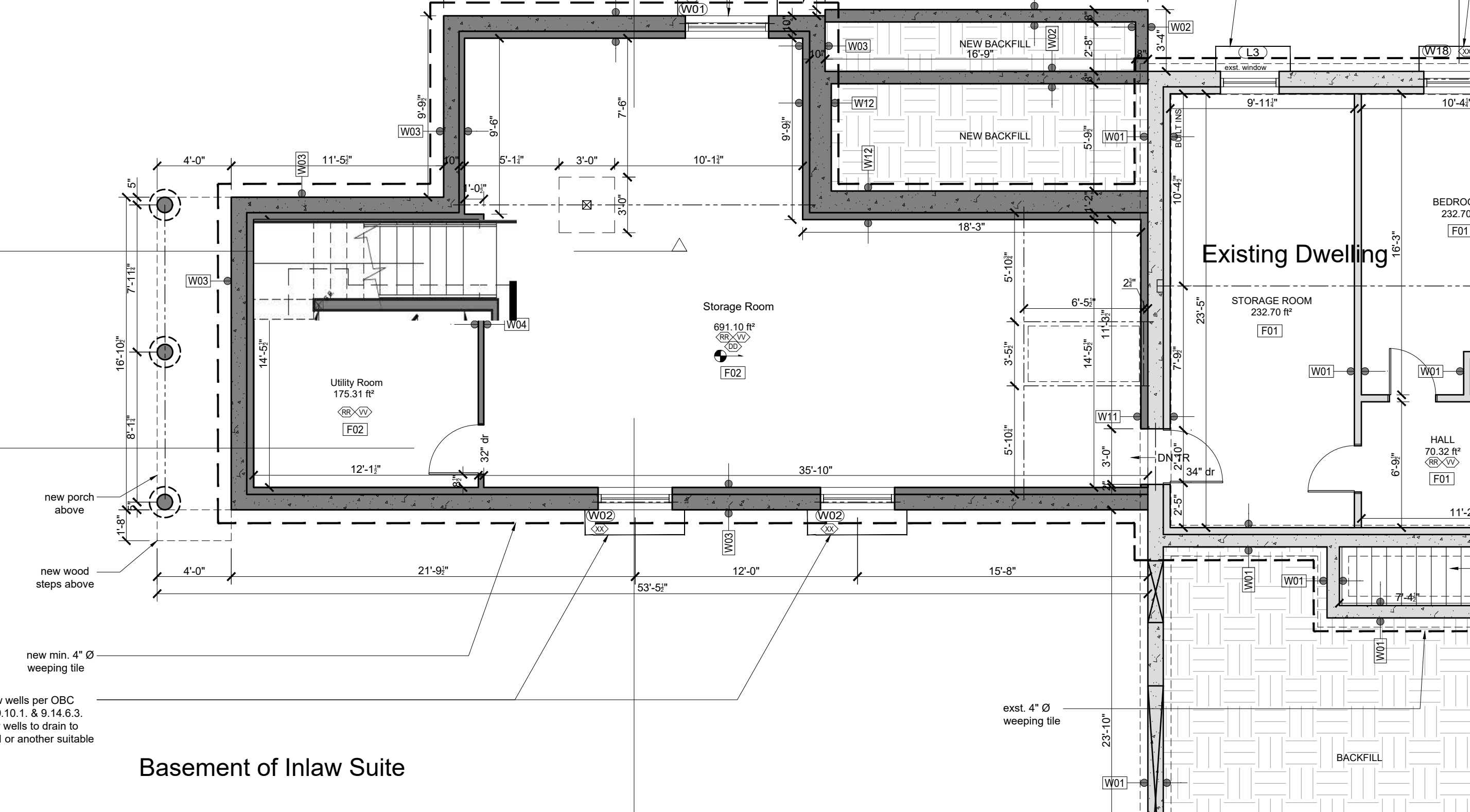
2433 Port Davidson Rd.
Smithville Ontario

Reviewed By: JT
Drawn By: MM
Plot Date:

Page
A1.06a

Proposed
Main Floor

In accordance with subsection 3.2.4. of Division C of the Building Code, I am qualified, and the firm is registered, in the appropriate classes/categories.
Individual BCIN: 19618 Firm BCIN: 31829



Stephanie Pouliot

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: May 23, 2023 4:33 PM
To: Stephanie Pouliot
Subject: FW: Notice of Hearing and Full Package -Wednesday May 31st
Attachments: 1.3 Regulated Land Map - 9707 York Rd.pdf; 1.3 Regulated Lands Map - 1561 Silverdale Rd.pdf; 1.3 Regulated Lands Map - 2433 Port Davidson Rd.pdf

Hi Stephanie,

Please see the NPCA's comments on the three minor variance applications for your May COA hearing below:

9707 York Road

- The NPCA have had a chance to review the Minor Variance Application to permit a detached garage with an accessory dwelling unit to be located in front of and closer to the front lot line than the primary dwelling and to permit a second septic system.
- The NPCA notes the presence of the following features on the subject property:
 - A floodplain hazard just north of the proposed project.
 - An erosion hazard just north of the proposed project.
 - A wetland along north of the proposed project.
 - A watercourse north to west of the proposed project.
 - A potential unevaluated wetland (that is larger then 0.5 ha) where the proposed building in located.

It appears the proposed works are located outside of the above noted features and associated buffers except for the potential unevaluated wetland. As NPCA policies do not support new development or site alterations within a wetland, these features need to be verified on site to ensure the proposed works are not located within any wetland feature.

- Technical staff require a site visit to verify features on the subject property prior to being able to provide comments on this proposal.
- At this point NPCA staff are unable to support the application as is and are requesting that the application be DEFFERED, until NPCA staff can assess the site and are satisfied that all works are not located within a wetland area.
- If the requirements that are determined following a site visit are unable to be meet (such as possibly shifting the development), then NPCA staff would OBJECT to the proposed accessory building and septic as shown on the plan that was provided for our review.
- Any further development or site alteration proposed on the subject property should be circulated to the NPCA for review and approval.
- The NPCA's mapping of the property is attached to this email.
- Please contact the me to set up a site visit for this application.

1561 Silverdale Road

- The NPCA have had a chance to review the Minor Variance Application to permit an accessory dwelling unit with and increased floor area and to permit a second septic system.
- The NPCA notes that there are no regulated features on the subject property, however there is the possibility of an unmapped flood hazard located along the watercourse that flows west to south of the property.
- However, following a technical review from staff there are no current flood concerns for the proposed application.
- The NPCA will have no objection to the proposed accessory dwelling shown on the plan that was provided for our review.
- At this time the NPCA does not require further review of this planning application and therefore does not require a fee.
- The NPCA's mapping of the property is attached to this email.

2433 Port Davidson Road

- The NPCA have had a chance to review the Minor Variance Application to permit an accessory dwelling unit with and increased floor area.
- The NPCA notes the presence of a watercourse and a wetland on the subject property.
- However, the area of the proposed accessory dwelling is within the existing constructed dwelling on the property and outside of the setback of the watercourse.
- The NPCA will have no objection to the proposed accessory dwelling shown on the plan that was provided for our review. At this time the NPCA does not require further review of this planning application and therefore does not require a fee.
- The NPCA's mapping of the property is attached to this email.

Please let me know if you have any questions.

Sincerely,

Meghan



Meghan Birbeck (MS)
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

905.788.3135 Ext 278
www.npca.ca
mbirbeck@npca.ca

From: Stephanie Pouliot <spouliot@westlincoln.ca>

Sent: Wednesday, May 17, 2023 11:16 AM

To: Pat.busnello@niagararegion.ca; devtplanningapplications@niagararegion.ca; susan.dunsmore@niagararegion.ca; Katie.Young@niagararegion.ca; Meghan Birbeck <mbirbeck@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Barb Behring <bbehring@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>

Cc: Brian Treble <btreble@westlincoln.ca>; Dave Heyworth <dheyworth@westlincoln.ca>; Gerrit Boerema

LIO Wetlands DRAFT

SWOOP 2020 NPCA

Red: Band 1

Green: Band_2

Roads

Wetland Allowance

 Evaluated-Provincial

Regulated Floodplain Extent

Regulated

A number line with two scales. The top scale is labeled in miles (mi) with markings at 0, 0.01, 0.03, and 0.05. The bottom scale is labeled in kilometers (km) with markings at 0, 0.02, 0.04, and 0.08. Vertical tick marks connect the two scales, showing that 0.01 miles is equivalent to 0.02 kilometers, 0.03 miles is equivalent to 0.04 kilometers, and 0.05 miles is equivalent to 0.08 kilometers.

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

Stephanie Pouliot

From: Jennifer Bernard
Sent: May 24, 2023 2:58 PM
To: Stephanie Pouliot
Subject: RE: Notice of Hearing and Full Package -Wednesday May 31st

Hi Stephanie,

I have no comments on the minor variance applications A04/2023WL, A05/2023WL and A08/2023WL.

Thanks,
 Jenn

Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.

	<p>Jennifer Bernard, C.E.T.</p> <p>Coordinator, Engineering Services</p> <p>Tel: 905-957-3346 ext 6732 Email: jbernard@westlincoln.ca Web: www.westlincoln.ca</p>
	

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From: Stephanie Pouliot <spouliot@westlincoln.ca>
Sent: May 17, 2023 11:16 AM
To: Pat.busnello@niagararegion.ca; devtplanningapplications@niagararegion.ca; susan.dunsmore@niagararegion.ca; Katie.Young@niagararegion.ca; mbirbeck@npca.ca; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Barb Behring <bbehrring@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>
Cc: Brian Treble <btreble@westlincoln.ca>; Dave Heyworth <dheyworth@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Shradha Arun <sarun@westlincoln.ca>
Subject: Notice of Hearing and Full Package -Wednesday May 31st

Hello,

Please find attached the Notice of Hearings along with the full packages for the May 31st COA meeting for the below minor variance applications:

Stephanie Pouliot

From: Young, Katie <Katie.Young@niagararegion.ca>
Sent: May 24, 2023 9:51 AM
To: Stephanie Pouliot
Cc: Development Planning Applications; Karlewicz, Lori
Subject: Regional Comments - 2433 Port Davidson Rd, WL (Township File: A08/2022WL; Region File: MV-22-0030)

Hi Stephanie,

Regional staff has reviewed the proposed Minor Variance application at 2433 Port Davidson Road to permit an accessory dwelling unit in the main building that has a floor area of 44.94%, whereas only 40% of the floor area is permitted in the Township's Zoning By-law 2017-70, as amended.

The property is located within the 'Prime Agricultural Area' as set out within the *Provincial Policy Statement, 2020*, ("PPS"), *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation*, and the *Niagara Official Plan, 2022* ("NOP"). Within the Prime Agricultural Area a full range of agricultural uses, agriculture-related uses, and on-farm diversified uses are permitted. The proposal to add an accessory dwelling unit to the primary dwelling is a permitted use within the Township's Zoning By-law. As such, subject to the below comments, staff offer no objections to the proposal.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, the PPS and NOP state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

The property is mapped as an area of archaeological potential in Schedule K of the NOP. NOP Policy 6.4.2.6 states that where a site proposed for development is located within an area of archaeological potential, a Stage 1 Archeological Assessment by a licensed archaeologist is required.

Given the minor nature of the proposed variance, staff offer no archaeological assessment requirements for the proposed application. In lieu of an assessment, the following warning clauses are provided to the applicant for information in case of any resources uncovered through construction works:

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

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

Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of the Provincially significant wetland ("PSW"), other wetlands, and significant woodland. The wetlands are considered Key Hydrologic Features ("KHF").

NOP policy 3.1.5.7.1 requires the completion of an Environmental Impact Study ("EIS") when development or site alteration is proposed within 120 m of a KHF/significant woodland. The proposed development is outside this setback. As such, Regional Environmental Planning staff offer no objection to the minor variance.

In conclusion, staff of the Growth Strategy and Economic Development Department are satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional plans.

Should you have any questions, please don't hesitate to reach out.

Kind regards,

Katie Young, MSc (PI), MCIP, RPP

Development Planner

Development Planning

Growth Strategy and Economic Development

Niagara Region | www.niagararegion.ca

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

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

E: katie.young@niagararegion.ca

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