



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

**Wednesday, July 26, 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**

Minor Variance application file no. A08/2023WL, Woodland Poultry Ltd, is being deferred at this time, due to a floodplain issue and a revision required to the site plan.

**4. APPLICATIONS**

- a. A09/2023WL - Vandermolen (Kim Hessels - Agent)  
Property Address: 505 Boyle Road

**3**

A minor variance application has been applied for to permit a replacement building to be located within an Environmental Protection 'EP' zone, whereas Table 24 in Section 11 of the Township's Zoning Bylaw 2017-70, as amended, does not permit development within an 'EP' zone. This minor variance application is requesting relief to replace an existing building whereas, Section 3.5(d), only recognizes the enlargement, repair, or renovation of a building that does not comply with the Township's Zoning Bylaw 2017-70, as amended. This minor variance application is also requesting relief to permit the replacement building closer to the exterior side lot line than the dwelling, whereas Table 1-1 in Section 3 of the Township's Zoning Bylaw 2017-70, as amended, does not permit accessory buildings or structures to be located closer to the exterior side lot line than the main building. This minor variance is requesting to maintain an exterior side yard setback of 6.2 metres, being the existing setback of the subject building to be replaced.

- b. B04/2023WL - Legion Villa (Susan Smyth - Agent)

**16**

Property Address: 161 & 171 Mill Street

A consent application has been applied for to permit a boundary adjustment where Part 3 (475.5 square metres) and Part 4 (1298.9 square metres) from 161 Mill Street will be added to 171 Mill Street, being Part 1. In addition to the boundary adjustment, this consent application is proposing a right-of-way, being Part 6 on the attached sketch to permit a new easement to access 171 Mill Street. After the consent application, 161 Mill Street (Part 5, 7) will retain Part 6 whereas, Part 3 and 4 will be merged with 171 Mill Street.

**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:** July 26<sup>th</sup>, 2023  
**REPORT NO:** COA-013-23  
**FILE NO:** A09/2023WL  
**SUBJECT:** **Recommendation Report**  
 Application for Minor Variance Vandermolen (Kim Hessels –Agent)  
**LOCATION:** 505 Boyle Road Fenwick, ON L0S 1C0  
**CONTACT:** Dave Heyworth, Manager of Planning

## OVERVIEW:

- A Minor Variance application has been submitted by Kim Hessels on behalf of Larry and Alida Vandermolen, property owner of 505 Boyle Road.
- This Minor Variance application has been applied for to permit a replacement building to be located within an Environmental Protection 'EP' zone, whereas Table 24 in Section 11 of the Township's Zoning Bylaw 2017- 70, as amended, does not permit development within an 'EP' zone. As such, this minor variance application is requesting relief to replace an existing building whereas, Section 3.5(d), only recognizes the enlargement, repair, or renovation of a building that does not comply with the Township's Zoning Bylaw 2017-70, as amended.
- This minor variance application is also requesting relief to permit the replacement building closer to the exterior side lot line than the dwelling, whereas Table 1-1 in Section 3 of the Township's Zoning Bylaw 2017-70, as amended, does not permit accessory buildings or structures to be located closer to the exterior side lot line than the main building. This minor variance has requested to maintain an exterior side yard setback of 6.2 metres, being the existing setback of the subject building to be replaced.

## TOTAL VARIANCES: 2

- To permit the replacement of an existing building that is located within an Environmental Protection 'EP' zone.
- To permit an exterior side yard setback of 6.2 metres, being the existing setback of the subject building to be replaced.

## RECOMMENDATION: Yes ☒ No ☐ Deferral ☐

THAT, the application for Minor Variance made by Kim Hessels on behalf of Larry and Alida Vandermolen as outlined in Report COA-013-23, to permit a replacement building within an Environmental Protection 'EP' zone with an exterior side yard setback of 6.2 metres, BE APPROVED.

## BACKGROUND: Surrounding Land Uses and Natural Heritage

- 505 Boyle Road is approximately 12.69 acres (5.13 hectares) in size.
- The subject property is situated on the East side of Boyle Road, South of East Chippawa Road, and North of the Welland River which is located South of the Hamlet of Boyle.
- The subject property along with the surrounding land uses are designated in the Township's Official Plan as Good General Agricultural Lands.
- A portion of the subject lands are also designated as part of the Natural Heritage System in the Township's OP, effectively being located in the rear yard, approximately 210 metres from the rear property line along the Welland River. The present Natural Heritage features include Provincially Significant Wetlands, floodplain, and valley

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shoreline, which forms both an Environmental Conservation and Environmental Protection area over these features. Please see the attached map for the noted Natural Heritage features and the subject location of the existing building to be replaced, which is located approximately 150 metres from the rear lot line within the Environmental Protection zone.

- The surrounding lands appear to be actively farmed with a number of small rural residential properties.
- Both of these designations protect and maintain long-term agricultural and conservation use within the area.

**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 ☐**

**Official Plan Designation: Good General Agricultural Lands & Natural Heritage System**

The proposed building is permitted within Good General Agricultural areas, specifically recognized in Section 4 of the OP and by Policy 4.2(c). Additionally, Section 10 of the OP recognizes that development should avoid negative environmental impacts and where negative impacts cannot be avoided then mitigation measures shall be required. This is the case for the proposed replacement building as it is located within an Environmental Protection area due to the existing floodplain. However, as the Niagara Peninsula Conservation Authority has issued a permit (No. 202300504) for the replacement building within the floodplain and the NPCA is the governing authority, Planning Staff believe the variance can be supportable. As clearance has been provided by the NPCA and the issued permit notes specific conditions and mitigation measures that will be required for the proposed development, Planning Staff can consider this application 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 ☐**

**Current Zone(s): Agricultural 'A' & Environmental Protection 'EP'**

Aside from the noted variances, the proposed building complies with the remaining setbacks regulations of Section 3.1, Table 1-1 and would be permitted within an Agricultural 'A' zone. However, as the existing building, the one in question for replacement is located in an Environmental Protection 'EP' zone, it is considered an existing non-conforming building and Section 3.5 of the Township's Zoning Bylaw 2017-70, as amended, applies to this application. Section 3.5(d) only recognizes the enlargement, repair, or renovation of a building that does not comply with the Township's Zoning Bylaw 2017-70, as amended. Given the clearance received from the NPCA, Planning Staff can consider the variances to permit the replacement building minor in this particular case.

Additionally, a variance is required to permit the replacement building closer to the exterior side lot line than the dwelling, whereas Section 3 of the Township's Zoning Bylaw 2017-70, as amended, does not permit accessory buildings or structures to be located closer to the exterior side lot line than the main building. The requested exterior side yard setback of 6.2 metres is the existing setback of the subject building to be replaced. Furthermore, as previously noted, the NPCA have already issued a work permit for the proposed development within a floodplain and as no objections have been received, Planning Staff can consider the proposed application to be minor in nature as the requested variances are still maintaining the general intent and purpose of the Township's Zoning By-law 2017-70, as amended.

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

Planning Staff can consider this minor variance application appropriate development and use of land as it would allow the applicant to better utilize the building space once the replacement building is constructed. The proposed development would also be improving the aesthetic appearance of the subject property, in comparison to the current condition of the existing building. The surrounding area also appears to be actively farmed, with the closest neighbours being located more than 200 metres away from the current building's location. Additionally, there are no adverse impacts anticipated for the surrounding area which is further supported by the NPCA clearance that has been issued. As such, Planning Staff believe this proposal is desirable for the appropriate development and use of land.

**Is the proposal minor in nature? Yes ☒ No ☐**

The proposed variances can be considered minor in nature as the proposed development is still maintaining the general intent of the Township's OP and Zoning By-law, being that the proposed development would be subject to the mitigation measures set out by the permit issued by the NPCA and that the proposed replacement building would not be furthering

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the degree of non-conformance as the existing building is already recognized with legal non-conforming status. Given these reasons, Planning Staff can consider this proposal 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.
Septic System Inspector	No comments received, as such no objections.
Public Works	No objections or comments to provide on this application.
Niagara Peninsula Conservation Authority (NPCA)	Offer no objections to the proposed building. However, due to the size of the building, an amendment to the issued NPCA work permit (No. 202300504) will be required. Please see Attachment 4.
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. Please see Attachment 4 for the full comments received.

**PUBLIC COMMENTS: Yes ☐ No ☒**

No public comments received at this time.

**CONCLUSION:**

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed minor variance application (A09/2023WL) as outlined in Report COA-013-23, to permit a replacement building within an Environmental Protection 'EP' zone with an exterior side yard setback of 6.2 metres.

**Attachments:**

1. Location Map
2. Site Plan
3. Building Drawings
4. Agency Comments

**Prepared by:**



**Stephanie Pouliot,  
Planner**

**Recommended by:**



**Dave Heyworth, RPP, MCIP  
Manager of Planning**



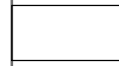



**Location Map**  
**505 Boyle Road**

0 30 60 120 Meters

**West Lincoln**  
Your Future Naturally

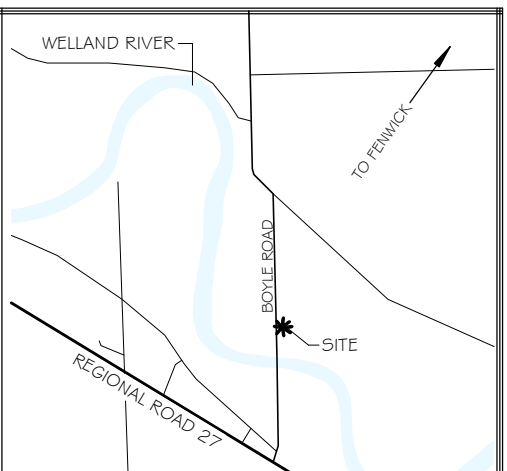
**Legend**

-  ZoneBoundary
-  Subject Property



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ISSUED FOR REVIEW	1	MAY 24/22	BB
PRINTS ISSUED/REVISIONS	NO.	DATE	BY

505 BOYLE ROAD,  
WEST LINCOLN, ON.,  
LOS 1 CO

DRAWING

BASIC SITE

SCAL<sup>F</sup>

As indicated

V22-22-236

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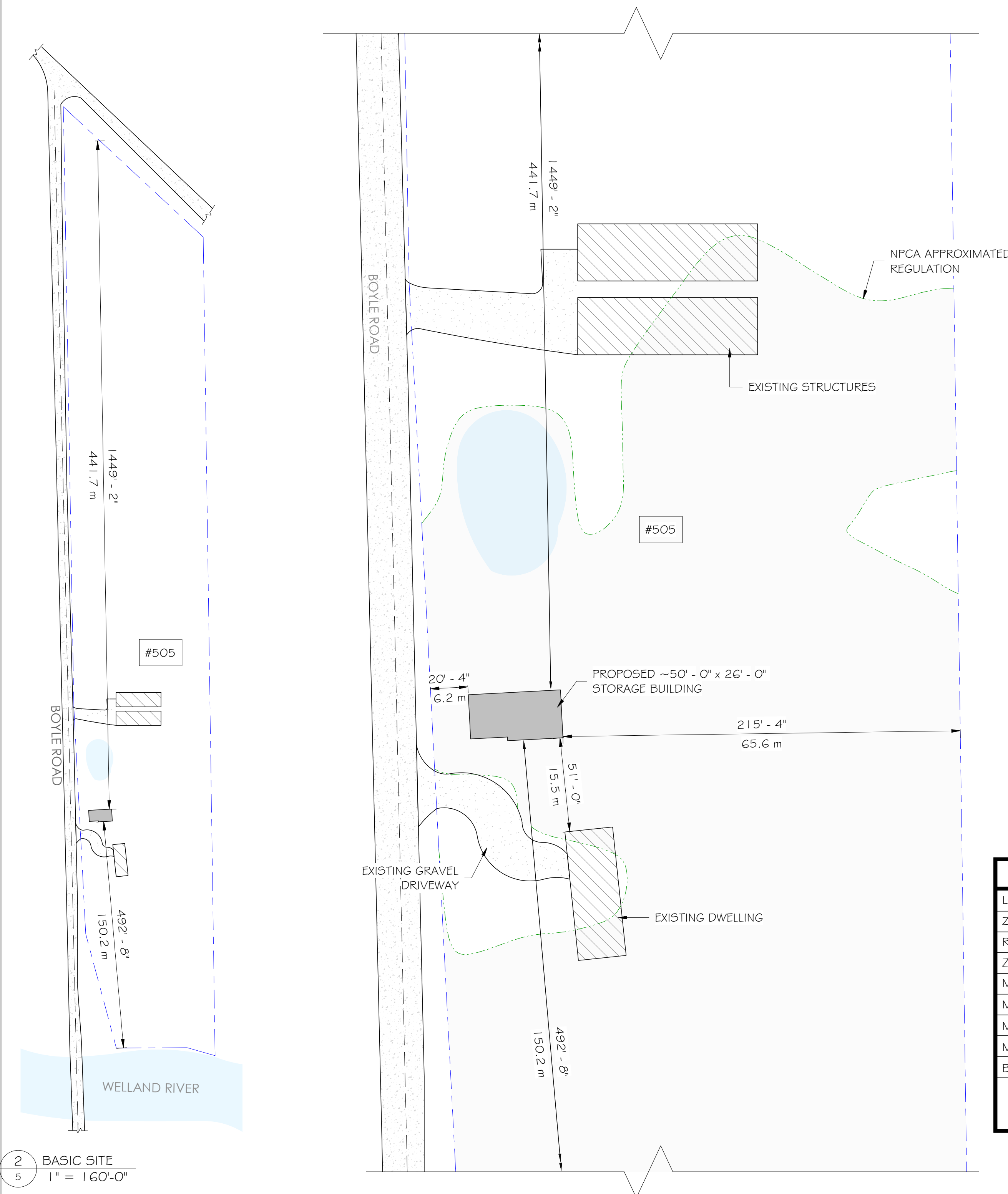
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DATE  
JULY 28, 2022

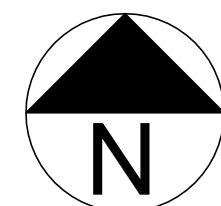
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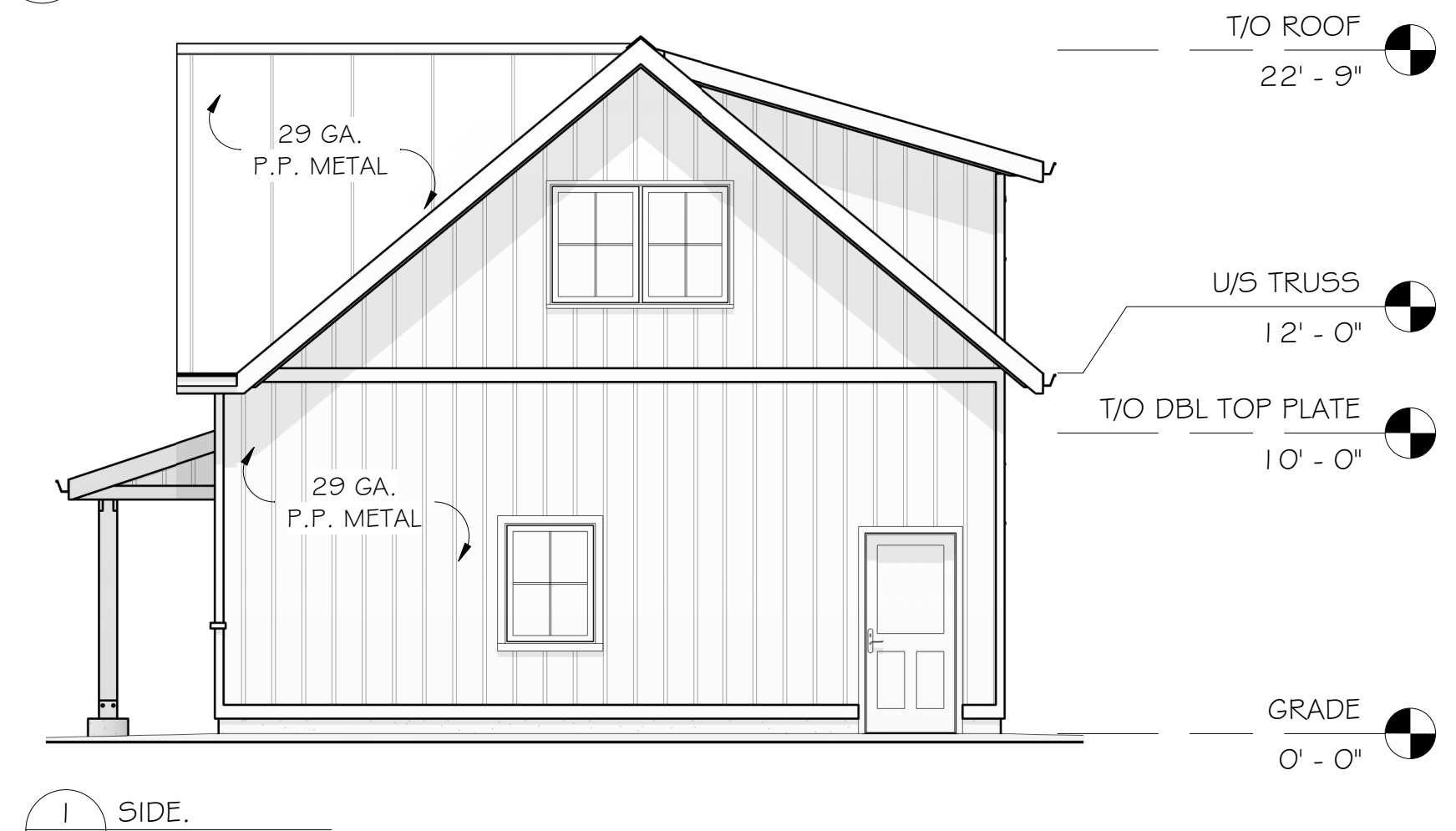
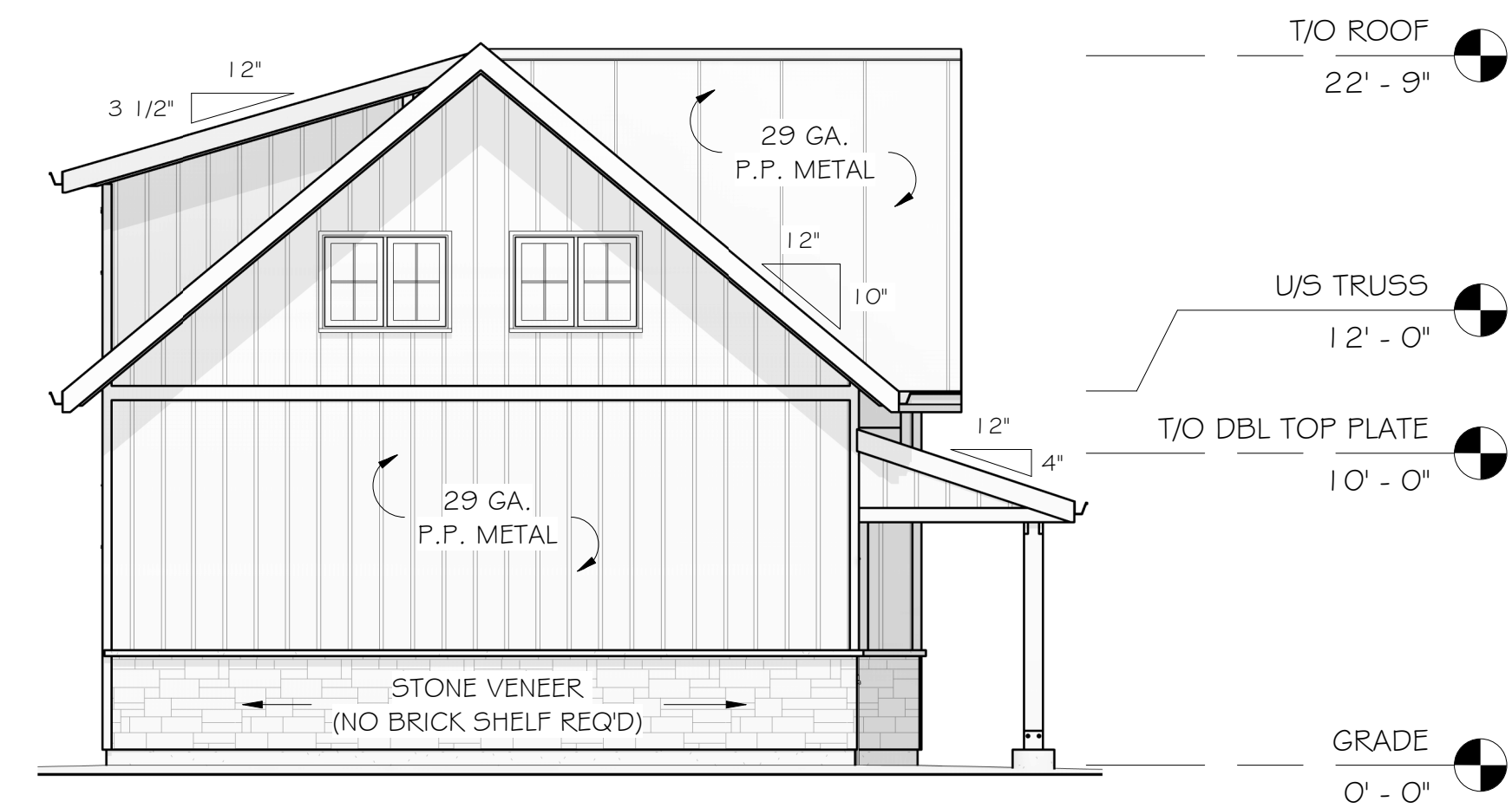
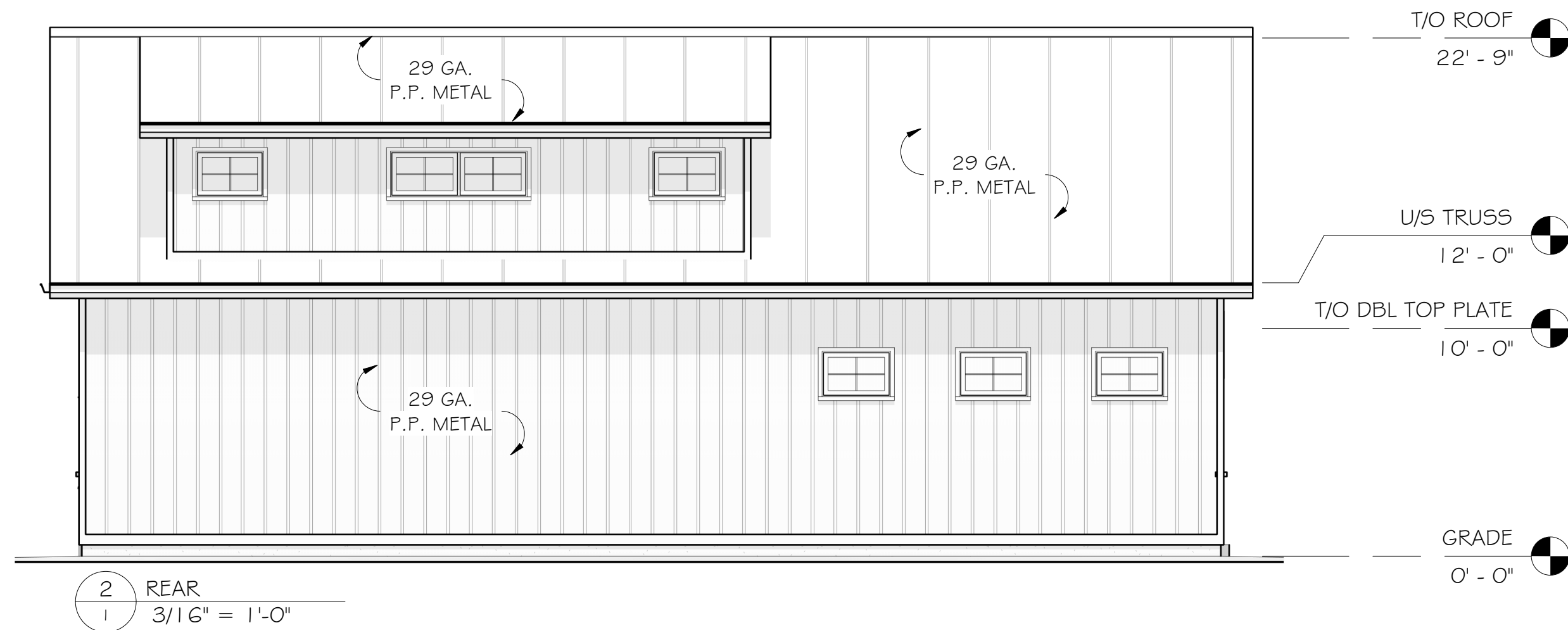
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505 BOYLE ROAD - WEST LINCOLN, ON.		
LOT AREA	12.53 ACRES	
ZONING	A (EP) - AGRICULTURAL	
ROLL NUMBER	2602-020-006-04500	
ZONE PROVISIONS	REQUIREMENTS	PROPOSED
MIN. SIDE YARD	7.5 m	150.2 m
MIN. FRONT YARD	NO CLOSER THAN EXISTING MAIN STRUCTURE	6.2 m
MIN. REAR YARD	7.5 m	65.6 m
MAX. BUILDING HEIGHT	10.0 m	6.9 m
BLDG FOOTPRINT	117.0 m <sup>2</sup> (1260.0 ft <sup>2</sup> )	
IDENTIFIED USING NIAGARA REGION GIS MAPPING & TOWNSHIP OF WEST LINCOLN ZONING BY-LAW No. 2017-70		



— MAINTAIN EXISTING BUILDING SETBACK (BUILDING REMOVED)



**GENERAL NOTES:**

- DO NOT SCALE DRAWINGS.
- ALL DIMENSIONS TO BE VERIFIED BY CONTRACTOR.
- ANY ERRORS / OMISSIONS TO BE REPORTED TO ENGINEER PRIOR TO CONSTRUCTION.
- ALL WORK TO CONFORM TO O.B.C. 2012.
- FIRE STOP IN CONCEALED ATTIC SPACE NOT TO EXCEED 98'-0" O.C.
- NOTIFY ENGINEER 48 HRS. IN ADVANCE FOR INSPECTION OF FOOTING EXCAVATION AND FRAMING.
- REMOVE ALL TOP-SOIL AND ORGANIC MATERIAL.
- ALL FOOTINGS TO BE ON UNDISTURBED SOIL AND MIN. OF 4'-0" BELOW LINE OF FINISHED GRADE.
- SOIL BRG. CAPACITY TO SUSTAIN A MIN. 3000 P.S.F.

**LUMBER NOTES:**

- ALL LUMBER TO BE GRADE #2 OR BETTER.
- LUMBER EXPOSED TO MOISTURE TO BE PRESSURE TREATED.
- ALL LUMBER SET IN THE GROUND TO BE RATED FOR "GROUND CONTACT".
- ALL FASTENERS IN CONTACT WITH PRESSURE TREATED MATERIAL TO BE COMPATIBLE WITH PRESSURE TREATED CHEMICALS.
- ALL STEEL SIDING IN CONTACT WITH PRESSURE TREATED WOOD TO BE ISOLATED WITH A LAYER OF ICE & WATER SHIELD OR EQUAL.
- SUBMIT ENGINEERED TRUSS DRAWINGS.
- TRUSS BRACING AND STRAPPING AS SPECIFIED BY ENGINEERED TRUSS DRAWING.
- TRUSS TIE DOWN TO SUSTAIN UPLIFT SHOWN ON TRUSS DESIGN AND TO BE CONTINUOUS ON FOUNDATION WALL.
- ALL LINTELS TO BE 2 - 2" x 10" UNLESS OTHERWISE SPECIFIED.

**CONCRETE NOTES:**

- ULTIMATE COMPRESSIVE STRENGTH @ 28 DAYS
- 32 MPa FOR SLAB ON GRADE
- 25 MPa FOR WALLS AND FOOTINGS
- SLUMP 3" + 1"
- MAX WATER CEMENT RATIO .45 (USE WATER REDUCING AGENT TO IMPROVE WORKABILITY NO WATER TO BE ADDED ON SITE) USE VIBRATORY EQUIPMENT TO ACHIEVE UNIFORM DENSITY
- AIR ENTRAINMENT 5% - 8%
- REINFORCING STEEL TO HAVE MIN. YIELD STRENGTH OF 400 MPa WITH MIN. 3" COVER
- MINIMUM SPLICE LENGTH (10M - 18") (15M - 24")

**STRUCTURAL STEEL NOTES:**

- STRUCTURAL STEEL TO BE INSPECTED BY THE ENGINEER PRIOR TO COVERING.
- CONNECTION BOLTS TO BE HIGH STRENGTH ASTM A325
- WELDING TO CONFORM TO CSA W59.
- STRUCTURAL STEEL TO CONFORM TO G40.21 350W.
- REINFORCING STEEL TO HAVE YIELD STRENGTH OF 400 MPa, CSA G30.18
- MINIMUM SPLICE LENGTH (10M - 18") (15M - 24")

**SPECIFIED ROOF TOP CHORD LOADS: SMITHVILLE**

- SNOW LOAD = 1.5 kPa (31.3 psf)
- RAIN LOAD = 0.4 kPa (8.4 psf)
- HOURLY WIND PRESSURE (1/50) = 0.42 kPa
- DEAD LOAD = 0.20 kPa (4.2 psf)

REQUIRED INSPECTIONS BY KLS ENGINEERING	
<input checked="" type="checkbox"/>	FOOTINGS (PRIOR TO POUR)
<input type="checkbox"/>	REBAR IN SLABS (PRIOR TO POUR)
<input checked="" type="checkbox"/>	FRAMING / FINAL
TO BOOK INSPECTIONS, CALL (905) 774-4307	
PLEASE ENSURE 48 HOURS MINIMUM IN ADVANCE FOR AN INSPECTION REQUEST, COUNTY/REGION INSPECTIONS STILL REQUIRED.	

SHEET LIST	
SHEET NUMBER	SHEET NAME
1	ELEVATIONS
2	FOUNDATION & FLOOR PLAN
3	LOFT PLAN & DETAILS
4	SECTION A - A & B - B
C-1	BASIC SITE



1 333 HIGHWAY #3  
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STORAGE BUILDING

505 BOYLE ROAD,  
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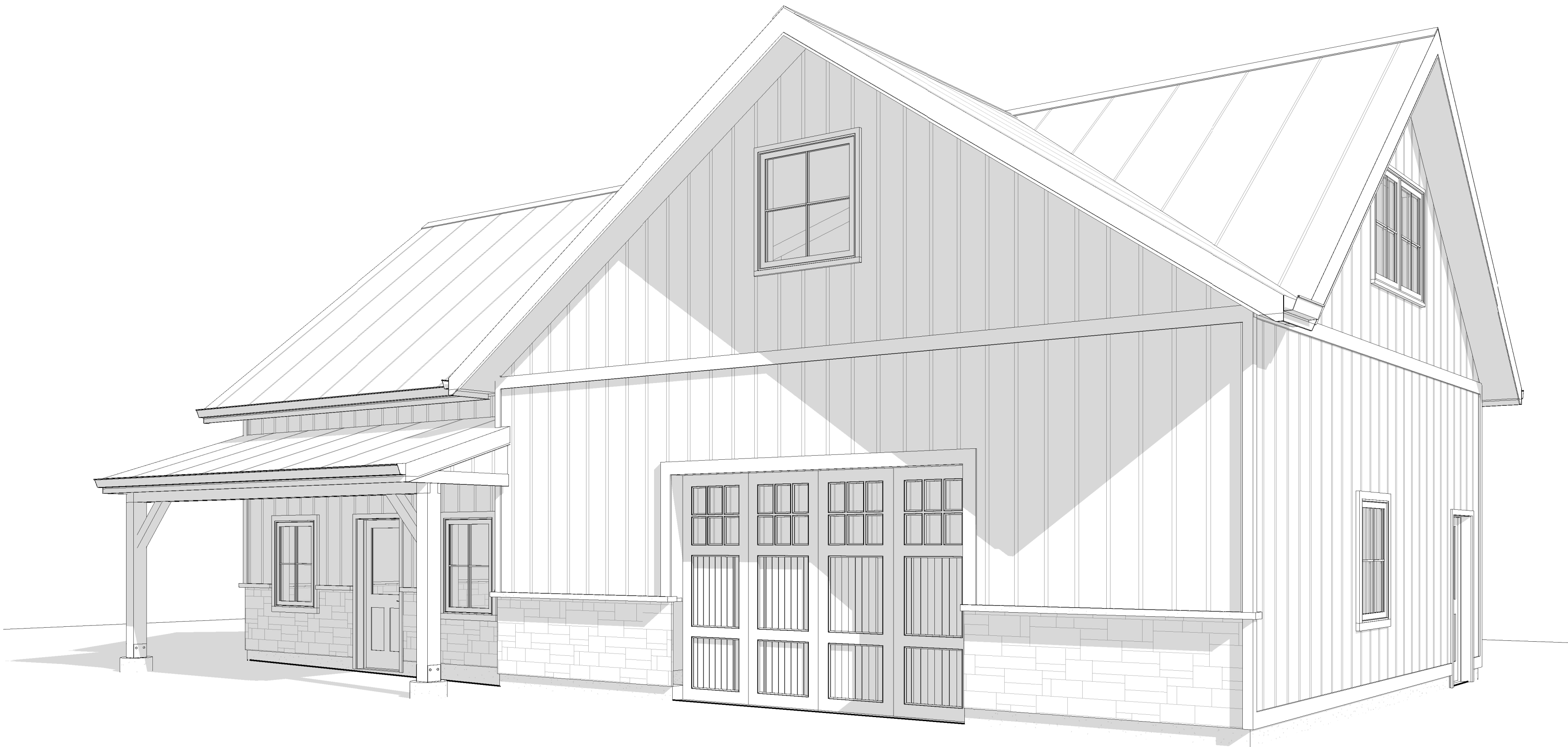
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ELEVATIONS

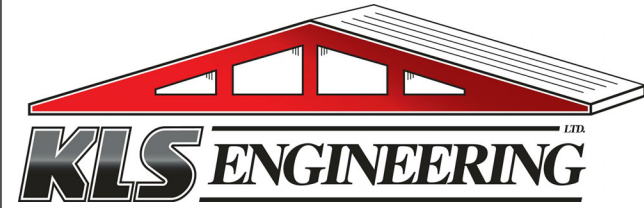
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DATE JUNE 17, 2022	
SHEET 1 OF 4	







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STORAGE BUILDING

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L0S 1C0

DRAWING

FOUNDATION & FLOOR  
PLAN

SCALE  
3/8" = 1'-0"

V22-22-236

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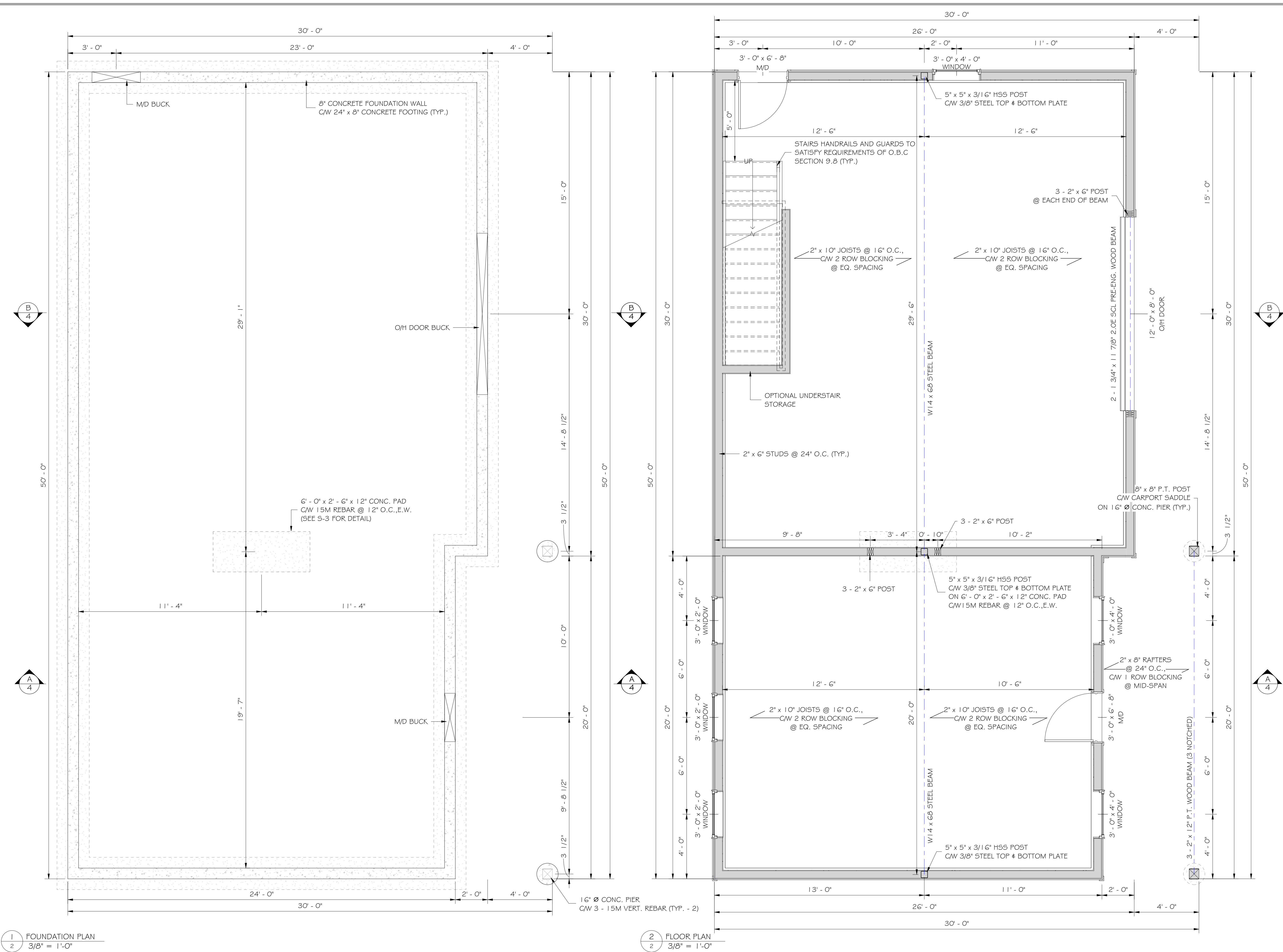
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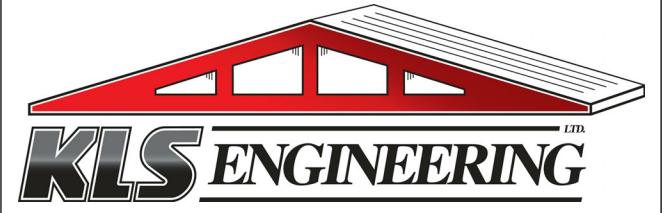
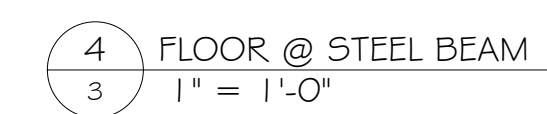
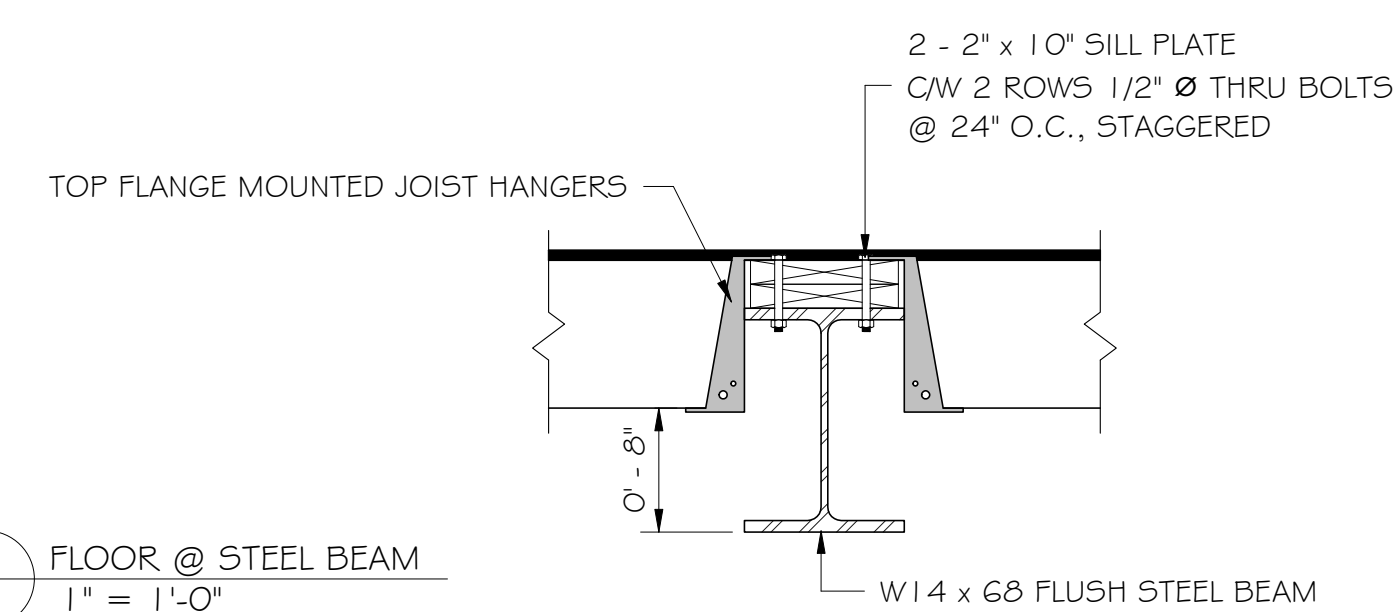
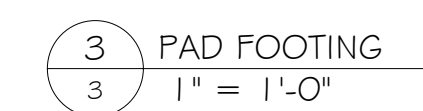
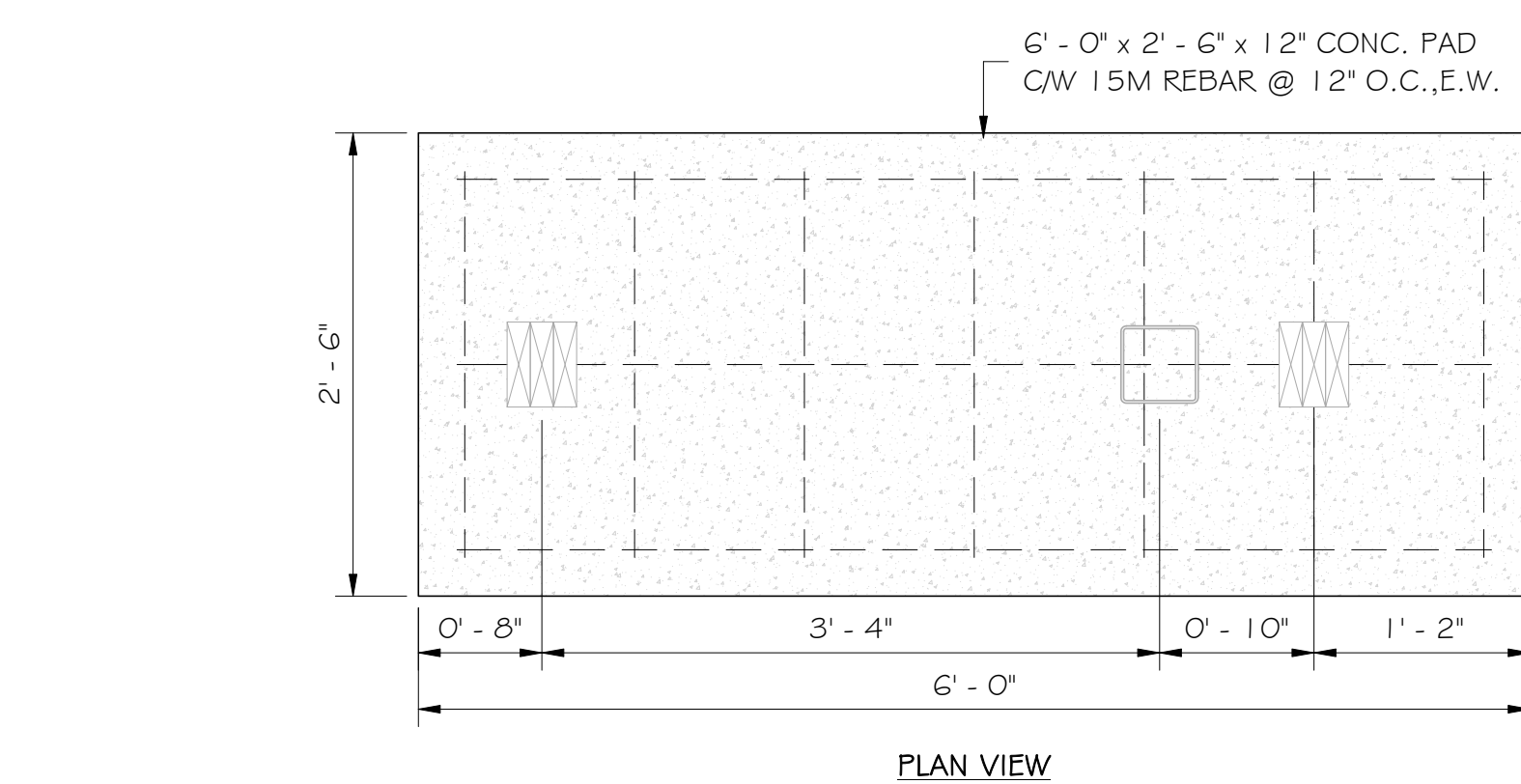
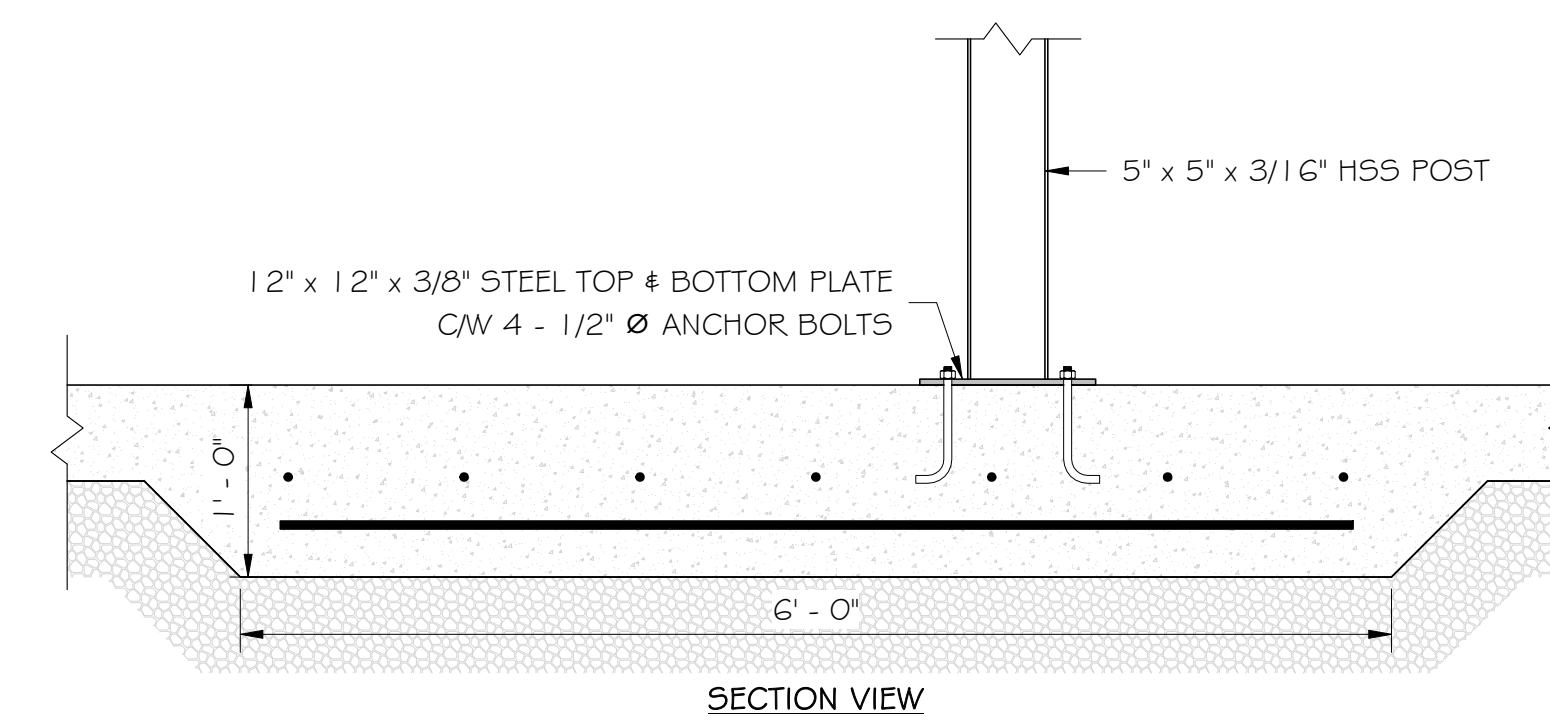
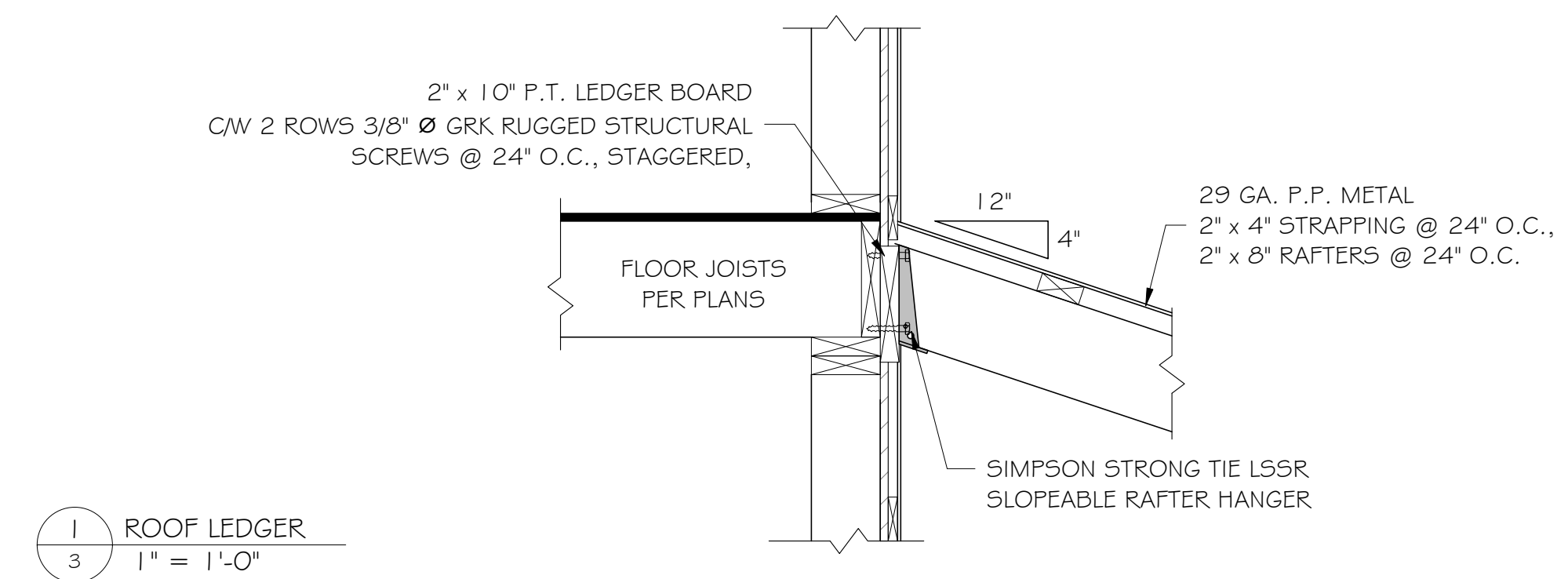
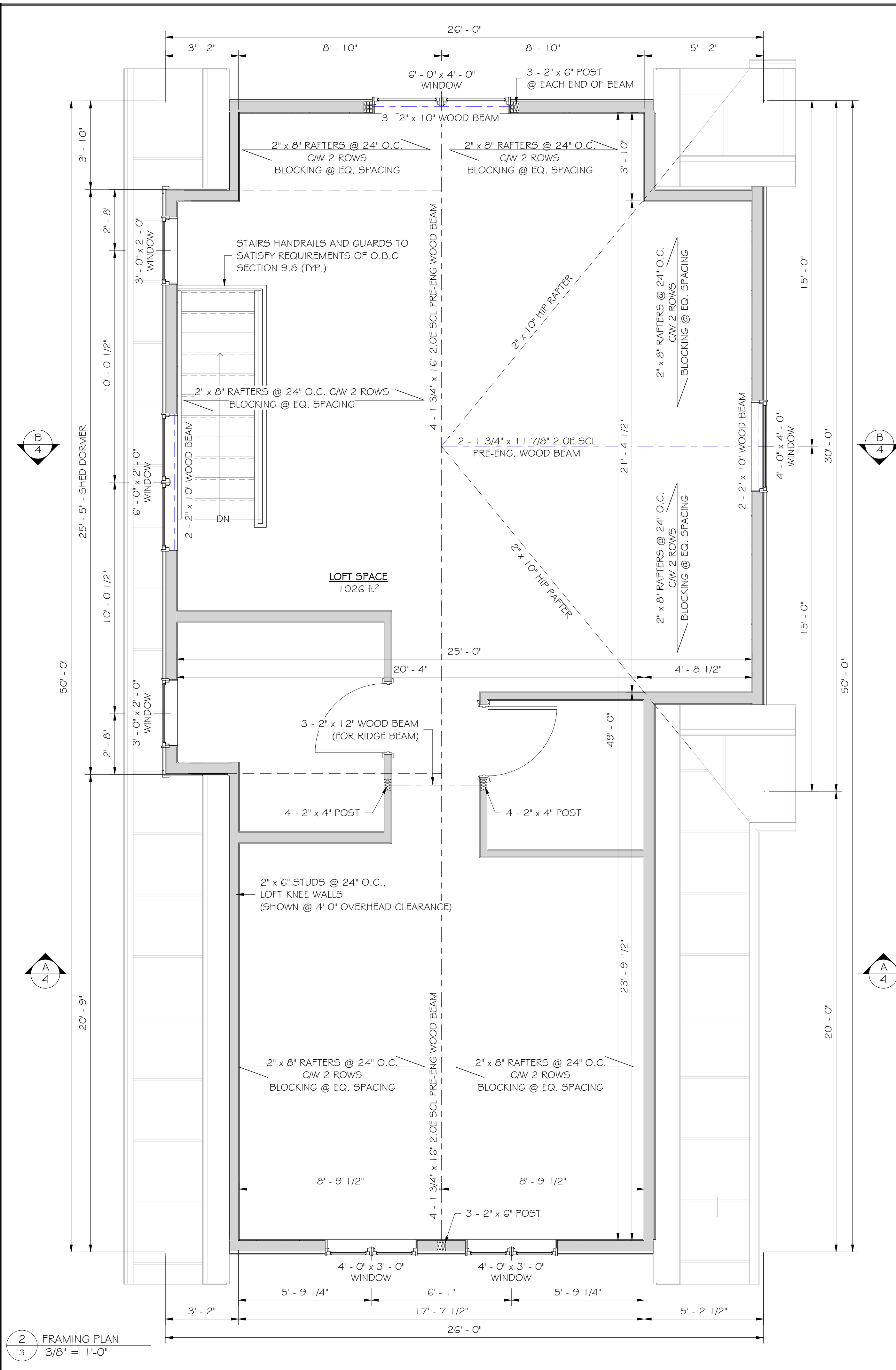
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2 OF 4

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S-2





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LARRY & ALIDA  
VANDERMOLLEN

## STORAGE BUILDING

505 BOYLE ROAD,  
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DRAWING

## LOFT PLAN & DETAILS

SCALE  
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V22-22-236

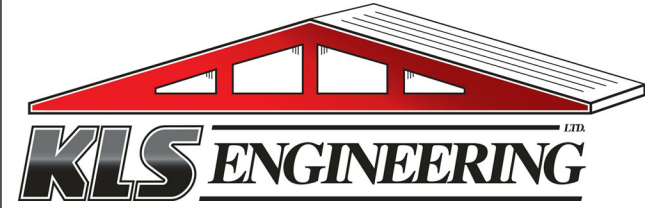
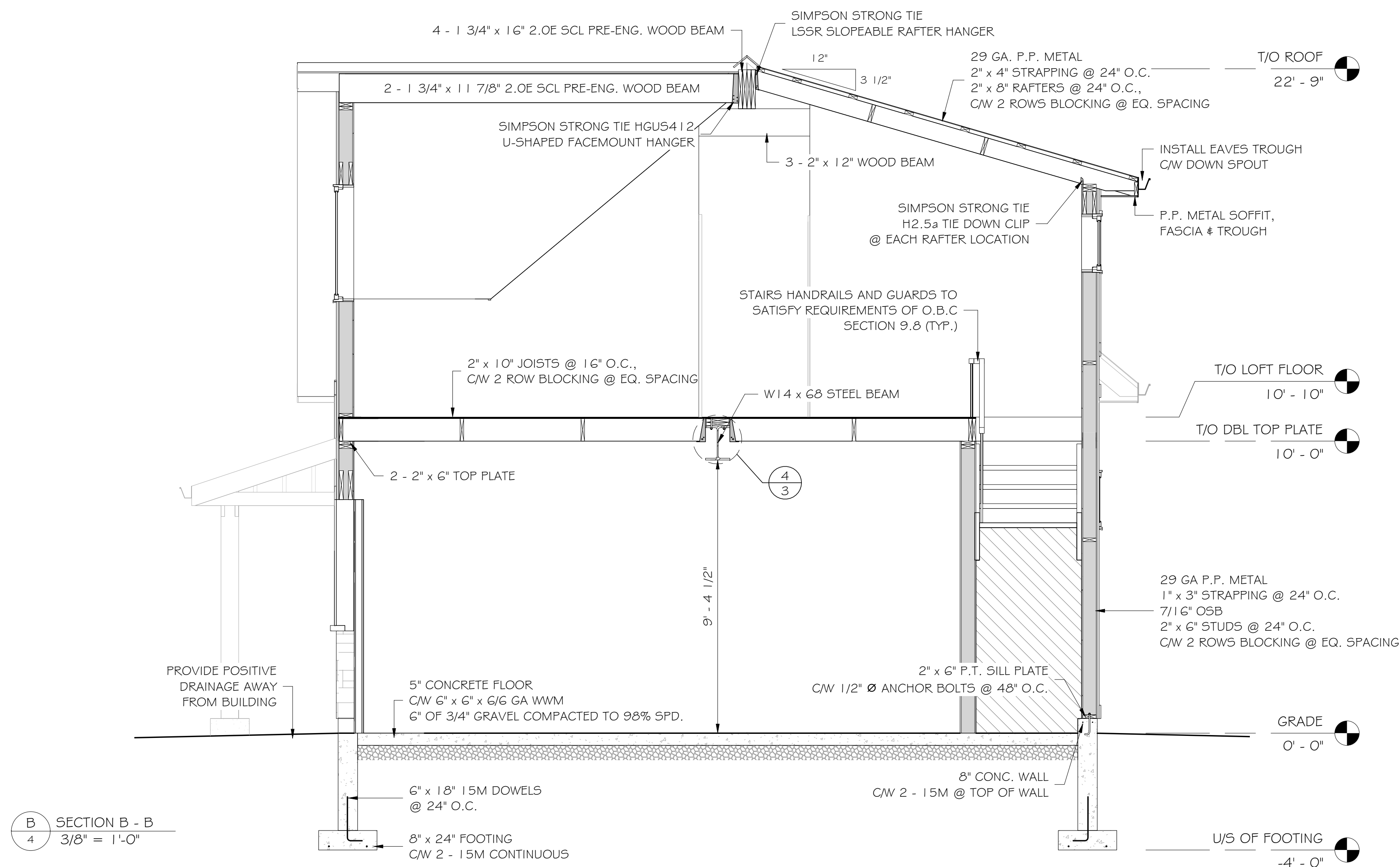
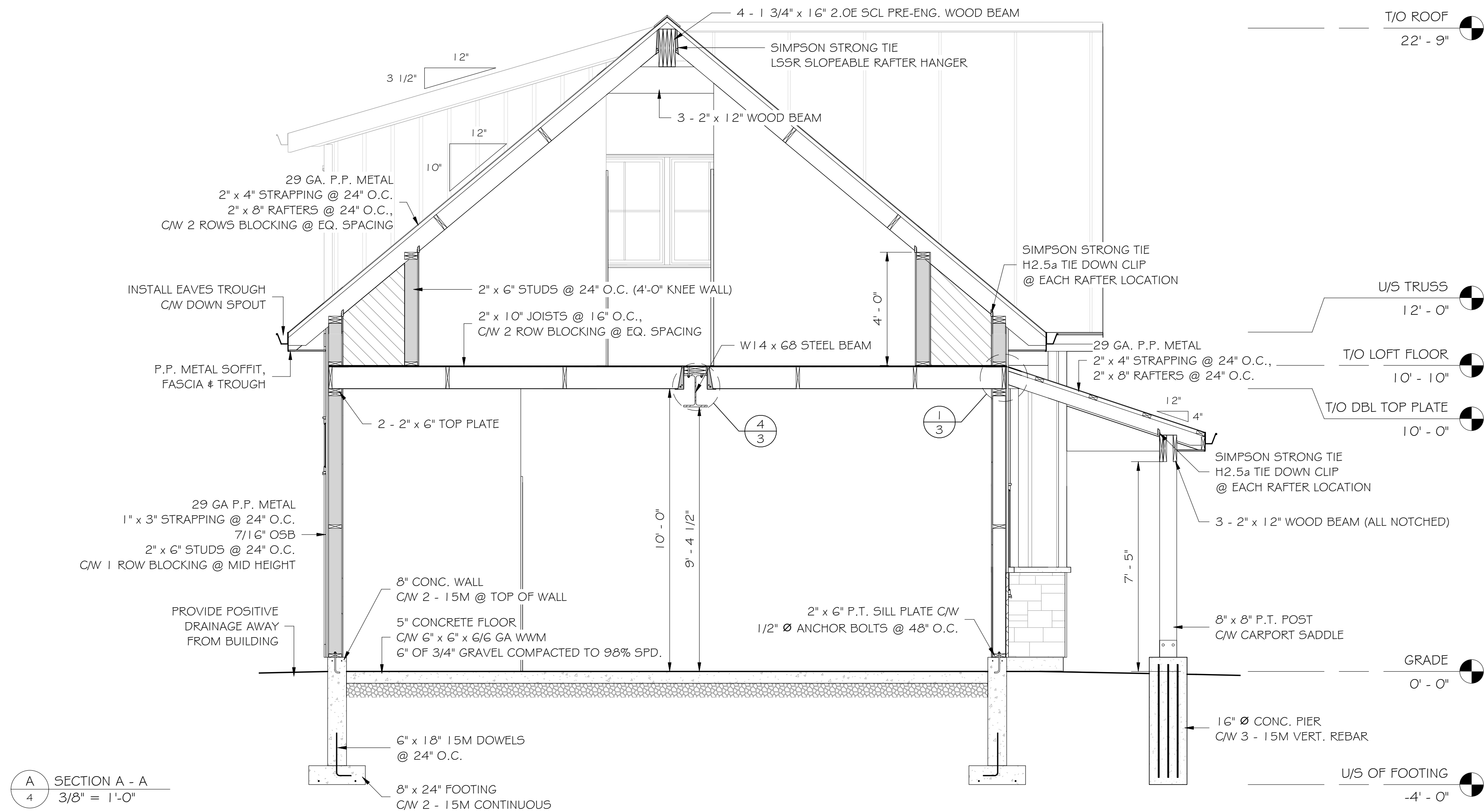
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DRAWN BY	B. BENNETT
DATE	JUNE 17, 2022
SHEET	3 OF 4

DRAWING NUMBER

S-3





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LARRY & ALIDA  
VANDERMOLLEN

STORAGE BUILDING

505 BOYLE ROAD,  
WEST LINCOLN, ON.,  
L0S 1C0

DRAWING

SECTION A - A & B - B

SCALE  
3/8" = 1'-0"

V22-22-236

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DATE: JUNE 17, 2022  
SHEET: 4 OF 4

DRAWN BY  
B. BENNETT  
DATE  
JUNE 17, 2022  
SHEET  
4 OF 4

DRAWING NUMBER  
S-4



## Stephanie Pouliot

---

**From:** Young, Katie <Katie.Young@niagararegion.ca>  
**Sent:** July 17, 2023 2:58 PM  
**To:** Stephanie Pouliot  
**Cc:** Karlewicz, Lori; Development Planning Applications  
**Subject:** Regional Comments - 505 Boyle Rd, WL (Township File: A09/2023WL; Region File: MV-23-0068)

Hello Stephanie,

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the proposed Minor Variance application at 505 Boyle Road in the Township of West Lincoln that proposes two variances. The first is to permit a replacement building to be located within an Environmental Protection 'EP' zone and the second is to permit the replacement building closer to the exterior side lot line than the dwelling.

The property is located within the 'Prime Agricultural Area' within the *Provincial Policy Statement, 2020* ("PPS"), *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and *Niagara Official Plan, 2022*. Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. The permitted uses and activities for Prime Agricultural Areas are agriculture, agriculture-related, and on-farm diversified uses. The NOP permits accessory structures so long as new municipal services are not required, the proposal will not expand into key natural heritage features and key hydrologic features, unless there is no alternative, in which case, shall be limited in scope and kept within close geographical proximity to existing structures, the proposal will not result in the intrusion of new incompatible uses, and is in accordance with the minimum distance separation ("MDS") formulae.

Staff acknowledge that the property is on private services and the proposed accessory building will be located in the area of an existing structure on-site. Township staff should be satisfied that MDS requirements have been met. Subject to the below comments, staff offer no objections to the proposed accessory structure.

### Natural Environment System

The subject property is impacted by the Region's Natural Environment System ("NES"), consisting of the Provincially Significant Wetland ("PSW") and a Permanent or Intermittent Watercourse. The southern half of the property, containing these features, is also 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. The proposed storage building is outside of this setback and located within the existing development footprint. As such, Regional Environmental Planning staff offer no objection to the minor variance.

### Archaeological Potential

The PPS and the NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, PPS policy 2.6.2 and NOP policy 6.4.2.1 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 within Schedule K of the NOP as an area of archaeological potential. 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 Archaeological Assessment by a licensed archaeologist is required. As the proposed storage building will be within the same location as the existing building, staff offer no archaeological assessment requirements. The following warning clauses are provided should any resources be 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 (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the 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 is satisfied that the proposal to permit an accessory structure is consistent with the PPS and conforms to Provincial and Regional plans.

If you have any questions, please let me know.

Kind regards,

**Katie Young**, MSc (PI), MCIP, RPP

Senior Development Planner

Development Planning

Growth Strategy and Economic Development

Niagara Region | [www.niagararegion.ca](http://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](mailto:katie.young@niagararegion.ca)

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## Stephanie Pouliot

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**From:** Meghan Birbeck <mbirbeck@npca.ca>  
**Sent:** July 21, 2023 3:41 PM  
**To:** Stephanie Pouliot  
**Subject:** NPCA comments for A09/2023WL Vandermolen for the property located at 505 Boyle Road  
**Attachments:** Regulated Land Map - 505 Boyle Rd.pdf

Good afternoon Stephanie,

Please see NPCA's comments on the July West Lincoln COA Hearing:

### 505 Boyle Road - A09/2023WL Vandermolen

- The NPCA have had a chance to review the proposed accessory building located at 505 Boyle Road.
- The NPCA notes there is a floodplain located on the property in proximity to the subject location.
- Accessory buildings are permitted in the floodplain per policy 6.2.6, as such the NPCA has no objections to the proposed building.
- The NPCA will require an amendment to the work permit.
- The NPCA's mapping of the property is attached to this email.

Best,  
Meghan



**Meghan Birbeck (MS)**  
Watershed Planner

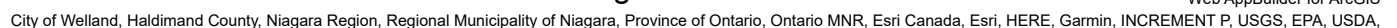
**Niagara Peninsula Conservation Authority (NPCA)**  
250 Thorold Road West, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2

905.788.3135 Ext 278

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

[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)

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# REPORT

TOWNSHIP

COMMITTEE OF ADJUSTMENT

**DATE:** July 26<sup>th</sup>, 2023  
**REPORT NO:** COA-014-23  
**FILE NO:** B04/2023WL  
**SUBJECT:** **Recommendation Report**  
 Application for Consent Legion Villa (Susan Smyth –Agent)  
**LOCATION:** 161 & 171 Mill Street, Smithville, ON L0R 2A0  
**CONTACT:** Dave Heyworth, Manager of Planning

## OVERVIEW:

- A consent application has been submitted by Susan Smyth on behalf of Legion Villa, property owner of 161 and 171 Mill Street.
- This consent application has been applied to permit a boundary adjustment where Part 3 (475.5 square metres) and Part 4 (1298.9 square metres) from 161 Mill Street will be added to 171 Mill Street, being Part 1 on the attached sketch. Please see Attachment 2.
- In addition to the boundary adjustment, this consent application is proposing a right-of-way, being Part 6 on the attached sketch to permit a new easement to access 171 Mill Street. After the consent application, 161 Mill Street (Part 5, 7) will retain Part 6 whereas, Part 3 and 4 will be merged with 171 Mill Street.

## RECOMMENDATION: Yes ☒ No ☐ Deferral ☐

THAT, the application for Consent made by Susan Smyth on behalf of Legion Villa as outlined in Report COA-014-23, to permit a boundary adjustment where Part 3 (475.5 square metres) and Part 4 (1298.9 square metres) from 161 Mill Street will be added to 171 Mill Street, being Part 1 as well as, a right-of-way, being Part 6 to permit a new easement to access 171 Mill Street, BE APPROVED, subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park land dedication, property maintenance, compliance with Zoning By-law provisions for structures, and any related requirements, financial or otherwise.
3. That an undertaking be provided to provide certainty that the ownership for Part 3 and Part 4 on the attached sketch will match the ownership on the property located at 171 Mill Street (Part 1) following consent approval to the satisfaction of the Township of West Lincoln, and that Part 3 and Part 4 merge with Part 1 and the PINS are consolidated.
4. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
5. That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.
6. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
7. That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall

**Respecting Our Roots, Realizing Our Future**



be deemed to be refused.

**BACKGROUND: Surrounding Land Uses and Natural Heritage**

- 161 Mill Street is approximately 2.61 acres (1.06 hectares) in size and 171 Mill Street is approximately 3.44 acres (1.39 hectares).
- The subject property is situated on Mill Street which is South of St. Catharines (Regional Road 20), East of Canborough Street (Regional Road 14) and North of Townline Road and Twenty Mile Creek.
- The subject properties are designated as Institutional in the Township's Official Plan as well as, the Royal Canadian Legion located on St. Catharines Street. The surrounding land uses are designated in the Township's Official Plan as low density residential, medium density residential as well as, high density residential. The subject properties are also located south east of the commercial core. Additionally, areas south west of the subject properties are designated as public parks and Natural Heritage System.
- A portion of the subject lands as noted forms part of the Natural Heritage System in the Township's OP, effectively being located within the rear yard, along Twenty Mile Creek. The present Natural Heritage features include Provincially Significant Wetlands, floodplain, and valley shoreline, which forms both an Environmental Conservation and Environmental Protection area over these features. Please see the attached map for the noted Natural Heritage features, however, are not a factor of this application. Please note, the NPCA, Region and the Township approved a zoning modification to remove a portion of Environmental Protection between the existing parking lots under Section 1.3.6(f) of the Zoning By-law as discussed at the pre-consultation meeting in August 18<sup>th</sup>, 2022.
- These Official Plan designations protect and enhance the existing character of Smithville (Section 6) and support the healthy growth of West Lincoln's Urban Settlement Area and building a liveable community [Policy 5.6(g)].
- Furthermore, the surrounding lands are zoned residential low density, residential medium density, core commercial, open space, and environmental protection and conservation in the Township's Zoning By-law 2017-70, as amended.

**CURRENT SITUATION:**

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

**CONFORMITY:**

**Provincial Policy Statement (2020) Yes ☒ No ☐**

**A Place to Grow (2019) Yes ☒ No ☐**

**Greenbelt Plan (2017) Yes ☐ No ☐ N/A ☒**

**Niagara Official Plan (2022) Yes ☒ No ☐**

**Does the proposal conform to the Township of West Lincoln Official Plan (2014)? Yes ☒ No ☐**

**Official Plan Designation: Institutional & Natural Heritage System**

Provided the consent application has been applied for legal and technical reasons, being the donated lands from the Royal Canadian Legion (branch 393) shown as Part 3 on the attached sketch, Policy 18.13.2(f) can be applicable. The OP permits the conveyance of lands as part of a minor boundary adjustment that do not result in the creation of a new lot, and are permitted for legal and technical reasons which is the case for this particular proposal. For these reasons, Planning Staff consider the proposed consent application to be consistent with the Township's Official Plan, subject to the conditions of approval as indicated.

**Does the proposal conform to the Township of West Lincoln Zoning By-law (2017-70)? Yes ☒ No ☐**

**Current Zone(s): Institutional 'I- 19', Environmental Conservation 'EC' & Environmental Protection 'EP'.**

The subject property, being 161 Mill Street is zoned Institutional 'I' in the Township's Zoning By-law 2017-70, as amended. The existing use will be maintained, being the retirement home (senior living) which is a permitted principal use within the Institutional 'I' zone as noted in Table 20 found in Part 9 of the Township's Zoning By-law. Additionally, 171 Mill Street is zoned Institutional 'I-19' with a site-specific provision that the apartment dwellings be limited to a total maximum of 32 dwelling units on the lot. As noted in the application, the future intent will be to expand the apartment building on the subject property, being 171 Mill Street to 52 dwelling units which will require a Zoning By-law Amendment as well as, a Site Plan Control application. Given the properties will be subject to the future noted planning applications, these are not required as part of this consent application, the proposal can be considered consistent with the Township's Zoning By-law 2017-70, as amended. For these reasons, Planning Staff can support this consent application, subject to the conditions of approval.

<b>FINANCIAL IMPLICATIONS:</b>	
There are no financial implications associated with this report.	
<b>INTER-DEPARTMENTAL COMMENTS:</b>	
Building Department	No comments received, as such no objections.
Septic System Inspector	No comments received, as such no objections.
Public Works	Offers no concerns with the application, but have noted during the future Site Plan application, an easement will be required to access a storm sewer outlet located on 161 Mill Street (shown as Part 7 on the attached site plan). Please see Attachment 3.
Niagara Peninsula Conservation Authority (NPCA)	Offers no objections but have noted any future works within the regulated features will require an NPCA work permit. Please see Attachment 3 for the full comments received.
Niagara Region	Offer no objections and are satisfied that the proposed consent application is consistent with the PPS and conforms with Provincial and Regional plans. Please see Attachment 3 for the full comments received.
<b>PUBLIC COMMENTS: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>	
No public comments received at this time.	
<b>CONCLUSION:</b>	
Based on the above analysis, Planning Staff recommend APPROVAL of the proposed consent application (B04/2023WL) as outlined in Report COA-014-23, to permit a boundary adjustment where Part 3 (475.5 square metres) and Part 4 (1298.9 square metres) from 161 Mill Street will be added to 171 Mill Street, being Part 1 as well as, a right-of-way, being Part 6 to permit a new easement to access 171 Mill Street, subject to the conditions of approval as indicated.	

**Attachments:**

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

**Prepared by:**



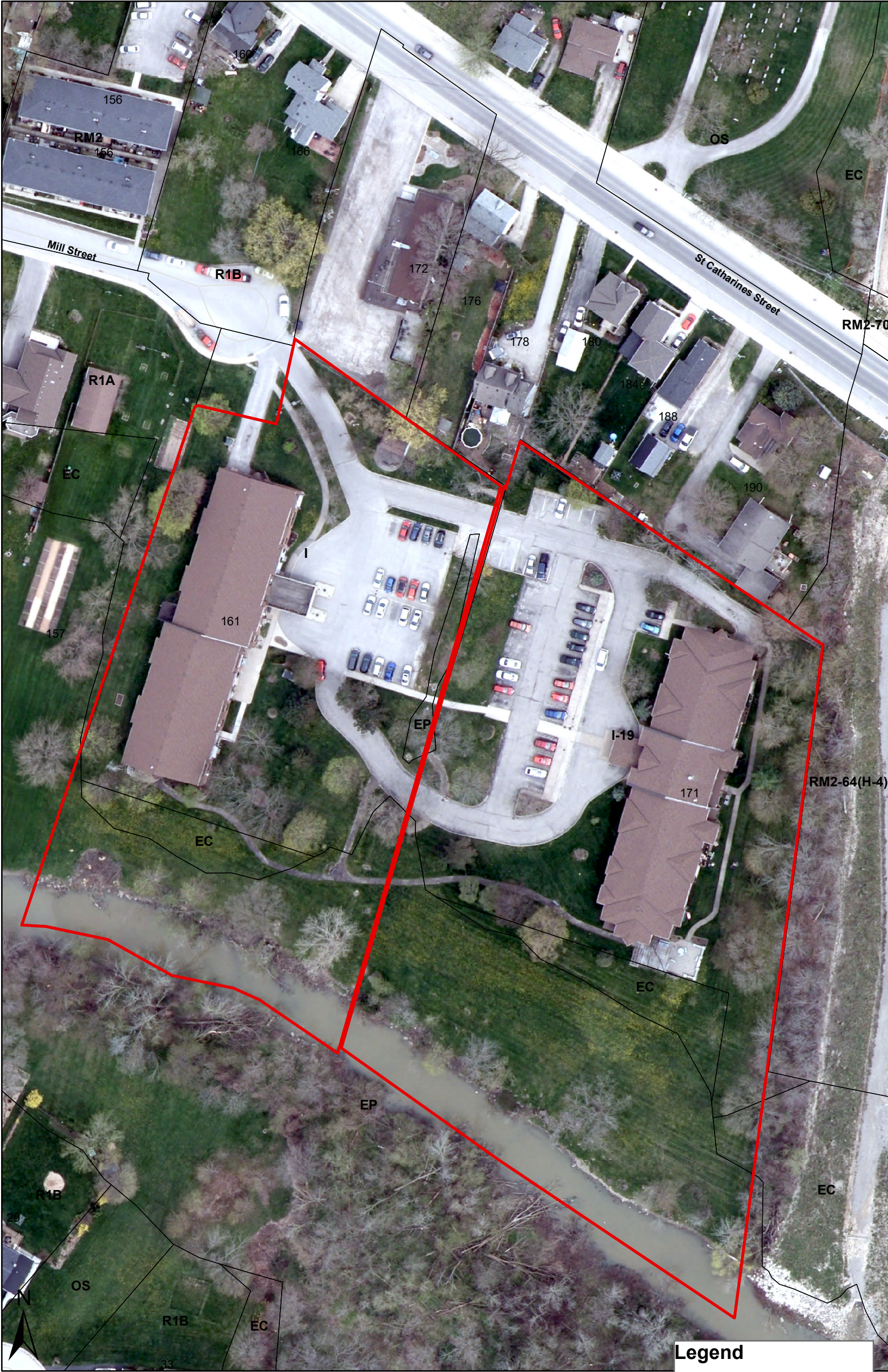
**Stephanie Pouliot,  
Planner**

**Recommended by:**



**Dave Heyworth, RPP, MCIP  
Manager of Planning**





**Location Map**  
**161 & 171 Mill Street**

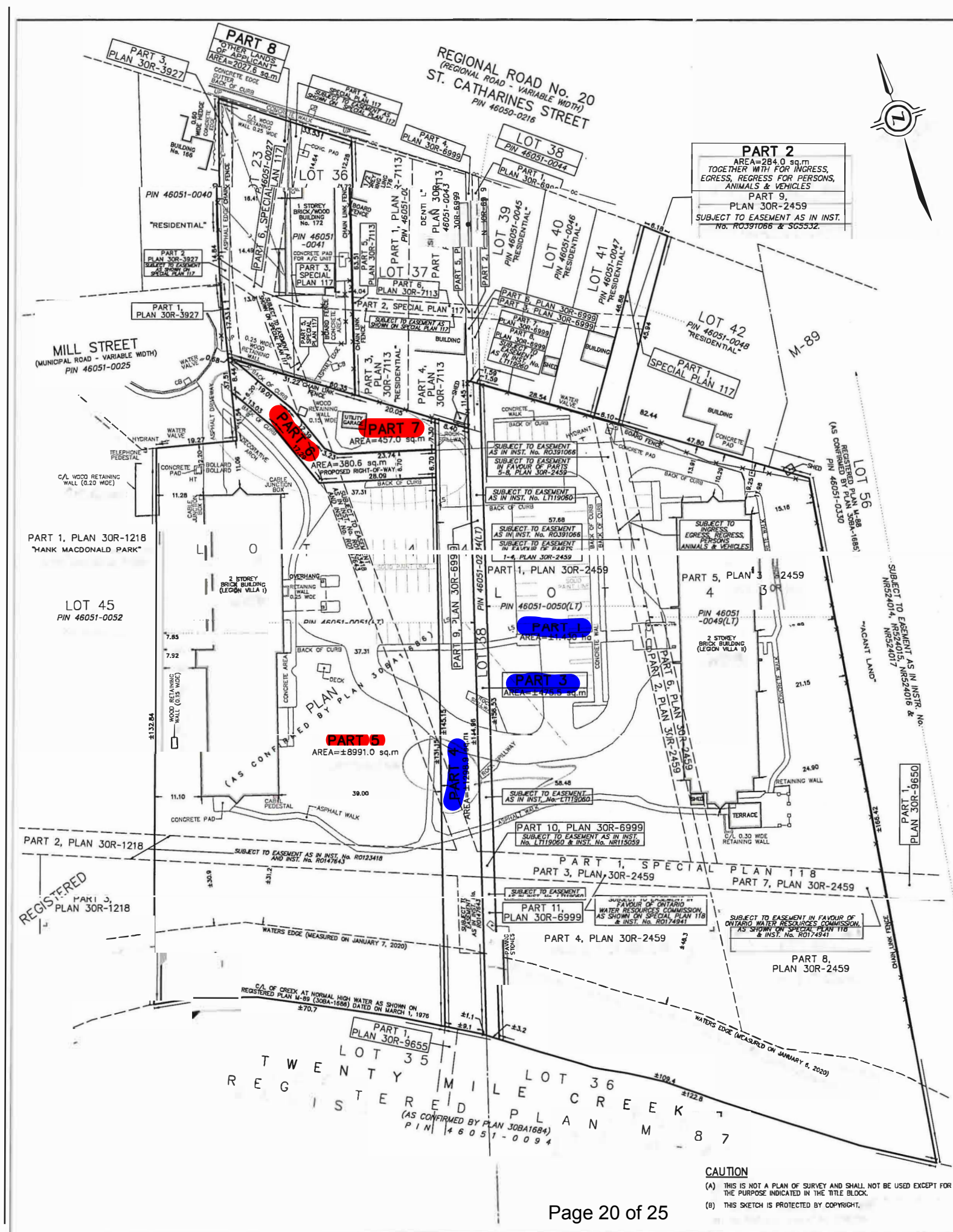
0 12.5 25 50 Meters



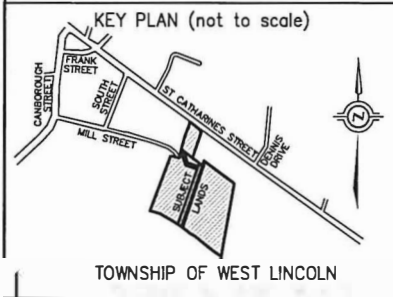
**Legend**

	ZoneBoundary
	Subject Property





NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY  
SKETCH FOR PLANNING PURPOSES ONLY  
**161 & 171 MILL STREET**  
TOWNSHIP OF WEST LINCOLN  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 : 500  
J.D. BARNES LIMITED  
© COPYRIGHT 2023  
METRIC NOTE  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE  
CONVERTED TO FEET BY DIVIDING BY 0.3048



TOPOGRAPHIC LEGEND

CB	DENOTES CATCHBASIN
HT	DENOTES HYDRO TRANSFORMER
UP	DENOTES UTILITY POLE
LS	DENOTES LIGHT STANDARD
OC	DENOTES OVERHEAD CABLE
T	DENOTES TELEPHONE LINE
X	DENOTES FENCE

**Legend:**  
Ø ||| , a \* A Consent Application  
Fī FÁ āĀd^c(Part 1)  
will be merged with Part 3  
and 4  
**161 Mill Street** (Part 5,  
7) will retain Part 6

**LEGAL DESCRIPTION**  
LOTS 23, 36, 43, 44 & PART OF LOT 38 REGISTERED PLAN M-89  
AS CONFIRMED BY PLAN BA-1686  
BOUNDARY INFORMATION HAS BEEN DERIVED FROM A FIELD SURVEY  
DATED JANUARY 20, 2020. THIS IS NOT A PLAN OF SURVEY.  
SOME FEATURES SHOWN ON THIS SKETCH HAVE BEEN DIGITIZED FROM  
AERIAL PHOTOGRAPHY - LOCATION IS APPROXIMATE.

JUNE 30, 2023  
DATE  
ANDREW HANDSPKER  
ONTARIO LAND SURVEYOR  
J.D. BARNES  
LAND INFORMATION SPECIALISTS  
215 PRINCE STREET, SUITE 100, NIAGARA FALLS, ONTARIO L2A 1A4  
T: (905) 351-1111 F: (905) 351-1112 www.jdbarnes.com  
JN  
AH  
06/21/2023  
23-16-184-00  
PLOTTED 6/20/2023



250 Thorold Rd 3rd Floor, Welland, ON L3C 3W2  
905.788.3135 | [info@npca.ca](mailto:info@npca.ca) | [npca.ca](http://npca.ca)

July 24, 2023

Via Email Only

Stephanie Pouliot, Planner I  
Township of West Lincoln  
318 Canborough St,  
Smithville, ON L0R 2A0

**Subject: Consent Information**  
**161 & 171 Mill St**  
**Township of West Lincoln**  
**Town File: B04/2023WL**  
**NPCA File: PLCON202300869**

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Good afternoon Stephanie,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the Consent application package from the Township of West Lincoln regarding 161 & 171 Mill St for the hearing on July 26, 2023. The application is being made to permit a minor boundary adjustment as well as the addition of a right-of-way.

### **NPCA Policies**

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06 of the Conservation Authorities Act*. The *NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority* (NPCA policies) provides direction for managing NPCA regulated features.

The subject property contains the following regulated features: A watercourse (Twenty Mile Creek), and associated floodplain with an elevation of 183.0319 metres. Additionally, there is a Provincially Significant Wetland (Lower Twenty Mile Creek Wetland Complex) and 30 metre buffers.

The NPCA does not object to the proposed minor boundary adjustment.

The minor boundary adjustment has been demonstrated to be for legal and technical reasons. Further the submitted drawings for both lots demonstrates that there is sufficient

250 Thorold Rd 3rd Floor, Welland, ON L3C 3W2  
905.788.3135 | [info@npca.ca](mailto:info@npca.ca) | [npca.ca](http://npca.ca)

room outside of the flood hazard to accommodate a building envelope, including space for servicing and amenities.

Please advise the proponent that the NPCA Review Fees is subject to the Fees Schedule in effect at the time of an application. Currently, the fee for a minor consent application is \$1,186.50. Please include this fee as a condition of the consent application, to ensure it is paid for.

It should also be noted that any future proposed work within the regulated features on the subject property will require an NPCA Work Permit and its associated fee.

I trust the above will be of assistance to you. Should you have any further questions or require further information in this matter, please do not hesitate to call.

I hope this information is helpful.

Yours truly,



Meghan Birbeck  
Watershed Planner  
(905) 788-3135, ext. 278  
[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)



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## Memo

**To:** Stephanie Pouliot, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** July 24, 2023  
**Re:** File B04/2023WL – Legion Villa - 161 & 171 Mill St

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A review has been completed of this application for consent for a boundary adjustment between 161 Mill St and 171 Mill St. Public Works has no concerns with this application.

For information purposes, it should be noted that there is a storm sewer outlet from Mill St located on #161 Mill St or Part 7 of the survey provided. At the Site Plan application stage, Public Works would like to secure an easement for this storm outlet.

## Stephanie Pouliot

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**From:** Young, Katie <Katie.Young@niagararegion.ca>  
**Sent:** July 17, 2023 2:54 PM  
**To:** Stephanie Pouliot  
**Cc:** Karlewicz, Lori; Development Planning Applications  
**Subject:** Regional Comments - 161 & 171 Mill Street, WL (Township File: B04/2023WL; Region File: CS-23-0046)

Hello Stephanie,

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the proposed Consent application at 161 and 171 Mill Street in the Township of West Lincoln. The proposal is to permit a boundary adjustment where Part 3 (475 m<sup>2</sup>) and Part 4 (1298.9 m<sup>2</sup>) from 161 Mill Street will be added to 171 Mill Street, being Part 1 on the attached sketch. In addition, the application is proposing a right-of-way, being Part 6 to permit a new easement to access 171 Mill Street.

The property is located within the 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS"), within the 'Delineated Built-Up Area' in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and designated 'Built-Up Area' in the *Niagara Official Plan, 2022*. Staff acknowledge that severances are permitted within the Built-Up Area. Subject to the below comments, staff offer no objections to the proposal.

### Environmental Planning

The pre-consultation meeting for this application was held prior to the approval of the NOP by the Minister of Municipal Affairs and Housing on November 4, 2022. Policy 3.1.30.3.1 of the NOP states that, where a formal pre-consultation meeting has been completed within one (1) year of the approval of the NOP, and environmental requirements have been established through a signed pre-consultation agreement that has not expired, required environmental studies may be evaluated in accordance with the Regional policies that existed at the time the pre-consultation meeting was completed (provided the application is submitted within two years of the approval of the NOP). Accordingly, the environmental policies of the previous Regional Official Plan ("ROP") apply to the proposed application.

The subject property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of the Provincially Significant Lower Twenty Mile Creek Wetland Complex ("PSW"), Significant Woodland, Significant Valleyland, and Type 1 (Critical) Fish Habitat. Consistent with ROP policies, an Environmental Impact Study ("EIS") is generally required in support of site alteration and/or development proposed within 120 m of PSW, 50 m of Significant Woodlands/Valleylands, and within 30 m of Type 1 Fish Habitat. The EIS must demonstrate that there will be no significant negative impact on the features or their ecological function.

The proposed boundary adjustment does not fragment the above-noted features under additional ownership. As such, Regional Environmental Planning staff offer no objection. Please note that consistent with Pre-consultation agreement (August 18, 2022), there will be requirements for future *Planning Act* approvals.

### Archaeological Potential

The PPS and the NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, PPS policy 2.6.2 and NOP policy 6.4.2.1 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 within Schedule K of the NOP as an area of archaeological potential. 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 Archaeological Assessment by a licensed archaeologist is required.

Staff do not consider a boundary adjustment to be development. As such, staff offer no archaeological assessment requirements. As noted through the Pre-consultation agreement (August 18, 2022), based on the site context and disturbance in the vicinity, Regional staff will implement standard archeological clauses through the future Site Plan application.

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

Should you have any questions, please let me know.

Kind regards,

**Katie Young**, MSc (PI), MCIP, RPP

Senior Development Planner

Development Planning

Growth Strategy and Economic Development

Niagara Region | [www.niagararegion.ca](http://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](mailto:katie.young@niagararegion.ca)

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