



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

Wednesday, August 30, 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 File No. A11/2023WL - Brouwer Architecture Inc., is being deferred at this time. | |
| 4. APPLICATIONS | |
| a. B05/2023WL - Snippe
Address: 1738 Caistor Gainsborough Townline Road

A consent application has been applied for to permit a surplus farm dwelling severance for the lands located at 1738 Caistor Gainsborough Townline Road. The land being severed with the dwelling is proposed to be 0.51 hectares (1.26 acres) and the remnant farmland will be approximately 18.5 hectares (45.71 acres) following the severance. If approved, a condition will be required that the severed holding be zoned to Rural Residential and the remnant farmland be zoned to Agricultural Purposes Only (APO), restricting any future residential use or merging the lands onto an abutting property. | 3 |
| b. A10/2023WL - Rose
Property Address: 7972 Mud Street

A minor variance application has been applied for to permit an agricultural accessory building to be built approximately 100 metres farther than permitted, being approximately 165 metres from the dwelling, whereas Table 1-1 in Part 3 of the Township's Zoning Bylaw 2017-70, as amended, identifies the maximum distance permitted from a main building to be 50 metres for an accessory building or structure within an | 17 |

Agricultural 'A' zone.

- c. A12/2023WL - McKinney
Property Address: 9262 Concession 2 Road

33

A minor variance application has been applied for to recognize a deficient lot area and fulfill condition 5 of a related consent application B01/2023WL which permitted a minor boundary adjustment with the abutting property located at 996 Abingdon Road. This minor variance is recognizing the subject property following the boundary adjustment, with a lot size of approximately 0.65 hectare (1.61 acres), whereas Table 12 in Part 5 of the Township's Zoning Bylaw 2017-70, as amended, identifies 40 hectares as the minimum lot area requirement in an Agricultural 'A' zone.

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: August 30th, 2023

REPORT NO: COA-015-23

FILE NO: B05/2023WL

SUBJECT: **Recommendation Report**
Application for Consent, Surplus Farm Dwelling Severance Brad Snippe

LOCATION: 1738 Caistor Gainsborough Townline Road, Smithville, ON L0R 2A0

CONTACT: Susan Smyth, Senior Planner

OVERVIEW:

- A consent application has been submitted by Brad Snippe, property owner of 1738 Caistor Gainsborough Townline Road.
- The Consent application is being requested to permit a surplus farm dwelling severance for the lands located at 1738 Caistor Gainsborough Townline Road. The land being severed with the residence is proposed to be 0.51 hectares (1.26 acres).
- 1738 Caistor Gainsborough Townline Road has a total lot size of approximately 19 hectares (46.95 acres), following the severance, the remnant farmland will be approximately 18.5 hectares (45.71 acres) in size.
- If approved, a condition will be required that the severed residential lands be zoned to Rural Residential and the retained farmland be zoned to Agricultural Purposes Only (APO), restricting any future residential use as the owner has shown that merging the lands onto an abutting property is not possible.

RECOMMENDATION: Yes ☒ No ☐ Deferral ☐

THAT, the application for Consent made by Brad Snippe as outlined in Report COA-015-23, to permit a surplus farm dwelling severance at 1738 Caistor Gainsborough Road, 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 upon conditional approval of the Consent Application, the agricultural portion (Parcel 2) of the property is rezoned to Agricultural Purposes Only (APO) to preclude its use for residential purposes and the severed lands (Parcel 1) be rezoned to Rural Residential (RuR) and any zoning deficiencies be addressed.
4. That the applicant submits the required cash-in-lieu of parkland dedication fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
5. That the applicant provides the Regional review fee of \$940 directly to the Region. An email from the Niagara Region confirming successful payment will be required, in order to clear this condition.
6. That the owner dedicates a daylighting triangle of 7m by 7m at the intersection of Caistor Gainsborough Townline Road and Cosby Road.
7. That the applicant provides a road widening of approximately 1-metre between 7135 Cosby Road and Caistor Gainsborough Townline Road.

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8. That the applicant provide documentation indicating compliance with Part 8 (Sewage Systems) of the Ontario Building Code, to the satisfaction of the Township's Septic Inspector and Building Department.
9. 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.
10. That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.
11. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
12. 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 be deemed to be refused.

BACKGROUND: Surrounding Land Uses and Natural Heritage

- 1738 Caistor Gainsborough Townline Road is approximately 19 hectares (46.95 acres) in size.
- The subject property is situated on the West side of Caistor Gainsborough Townline Road, which is North of Silver Street (Regional Road 65) and Cosby Road, East of Smithville Road (Regional Road 14) and West of Port Davidson 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.
- A small portion of the subject lands as noted forms part of the Natural Heritage System in the Township's OP, effectively being located along the north-west corner of about 0.24 hectares of the property. The present Natural Heritage features include Provincially Significant Wetlands, Significant Woodlands and fish habitat, 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.
- The surrounding lands are actively farmed with a number of small rural residential properties.
- Both 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 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: Good General Agriculture & Natural Heritage System

The Township's Official Plan permits consents for agricultural purposes, and only allows non-farm rural residential lots as part of a surplus farm dwelling severance which are subject to the regulations found in Section 18.13. The application meets the required criteria. The applicant is a bona-fide farmer, who demonstrates a continuing commitment to his farm operation. The condition of approval to rezone the remnant farmland also protects and preserves the area for continuous agricultural purposes which maintains and promotes the general intent and purpose of Section 4 of the Township's OP.

Additionally, the severed land with the dwelling is recognized by Policy 18.13.2(g), that the residential parcel shall not exceed 0.4 hectares (1 acre), except where necessary to accommodate the residence and private services. This is the case for the proposed parcel size of approximately 0.51 hectares (1.26 acres) which includes the residence, private services, as well as the existing accessory buildings on the property.

In addition, as the proposed lands to be severed is located south-east of the Township's Natural Heritage System features and will not impact their ecological function, the general intent and purpose of Section 10 is being maintained. 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): Agricultural 'A', Environmental Conservation 'EC' & Environmental Protection 'EP'

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As a condition of approval, the lands to be severed with the residence will be rezoned to Rural Residential and the remnant farmland will be rezoned to Agricultural Purposes Only 'APO' to restrict any future residential uses on Parcel 2 (see Site Plan, found in Attachment 2). The Zoning By-law Amendment application will also recognize the deficient lot size of Parcel 2, being approximately 18.5 hectares (45.74 acres) whereas, Table 12 in Part 5 of the Township's Zoning By-law 2017-70, as amended, identifies 39 hectares (96.37 acres) to be the minimum lot area within an Agricultural Purposes Only 'APO' zone. Additionally, the rezoning application will recognize the deficient front yard setback of Parcel 1, being the existing dwelling is located approximately 14 metres from the front lot line whereas, Table 14 in Part 6 of the Township's Zoning By-law 2017-70, as amended, identifies 15 metres to be the minimum front yard requirement. The rezoning application will also address the exceeding lot coverage pertaining to the existing accessory buildings which are being proposed to be included with the severed residential lot and total approximately 213 square metres, whereas Table 1-2 in Part 3 of the Township's Zoning By-law 2017-70, as amended, identifies 200 square metres as the maximum lot coverage permitted for all accessory buildings and structures on a lot within a Rural Residential 'RuR' zone. As such, these zoning deficiencies will need to be addressed in the future rezoning application.

Given both Parcel 1 and 2 will be subject to a future rezoning application and the zoning deficiencies will be addressed, the proposal can be considered consistent with the general intent of the Township's Zoning By-law 2017-70, as amended. For these reasons, Planning Staff can support this consent application, and recommend approval of the proposed surplus farm dwelling severance, subject to the appropriate conditions.

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	As no documentation has been provided relating to compliances with Part 8 of the Ontario Building Code, a condition has been included to satisfy the noted concern.
Public Works	As per POL-PW-1-18, a 7-metre by 7-metre daylighting triangle is required at the intersection of Cosby Road and Caistor Gainsborough Townline Road. A road widening of approximately 1-metre is also required from 7135 Cosby Road and Caistor Gainsborough Townline Road. Please see Attachment 3 for the full comments received.
Niagara Peninsula Conservation Authority (NPCA)	Offer no objections to the proposed Surplus Farm Dwelling Severance as the lot lines do not appear to dissect a regulated feature of the subject property. Please see Attachment 3.
Niagara Region	Offer no objections to the proposed consent and are satisfied that the proposed lot size is necessary to support private on-site services. Please see Attachment 3 for the full comments received. However, as the applicant has not paid the Regional Review fee, a condition of approval has been included.

PUBLIC COMMENTS: Yes ☐ No ☒

No public comments received at this time.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed consent application (B05/2023WL) as outlined in Report COA-015-23, submitted by Brad Snippe, property owner of 1738 Caistor Gainsborough Townline Road to permit a surplus farm dwelling severance, 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:



**Susan Smyth, C.P.T
Senior Planner**



Location Map
1738 Caistor Gainsborough Townline Road

0 50 100 200 Meters

West Lincoln

Your Future Naturally

Legend

ZoneBoundary

Subject Property

SKETCH FOR SEVERANCE APPLICATION
1738 CAISTOR GAINSBOROUGH TOWNLINER ROAD
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA



SCALE 1: 500
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS
© COPYRIGHT, Rasch & Hyde Ltd., OLS's, 2023

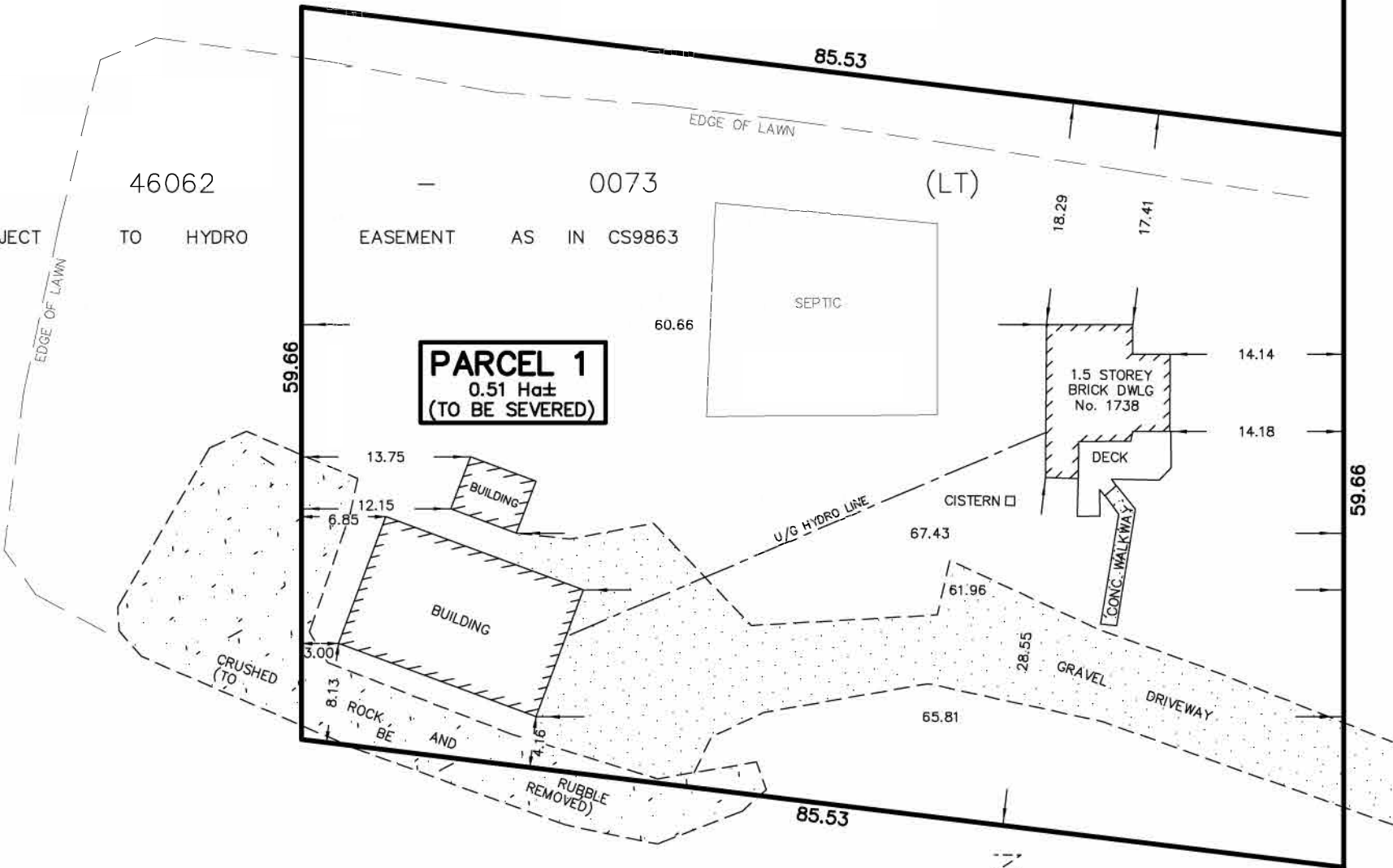
PARCEL 2
18.5 Ha±
(TO BE RETAINED)

PIN
SUBJECT TO HYDRO

46062

EASEMENT AS IN CS9863

PARCEL 1
0.51 Ha±
(TO BE SEVERED)



PIN 46076 - 0001 (LT)
GEOGRAPHIC TOWNSHIPS OF CAISTOR AND GAINSBOROUGH
ALSO KNOWN AS ATTERCLIFFE ROAD



KEY PLAN NOT TO SCALE

BOUNDARY NOTE
BOUNDARIES HAVE BEEN DERIVED FROM PLAN 30R-8445 AND ACTUAL FIELD WORK.

PROPERTY DESCRIPTION
PART OF LOT 1, CONCESSION 5
GEOGRAPHIC TOWNSHIP OF CAISTOR
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
PIN 46062-0073 (LT)

JULY 20, 2023
DATE
HAROLD D. HYDE
ONTARIO LAND SURVEYOR

SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL
COPY IF EMBOSSED BY
THE SURVEYOR'S SEAL,
OR PDF CERTIFIED

LEGEND & NOTES

PIN DENOTES PROPERTY IDENTIFIER NUMBER
HP DENOTES HYDRO/UTILITY POLE LINE
OUL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE
U/G DENOTES UNDERGROUND

**BUILDING TIES, DISTANCES AND AREAS ARE APPROXIMATE.

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

CAUTION

1. THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
2. THIS SKETCH IS PROTECTED BY COPYRIGHT ©
3. THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH THE SURVEYOR'S SEAL, OR PDF CERTIFIED.

RASCH + HYDE LTD.
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B
DUNNVILLE, ONT, N1A 2X1
DUNNVILLE: 905-774-7188 FORT ERIE: 905-871-9757
(FAX 905-774-4000)

HAROLD D. HYDE O.L.S.

SCALE 1 : 500 SURVEY : 23-117 DRWN BY : T. Matheson



Memo

To: Stephanie Pouliot, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: August 25, 2023
Re: File B05/2023WL – 1738 Caistor Gainsborough Townline Road

A review has been completed of this application for consent to permit a surplus farm dwelling at 1738 Caistor Gainsborough Townline Road. The land being severed with the dwelling is proposed to be 0.51 hectares and the remnant farmland will be approximately 18.5 hectares.

As per the Public Works Severance Application Condition Request Policy POL-PW-1-18, a road widening is requested where the right-of-way of a Township road is deficient of the required 20m. Cosby Road, between #7135 Cosby Road and Caistor Gainsborough Townline Road is deficient of the required right-of-way, therefore Public Works requests a road widening along that section of Cosby Road. The road widening would be approximately 1m, half of the deficient width.

Under the same Policy POL-PW-1-18, a daylighting triangle is requested at intersections when deemed necessary. For the intersection of Caistor Gainsborough Townline Road and Cosby Road, a daylighting triangle of 7m by 7m is required.

The road widening and daylighting triangle are to be conveyed to the Township free and clear of any mortgages, liens or encumbrances. All costs to be borne by the owner.



Your Future Naturally

318 Canborough St. P.O. Box 400
Smithville, ON
L0R 2A0
T: 905-957-3346
F: 905-957-3219
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PLANNING & DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Stephanie Pouliot – Planner / Treasurer Committee of Adjustments

FROM: Lyle Killins, Septic Inspection Manager

DATE: August 16, 2023

SUBJECT: Consent- Septic Evaluation - B05/2023 WL –1738 Caistor Gainsborough Townline Road

The proposed application has been reviewed, file searches and on-site visit completed.

Relevant file searches indicated no record of the existing on-site sewage disposal system and/or permits relating to installation.

Given that no documentation has been submitted relating to compliances with Part 8 (Sewage Systems) of the Ontario Building Code, the following is provided for consideration as a Condition of Approval.

The applicant provide documentation indicating application compliance with Part 8 of the Ontario Building Code to the satisfaction of the Township of West Lincoln Building Department.

We trust the preceding serves as required, however should additional information and/or clarification, please contact West Lincoln Building Department at 905-957-3346.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lyle Killins", is written over a horizontal line.

Lyle Killins C.P.H.I.(c)
BCIN #11112

VIA E-MAIL ONLY

August 25, 2023

Region File: D.06.12.CS-23-0053

Stephanie Pouliot
Planner I
Township of West Lincoln
318 Canborough Street
Smithville, Ontario L0R 2A0

Dear Ms. Pouliot:

**Re: Regional and Provincial Comments
Application for Consent
City File: B05/2023WL
Owner: Brad Snippe
1738 Caistor Gainsborough Townline Road
Township of West Lincoln**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed this application to permit a surplus farm dwelling severance for the property municipally known as 1738 Caistor Gainsborough Townline Road in the Township of West Lincoln. If approved, a condition will be required that the severed holding be zoned to Rural Residential and the remnant farmland be zoned to Agricultural Purposes Only (APO). Regional staff received notice of this application on August 14, 2023.

Planning Comments

The subject land is located within the Prime Agricultural Area under the Provincial Policy Statement (PPS), and is designated as Prime Agricultural Area in the Niagara Official Plan (NOP).

Staff notes that Policy 4.1.6.1 (c) of the Niagara Official Plan states that *"In prime agricultural areas outside of specialty crop areas, consents to convey may be permitted only in those circumstances set out in the following provisions and the general consent provisions of Policy 4.1.4.2: (c) the consent is for a residence surplus to a farming operation as outlined in Policy 4.1.6.2"*.

Staff notes Policy 4.1.6.2 of the Niagara Official Plan states that *"the severance of a residence surplus to a farming operation may be permitted under the following circumstances:*

- (a) The lot contains a habitable residence, which existed as of June 16, 2006, that is rendered surplus as a result of farm consolidation;*
- (b) The size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and private sewage disposal system as determined by Provincial and Regional requireents to a maximum of one hectare;*
 - i) Proposals that exceed one hectare may be considered subject to an amendment to this plan; and*
- (c) To reduce fragmentation of the agricultural land base the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be zoned to preclude its use for residential purposes.*

Staff acknowledge that the size of the proposed surplus farm dwelling lot of 0.51 hectares, which exceeds the above requirement, incorporates an existing accessory building and septic system. While it appears there may be an opportunity to reduce the proposed lot size (e.g. a reduction to the lot width), the Committee should be satisfied that the lot as proposed is deemed necessary to support private on site servicing. The City should refer to Township staff's comments in this regard.

Archaeological Potential

Staff note that with the approval of the new Niagara Official Plan ("NOP") by the Province on November 4, 2022, the property is mapped within an area of archaeological potential on Schedule K. The Provincial Policy Statement ("PPS") and NOP state that 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. 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 there is no development and/or site alteration proposed through this application, staff offers no archaeological assessment requirements. The owner is advised that any future *Planning Act* application for the property may require an archaeological assessment.

Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Provincially Significant Wetland Complex (PSW), Permanent/Intermittent Watercourse, Shoreline Area and Other Wetland. These features are considered Key Hydrologic Features (KHF).

Niagara Official Plan (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. Further, NOP policies require (Section 3.1.5.3) that a minimum

30 m Vegetation Protection Zone (VPZ) as measured from the outside boundary of a KHF be established as natural self-sustaining vegetation. Development or site alteration is generally not permitted within a KHF or its VPZ, including new lot lines.

The proposed surplus farm dwelling severance is approximately 85 m from the nearest KHF. Given the new lot is outside of the VPZ of the KHF and no new physical development is proposed, staff have no objection to the consent

Technical Comments

Staff notes that as the farm portion would be considered the remnant parcel, which fronts on Bismark Road (RR #65), no road widening is requested.

Conclusion

Staff of the Regional Growth Strategy and Economic Development Services Department does not object to the request for a consent of a dwelling surplus to the farming operation, subject to the Township's satisfaction and to the condition outlined in the Appendix. In this regard, the Committee should be satisfied that the lot size as proposed is necessary to support private on-site services.

Should you have any questions regarding the above comments, please contact the undersigned at Connor.Wilson@niagararegion.ca

Regards,



Connor Wilson
Development Planner

Cc: Pat Busnello, MCIP, RPP, Manager of Development Planning

Appendix
Condition for Approval

1. That the applicant submit the Regional fee of \$940 in regards to the Consent Application Review (Rural / Outside Urban Areas) as a condition for approval. An email from Niagara Region confirming successful payment will be required, in order to clear this condition.

Stephanie Pouliot

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: August 15, 2023 10:46 AM
To: Stephanie Pouliot
Subject: RE: EDIT * NPCA comments for COA Consent application for 1738 Caistor Gainsborough Townline Rd

Good afternoon Stephanie,

Please see NPCA's comments on the 1738 Caistor Gainsborough Townline Rd below:

1738 Caistor Gainsborough Townline Rd

- The NPCA have had a chance to review the consent application for the Surplus Farm Dwelling Severance at 1738 Caistor Gainsborough Townline Rd.
- The NPCA notes that the subject property consists of the Beaver Creek watercourse and its associated floodplain, as well as Upper Beaver Creek Wetland Complex and its 30 m buffer as well as unevaluated wetlands.
- After a review of the survey sketch it appears that the lot lines as indicated on the *Survey Sketch prepared by Rasch and Hyde Ltd. dated July 20, 2023*, do not dissect a regulated feature on the subject property.
- As such the NPCA has no objection to the proposed consent application at this time.
- The NPCA's mapping of the property is attached to this email.

Best,
Meghan



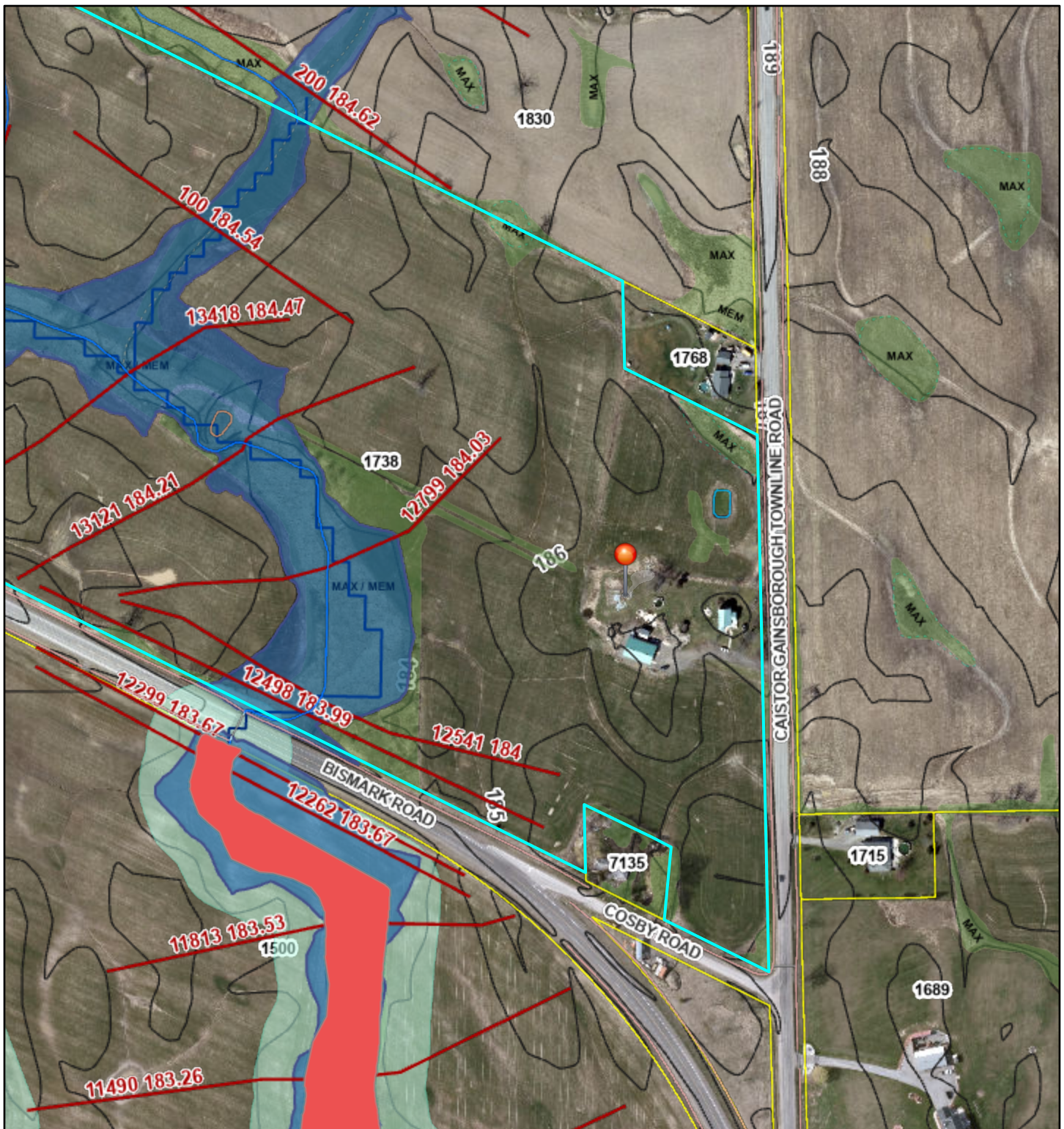
Meghan Birbeck (MS)
Watershed Planner

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

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

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

Regulated Land Map - 1738 Caistor Gainsborough Townline Rd



8/15/2023, 9:25:16 AM

1:4,514

LIO Wetlands DRAFT

■ Evaluated-Provincial
■ SWOOP 2020 NPCA

SWOOP 2020 NPCA

■ Red: Band_1
■ Green: Band_2
■ Blue: Band_3

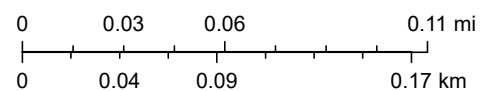


Override 1

Roads

SHORELINES Enhance Local Feature Type Shoreline

— Slough
— Waterbody - Marina
— Bridge/Overpass



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

REPORT

TOWNSHIP

COMMITTEE OF ADJUSTMENT

DATE: August 30th, 2023
REPORT NO: COA-016-23
FILE NO: A10/2023WL
SUBJECT: **Recommendation Report**
 Application for Minor Variance Rose Farm Management Inc.
LOCATION: 7972 Mud Street, Grassie, ON L0R 1M0
CONTACT: Susan Smyth, Senior Planner

OVERVIEW:

- A Minor Variance application has been submitted by Chris and Marnie Rose, property owner of 7972 Mud Street.
- This Minor Variance application has been applied for permit an agricultural accessory building to be built 100 metres farther than permitted from the main building, being approximately 165 metres from the dwelling, whereas, Table 1-1 in Part 3 of the Township's Zoning By-law 2017- 70, as amended, identifies 50 metres to be the maximum distance permitted for an accessory building or structure from a main building within an 'Agricultural 'A' zone.
- It's important to note, the subject property is impacted by two designations and zones, the existing dwelling is located within the Hamlet boundary in the Township's OP and zoned Rural Residential 'RuR' zone while the Agricultural 'A' from the rear property line is approximately 357 metres. The existing shop on the property is located on the boundary between the designations/zones, being approximately 19 metres within the agricultural portion and approximately 7 metres within the residential boundary.

TOTAL VARIANCES: 1

- To permit an agricultural accessory building to be built 100 metres farther than permitted from the main building, being approximately 165 metres from the dwelling.

RECOMMENDATION: Yes ☒ No ☐ Deferral ☐

THAT, the application for Minor Variance made by Rose Farm Management Inc. as outlined in Report COA-016-23, to permit an agricultural accessory building approximately 165 metres from the dwelling, BE APPROVED.

BACKGROUND: Surrounding Land Uses and Natural Heritage

- 7972 Mud Street is approximately 24.09 acres (9.75 hectares) in size.
- The subject property is situated on the south side of Mud Street West (Regional Road 73), west of South Grimsby Road 12, and east of Grassie Road, which is located abutting the Hamlet of Grassie.
- The subject property along with the surrounding land uses are designated in the Township's Official Plan as Good General Agricultural Lands and Hamlet Settlement Area.
- The surrounding lands are actively farmed with a number of surrounding rural residential properties as well as, low density residential properties within the Hamlet of Grassie and a small number of commercial uses that support the hamlet.
- These designations protect and maintain long-term agricultural use and encourages compatibility with abutting land uses within the area.

CURRENT SITUATION:

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

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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 & Hamlet Settlement Area

The proposed Agricultural accessory building is recognized by Section 4 *Agricultural Land Use Policies* of the Township's Official Plan (OP), specifically by Section 4.4 *Good General Agriculture Areas*, Policies 4.4.1(b) and 4.4.2(a). The main objective is protecting Agricultural areas and promoting and developing viable Agricultural lands and operations over the long-term in West Lincoln.

The proposed Agricultural accessory shop will be improving the farming needs and practices of Rose Management Farm. As noted by the applicant, the new building will be for Agricultural storage including, farm tractors, skid steer, and accessory farming tools (e.g., blade, mower etc.). The additional storage will help to improve the visual appearance of the site by containing the equipment indoors and maintain the Rose Farm operations, therefore the intent of the OP is being maintained as long-term Agricultural growth in West Lincoln is being supported by this proposal.

Additionally, the Hamlet designation recognizes and encourages residential accommodation, and services a function to the larger agricultural and rural community as per Policy 7.2.2(a). Planning Staff would like to note this policy given the provided public comments received regarding this application and concerns for the new accessory building and the size and location of it to the adjacent homes on Michael Street. Hamlet designations are established neighbouring Agricultural designated areas with specific zoning provisions to consider Agricultural uses and Residential uses that minimizing adverse impacts (e.g., noise, visual). The Applicant indicated that the size of the new accessory building is to accommodate the larger equipment and the location of the building is setback from the buried utilities. As such, Planning Staff consider this proposal to be maintaining the general intent of Section 7.2.2, *Hamlet Settlement Areas* of the Township's OP. For these reasons, Planning Staff consider the proposed minor variance application consistent with the intent and general purpose 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' & Rural Residential 'RuR'

As identified in Table 1-1 found within Part 3 of the Township's Zoning By-law 2017-70, as amended, a 50 metre maximum distance shall be maintained between main buildings and accessory buildings and structures. The main intent of this provision is to maintain existing building clusters which protects and encourages more agricultural lands to remain within production. As there is an existing shop (326.92 square metres/3,518.72 square feet) on the property and the proposed shop (371.55 square metres/ 3,999 square feet) would be located within approximately (35 metres/114.8 feet), the intent of the Zoning By-law is being maintained by expanding the farm operation within close proximity to the existing building.

For comparison, Planning Staff would like to note, a main building such as a greenhouse would be permitted in the approximate location of the proposed accessory building without a minor variance and could have a lot coverage of 70% of the lot area which is far more invasive than the proposed building. However, in this case, the dwelling located in the Rural Residential 'RuR' zone of the property is considered the main building and the proposed shop is determined to be an accessory building, and as a result, Part 3 of the Township's Zoning By-law 2017-70, as amended, requires the variance.

The proposed building is being requested approximately 21 metres/ 68.89 feet to the closest interior side lot line (see the second Location Map found in Attachment 3, which shows the approximate location, orientation of the proposed building, and the approximate setbacks being requested). Table 1-1 in Part 3 of the Township's Zoning By-law 2017-70, as amended, identifies the required minimum interior side setback for an accessory building within an Agricultural 'A' zone to be 7.5 metres. Therefore, the intent of the Zoning By-law is being maintained with the proposed setback, as the requested variance of approximately 21 metres to the nearest interior side lot line is almost three times the required minimum. For these reasons, Planning Staff consider the proposed minor variance to be consistent with the general intent and purpose of the Township's Zoning By-law.

Respecting Our Roots, Realizing Our Future

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

The proposal is appropriate development for the adapting needs of the Rose Management farm operation. The proposed location of the new accessory building was factored on a number of reasons including, tree removal if the building were to be located east of the existing shop between the orchard on the property (see Figure 1, found in Attachment 3; aerial image from Vexcel Imaging available online). As shown, a row of old maple trees would have to be removed. Planning Staff would like to note, the proposed location does not impact the existing forested area along the western property line as shown in both Figure 1 and the location maps found in Attachments 1-3 which maintains the visual screen of the building.

Additionally, the applicant's utility lines (water, hydro, gas) run in from the east which also limits alternative locations suitable for the proposed building on the property without negatively impacting the operation. For example, tree removal from the existing orchard, effecting the proper drainage of the property, as well as, avoiding the Niagara Peninsula Conservation Authority's (NPCA) regulated lands present on the subject lands. As such, the proposed location is appropriate considering the noted constraints and existing site features.

Furthermore, as previously noted, the split zoning and OP designations would not permit the accessory building closer to the existing shop within the residential portion of the property. Therefore, Planning Staff believe the proposed location is desirable for the use of land. The existing driveway will also be used for the proposed shop which does not remove further Agricultural lands from production which Planning Staff consider appropriate. For these reasons, Planning Staff support the proposal and can consider the expanding needs of the Rose Management farm appropriate and desirable for the use of land.

Is the proposal minor in nature? Yes ☒ No ☐

Planning Staff consider this proposal to be minor in nature as the general intents of the Township's Official Plan and Zoning By-law provisions are being maintained. The proposed shop is permitted as an accessory use, which would be supporting the current and potential future needs of the Rose Management Farm operation. This proposal also encourages sustainable agricultural growth in West Lincoln. For these reasons, Planning Staff can recommend the approval of this application as the proposal can be considered 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. However, a Site Plan will be required in accordance with the Township's Site Drawing submission requirements.
Septic System Inspector	No objections or comments to provide on this application.
Public Works	No objections or comments to provide on this application.
Niagara Peninsula Conservation Authority (NPCA)	Offer no objections to the proposed minor variance as no regulated features are located in the proposed location of the agricultural building. Please see Attachment 6.
Niagara Region	Regional Growth Strategy and Economic Development Services Staff and Environmental Planning Staff have reviewed the application and offer no objections. As noted, the subject lands are also mapped within an area of archaeological potential and as such, the Regional has included a standard archaeological clause which can be found in the Appendix section of the comments received. Please see Attachment 6.

PUBLIC COMMENTS: Yes ☒ No ☐

Public comments were received in writing via email on Friday, August 25th, 2023, from the property owners abutting the west side of the subject lands, being along Michael Street and Sheridan Court. Please see Attachment 5.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed minor variance application (A10/2023WL) as outlined in Report COA-016-23, to permit an agricultural accessory building to be built farther than permitted from the main building, being approximately 165 metres from the dwelling.

Attachments:

1. Location Map
2. Location Map with Proposed Building Location Included
3. Aerial Image from Vexcel Imaging
4. Agency Comments
5. Public Comments

Prepared by:



**Stephanie Pouliot,
Planner**

Recommended by:



**Susan Smyth, C.P.T
Senior Planner**



Location Map

7972 Mud Street

0 37.5 75 150 Meters

West Lincoln

Page 21 of 40 Your Future Naturally

Legend

ZoneBoundary

Subject Property



Location Map

7972 Mud Street

0 37.5 75 150 Meters

West Lincoln

Page 22 of 40 Your Future Naturally

Legend

- Zone Boundary
- Subject Property

7972 Mud St W,
Grassie, ON L0R

VIA E-MAIL ONLY

August 25, 2023

Region File: D.17.12.MV-23-0085

Stephanie Pouliot
Planner I
Township of West Lincoln
318 Canborough Street
Smithville, Ontario L0R 2A0

Dear Ms. Pouliot:

**Re: Regional and Provincial Comments
Application for Minor Variance
City File: A10/2023WL
Owner: Chris and Marnie Rose
7972 Mud Street (Grassie)
Township of West Lincoln**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed this application to permit an agricultural accessory building to be built approximately 100 metres farther than permitted, being approximately 165 metres from the dwelling for the property municipally known as 7972 Mud Street in Township of West Lincoln. The shop is to be utilized for agricultural storage for farming and landscaping equipment. Regional staff received notice of this Minor Variance request on August 14, 2023.

The applicant has expressed that they wish to have their new shop within the vicinity of the existing shop.

Planning Comments

The subject land is located within the Prime Agricultural Area under the Provincial Policy Statement (PPS), and is designated as Prime Agricultural Area in the Niagara Official Plan (NOP).

Staff notes that Policy 4.1.2.3 of the Niagara Official Plan (NOP) states that *"In specialty crop areas and prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted"*.

Staff offer no objection to the variance to allow the shop to be permitted within the vicinity of the existing shop.

Archaeological Potential

The PPS and NOP Provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential, unless archaeological assessment and requirements from the aforementioned policies have been met.

The subject lands are mapped within an area of archaeological potential on Schedule K of the NOP. Policy 6.4.2.6 of the NOP requires the submission of a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist for any development and/or site alteration within an area of archaeological potential. A standard archaeological clause had been added into the Appendix.

Conclusion

Staff of the Regional Growth Strategy and Economic Development Services Department does not object to the request for a shop to be developed on the proposed footprint that falls within the Prime Agricultural Area designation subject to the satisfaction of any local requirements.

Should you have any questions regarding the above comments, please contact the undersigned at Connor.Wilson@niagararegion.ca

Regards,



Connor Wilson
Development Planner

Cc: Pat Busnello, MCIP, RPP, Manager of Development Planning

Appendix

- I. *“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 Culture 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 Ministry of Culture and Multiculturalism 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.”

Stephanie Pouliot

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: August 14, 2023 8:23 PM
To: Stephanie Pouliot
Subject: NPCA comments for COA Minor Variance application for 7972 Mud St, WL
Attachments: Regulated Land Map - 7972 Mud St, WL.pdf

Good afternoon Stephanie,

Please see NPCA's comments on the 7972 Mud St below:

7972 Mud St

- The NPCA have had a chance to review the minor variance application for the agricultural building located further from the main building then permitted at 7972 Mud St.
- The NPCA notes that there are no regulated features in the location of the proposed agricultural building as identified in the plans for our review.
- As such the NPCA has no objection to the proposed minor variance at this time and will not require a fee.
- The NPCA's mapping of the property is attached to this email.

Best,
Meghan



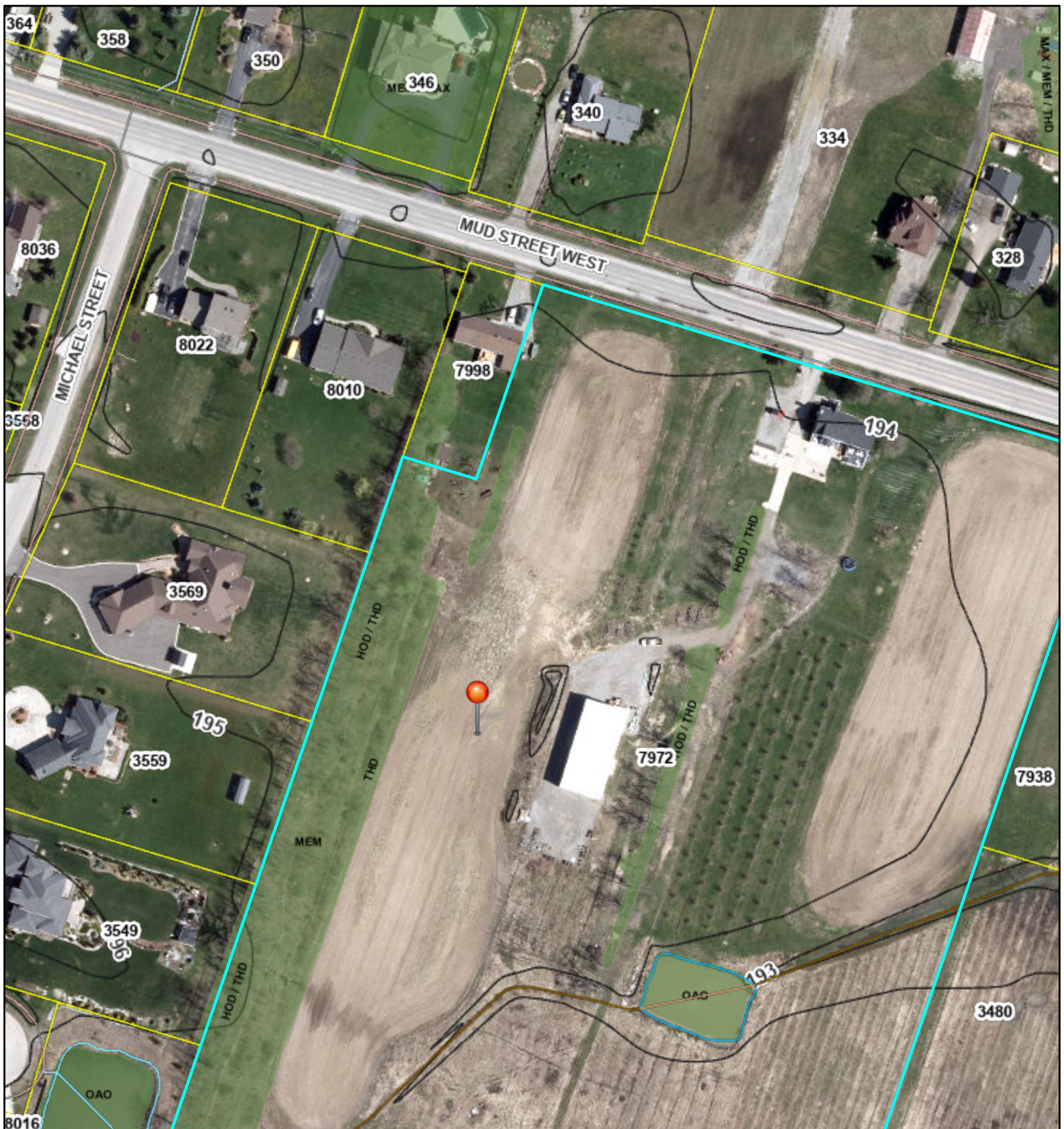
Meghan Birbeck (MS)
Watershed Planner

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

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

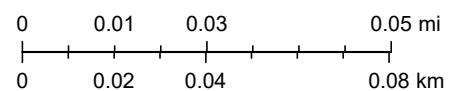
The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

Regulated Land Map - 7972 Mud St, WL



8/14/2023, 8:13:57 PM

1:2,257



SWOOP 2020 NPCA SHORELINES Enhance Local Feature Type Shoreline

Red: Band_1 Pond - Other

Green: Band_2 FLOWLINES Enhanced Local Feature Type Flowlines

Blue: Band_3

Override 1

Roads

Ditch - Agricultural

Ditch - Other

Ditch - Roadside

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

WRITTEN SUBMISSION TO COMMITTEE OF ADJUSTMENT IN RESPECT OF A NOTICE OF PUBLIC HEARING FOR THE COMMITTEE OF ADJUSTMENT (NON-MINOR VARIANCE APPLICATION)

REGARDING: A10/2023WL – Rose / 7072 Mud Street
DATE: Wednesday, August 30th, 2023
TIME: 7:00 P.M.
LOCATION: Council Chambers, 318 Canborough Street, Smithville

1. Variance is not minor in nature:

- Variance relates to the construction of a 4000 sq. ft. industrial look storage facility in the back yard of a residential neighborhood. This would be a **second** massive industrial look storage facility (the combined total between the two buildings is in excess of 7,500 sq. feet) in the back yard of an established residential neighborhood. As such, it is too large in actual measurement (both individually and in combination with the second storage facility) to be considered “minor” in nature. Moreover, the placement of any second massive industrial look storage facility so close to the property line of a residential neighborhood is also too important in relation to the community of established residential home-owners to be considered “minor” in nature;
- Variance sought has a significant negative impact on the view of several adjacent residential home owners and cannot be considered “minor” in nature;
- Variance sought has a significant negative impact on spacing given placement close to the property line of adjacent residential homeowners and cannot be considered “minor” in nature;
- Variance sought has a significant negative impact on openness resulting from the mass and bulk of the second proposed industrial look storage structure and cannot be considered “minor” in nature;
- Aesthetically, the proportions of the second industrial look storage structure would be even more unsightly than the already existing industrial look storage facility given the proximity to the residential property line thereby further negatively impacting the backyard aesthetics of the established neighborhood, particularly for the adjacent homeowners during the lengthy periods during which there are no leaves on the trees – and cannot be considered “minor” in nature; and
- A variance sought which is not necessary, in the sense that *alternative solutions* exist, is not minor in nature and should be denied by the Committee.

2. Granting a variance would not be desirable for the appropriate development or use of the applicant’s land:

- Putting a second (4000 sq. ft.) massive industrial look storage structure in the middle of an agricultural field is not desirable from a planning and public interest perspective. This is especially so, given that an existing industrial look storage facility of over 3,500 square feet is already on the property with a pre-existing negative impact to the established

adjacent residential homeowners. What is being proposed is not desirable for the appropriate development or use of the land and it makes an already poor view even worse for residential homeowners; and

- This is a small property that is not farmed by the owner (it is leased). The initial 3,500 massive industrial look storage structure should be more than sufficient to serve as an agricultural accessory building for a land of such diminutive size.

3. **The variance requested does not maintain the general intent and purpose of the zoning by-law:**

- It is unfair for one homeowner to offload the unsightly nature of such a massive second industrial look storage structure onto multiple other homeowners *considerably* outside of the setbacks provided for by law. Such an off-loading is not in keeping with the general intent and purpose of the zoning by-law;
- The proposed massive second industrial look storage structure so close to the residential property line is entirely incompatible with existing homes in the established residential neighborhood with respect to size and set-backs;
- The proposed second industrial look structure is insensitive to issues such as scale and spacing and is detrimental to the landscape and character of the backyards of the adjacent residential neighborhood and will negatively impact property values. The established residential homeowners have already suffered because of the first massive industrial look storage structure. This second massive industrial look structure is even larger, is even closer and will appear all the more massive given the close proximity to the residential property line. This will be clearly visible both above and through the tree line in Summer, Spring and Fall and will stand out as a massive sheer industrial wall of aluminum, in plain sight, in the Winter. This second massive industrial look storage facility adds insult to pre-existing injury. This is not the view that the inhabitants of the residential neighborhood bargained for when they moved to Grassie or pay significant taxes to the Township of West Lincoln in order to look at;
- No circumstances whatsoever have been outlined indicating why it would be difficult to meet the zoning requirements;
- In the absence of any sincere attempt to demonstrate what, if any, practical difficulties in carrying out the strict regulation of the zoning by-law exist, the request should fail;
- The owner of land ought not to be able to use the land for any desired purpose where doing so is in contravention of zoning by-laws and unacceptable adverse impact is unwittingly hoisted on established residential neighbors to their detriment; and
- While no one has an absolute right, in law, to a view over another's property, such loss must be considered in circumstances where someone wishes to change the bylaw to restrictions.

4. **The variance does not maintain the general intent and purpose of the Official Plan**

- The variance is not in keeping with the general intent and purpose of the Official Plan and does not respect the elements of the provincial government's intensification policy including a requirement that new development respect the character of existing

neighborhoods. A second massive industrial look storage facility does not respect the character of the existing residential homeowners on Michael Street.

- Specifically, the variance does not protect agricultural lands located within the Provincial Greenbelt Plan. Hamlet Areas, such as Grassie, are recognized as established settlement areas of historical importance. There is no information as to how this second massive industrial look storage facility directly serves the day-to-day requirements of the agricultural and residential community or serves to improve the tax base in any meaningful way. The variance does not in any way serve to protect the health and well-being of the residents of Grassie. The variance does not ensure land use has a positive impact on the health and protection of the environment. The variance does not align with the Four Pillars of Sustainability contained in the Official Plan.
- The applicant, to the best of knowledge, does not actively farm this small property and a multitude of industrial look storage units are not in any way related to local farming. Like a greenhouse, the COA must take into consideration the proximity of adjacent residences.

5. Application is incomplete and missing critical information preventing informed responses:

- Whether a variance is either minor or not must be determined on sufficient evidence, failing which the necessary conclusion that it is “minor” cannot be reached. With an incomplete and deficient record such as this, the application should fail;
- Precisely, how far is the proposed building from the home? All that is known is that it is approx. 100 meters further. Simply saying that something is approx. one football field length over what is required and permitted by law is not specific enough;
- Applicant does not provide any reason (let alone a valid reason) for this major variance request. They simply want it where they want it which is far away from their home and very close to the homes of other established homeowners in the adjacent residential subdivision. This is not justified and should not be permitted;
- No reason is provided why the existing massive industrial look storage facility is insufficient to serve any agricultural purpose related to this small plot of farmland;
- No reason is provided why the second massive storage structure cannot be closer to applicant’s own home in accordance with the by-law or away from the property line of the established residents on the adjacent residential subdivision. Why isn’t this second massive industrial look storage facility being proposed on *any of the other available sides* of the property as far away as possible from the backyards of an established residential neighborhood?
- No legal description of the subject land has been provided;
- Dimensions of the subject land were not provided;
- Existing use of land is indicated simply as “farm-land”. Without dimensions or more information on what specifically is being stored, it is not possible to understand why two massive industrial look storage units totaling over 7,500 square feet are needed on a small piece of agricultural land that the applicant doesn’t farm immediately behind an established residential neighborhood on the property line. It is not possible to make meaningful submissions without such information;

- Applicant fails to indicate for each *other building and structure* on the subject land - the type, the setback from the front lot line, rear lot line and side lot lines, the **height** in metres of the building or structure and the dimensions of the floor area. Moreover, this information was not sufficiently provided for on any sketch;
- Applicant fails to identify the proposed uses of the subject land;
- Applicant fails to identify the type, the setback from the front lot line, rear lot line and side lot lines, the **height** in metres of the building or structure in question (the second massive industrial look storage facility itself). This information was not sufficiently provided for on any sketch;
- Applicant fails to state whether the existing first massive industrial look storage structure required an application for a variation; and
- The failure to provide a complete application has prejudiced all adjacent homeowners and the Committee itself of a proper record.

For all of the above noted reasons and for other good reason which may subsequently be brought to the attention of the COA in association with this request for non-minor variance, the application in respect of the subject property should be denied.

Submitted jointly on behalf of:

Dean & Maria Novak – 3559 Michael Street, Grassie

Sean & Rachel Moxham – 3569 Michael Street, Grassie

Sonny & Betty Monzavi – 3549 Michael Street, Grassie

Crystal Ionatta – 3568 Michael Street, Grassie

Matt & Livia Simpson – 8016 Sheridan Crt., Grassie

REPORT

TOWNSHIP

COMMITTEE OF ADJUSTMENT

DATE: August 30th, 2023

REPORT NO: COA-018-23

FILE NO: A12/2023WL **RELATED FILE NO:** B01/2023WL

SUBJECT: **Recommendation Report**
Application for Minor Variance McKinney

LOCATION: 9262 Concession 2 Road, Caistor Centre, ON L0R 1E0

CONTACT: Susan Smyth, Senior Planner

OVERVIEW:

- A Minor Variance application has been submitted by Matthew McKinney, property owner of 9262 Concession 2 Road.
- This Minor Variance application has been applied to recognize the deficient lot area of the subject property, being approximately 0.65 hectares (1.6 acres) whereas, Table 12 in Part 5 of the Township's Zoning By-law 2017- 70, as amended, identifies 40 hectares (98.84 acres) to be the minimum lot area required within an 'Agricultural 'A' zone.
- This Minor Variance application will also fulfill Condition 6 of a related consent application B01/2023WL which granted a minor boundary adjustment, permitting Part 1, being 0.22 hectares (0.54 acres) from the abutting property (996 Abingdon Road, being Part 2) to merge with the subject property (see Site Plan, found in Attachment 2).

TOTAL VARIANCES: 1

- To recognize the deficient lot area of 0.65 hectares (1.6 acres) whereas, 40 hectares (98.84 acres) is the minimum lot area required within an Agricultural 'A' zone.

RECOMMENDATION: Yes ☒ No ☐ Deferral ☐

THAT, the application for Minor Variance made by Matthew McKinney as outlined in Report COA-018-23, to recognize a deficient lot area of approximately 0.65 hectares (1.6 acres) within an Agricultural 'A' zone, BE APPROVED.

BACKGROUND: Surrounding Land Uses and Natural Heritage

- 9262 Concession 2 Road is approximately 1 acre (0.4 hectares) in size currently and will be approximately 1.6 acres (0.65 hectares), following the minor boundary adjustment.
- The subject property is situated on the south side of Concession 2 Road, west of Abingdon Road, north of North Chippawa Road and east of Caistorville Road, which is located south of the Hamlet of Abingdon.
- The subject property along with the surrounding land uses are designated in the Township's Official Plan (OP) as Good General Agricultural Lands and Natural Heritage System.
- A significant portion of the subject property is also designated as part of the Natural Heritage System in the Township's OP, including the significant woodlands on the property which forms an Environmental Conservation area. Please see the attached map for the noted Natural Heritage features (found in Attachment 1), however, are not a factor of this application.
- The surrounding lands are 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

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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 <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Official Plan Designation: Good General Agricultural Lands & Natural Heritage System Minor boundary adjustments are permitted within Good General Agricultural areas, recognized in Section 4 <i>Agricultural Land Use Policies</i> of the OP and by Section 18.13 <i>Land Severances</i> , specifically Policies 18.13.2(d) and 18.13.2(f). The proposed minor variance is a condition of consent (B01/2023WL), and as outlined in report COA-002-23, the minor boundary adjustment follows the intended objectives of the OP; being it was applied for legal and technical reasons and maintained the intent of the OP as no agricultural lands would be removed from production. In addition, 9262 Concession 2 Road was already recognized as a small agricultural parcel prior to the boundary adjustment therefore, the requested variance can be considered minor in this case, as the change from the existing lot area and following the boundary adjustment is slightly increasing by only 0.22 hectares (0.54 acres). Enlarging the area of an existing lot of record complies with the general purpose of the OP, as such, Planning Staff can consider this application consistent with the general intent of the OP.	
Does the proposal maintain the general intent and purpose of the Zoning By-law? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Current Zone(s): Agricultural ‘A’, Environmental Conservation ‘EC’ & Environmental Protection ‘EP’ The subject property will be approximately 0.22 hectares (0.54 acres) larger following the boundary adjustment (see Site Plan, found in Attachment 2), with a total lot size of approximately 1.6 acres (0.65 hectares). As the minimum lot area required within an Agricultural ‘A’ zone shall be 40 hectares (98.84 acres), the subject property will still be deficient. However, Policies 3.5(c) and 3.5(d) found in Part 3.5 <i>Existing Uses, Lots, Buildings and Structures</i> of the Township’s Zoning By-law 2017-70, as amended, recognizes the use of a lot, and allows buildings to be erected, enlarged, repaired, renovated, or replaced that does not meet the minimum lot frontage and lot area requirements of the applicable zone. Therefore, as the Township’s Zoning By-law recognizes existing lots and as noted above, the deficiency in lot area would not prevent the applicant from building (eg. accessory structure) in the future, the general intent of the Township’s Zoning By-law is being maintained. For these reasons, Planning Staff can consider the proposed application consistent with the general purpose of the Township’s Zoning By-law.	
Is the proposal desirable for the appropriate development or use of the land? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Planning Staff consider this minor variance application desirable for the use of land since the additional land area can provide sufficient space for a potential accessory structure and/or to accommodate new or replacement of private services if required, by the applicant in the future. This is also appropriate given the consent application (B01/2023WL) and fulfilling Condition 6, as previously noted.	
Is the proposal minor in nature? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
The proposed variance is minor in nature as only 0.22 hectares (0.54 acres) of land is being added to the property through the related consent application (see Site Plan, found in Attachment 2), increasing the lot area from approximately 1 acre to 1.6 acres. Provided, the existing lot of record was already deficient of the minimum requirement and this minor variance is bringing the property more into compliance by adding the additional lands (Part 1), Planning Staff can recommend approval of this application as the proposal can be considered 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 objections or comments to provide on this application.
Public Works	No objections or comments to provide on this application.
Niagara Peninsula Conservation Authority (NPCA)	Offer no objections to the proposed minor variance to satisfy the condition of consent. Please see Attachment 3.
Niagara Region	As noted in the comments provided, Environmental Planning Staff offer no objections with the proposed minor variance application. Please see Attachment 3 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 (A12/2023WL) as outlined in Report COA-015-23, to recognize the deficient lot area of approximately 0.65 hectares (1.6 acres) in an Agricultural 'A' zone, following the boundary adjustment, and to fulfill condition 6 of consent application B01/2023WL.

Attachments:

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

Prepared by:



**Stephanie Pouliot,
Planner**

Recommended by:



**Susan Smyth, C.P.T
Senior Planner**



Location Map
9262 Concession 2 Road
0 15 30 60 Meters

West Lincoln
Your Future Naturally
Page 36 of 40

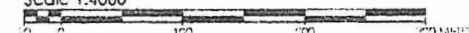
Legend

	ZoneBoundary
	Subject Property



PART OF LOT 16
CONCESSION 2
IN THE
TOWNSHIP OF WEST LINCOLN
(REGIONAL MUNICIPALITY OF NIAGARA)

Scale 1:4000



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A DIVISION OF GEOMAPLE
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METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

• NOTES

1. THE SOURCE OF THE DIMENSIONS AND INFORMATION SHOWN ARE TAKEN
PLAN 30R-734.

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED, EXCEPT FOR THE PURPOSE INDICATED IN THE TITLEBLOCK.

Barich Grenkie
Surveying Ltd.

301 HWY No. 8 (2ND FLOOR) - STONEY CREEK, ON
L8G 1E5 (905) 662-6767

A DIVISION OF GEOMAPLE

DWN BY: JMH

CHK BY: DJ

JOB No. 22-3052

Stephanie Pouliot

From: Karlewicz, Lori <Lori.Karlewicz@niagararegion.ca>
Sent: August 21, 2023 9:11 AM
To: Stephanie Pouliot
Subject: RE: Notice of Hearing and Full Package -Wednesday August 30th

So sorry, this was for [9262 Concession 2 Road!](#)

Thanks,
Lori

From: Karlewicz, Lori
Sent: Friday, August 18, 2023 2:32 PM
To: Stephanie Pouliot <spouliot@westlincoln.ca>
Cc: Lampman, Cara <Cara.Lampman@niagararegion.ca>; Boudens, Adam <Adam.Boudens@niagararegion.ca>; Scholten, Yves <yves.scholten@niagararegion.ca>; Wilson, Connor <connor.wilson@niagararegion.ca>
Subject: RE: Notice of Hearing and Full Package -Wednesday August 30th

Hi Stephanie,

The subject property is affected by the Region's Natural Environment System (NES), consisting of Other Woodland, Permanent/Intermittent Watercourse, Shoreline Area and Provincially Significant Wetlands (PSW). The PSW and watercourse are considered Key Hydrologic Features (KHF).

Niagara Official Plan (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, and within 50 m of Other Woodland.

The parking area is within the above-noted setbacks but separated from the features by the existing development. Regional Environmental Planning staff offer no objection to the minor variance application.

Thank you,



Lori Karlewicz

Planning Ecologist

Growth Strategy and Economic Development

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

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Stephanie Pouliot

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: August 15, 2023 11:31 AM
To: Stephanie Pouliot
Subject: NPCA comments for COA Minor Variance application for 9262 Concession 2 Rd
Attachments: Regulated Land Map - 9262 Concession 2 Rd, WL.pdf

Good afternoon Stephanie,

Please see NPCA's comments on the 9262 Concession 2 Rd below:

9262 Concession 2 Rd

- The NPCA have had a chance to review the minor variance application to recognize a deficient lot area at 9262 Concession 2 Rd, to satisfy a condition on consent B01/2023WL for a minor boundary adjustment.
- In February 2022, the NPCA noted for the pre-con for the minor boundary adjustment that the NPCA did not have any objections to the proposed Boundary Adjustment. While the lot line was proposed within 30 metres of a Provincially Significant Wetland (PSW), NPCA policy did not restrict boundary adjustments proposed within 30 metres of a PSW.
- As, such the NPCA does not object to the proposed minor variance to satisfy the condition of consent for the minor boundary adjustment and therefore does not require a review fee.
- Please note that NPCA Policy restricts lot creation proposed within 30 metres of a PSW. Please note that the NPCA will need to review any proposed lot creation, development, or site alteration within the NPCA regulated areas as shown on the attached mapping.
- The NPCA's mapping of the property is attached to this email.

Best,
Meghan



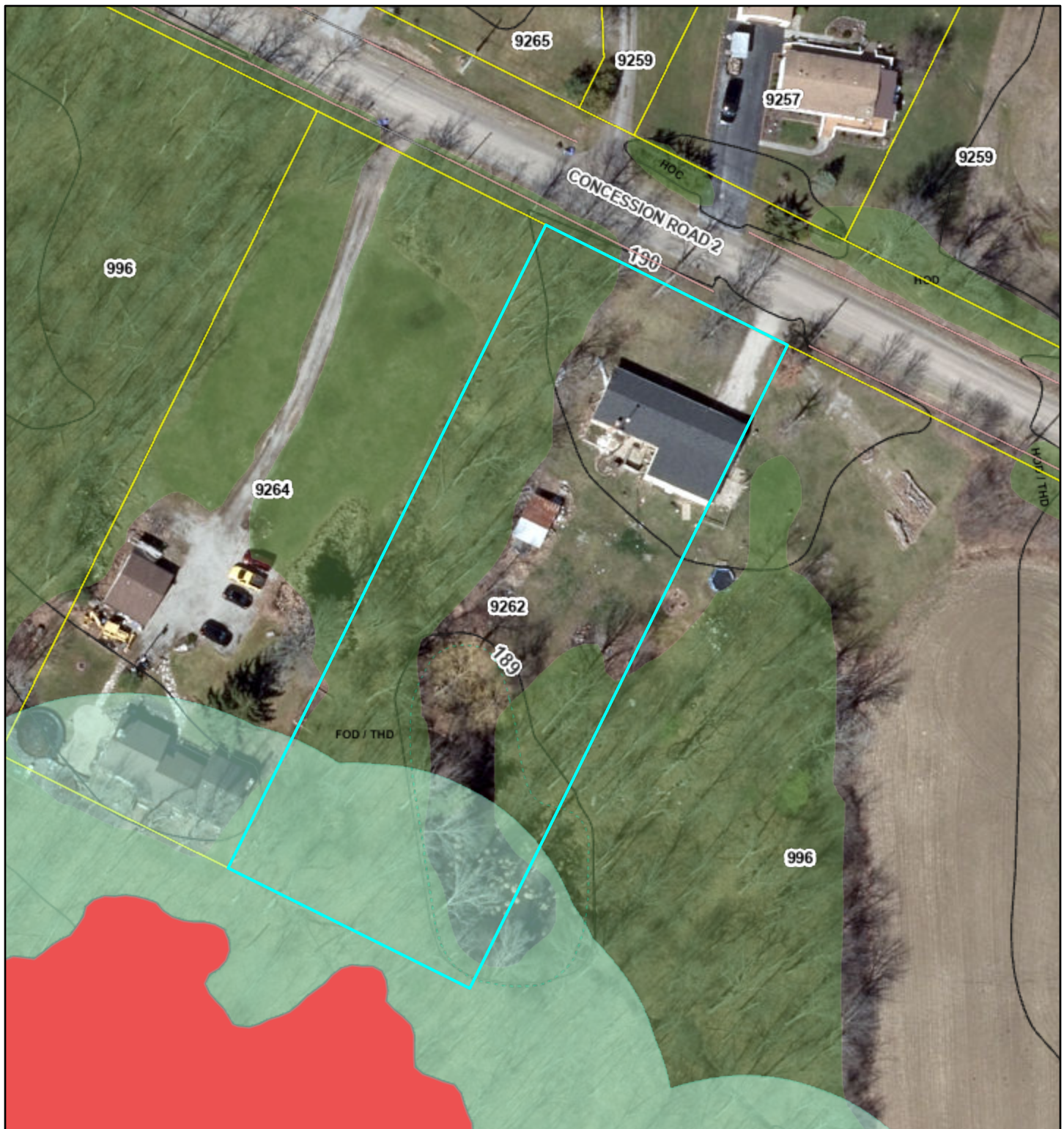
Meghan Birbeck (MS)
Watershed Planner

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

905.788.3135 Ext 278
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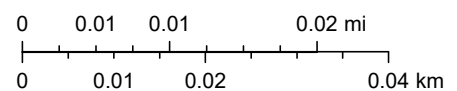
Regulated Land Map - 9262 Concession 2 Rd, WL



8/15/2023, 11:00:29 AM

1:1,128

LIO Wetlands DRAFT	SHORELINES Enhance Local Feature Type Shoreline
Evaluated-Provincial	Waterbody - Seasonal
SWOOP 2020 NPCA	FLOWLINES Enhanced Local Feature Type Flowlines
Red: Band_1	Culvert
Green: Band_2	Ditch - Roadside
Blue: Band_3	Wetland Allowance
Roads	



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