



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

Wednesday, September 27, 2023, 7:00 p.m.
Township Administration Building
318 Canborough Street, Smithville, Ontario

Pages

- 1. CHAIR**
The Chair will call to Order the evening's proceedings.
- 2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**
- 3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT**
There are no withdrawals or requests for adjournments at this time.
- 4. APPLICATIONS**
 - a. **B06/2023WL - Nick and Taylor DeJonge** 3
Property Address: 7226-7262 Concession 3 Road

A consent application has been applied for to permit a minor boundary adjustment where approximately 2142.06 square metres (0.53 acres) from the abutting farm parcel located at 7226 Concession 2 Road will be added to the subject property, being 7262 Concession 3 Road. The current size of the subject property is approximately 4054.59 square metres (1 acre), following the boundary adjustment, the subject property will be approximately 6196.64 square metres (1.53 acres).
 - b. **A11/2023WL - 2728210 ONTARIO INC. (Jason Brouwer –Agent)** 20
Property Address: 5144 Canborough Road

A minor variance application has been applied to permit the construction of a new building (warehouse) to be built over the footprint of the previous building destroyed by fire. The variances requested include a reduction from the required number of parking spaces and a reduced interior side yard setback.

This minor variance is requesting relief to permit 7 parking spaces whereas, Table 6 in Part 3.12.6 of the

Township's Zoning Bylaw 2017-70, as amended, states that 1 parking space per 100 square metres of gross floor area for warehouse storage facility and 1 parking space per 28 square metres of gross leasable floor area for retail/office which totals a requirement of 9 parking spaces.

In addition, a variance for the minimum interior side yard setback on the east-side of the new building is deficient of the required 9 metres as outlined in Table 17 found in Part 7 of the Township's Zoning Bylaw 2017-70, as amended. The proposed warehouse building will be built on the previous building footprint and the variance will recognize the existing deficiency of an interior side yard setback of 3.49 metres.

- c. A13/2023WL - Amjad
Property Address: 8168 Sixteen Road

33

A minor variance application has been submitted to request relief to the minimum front yard setback requirement to permit an addition to the existing dwelling on the subject property. The addition is proposed from the front of the existing dwelling and will provide additional space for more bedrooms to be constructed. The variance is to permit a minimum front yard setback of 11 metres and to recognize the resulting deficiency of 4 metres as Table 12 found in Part 5 of the Township's Zoning Bylaw 2017-70, as amended, identifies the minimum front yard setback that shall be provided and maintained within an Agricultural 'A' zone to be 15 metres.

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: September 27th, 2023

REPORT NO: COA-019-23

FILE NO: B06/2023WL

SUBJECT: **Recommendation Report**
Application for Consent, Minor Boundary Adjustment Nick and Taylor DeJonge

LOCATION: 7262 Concession 3 Road, Smithville, ON L0R 2A0

CONTACT: Susan Smyth, Senior Planner

OVERVIEW:

- A consent application has been submitted by Nick and Taylor DeJonge, property owners of 7262 Concession 3 Road.
- The Consent application is being requested to permit a minor boundary adjustment with the abutting property located at 7226 Concession 3 Road.
- 7262 Concession 3 Road has a total lot size of approximately 4,054.59 square metres (1 acre), following the boundary adjustment, the subject property would increase by approximately 2,142.06 square metres (0.53 acres), rounding the property is about 6,192 square metres (an acre and a half).
- Following the boundary adjustment, the retained farmland located at 7226 Concession 3 Road will be approximately 19 hectares (46.95 acres), being deficient of the required minimum lot area of 40 hectares (98.84 acres) within an Agricultural 'A' zone. As such, Planning Staff are including a condition that both properties apply for a Minor Variance to recognize the deficient lot areas of both 7226 Concession 3 Road and 7262 Concession 3 Road following this minor boundary adjustment application.

RECOMMENDATION: Yes ☒ No ☐ Deferral ☐

THAT, the application for Consent made by Nick and Taylor DeJonge as outlined in Report COA-019-23, to permit a minor boundary adjustment, 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 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.
4. That the applicant provides a road widening of approximately 1-metre along both properties as Concession 3 Road has an 18 metre road allowance and 20 metres is required.
5. That the owner dedicates a daylighting triangle of 7-metre by 7-metre from 7226 Concession 3 Road for the corner of Caistor Gainsborough Townline Road.
6. That the applicant applies for, and receives approval of a Minor Variance application that recognizes both 7226 Concession 3 Road and 7262 Concession 3 Road which do not meet the minimum lot area requirement of 40 hectares.

Respecting Our Roots, Realizing Our Future

7. 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.
8. That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.
9. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
10. 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

- 7262 Concession 3 Road is approximately 4054.59 square metres (1 acre) in size whereas, 7226 Concession 3 Road has a total lot size of approximately 19.58 hectares (48.39 acres).
- The subject property is situated on the West side of Caistor Gainsborough Townline Road and South of Concession 3 Road, which is also North of Concession 2 Road, East of Smithville Road (Regional Road 14), and South of Regional Road 65 (also known as Bismark Road/Silver Street).
- The subject properties are designated in the Township's Official Plan as Good General Agricultural Lands while, the surrounding land uses are designated as Good General Agricultural Lands with areas also designated as part of the Natural Heritage System. Please note the subject property does not contain any natural heritage features. 7226 Concession 3 Road is impacted by a fish habitat that runs through the property, but is not a factor of this application.
- The surrounding lands are actively farmed with a number of small rural residential properties.
- Both 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

Section 4 *Agricultural Land Use Policies* and Section 18.13 *Land Severances* of the Township's Official Plan (OP), recognizes and permits consents for agricultural purposes, and only allows minor boundary adjustments for legal or technical reasons which do not result in the creation of a new lot [Section 18.13.29(f)]. The boundary adjustment if approved, will increase the lot size of 7262 Concession 3 Road by approximately 2,142.06 square metres (0.53 acres).

The Applicants have indicated the additional lands will provide adequate space for a future accessory building (garage/shop as shown on Site Plan, see Attachment 2). The additional storage space will improve the visual appearance of the site as it provides an indoor space for storing household items and/or outdoor equipment (i.e. lawn mower, tools etc.). The additional lands will also allow the space for a future addition to the existing dwelling to accommodate the applicants' growing needs. (Please see Attachment 3 for the applicants' justification letter). Additionally, although, not required at this time, the potential space could also provide adequate area for replacing of private services on the property, if needed in the future.

The proposed boundary adjustment will not create adverse impacts on the agricultural uses in the area, the portion being severed is not actively farmed, and therefore will not affect the continued long-term agricultural use of 7226 Concession 3 Road, being the location of David Bos Farm Limited. As this is the case, the proposed boundary adjustment is maintaining and promoting the general intent and purpose of Section 4 of the Township's OP, being to protect and preserve Good General Agricultural areas. It's important to note, the Township has previously supported boundary adjustments provided as little agricultural lands are removed from production as possible [Section 18.13.2(d)]. As the proposed lands are

currently maintained lawn and are not actively farmed agricultural lands, Planning Staff consider the proposed consent to be consistent with the main objectives of Section 4 of the Township's OP.

In addition, the subject property, 7262 Concession 3 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 following the boundary adjustment is slightly increasing by only 0.21 hectares (0.53 acres). Enlarging the area of an existing lot of record complies with the general purpose of the OP, as such, this application can be considered appropriate and consistent with the general objectives of the OP. For these reasons, Planning Staff consider the proposed consent application to be consistent with the Township's OP, 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'

As noted in the previous section, 7262 Concession 3 Road has already been recognized as a small agricultural parcel and by increasing the lot area following the proposed boundary adjustment, the subject property is increasing compliance with Part 5 of the Township's Zoning By-law 2017-70, as amended, therefore the intended objective of the Township's Zoning By-law is being maintained.

A condition of approval has been included that both properties, 7226 Concession 3 Road and 7262 Concession 3 Road will be subject to a Minor Variance to recognize the deficient lot areas. 7262 Concession 3 Road will be approximately 0.62 hectares (1.53 acres) and the retained farmland located at 7226 Concession 3 Road will be approximately 19 hectares (46.95 acres), both being deficient of the required minimum lot area of 40 hectares (98.84 acres) within an Agricultural 'A' zone. Given both properties will be subject to a future Minor Variance application to address the noted lot area deficiency, the proposal can be considered consistent with the general intent of the Township's Zoning By-law 2017-70, as amended.

Additionally, it's important to note, Policies 3.5(c) and 3.5(d) found in Part 3.5 *Existing Uses, Lots, Buildings and Structures* 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 applicants from building (e.g. accessory structure) in the future nor prevent David Bos Farm Limited from expanding their farming operation, as such the general intent of the Township's Zoning By-law is being maintained.

Furthermore, the proposed lot area of 7262 Concession 3 Road following the boundary adjustment is compatible and appropriate with other small rural properties in the surrounding area. Along Concession 3 Road, there are two other small agriculturally-zoned properties to note, one to the west of the subject property is approximately 0.89 hectares (2.21 acres) and the one to the east is approximately 0.45 hectares (1.11 acres). Therefore, the proposed lot area of 0.62 hectares (1.53 acres) is consistent with those in the surrounding area and would be compatible. For example, averaging out the two noted properties on Concession 3 Road for comparison equals around 0.67 hectares (1.66 acres), as such the proposed lot area is consistent with existing lots of record in the area. Therefore, Planning Staff can support the proposed lot area of 7262 Concession 3 Road following the boundary adjustment and recommend approval of the proposed consent application, subject to the appropriate conditions.

It's important to note that increasing the lot by half an acre to 0.62 hectares (1.53 acres) supports the applicants' plans to move forward with a future garage/shop, shown as 40' by 60' (12.19m by 18.29m) on the attached Site Plan (see Attachment 2). As outlined in Table 1-1 in Part 3 of the Township's Zoning By-law 2017-70, as amended, properties have to be at least 0.5 hectares to permit a Type 3 building (greater than 120 square metres). Currently the subject property would only permit either a Type 1 (0.1 to 10 square metres) or Type 2 building to a maximum ground floor area of 120 square metres. Therefore, by approving the boundary adjustment it allows more space on the property to permit a larger building to a maximum of 320 square metres (5%) for all accessory buildings or structures.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

INTER-DEPARTMENTAL COMMENTS:

Building Department	No comments received, as such no objections.
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Septic System Inspector	Offer no objections as the application as proposed allows compliance with Part 8 of the Ontario Building Code. Please see Attachment 4.
Public Works	As per POL-PW-1-23, a 7-metre by 7-metre daylighting triangle is required from 7226 Concession 3 Road for the corner of Caistor Gainsborough Townline Road. A road widening of approximately 1-metre is also required along both properties for half of the deficient width. Concession 3 Road has an 18-metre road allowance and 20 metres is the requirement. Please see Attachment 4 for the full comments received.
Niagara Peninsula Conservation Authority (NPCA)	Offer no objections to the proposed consent application as the proposed area to be severed is not impacted by any NPCA regulated features. Please see Attachment 4 for the full comments received.
Niagara Region	Please see Attachment 4 for the comments received. Regional Staff would like the application deferred until further justification can be provided to ensure consistency with Provincial and Regional policies. In addition, as the applicant has not paid the Regional Review fee, a condition of approval has been included.
PUBLIC COMMENTS: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
No public comments received at this time.	
CONCLUSION:	
Based on the above analysis, Planning Staff recommend APPROVAL of the proposed consent application (B06/2023WL) as outlined in Report COA-019-23, submitted by Nick and Taylor DeJonge, property owners of 7262 Concession 3 Road to permit a minor boundary adjustment with the abutting property at 7226 Concession 3 Road, subject to the conditions of approval, as indicated.	

Attachments:

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

Prepared by:



**Stephanie Pouliot,
Planner**

Recommended by:



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



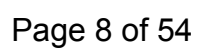
Location Map
7226 & 7262 Concession 3 Road
0 37.5 75 150 Meters

West Lincoln

Page 7 of 54 Future Naturally

Legend

	ZoneBoundary
	Subject Property



TOWNSHIP OF WEST LINCOLN

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To whom it may concern,

We are writing this letter to further communicate our purpose for the boundary adjustment.

We would like to expand our property by half an acre in order to build a shop/garage.

We also have the desire to build an addition onto our house in the future and having the extra half acre will allow us the space to do so.

We appreciate the time reviewing our application and hope to hear back soon.

Sincerely,

Nick de Jonge
905 870 8399
Nickandtaylordejonge@gmail.com





Memo

To: Stephanie Pouliot, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: September 22, 2023
Re: File B06/2023WL – 7226-7262 Concession 3 Rd

A review has been completed of this application for a minor boundary adjustment where approximately 2142.06 square metres from the abutting farm parcel located at 7226 Concession 3 Road will be added to the subject property 7262 Concession 3 Road.

As per the Public Works Road Allowance Width and Land Dedication Policy POL-PW-1-23, a road widening is requested where the road allowance of a Township road is deficient of the required 20m. Concession 3 Road has an ~18m road allowance, therefore Public Works requests a road widening along both properties for half of the deficient width as a condition of severance.

A 7m x 7m daylighting triangles is also requested from 7226 Concession 3 Road for the corner of Caistor Gainsborough Townline Road.

A copy of the policy POL-PW-1-23 has been provided for further details.



TOWNSHIP OF WEST LINCOLN PUBLIC WORKS ROAD ALLOWANCE WIDTH AND LAND DEDICATION POLICY

TITLE: Public Works Road Allowance Width and Land Dedication Policy
POLICY NO: POL-PW-1-23
REPEALS NO: POL-PW-1-18
EFFECTIVE DATE: July 18th, 2023

POLICY STATEMENT:

The objective of the Public Works Road Allowance Width and Land Dedication Policy is to establish guidelines for: land dedication requests to widen an existing public road allowance, and road allowance requirements for proposed public roads, based on the needs of the municipality, for development applications, where permitted under the Planning Act and in accordance with the Township's Official Plan.

ROAD ALLOWANCE WIDTH AND LAND DEDICATION:

1. The minimum width of the road allowance required for all roads under the Township's jurisdiction is 20 metres (66 feet), unless otherwise determined by the Township's Official Plan which was informed by the Township's Transportation Master Plan.

The purpose of establishing the road allowance width is to secure the land required for infrastructure needs to accommodate vehicular traffic, municipal services, utilities, sidewalks, boulevard trees, snow storage, roadside ditches and other requirements of the road network.

2. The widening of an existing road allowance and the required road allowance width for proposed roads are conditions of planning approvals for development applications including: Consent, Site Plan, Plan of Condominium, and Plan of Subdivision.

When an existing road allowance is determined to be deficient of the required width, a road allowance widening shall be required equal to one-half of the deficient width, whenever feasible, as a condition of a Consent, Site Plan, Plan of Condominium or Plan of Subdivision approval. In specific circumstances, factors such as existing land uses, topographic features, or other physical or environmental constraints may necessitate taking a greater widening on one side of the road.

For Consent applications, the road allowance widening shall be taken on both the severed and remnant parcel.

3. For a Plan of Subdivision application, the proposed public road allowance width shall be added as a condition of the development approval process as outlined in the Township's Official Plan, and shall be dedicated to the Township.

The Township's Official Plan allows for a reduced road allowance at the discretion of the Township. Public Works may consider accepting a reduced road allowance on a local road only in the following situations:

- For infill developments where the standard road allowance is found to be difficult to obtain because of building locations; and/or
- A cul-de-sac where traffic volume is low, and the road will remain a dead end road, and where underground infrastructure can be adequately accommodated.

In these cases, Public Works may accept a reduced road allowance of no less than 18m. However, the bulb of a cul-de-sac will continue to require a 20m road allowance measured from the radius.

4. Parcels to be dedicated to the Township of West Lincoln for road allowance widening purposes shall be conveyed free and clear of any mortgages, liens and encumbrances.
5. All costs shall be borne by the Owner.

DAYLIGHTING TRIANGLES:

1. A daylighting triangle is the area of land where two streets intersect that is to remain free of any obstructions to maintain horizontal lines of sight for vehicles approaching the intersection. Daylighting triangles are requested as a condition of various planning applications including Consent, Site Plan, Plan of Condominium and Plan of Subdivision.

The minimum size of daylighting triangles deemed necessary by Council is 7m x 7m at all intersections including railway crossings. However, intersections are evaluated on an individual basis to determine if a larger daylighting triangle is required considering the existing road classifications, road design and topography as well as any future needs for junction improvements (i.e. signalized intersection or roundabout) based on the Transportation Master Plan.

Skewed and offset intersections may require reconfigured daylighting triangles or land dedication for road realignment.

2. Parcels to be dedicated to the Township of West Lincoln for daylighting triangle purposes shall be conveyed free and clear of any mortgages, liens and encumbrances.
3. All costs shall be borne by the owner.



318 Canborough St. P.O. Box 400
Smithville, ON
L0R 2A0
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www.westlincoln.ca

PLANNING & DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Stephanie Pouliot – Planner / Secretary Treasurer Committee of Adjustments

FROM: Lyle Killins, Septic Inspection Manager

DATE: September 14, 2023

**SUBJECT: FILE B-06/2023 WL
Nicki Taylor DeJonge
7226-7262 Concession 3**

Dear Ms. Pouliot,

Please be advised the application as proposed allows compliance with Part 8 Ontario Building Code.

Thus, no objection to application as proposed.

Respectfully submitted,

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

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

Stephanie Pouliot

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: September 25, 2023 12:56 PM
To: Stephanie Pouliot
Subject: NPCA comments in response to Consent B06/2023WL - 7262 Concession 3 Road
Attachments: Regulated Land Map - 7262 CONCESSION 3 RD.pdf

Good afternoon Stephanie,

The proposed area to be severed and purchased for the minor boundary severance is not impacted by NPCA regulated features.

As such the NPCA has no objection for this consent application and does not require a fee.

To note it appears that the property is near the Beaver Creek. The NPCA Board formally adopted the Beaver Creek floodplain mapping study.

I have attached a map to this email that references the subject property and indicated that the property 7262 conc rd 3 is outside of the elevation level of the floodplain of Beaver Creek.

Best,
Meghan



Meghan Birbeck (MS)
Watershed Planner

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

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

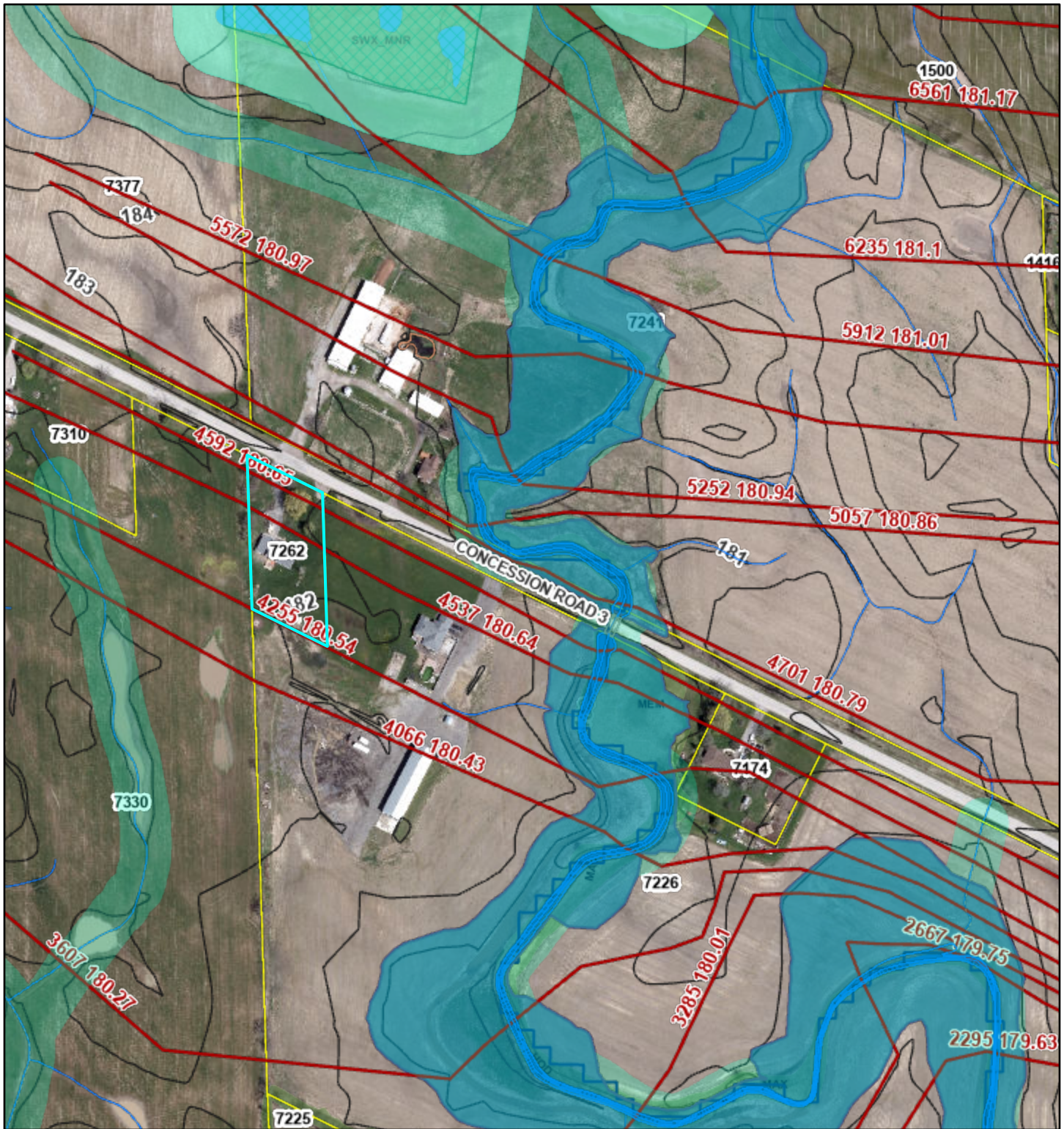
From: Stephanie Pouliot <spouliot@westlincoln.ca>
Sent: Monday, September 25, 2023 11:14 AM
To: Meghan Birbeck <mbirbeck@npca.ca>
Subject: RE: NEW NPCA EDITED response to MV A11/2023WL - 5144 Canborough Rd

Thanks Meghan, and to confirm no comments for 7262 Concession 3, I checked and there's no regulated features so I'm assuming no objections?

Thank you,
Stephanie

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

Regulated Land Map - 7262 CONCESSION 3 RD



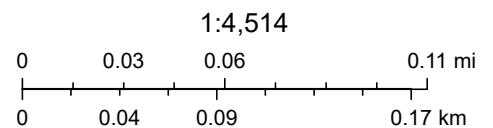
7/7/2023, 11:18:15 AM

SWOOP 2020 NPCA

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

Roads

■ NPCA APPROXIMATE REGULATION LANDS



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

VIA E-MAIL ONLY

September 22, 2023

Region File: D.06.12.CS-23-0073

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
Township File: B06/2023WL
Owner: Nick and Taylor DeJonge
7226 – 7262 Concession 3 Road
Township of West Lincoln**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed this Consent application to permit a minor boundary adjustment where approximately 0.53 acres from the abutting farm parcel located at 7226 Concession 3 Road will be conveyed to the property municipally known as 7262 Concession 3 Road in the Township of West Lincoln. Regional staff received notice of this application on September 13, 2023.

A pre-consultation meeting with the applicant for the proposed boundary adjustment was held on April 7, 2022 with staff of the Township, Region and Conservation Authority in attendance.

As discussed below, staff recommends that consideration of the application be deferred pending the submission of a Planning Justification Brief in order to demonstrate how the proposed consent is consistent with and conforms to Provincial and Regional policies and plans. In addition, staff notes that the Regional review fee has not yet been provided.

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). NOP policy 4.1.1.2 states that prime agricultural areas shall be protected for

long-term use for agriculture. In addition, the NOP states that all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with Provincial standards within the agricultural system.

Policy 4.1.6.1 of the NOP 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:*

(d) the consent is for a lot adjustment for legal or technical reasons” (i.e. severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot).

Staff note that a planning justification brief was requested at the Preconsultation meeting held on April 7, 2022 to address applicable Provincial and Regional policies and demonstrate why additional land is needed to support the proposed garage. As the additional information was not submitted to provide justification for the proposed boundary adjustment, staff recommends that consideration of the application be deferred and that the applicant provide a Planning Justification Brief in order to demonstrate how the proposed consent is consistent with and conforms to Provincial and Regional policies and plans. An updated site map that identifies the location and size of the septic system on site should be included to confirm whether the proposed building can be accommodated within the existing lot boundaries.

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 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 this requirement was not identified through the pre-consultation agreement, the previous Zoning By-law Amendment, or the previous Site Plan submissions, in lieu of an assessment, staff recommend that the applicant be advised of the standard archaeological warning clauses included within the attached Appendix should any resources be uncovered through construction works.

Natural Environment System

The subject property is impacted by the Region’s Core Natural Heritage System (CNHS), consisting of Type 2 (Important) Fish Habitat. Consistent with Regional Official Plan (ROP) Policy 7.B.1.15, an Environmental Impact Study (EIS) is generally required

in support of site alteration and/or development proposed within 15 m of type 2 Fish Habitat.

The boundary adjustment is considered minor in nature from a natural heritage perspective, and as the future outbuilding is more than 15 m from Type 2 Fish Habitat staff offer no requirements in this regard.

Conclusion

Staff of the Regional Growth Strategy and Economic Development Services Department recommend a deferral of the application pending the submission of a Planning Justification Brief in order to demonstrate how the proposed consent is consistent with and conforms to applicable Provincial and Regional policies and plans .

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
Stephen Bureau, Development Approvals Technician

Appendix Conditions for Approval

Condition 1

That the applicant be advised of the following archaeological warning clause:

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

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

Condition 2

That the applicant submit the Regional review fee of \$940 in regards to the Consent Application Review (Rural / Outside Urban Areas).

REPORT

TOWNSHIP

COMMITTEE OF ADJUSTMENT

DATE: September 27, 2023

REPORT NO: COA-017-23

FILE NO: A11/2023WL

SUBJECT: **Recommendation Report**
Application for Minor Variance – 2728210 Ontario Inc.
(Ron Brouwer)

LOCATION: 5144 Canborough Road, Wellandport, ON

CONTACT: Susan Smyth, Senior Planner

OVERVIEW:

- o A Minor Variance application has been submitted by 2728210 Ontario Inc. (Ron Brouwer) property owner of 5144 Canborough Road, Wellandport.
- o The lands are subject to a Site Plan Agreement (By-law 89-62) that legally permits three (3) buildings and one (1) proposed warehouse building, all being one-storey and used for equipment, truck and warehouse storage purposes, including parking, landscaping and loading area.
- o Currently, two (2) buildings remain on the site and the foundation footprint of the warehouse building destroyed by fire still remains.
- o The Applicant's new commercial business (customized aluminum eaves troughs) will utilize the existing buildings and reinstate the former warehouse building. The Applicant confirmed there will be one part time employee and potentially infrequent visits by the public to view the products.
- o The building fronting Canborough Road will be used for an office/retail space, the building set behind will be used to store equipment and machinery for the products/materials. The proposed new building is being placed in the exact location of the foundation footings of the former warehouse and will be used for warehousing and storage.
- o In accordance with Section 3.5 Existing Uses, Lots, Buildings and Structure, the by-law shall not prevent the use of any existing lot, building or structure for any purpose prohibited by this by-law, provided that they were used for such purpose and continued, and the by-law does not prevent the buildings to be erected, enlarged, repaired or renovated on a lot that lawfully existed prior to the by-law.
- o The Planning Staff acknowledges the Site Plan Agreement that permits the commercial and warehouse uses, building and structures, as they lawfully existed prior to the current by-law. Understanding that the site was not in operation for several years, the two existing buildings are exempted from the by-law regulations although the reinstatement of the new warehouse building is not exempted from the current by-law.
- o As such, the Applicant is seeking relief from the Township's Zoning By-law 2017-70, as amended, Part 2, Section 3.12.6, Table 6: Required Parking Facilities, where commercial uses including offices requires 1 space per 28m² of gross floor area, and the warehouse/storage use requires 1 space per 100m² of gross floor area. With the combined gross floor area of all buildings (565m²), nine (9) parking spaces are required and seven (7) parking spaces are being provided, a deficiency of two (2) spaces and the requested relief.
- o The Applicant is also seeking relief from Township's Zoning By-law 2017-70, as amended, Part 7 Commercial Zone, Section 7.3, Table 17, whereas the minimum interior side yard adjoining a lot in a Residential Zone is to be 9 metres and the proposed warehouse building is 3.49 metres, reduction of 5.51 metres and the requested relief.

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TOTAL POTENTIAL VARIANCES: 2

- To recognize the deficient parking from Section 3.12.6, whereas the required parking for the total gross floor area of all uses is nine (9) spaces and seven (7) spaces are being provided.
- To recognize the deficient minimum interior side yard abutting a Residential Zone from Section 7.3, whereas the minimum setback of 9 metres is required and 3.49 metres is being provided.

RECOMMENDATION: Yes ☒ No ☐ Deferral ☐

THAT, the application for Minor Variance made by 2728210 Ontario Inc. (Ron Brouwer) as outlined in Report COA-017-23, to recognize the deficient parking and providing 7 spaces with 1 being an accessible/barrier free space and the deficient minimum interior side yard of 3.49 metres, BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

THAT, a Geotechnical Study be completed and submitted to NPCA to establish the stable top of slope and ensure stability of the slope.

THAT, Silt Erosion Control Fencing is required to be shown on the site plan and installed around the area of work of the proposed building.

THAT, All down spouts will need to be shown on the permit drawings and directed away from the slope.

BACKGROUND: Surrounding Land Uses and Natural Heritage

- The subject lands are located on the south side of Canborough Road, east of Wellandport Road, north of the Welland River, in the Wellandport Hamlet Settlement Area.
- The subject lands have a lot area of 2,012.6 square metres (0.20 hectares), with a lot frontage of 40.26 metres on Canborough Road.
- The lands are subject to a Site Plan Agreement (By-law 89-62) that legally permits three (3) buildings and one (1) proposed warehouse building, all being one-storey and used for equipment, truck and warehouse storage purposes, including parking, landscaping and loading area.
- The proposed redevelopment of the site will be for a commercial business that customizes eaves troughs.
- Two existing buildings will be renovated and the building located closest to Canborough Road (148 m² in size) will be used for the office/retail, and the other building (127.35m² in size) will be used for warehouse and storage of equipment. The proposed new warehouse/storage building (289.6m² in size) will be located over the previous building footprint that was destroyed by fire.
- The subject lands is surrounded by low density residential uses (2-storey detached dwelling units) to the east and west, Welland River to the south, with a mix of commercial and low density residential uses to the north.
- The subject lands are constrained by the watercourse and floodplain associated with Welland River and valleyland slope associated with the river, however these features are not impacted by the proposal.

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: Hamlet Settlement Area, Natural Heritage System

The subject lands are designated “Hamlet Settlement Area” referred to as Wellandport. Section 7.2 of the Township’s Official Plan (OP) refers to Hamlets that provide residential and associated commercial, institutional, recreational and open space land uses. While the predominant uses are low density residential (single detached dwellings), commercial uses deemed necessary to serve the surrounding area are permitted such as builder’s yard, feed mill, service garage, farm equipment dealer. According to Policy 7.2.3 (b) lands designated “Hamlet” will be zoned to recognize current uses where appropriate. Considering the subject lands have been zoned legally to permit a commercial use (contractor’s yard and warehouse) and there is an existing Site Plan Agreement registered for such use, the proposal to reinstate the existing buildings and replace the warehouse with a new building with the same intended use meets the intent of the Hamlet designation for a commercial use serving the local area.

The subject lands are also designated as “Natural Heritage System” for the floodplain and valleyland slope to the Welland River. According to Section 10.6.2, policies for natural hazards such as valleylands and floodplains, policy (b) (iii) within Settlement Boundaries, the Township supports the maximum use of land for development while avoiding hazardous conditions. A reduced setback may be considered where an existing lot provides insufficient depth to accommodate the required setback provided that a Geotechnical Study Report finds that the reduced setback, with mitigating measures, will maintain long term bank stability with no adverse environmental impacts, will not create new hazards or increase existing ones, and that no development or site alteration will be permitted below the top of the valley bank. The proposed development is not encroaching into the valleyland slope and not increasing the risks to public safety or creating new on-site adverse environmental impacts since the former building foundation is being removed and replaced in its exact location with a new foundation and building structure. To ensure there are no adverse impacts, the Applicant is to provide a Geotechnical Study Report to confirm the stable top of bank and the limit of the development as well as the stability of the slope prior to the construction. Additionally, erosion and sediment control fencing is to be provided along the limits of construction to avoid any impacts to the valleyland and slope.

The proposal is required to have parking available on site and the Applicant confirmed that the operation does not require more than one part time employee since an automated machine will do the work. Furthermore, it is not expected to have a significant number of visitors to the site and will be by appointment only to view the products, therefore the reduction of the parking from the required 9 spaces to 7 spaces is not expected to create a negative impact for the neighbouring.

Additionally, the requested reduction of the interior side yard on the east side of the site was pre-existing and the new warehouse building will not worsen the condition. The eastern edge is screened by vegetation and maintaining the visual buffer between uses. Therefore, Planning Staff 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 ☒ No ☐

Current Zone(s): Service Commercial – C3 Zone, Environmental Protection, Environmental Conservation

The Township’s Zoning By-law 2017-70, as amended zones the subject lands as Service Commercial – C3 zone and the proposed contractor establishment and commercial use with the accessory storage (warehouse) building are permitted uses. As noted previously, the existing buildings associated with the Site Plan Agreement are legal non-conforming uses and are exempted from the zoning regulations. However, the reinstatement of the new warehouse building is not exempted from the C3 zone regulations. According to the site plan provided, the new warehouse building which will abut the office/retail building and be located over the previous foundation does not meet the minimum interior side yard adjoining a Residential Zone. The Applicant is requesting relief of the side yard to be 3.49 metres whereas Section 7.3, Table 17, the required setback is 9 metres. Planning Staff acknowledges that the previous warehouse building was positioned with this deficient setback and with the reinstatement of the new building, this variance will have it legally recognized. The proposal is providing parking spaces on site and meeting the intent of the by-law despite the reduction of two spaces which is not considered to impact the function of the site since there is to one part time employee and limited visitors. Also, this reduction is not expected to impact the Regional Road corridor for spillage onto the road for parking as this will be a small operation. The site offers a loading space at the entry of the new warehouse building which maintains the available parking spaces in the site.

The subject lands are also zoned Environmental Protection-EP and Environmental Conservation-EC and the proposal will have no impact on the zones since no new site alteration or development is occurring. To mediate any concerns, the Applicant is to provide a Geotechnical Study Report to confirm the stable top of bank and stability of the slope and will be required to obtain NPCA approval prior to any development. Additionally, to provide erosion and sediment control fencing to avoid any disturbance to the valleyland slope. For these reasons, Planning Staff consider this 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 ☒ No ☐

The Planning Staff note that the renovations to the existing buildings and the proposed new warehouse building will revitalize the derelict site and improve the streetscape. Furthermore, will establish a new commercial service to the hamlet area and municipality. The reduction of the parking spaces and the reduced interior side yard is not expected to create impacts in the immediate area since the operation only requires one part time employee,

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infrequent visitors on an appointment basis to view the products, and delivery of products/materials once to twice a week. The Applicant confirms that fencing and landscaping will be provided to increase screening and buffering to the adjacent residential uses to further mitigate any impacts. The Applicant also confirmed that the building used to store the equipment and machinery will have acoustic insulation to mitigate any noise impacts. For these reasons, Planning Staff consider this application desirable for the use of land.

Is the proposal minor in nature? Yes ☒ No ☐

The Applicant requested relief from Section 3.12.6, whereas the required parking for the total gross floor area of all uses is nine (9) spaces and seven (7) spaces are being provided. Planning Staff are of the opinion that the reduction of two spaces will not create adverse impacts (e.g., parking on the street) to the area and is suitable for the operation on the site considering the limited number of employees and infrequent appointments from visitors including the delivery of products/materials.

Additionally, the requested relief from Section 7.3, whereas the minimum interior side yard abutting a Residential Zone setback is 9 metres and 3.49 metres is being provided. The location of the new building will be able to maintain the existing vegetation and buffer along the east edge of the site and have sufficient space to add fencing. The height of the new building will be 9.1 metres (29.8 feet) which is less than the 10 metre maximum height restriction and the building will not have any windows facing the adjacent residence thereby avoiding an intrusion into the private amenity space or side views into the dwelling. Furthermore, the new building will be setback behind the existing office/retail building and placing it further back with the doors to the building accessed from the interior of the site and minimizing any nuisance to noise. Therefore, 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 subject to the conditions being provided as well as, remitting the associated review fee for the Geotechnical Study. Please see Attachment 3.
Niagara Region	Offer no objections with the proposed minor variances, subject to the Township's satisfaction. 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 (A11/2023WL) as outlined in Report COA-017-23, to recognize the deficient parking spaces and reduced minimum interior side yard adjoining a lot in a Residential Zone subject to the conditions.

Attachments:

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

Prepared by:



Susan Smyth, C.P.T
Senior Planner

Recommended by:



Brian Treble, MCIP, RPP
Director of Planning and Building

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Location Map
5144 Canborough Road
0 12.5 25 50 Meters



Legend

	ZoneBoundary
	Subject Property

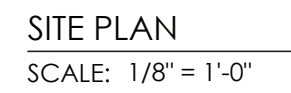
REAL:



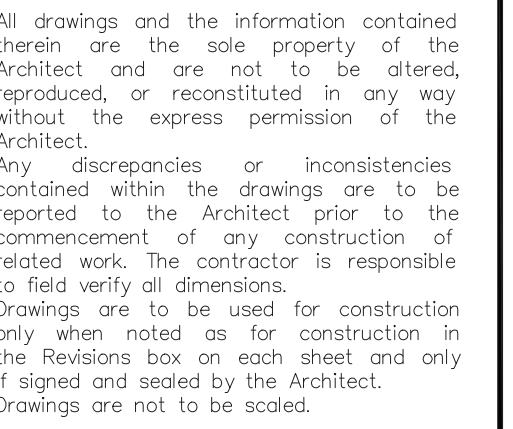
Brouwer - Ware
5144 Cant
Wellandp

DRAWING TITLE:

DRAWN: M.D.	DRAWING: A-1
CHECKED: B.	
PROJECT: 1314	
DATE: ep-23	REVISION: 2



C3 ZONING REGULATIONS				
	REQUIRED	PERCENTAGE (%)	PROVIDED	PERCENTAGE (%)
LOT COVERAGE (MAX.)	1,006.30 m ²	50 %	564.95 m ²	28 %
BUILDING HEIGHT (MAX.)	10 m	-	9.14 m	-
OUTSIDE STORAGE (MAX.)	503.15 m ²	25 %	0 m ²	0 %
GROSS LEASABLE FLOOR AREA (MAX.)	1,006.30 m ²	50 %	564.95 m ²	28 %
LANDSCAPE OPEN SPACE (MIN.)	201.3 m ²	10 %	682.25 m ²	40 %
LOT AREA (MIN.)	750 m ²	-	2,012.6 m ²	-
LOT FRONTAGE (MIN.)	25 m	-	40.27 m	-
FRONT YARD (MIN.)	9 m	-	11.08 m ²	-
EXTERIOR SIDE YARD (MIN.)	NA	-	NA	-
INTERIOR SIDE YARD (MIN.)	9 m	-	3.49 m	-
REAR YARD (MIN.)	6 m	-	16.37 m	-




 ONTARIO ASSOCIATION
 OF
 ARCHITECTS
Jason Brouwer
 JASON BROUWER
 LICENCE
 7425



DRAWING TITLE:

Elevations

DRAWN: A.R.	DRAWING: A-2
CHECKED: J.B.	
PROJECT: 2134	
DATE: Jul-23	REVISION: 1



Stephanie Pouliot

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: September 18, 2023 4:34 PM
To: Susan Smyth
Cc: Stephanie Pouliot
Subject: NEW NPCA EDITED response to MV A11/2023WL - 5144 Canborough Rd

Good afternoon Susan and Stephanie,

I have had a chance to think about the comments I have just sent you and unfortunately have another revision to share. Thank you for the note on the proposed variance to reduce the side yard setback.

The NPCA has had a review of revisions to the MV application package for 5144 Canborough Road.

While the new drawing now depicts “top of bank”, please note that NPCA’s previous comments are still applicable.

Please see NPCA’s comments on the 5144 Canborough Road below:

5144 Canborough Road

- The NPCA have had a chance to review the minor variance application to permit the reduction of required parking spaces and to permit reducing the minimum interior side yard setback for a proposed addition at 5144 Canborough Road.
- The subject property is impacted by a watercourse and floodplain associated with Welland River and valleyland slope associated with the river. Additionally, the property is impacted by the Welland River West Wetland Complex and its associated buffer.
- In principle the NPCA has no objections to the property having a reduced number of required parking spaces.
- However, NPCA staff have had an initial review of the proposed addition planned to be built on the subject property, which requires a variance to reduce the side yard setback and have the following comments:
 - In order to review this addition, the NPCA will require:
 - Submission of a Geotechnical Report to establish the stable top of slope. Any development/re-development is subject to NPCA policy 5.2. Depending on the stable top of slope line the building proposed on the concrete pad may have to be scaled back.
 - Silt Erosion Control Fencing is required to be shown on the site plan and installed and around the area of work of the proposed building.
 - All down spouts will need to be directed away from the slope.
- As a geotechnical report has not been submitted with this variance the NPCA is unable to provide a comment at this time for the side yard reduction related to the proposed variance for the addition.
- As such, the NPCA will request that the variance of the side yard reduction be DEFERRED until a geotechnical report can be provided.
- As the variance now requires a study the fee is for a major minor variance review.
- The NPCA Fees would be subject to the Fees Schedule in effect at the time of an application. At this time, the fee for this major variance application is, \$2,034.
- Please note that any proposed work within the regulated lands would require NPCA approval with a work permit.

Stephanie Pouliot

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: September 18, 2023 1:49 PM
To: Stephanie Pouliot
Subject: NPCA response to MV A11/2023WL - 5144 Canborough Rd
Attachments: Regulated Land Map - 5144 Canborough Rd, WL (1).pdf

Good afternoon Stephanie,

The NPCA has had a review of revisions to the MV application package for 5144 Canborough Road.

While the new drawing now depicts “top of bank”, please note that NPCA’s previous comments are still applicable.

Please see NPCA’s comments on the 5144 Canborough Road below:

5144 Canborough Road

- The NPCA have had a chance to review the minor variance application to permit the reduction of required parking spaces at 5144 Canborough Road.
- The subject property is impacted by a watercourse and floodplain associated with Welland River and valleyland slope associated with the river. Additionally, the property is impacted by the Welland River West Wetland Complex and its associated buffer.
- In principle the NPCA has no objections to the property having a reduced number of required parking spaces.
- However, NPCA staff have had an initial review of the proposed addition planned to be built on the subject property, which is related to the need for the minor variance to reduce parking.
 - This addition will require NPCA review for a work permit. For the submission of the work permit the NPCA would require:
 - Submission of a Geotechnical Report to establish the stable top of slope. Any development/re-development is subject to NPCA policy 5.2. Depending on the stable top of slope line the building proposed on the concrete pad may have to be scaled back.
 - Silt Erosion Control Fencing is required to be shown on the site plan and installed and around the area of work of the proposed building.
 - All down spouts will need to be directed away from the slope.
- 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

1:1,128

SHORELINES Enhance Local Feature Type Shoreline

— Waterbody - River

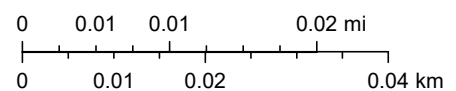
FLOWLINES Enhanced Local Feature Type Flowlines

— Waterbody - River

 DRAFT Riverine Erosion / Valleyland Area

DRAFT Slope Features

— Top of Slope



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

VIA E-MAIL ONLY

September 22, 2023

Region File: D.17.12.MV-23-0086

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
Township File: A11/2023WL
Owner: Jason Brouwer
5144 Canborough Road
Township of West Lincoln

Staff of the Regional Growth Strategy and Economic Development Department has reviewed this Minor Variance application to reduce the number of required parking spaces from 9 to 7. The application is also seeking recognition of the existing deficiency of an interior side yard setback of 3.49 m for the property municipally known as 5144 Canborough Road in the Township of West Lincoln.

Regional staff received notice of this application on September 14, 2023, which was previously deferred and has been revised from the original request.

Provincial and Regional Policies

The subject property is located within a Rural Settlement Area in accordance with the *Provincial Policy Statement* and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*. The *Niagara Official Plan, 2022* (NOP) designates the property as being within the Rural Settlement of Wellandport. Rural settlements are the focus of rural development outside of urban area boundaries and should be planned to encourage residential infill development that builds on the rural character and characteristics of the surrounding area and ensure there is adequate amenities to serve the needs of rural residents, area businesses and the surrounding nearby agricultural community.

Regional staff is not opposed to the requested variances, which will facilitate the construction of a new building (warehouse) to be built over the footprint of the previous building destroyed by fire, subject to the following comments and local requirements.

Natural Environment System

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. Staff offer no objection to the variance which allows for reduced parking spaces.

Regional Road

REGIONAL ROAD ALLOWANCE

At this location (5144 Canborough Road) the NOP width for the Regional Road #63 is 26.2 m. For the subject site, a road widening of approximately 3.05 m (to be determined by field survey to achieve the recommended width) is required to be established parallel to the existing road limit. This widening is not required through this application but the applicant is to be aware that at future planning applications the widening maybe requested by the Region.

REGIONAL ROAD, ENTRANCE AND REQUIRED PERMITS

Based on the site plan previously reviewed, there are concerns that the proposed parking distanced from the entrance does not meet the requirements of the current standards and there maybe congestion accessing the property.

Regional Permit Requirements

- Require Regional Construction Encroachment and Entrance Permit prior to any construction within Regional Road Allowance.
- Regional Sign Permit Required for any signs within 20m of the centreline on Canborough Road.
- Permit link: <https://www.niagararegion.ca/living/roads/permits/default.aspx>
- Restoration is to be to Regional standards :
<https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>

Regional Bicycle Network

The subject property has frontage on a roadway designated as part of the Regional Niagara Bicycling Network. If the bicycle route is currently not established and identified with signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises. This may involve additional pavement width, elimination of on-street parking, etc.

Stormwater Management

Regional staff note that the current lot consists of all gravel. A Stormwater Management Brief will be required if the surface is to be changed to a hard surface in the future. Regional staff note that all downspouts are to be directed towards the rear of the yard.

Conclusion

Staff of the Regional Growth Strategy and Economic Development Services Department does not object to the request for minor variances to permit the construction of a new building over the footprint of the previous building destroyed by fire, subject to the City's satisfaction.

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
Stephen Bureau, Development Approvals Technician
Yves Scholten, Planning Ecologist

REPORT

TOWNSHIP

COMMITTEE OF ADJUSTMENT

DATE: September 27th, 2023
REPORT NO: COA-020-23
FILE NO: A13/2023WL
SUBJECT: **Recommendation Report**
 Application for Minor Variance Amjad
LOCATION: 8168 Sixteen Road, Caistor Centre, ON L0R 1E0
CONTACT: Susan Smyth, Senior Planner

OVERVIEW:

- A Minor Variance application has been submitted by Muhammad Amjad, property owner of 8168 Sixteen Road.
- This Minor Variance application has been applied to recognize the deficient front yard setback of 11.8 metres whereas, Table 12 in Part 5 of the Township's Zoning By-law 2017-70, as amended, identifies 15 metres to be the minimum front yard requirement within an 'Agricultural 'A' zone.
- If approved, this minor variance will allow the applicant the additional space and clearance to permit an addition to the existing dwelling on the property. Due to site constraints including; mature trees to the west of the dwelling, a garage to the south of the dwelling and two existing decks constructed on the east side of the dwelling, an alternative location for the addition is limited, therefore the front yard is the only workable location for the proposed addition.

TOTAL VARIANCES: 1

- To recognize the deficient front yard setback of 11.8 metres whereas, 15 metres is the minimum front yard requirement within an Agricultural 'A' zone.

RECOMMENDATION: Yes ☒ No ☐ Deferral ☐

THAT, the application for Minor Variance made by Muhammad Amjad as outlined in Report COA-020-23, to recognize a deficient front yard setback of 11.8 metres within an Agricultural 'A' zone, BE APPROVED.

BACKGROUND: Surrounding Land Uses and Natural Heritage

- 8168 Sixteen Road is approximately 26.32 hectares (65.03 acres) in size.
- The subject property is situated on the south side of Sixteen Road, west of Allen Road, north of Concession 5 Road and east of Caistor Centre Road, which is also located north east of the Hamlet of Caistor Centre.
- 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.
- The rear portion of the subject property approximately 17.79 hectares (43.97 acres) designated as part of the Natural Heritage System, including part of the Core Natural Heritage Corridor, Regionally Significant Life Science (ANSI) area, Provincially Significant Wetlands (PSW), as well as, Significant Woodlands which has the Environmental Conservation and Environmental Protection designation to protect such features. Please see the attached map for the noted Natural Heritage features (found in Attachment 1). This area is not a factor of this application. The Niagara Peninsula Conservation Authority (NPCA) regulates majority of the property and as such, in addition to the Township's building permit, a NPCA work permit will also be required as the proposed addition is located within the NPCA regulated area.
- The surrounding lands are actively farmed with a number of large agricultural properties with significant woodlands

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and a few 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 <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Official Plan Designation: Good General Agricultural Lands & Natural Heritage System The proposed addition is supported by Section 4 <i>Agricultural Land Use Policies</i> of the Township's Official Plan (OP), specifically by Section 4.4 <i>Good General Agriculture Areas</i> , policies 4.4.1 and 4.4.2. The main objective is preserving and protecting the Agricultural area which is not being hindered or affected by the proposed variance for a reduced front yard setback. The addition to the existing dwelling is compatible and will not create any negative impacts on the existing Agricultural lands being actively farmed. Additionally, the present Natural Heritage features located within the rear of the property will not be impacted by the proposed addition and as the development will not impact their ecological function, the general intent and purpose of Section 10 is being maintained. Therefore, as the proposed addition and resulting variance still maintain the fundamental objectives of the Township's OP, Planning Staff considers this proposal to be consistent with the general intent of the OP. Furthermore, it's important to note, a septic permit will be required to satisfy policy 4.2.1(d), ensuring all development shall be supported by private sewage disposal systems as per the requirements in the Ontario Building Code. As such, the applicant will have to ensure compliance with Part 8 of the Ontario Building Code to the satisfaction of the Township's Building Department and Septic System Inspection Manager. Therefore, the proposal is consistent with the Township's OP policies and objectives, subject to a future septic permit and compliance with Part 8 of the Ontario Building Code.	
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' Aside from the noted variance, the proposed addition is permitted and complies with the remainder of the zoning regulations outlined in Table 11 in Part 5 of the Township's Zoning Bylaw, 2017-70, as amended. Planning Staff can support the resulting front yard of 11.8 metres as the intent of the zoning provision is still being maintained which is providing an adequate front yard for the property and an appropriate setback from the public road (Sixteen Road). 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 proposal desirable for the use of land since there are limited options to relocate the proposed addition due to the existing buildings and structures on the property and the mature trees to the west of the dwelling. The proposed variance still provides an appropriate front yard setback and the property will still be compatible with the surrounding land uses. Planning Staff do not anticipate any adverse effects on the surrounding area as a result of this proposal and the property is large enough to accommodate the addition and still comply with the remainder of the Township's regulations. Planning Staff considers the proposal desirable and appropriate for the use of the land.	
Is the proposal minor in nature? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
The proposed variance is minor in nature as the relief being requested is a deficiency of 3.2 metres, leaving a front yard of 11.8 metres whereas, 15 metres is required. Planning Staff consider the requested variance a minor alteration to accommodate the addition to the dwelling considering the existing site constraints. Additionally, as 11.8 metres still provides an appropriate front yard for the property, Planning Staff supports the proposed variance to permit the addition. As such, Planning Staff recommend approval of this minor variance as the proposal can be considered minor in nature, subject to the condition of approval as indicated.	
FINANCIAL IMPLICATIONS:	
There are no financial implications associated with this report.	
INTER-DEPARTMENTAL COMMENTS:	
Building Department	Septic permit will be required to ensure compliance with Part 8 of the Ontario Building Code. In addition, it's important to note and

	inform the Committee though, not directly related to this application, there is existing Building Code Order(s) still in place on the subject property. Please see Attachment 4 for the comments received from the Chief Building Official.
Septic System Inspector	Septic permit will be required to ensure compliance with Part 8 of the Ontario Building Code.
Public Works	No objections or comments to provide on this application.
Niagara Peninsula Conservation Authority (NPCA)	Offer no objections to the proposed minor variance provided Erosion Sediment Control (ESC) measures (type and location) are identified on the site plan. Any proposed work within the NPCA regulated lands would require approval with a work permit issued from the NPCA. Please see Attachment 4.
Niagara Region	Offer no objections with the proposed minor variance, subject to the Township's satisfaction. Please see Attachment 4 for the full comments received.
PUBLIC COMMENTS: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
No public comments received at this time.	
CONCLUSION:	
Based on the above analysis, Planning Staff recommend APPROVAL of the proposed minor variance application (A13/2023WL) as outlined in Report COA-020-23, to recognize the deficient front yard setback of 11.8 metres in an Agricultural 'A' zone, following the proposed addition to the existing dwelling on the property.	

Attachments:

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

Prepared by:

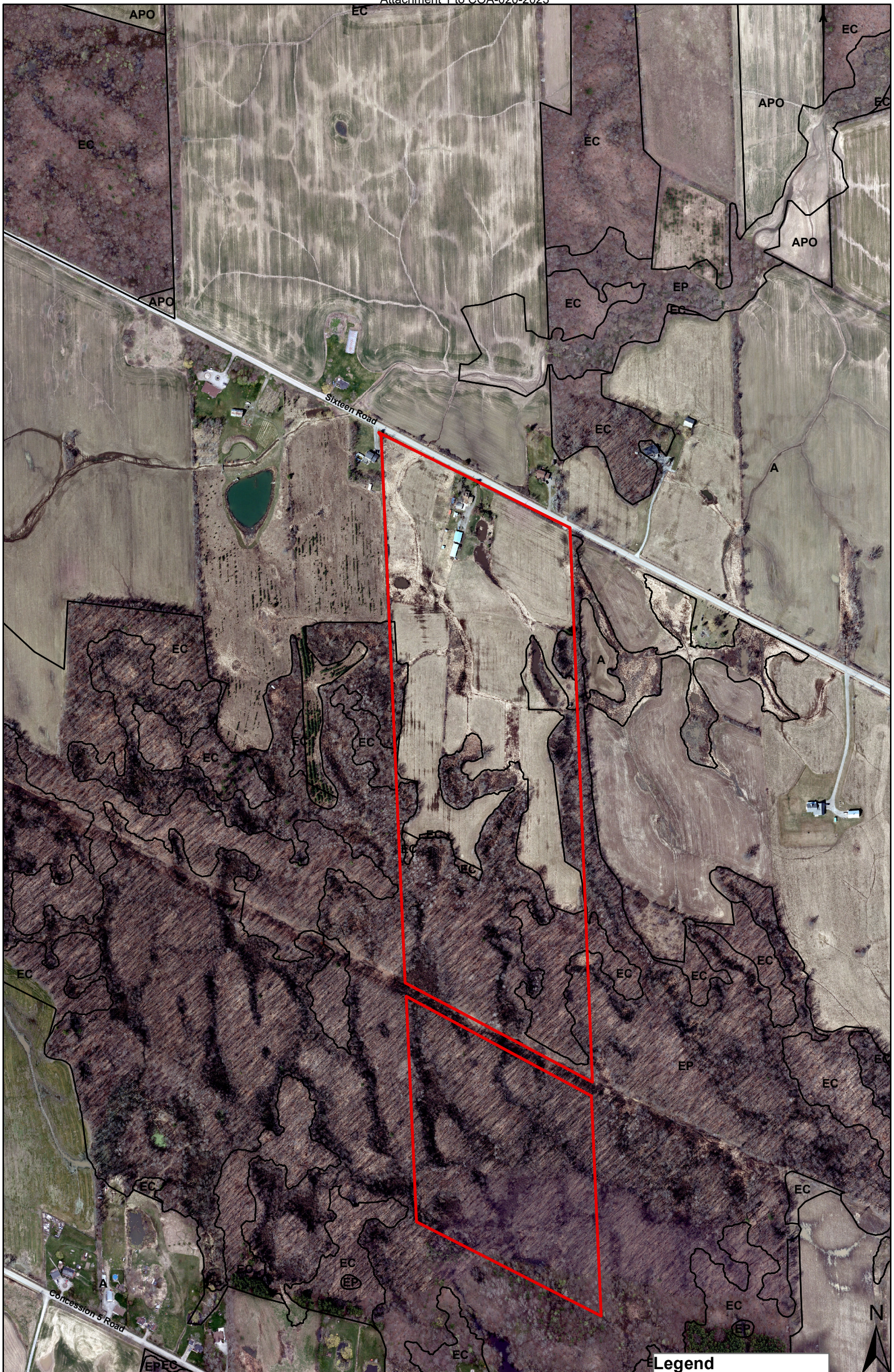


**Stephanie Pouliot,
Planner**

Recommended by:



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





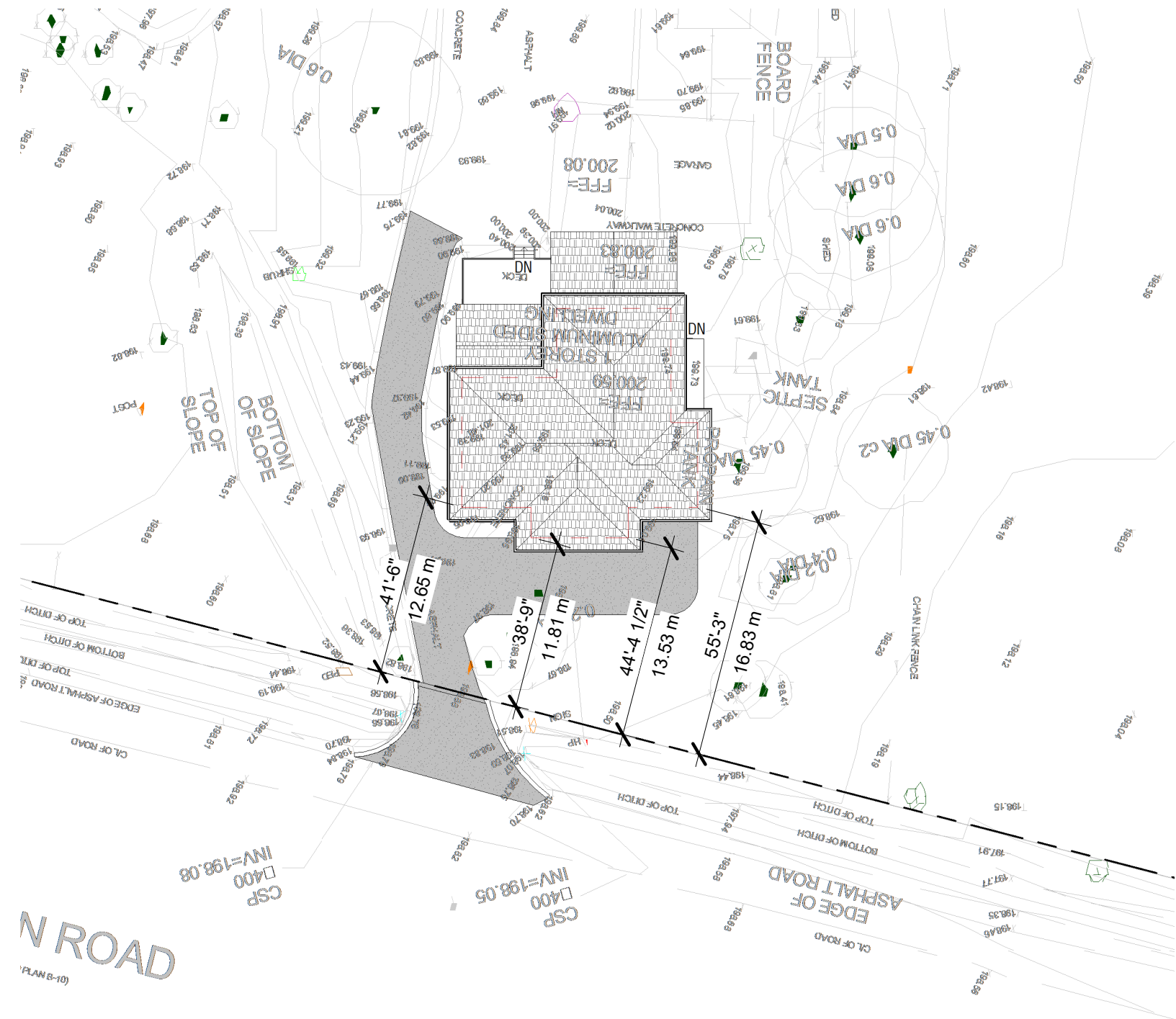
Location Map
8168 Sixteen Road

0 75 150 300 Meters

West Lincoln
Your Future Naturally

Legend

-  Zone Boundary
-  Subject Property



N ROAD
(10'-8-10")

1 SITE PLAN
1/32" = 1'-0"

SITE DATA : TOWNSHIP OF WEST LINCOLN

ZONING TABLE:

ZONE: A, EP, EC				
STANDARD		REQUIRED	PROPOSED	REMARKS
LOT AREA (MIN.)		40 ha	28.0 ha	EXISTING
LOT FRONTAGE (MIN.)		100.0 m	296.83 m	COMPLIES
MAXIMUM GFA.		N/A	N/A	N/A
FRONT YARD (MIN.)		15 m	11.81 m	REQUIRES RELIEF FROM COA
REAR YARD (MIN.)		15 m	7.67 m	COMPLIES
INTERIOR SIDE YARD (MIN.) EAST	MAIN BUILDING	5.0 m	145.64m	COMPLIES
	ACCESSORY STRUCTURE	N/A	N/A	N/A
INTERIOR SIDE YARD (MIN.) WEST	MAIN BUILDING	5.0 m	128.74m	COMPLIES
	ACCESSORY STRUCTURE	N/A	N/A	N/A
BUILDING HEIGHT AT PEAK (MAX.)		15.0 m	8.34 m	COMPLIES
MAXIMUM HEIGHT OF EAVES		N/A	N/A	N/A

LOT AREA: 28.0 ha
AVERAGE GRADE : $199.22 + 199.18 + 199.39 + 199.53 + 199.90 + 200.0 = 1197.22/6 = 199.54$

FLOOR AREA CALCULATION:

FLOOR	EXISTING	PROPOSED	TOTAL
GROUND FLOOR (W/O GARAGE)	125.79 m ² (1354.0 ft ²)	119.75 m ² (1289.0 ft ²)	245.54 m ² (2643.0 ft ²)
SECOND FLOOR	55.0 m ² (592.0 ft ²)	128.48 m ² (1382.90 ft ²)	183.47 m ² (1974.90 ft ²)
LOFT/ATTIC AREA	NA	NA	
TOTAL AREA	180.79 m ² (1946.0 ft ²)	248.23 m ² (2671.90 ft ²)	429.02 m ² (4617.93 ft ²)

NOTE:
IT IS THE RESPONSIBILITY OF THE APPROPRIATE CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE AND REPORT ALL ERRORS AND OR OMISSIONS TO KINESIS DESIGN INC.

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Email: kinesisdesigninc@gmail.com
Web: www.kinesisdesign.ca

PROJECT TITLE
**PROPOSED HOUSE ADDITION
AT 8168 SIXTEEN RD. CASTOR
CENTRE, HAMILTON, ON**

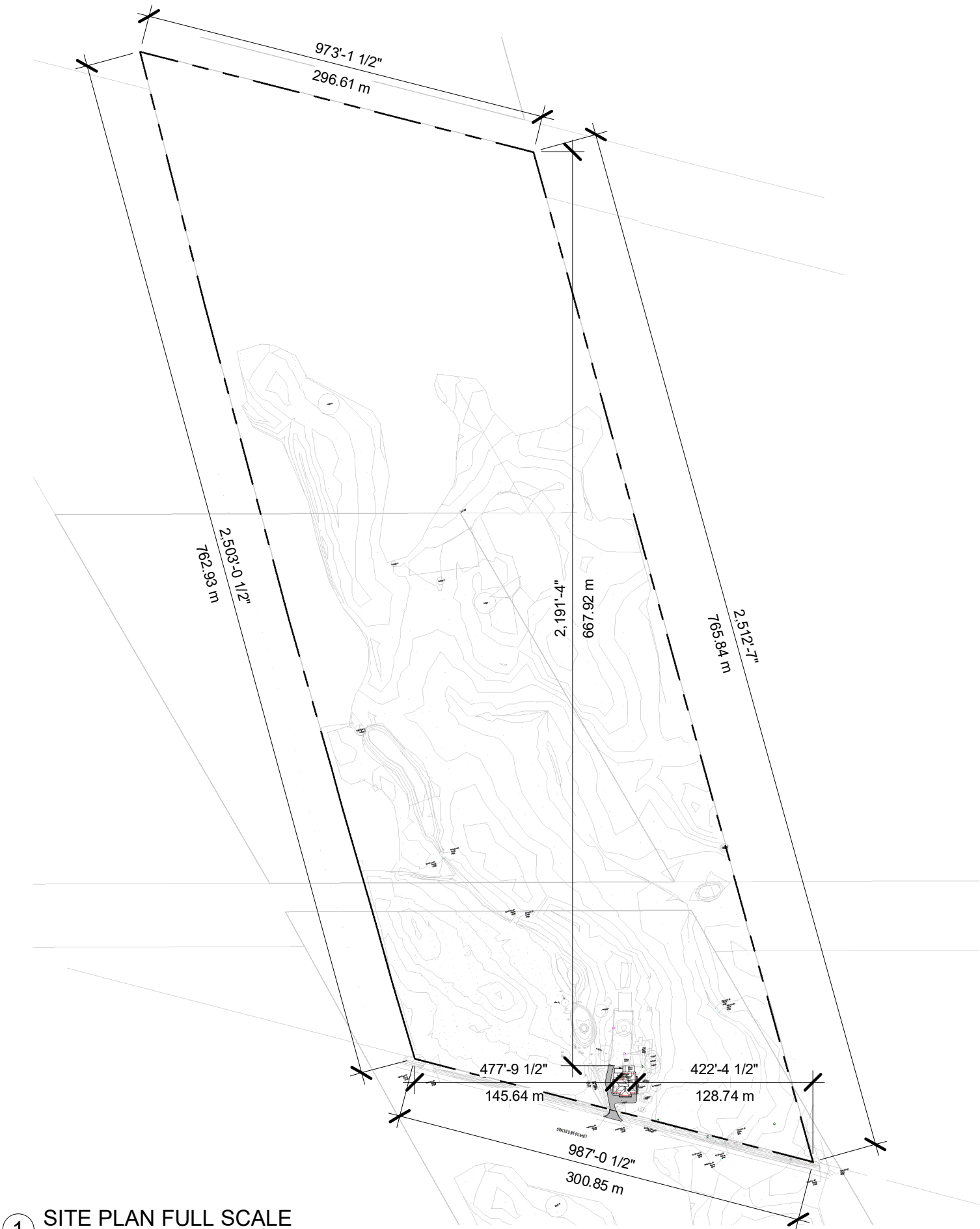
DRAWING TITLE :
SITE PLAN



ORIENTATION

01	FOR CLIENT APPROVAL	15/07/23
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NO.	REVISIONS	DATE

DRAWN BY: DK	JOB NO:
CHECKED BY: DK	
SCALE: AS NOTED	DWG. NO: A100
DATE:	



1 SITE PLAN FULL SCALE
1" = 300'-0"

SITE DATA : TOWNSHIP OF WEST LINCOLN

ZONING TABLE:

ZONE: A, EP, EC				
STANDARD		REQUIRED	PROPOSED	REMARKS
LOT AREA (MIN.)		40 ha	28.0 ha	EXISTING
LOT FRONTAGE (MIN.)		100.0 m	296.83 m	COMPLIES
MAXIMUM GFA.		N/A	N/A	N/A
FRONT YARD (MIN.)		15 m	11.81 m	REQUIRES RELIEF FROM COA
REAR YARD (MIN.)		15 m	7.67 m	COMPLIES
INTERIOR SIDE YARD (MIN.) EAST	MAIN BUILDING	5.0 m	145.64m	COMPLIES
	ACCESSORY STRUCTURE	N/A	N/A	N/A
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	ACCESSORY STRUCTURE	N/A	N/A	N/A
BUILDING HEIGHT AT PEAK (MAX.)		15.0 m	8.34 m	COMPLIES
MAXIMUM HEIGHT OF EAVES		N/A	N/A	N/A

LOT AREA: 28.0 ha
AVERAGE GRADE : $199.22 + 199.18 + 199.39 + 199.53 + 199.90 + 200.0 = 1197.22/6 = 199.54$

FLOOR AREA CALCULATION:

FLOOR	EXISTING	PROPOSED	TOTAL
GROUND FLOOR (W/O GARAGE)	125.79 m ² (1354.0 ft ²)	119.75 m ² (1289.0 ft ²)	245.54 m ² (2643.0 ft ²)
SECOND FLOOR	55.0 m ² (592.0 ft ²)	128.48 m ² (1382.90 ft ²)	183.47 m ² (1974.90 ft ²)
LOFT/ATTIC AREA	NA	NA	
TOTAL AREA	180.79 m ² (1946.0 ft ²)	248.23 m ² (2671.90 ft ²)	429.02 m ² (4617.93 ft ²)

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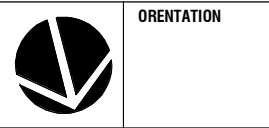


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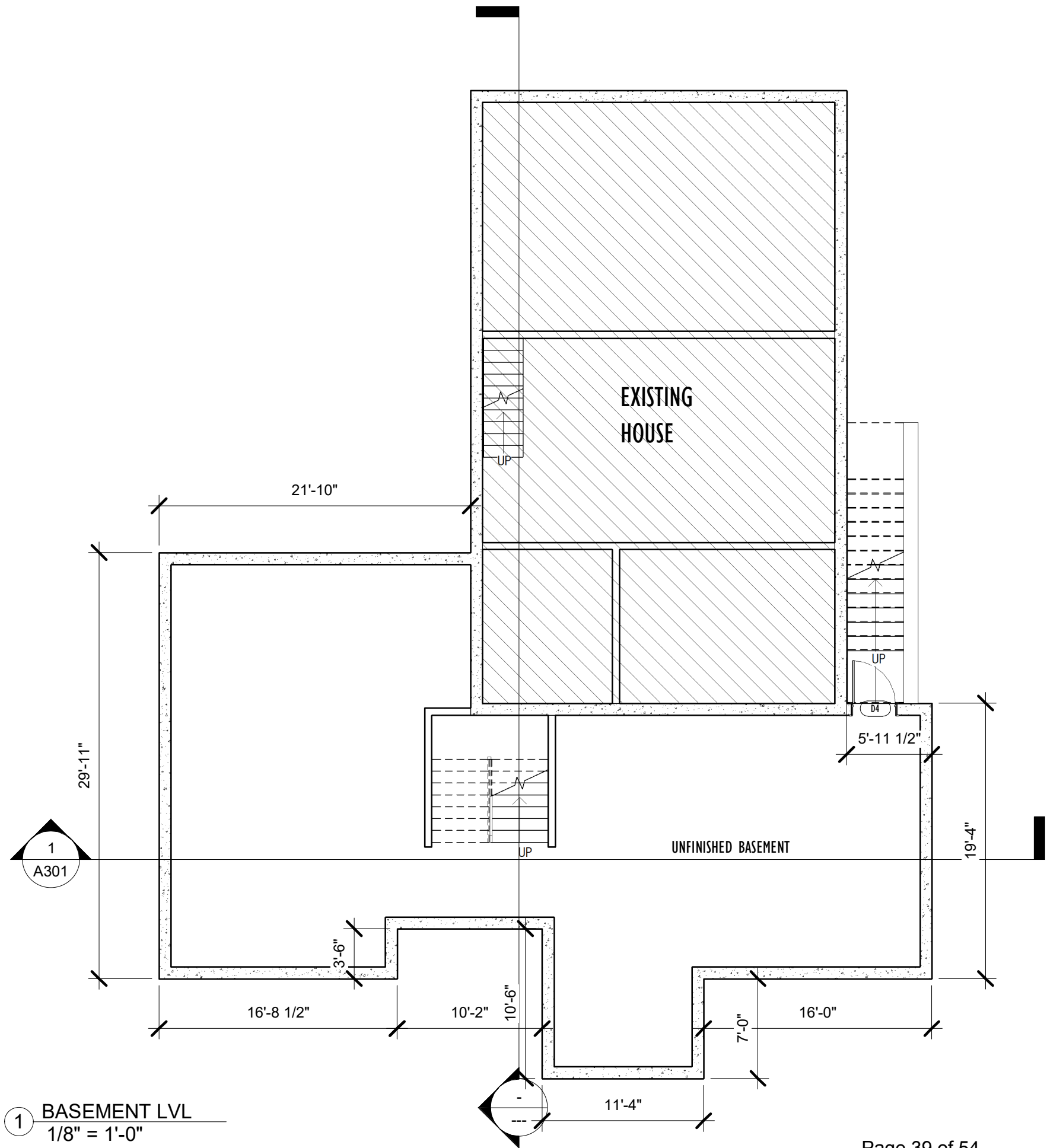
PROJECT TITLE
**PROPOSED HOUSE ADDITION
AT 8168 SIXTEEN RD. CASTOR
CENTRE, HAMILTON, ON**

DRAWING TITLE :
SITE PLAN



01	FOR CLIENT APPROVAL	15/07/23
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NO.	REVISIONS	DATE

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DATE:	A100.1



1 BASEMENT LVL
1/8" = 1'-0"

PROPOSED AREA: 1300 SQFT

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PROJECT TITLE
**PROPOSED HOUSE ADDITION
AT 8168 SIXTEEN RD. CASTOR
CENTRE, HAMILTON, ON**

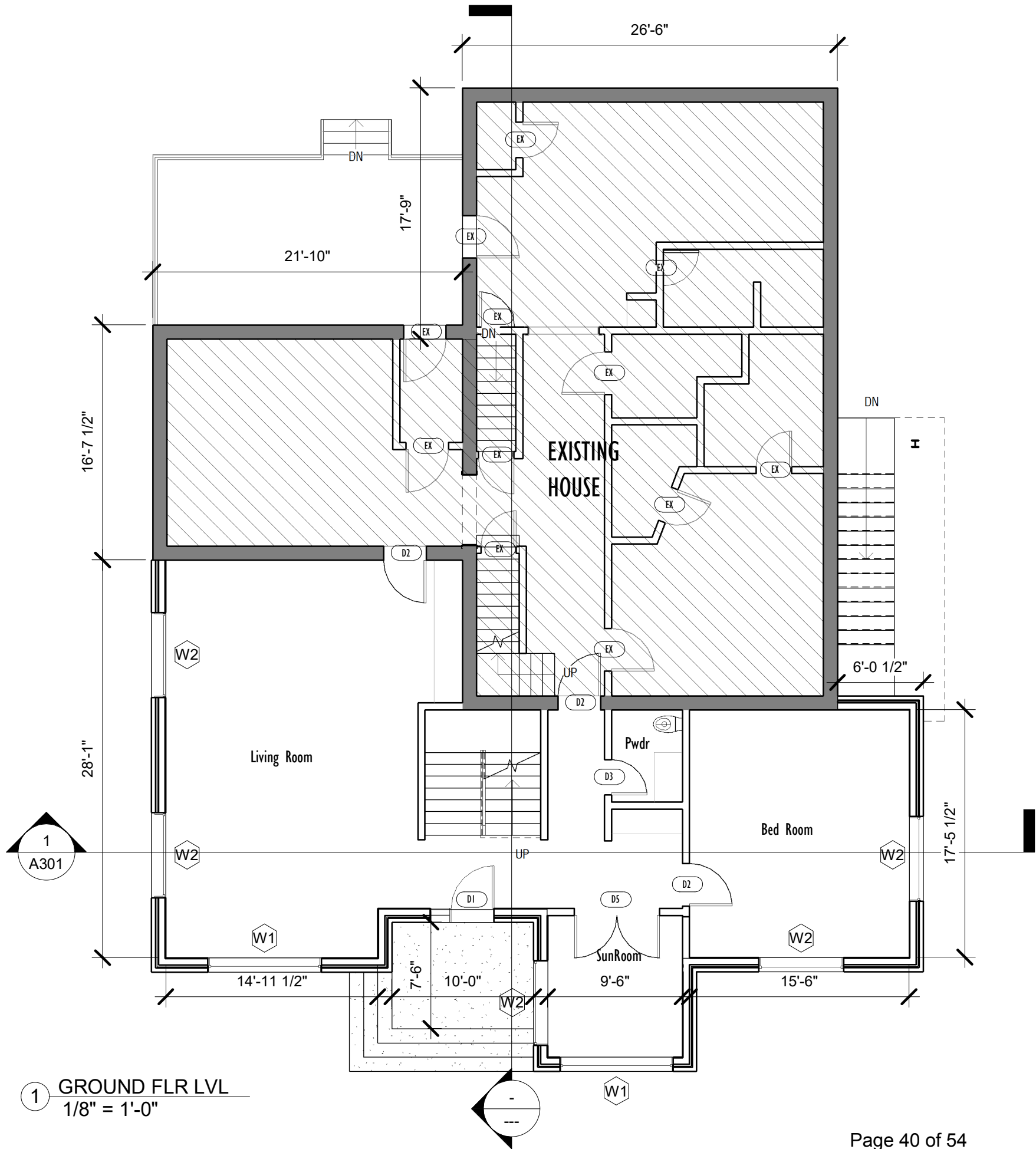
DRAWING TITLE :
BASEMENT FLOOR PLAN



ORIENTATION

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1 GROUND FLR LVL
1/8" = 1'-0"

PROPOSED AREA: 1289 SQFT

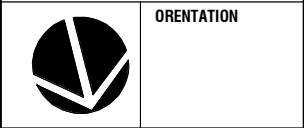
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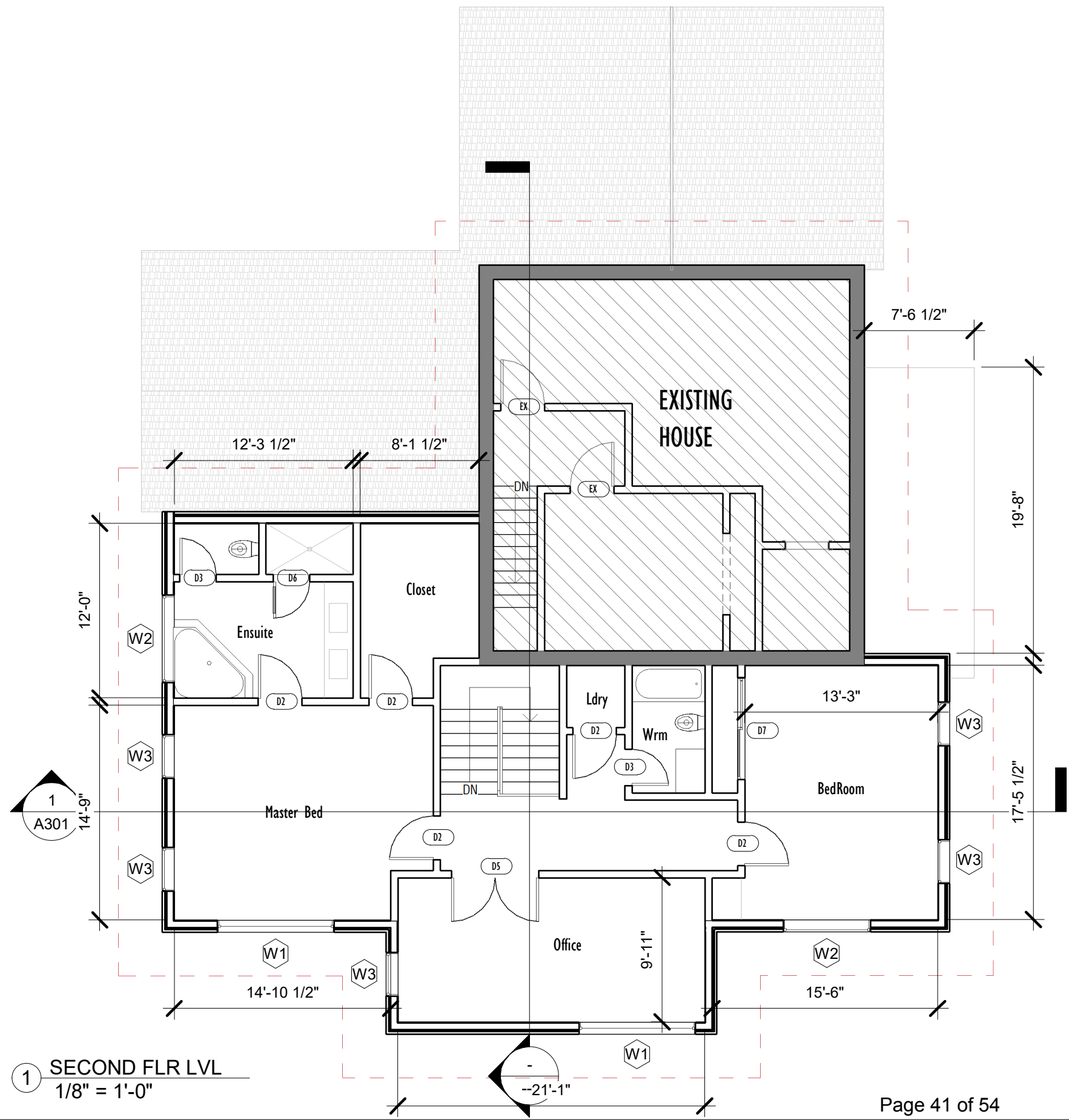
PROJECT TITLE
PROPOSED HOUSE ADDITION
AT 8168 SIXTEEN RD. CASTOR
CENTRE, HAMILTON, ON

DRAWING TITLE :
GROUND FLOOR PLAN



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1 SECOND FLR LVL
1/8" = 1'-0"

PROPOSED AREA: 1382.90 SQFT

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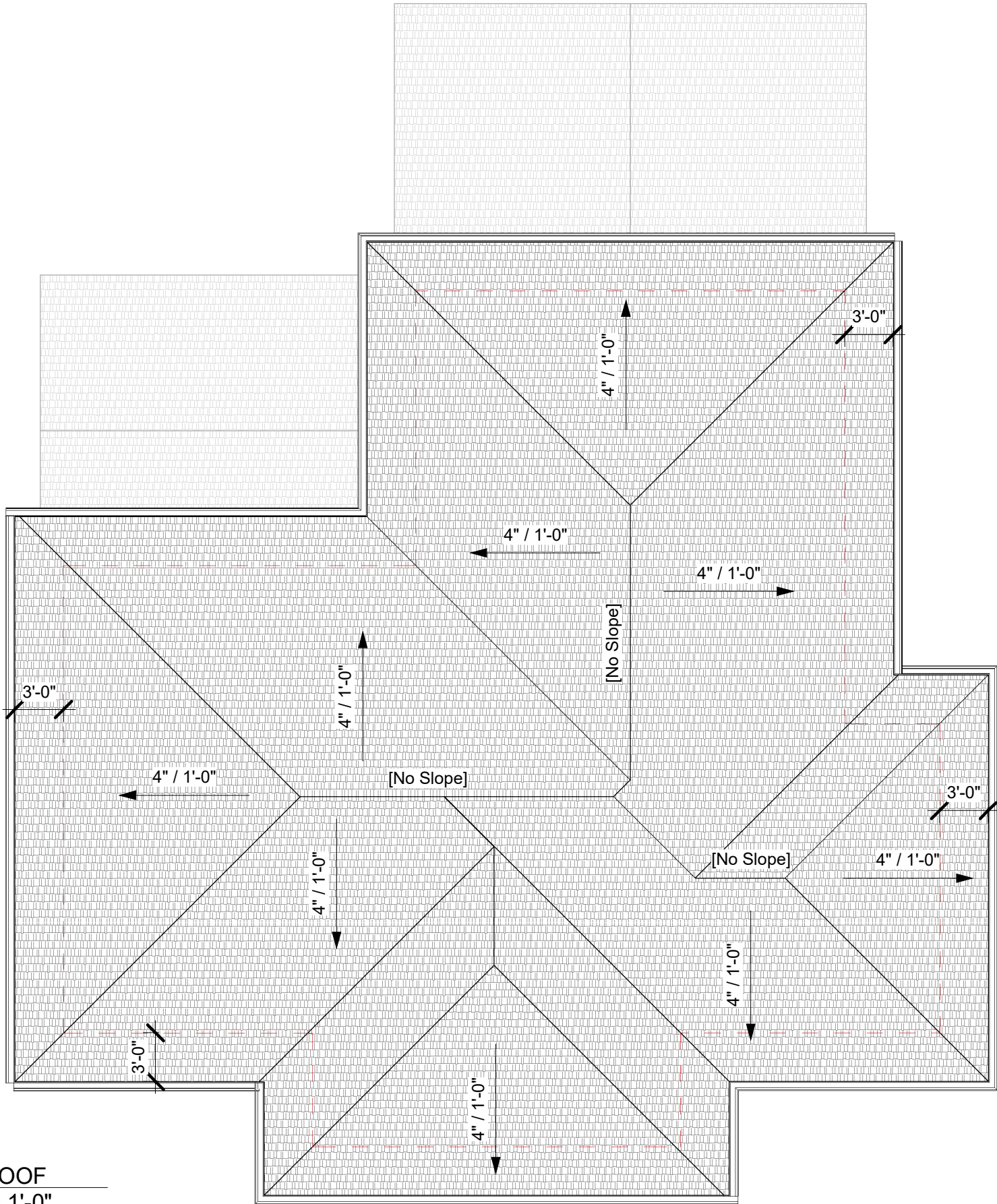
PROJECT TITLE
**PROPOSED HOUSE ADDITION
AT 8168 SIXTEEN RD. CASTOR
CENTRE, HAMILTON, ON**

DRAWING TITLE :
SECOND FLOOR PLAN

ORIENTATION

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1 T.O. ROOF
1/8" = 1'-0"

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PROJECT TITLE
PROPOSED HOUSE ADDITION
AT 8168 SIXTEEN RD. CASTOR
CENTRE, HAMILTON, ON

DRAWING TITLE :
ROOF PLAN



ORIENTATION

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1 FRONT SIDE ELEVATION
1/8" = 1'-0"

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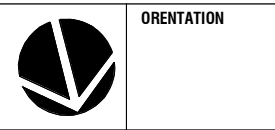
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PROJECT TITLE

**PROPOSED HOUSE ADDITION
AT 8168 SIXTEEN RD. CASTOR
CENTRE, HAMILTON, ON**

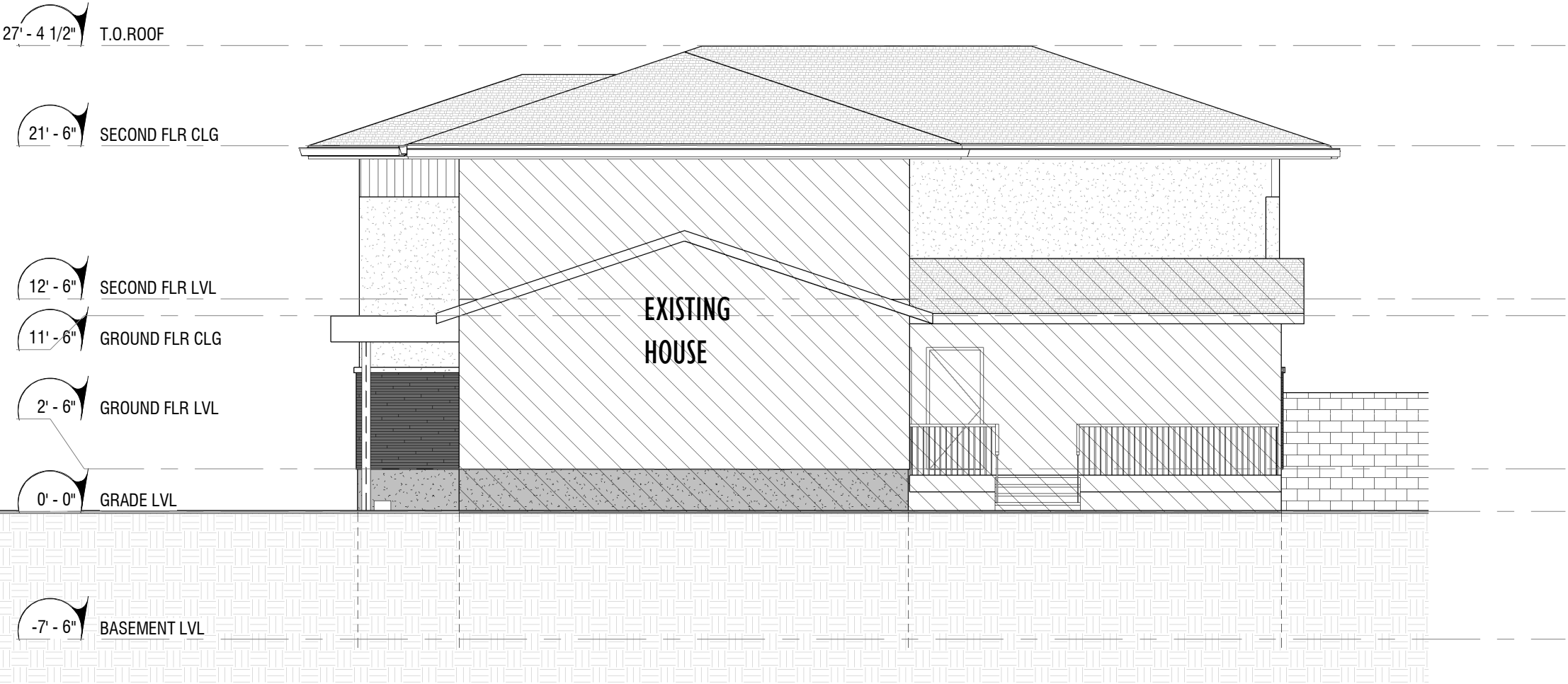
DRAWING TITLE :

FRONT ELEVATION



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SCALE: AS NOTED	DWG. NO: A201
DATE:	



1 REAR SIDE ELEVATION
1/8" = 1'-0"

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PROJECT TITLE
**PROPOSED HOUSE ADDITION
AT 8168 SIXTEEN RD. CASTOR
CENTRE, HAMILTON, ON**

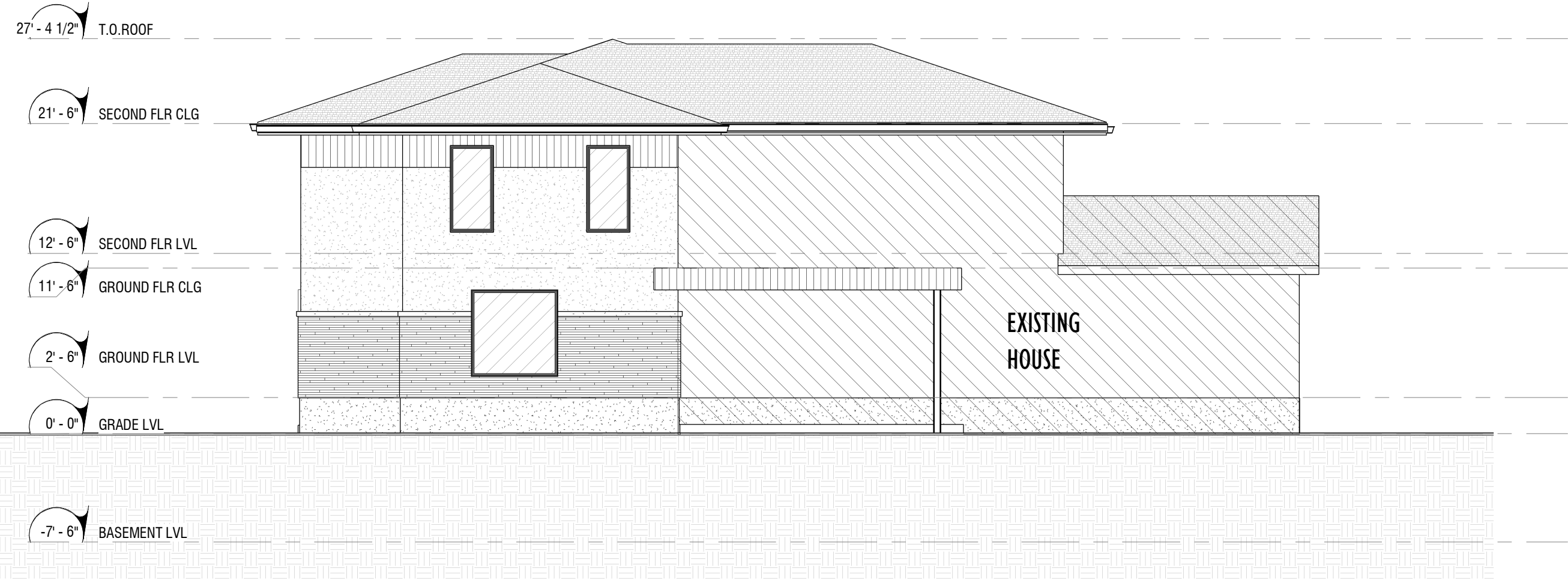
DRAWING TITLE :
REAR SIDE ELEVATION



ORIENTATION

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DATE:	



1 RIGHT SIDE ELEVATION
1/8" = 1'-0"

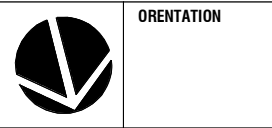
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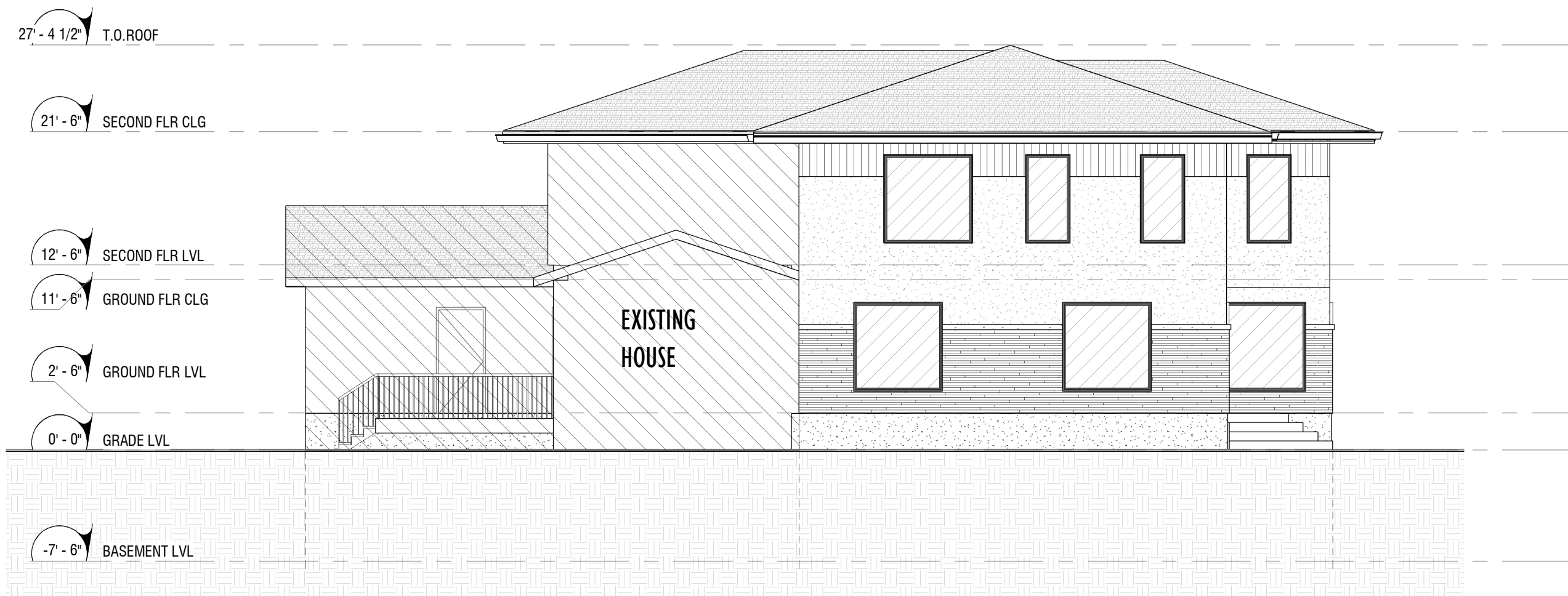
PROJECT TITLE
**PROPOSED HOUSE ADDITION
AT 8168 SIXTEEN RD. CASTOR
CENTRE, HAMILTON, ON**

DRAWING TITLE :
RIGHT SIDE ELEVATION



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NO.	REVISIONS	DATE

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SCALE: AS NOTED	DWG. NO:
DATE:	A203



1 LEFT SIDE ELEVATION
1/8" = 1'-0"

NOTE:
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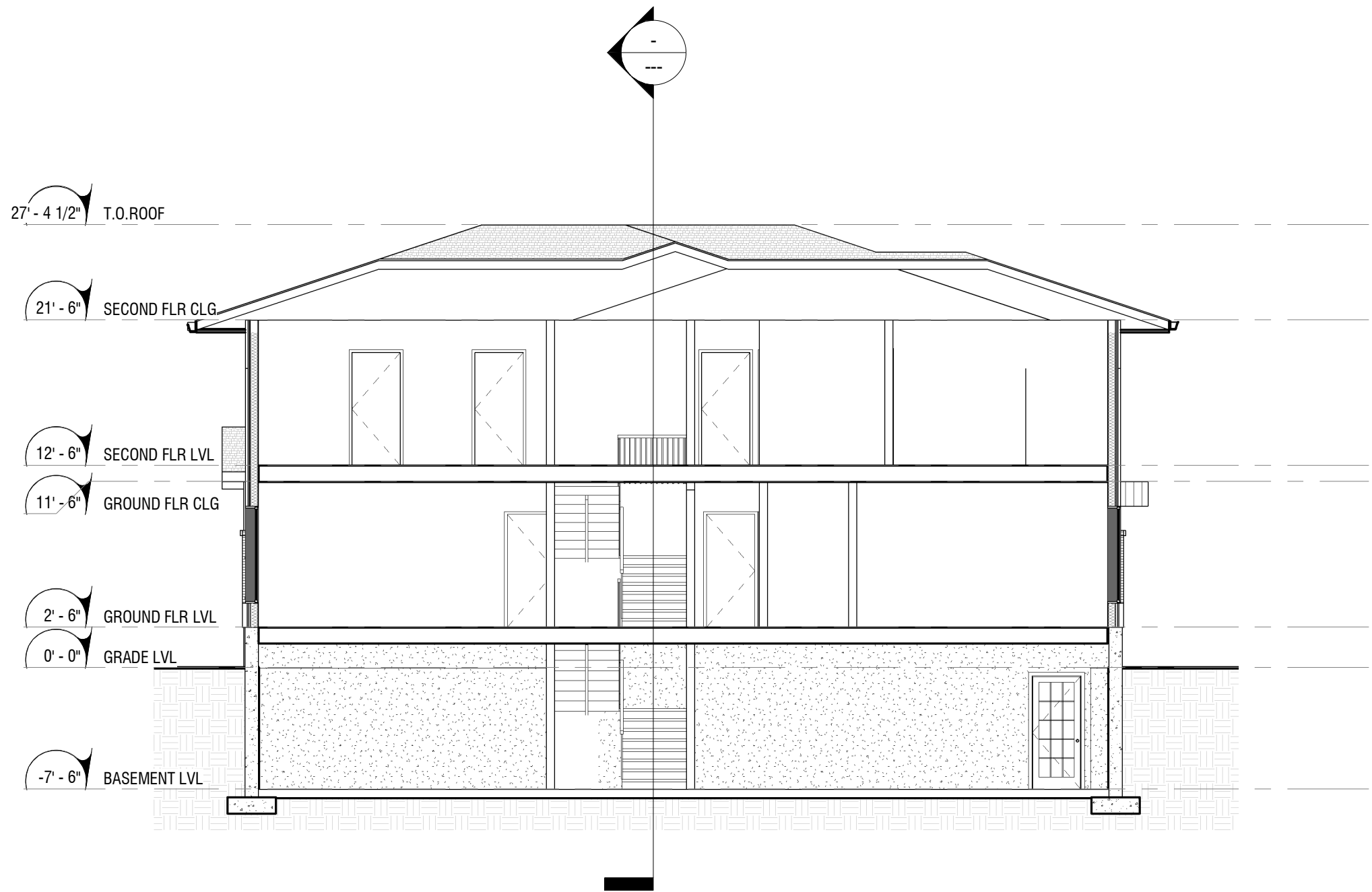
PROJECT TITLE
**PROPOSED HOUSE ADDITION
AT 8168 SIXTEEN RD. CASTOR
CENTRE, HAMILTON, ON**

DRAWING TITLE :
LEFT SIDE ELEVATION



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NO.	REVISIONS	DATE

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SCALE: AS NOTED	DWG. NO: A204
DATE:	



1 Section 1
1/8" = 1'-0"

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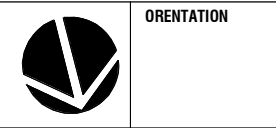


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PROJECT TITLE
**PROPOSED HOUSE ADDITION
AT 8168 SIXTEEN RD. CASTOR
CENTRE, HAMILTON, ON**

DRAWING TITLE :
SECTION 01



01	FOR CLIENT APPROVAL	15/07/23
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NO.	REVISIONS	DATE

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DATE:	A301



318 Canborough St. P.O. Box 400
Smithville, ON
L0R 2A0
T: 905-957-3346
F: 905-957-3219
www.westlincoln.ca

**BUILDING DEPARTMENT
MEMO**

DATE: September 25th, 2023
TO: Stephanie Pouliot, Planning Department
FROM: John Bartol, Building Department
SUBJECT: 8168 Sixteen Road – Existing Building Code Orders

With review of the subject property it has come to the attention of the building department that there is an application for a minor variance in which existing Building Code Order(s) being BCO-2023-0009 are subject to the property.

Though these orders are not related to the existing dwelling nor are they related to the septic system associated to the existing dwelling there are still in place on the property.

Should there be any further questions please don't hesitate to contact me directly.

Regards,

John Bartol
Chief Building Official
Jbartol@westlincoln.ca
905 957 3346 ex 5135.

Stephanie Pouliot

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: September 22, 2023 3:42 PM
To: Stephanie Pouliot
Subject: NPCA comments regarding COA Sep 27th hearing for 8168 Sixteen Rd
Attachments: Regulated land map - 8168 Sixteen Rd - 260201000141800.pdf

Good afternoon Stephanie,

The NPCA has had a chance to review the proposed minor variance application for 8168 Sixteen Rd and our comments can be found below:

- The NPCA have had a chance to review the proposed minor variance to reduce the front yard setback for a proposed dwelling addition at 8168 Sixteen Rd.
- The proposed addition is impacted by the 15-meter watercourse.
- The NPCA will have no objection to the proposed minor variance provided Erosion Sediment Control (ESC) measures (type and location) are identified on the site plans. ESC measures must be placed in a way to prevent sediment and deleterious materials from the work area from entering the watercourse.
- Please note that any proposed work within the regulated lands would require NPCA approval with a work permit.
- The NPCA's mapping of the property is attached to this email.

Best,
Meghan



Meghan Birbeck (MS)
Watershed Planner

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From: Stephanie Pouliot <spouliot@westlincoln.ca>
Sent: Friday, September 22, 2023 2:26 PM
To: Pat.busnello@niagararegion.ca; devtplanningapplications@niagararegion.ca; susan.dunsmore@niagararegion.ca; Connor.Wilson@niagararegion.ca; Meghan Birbeck <mbirbeck@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Lyle Killins <lkillsins@live.com>; Barb Behring <bbehiring@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>
Cc: Brian Treble <btreble@westlincoln.ca>; Dave Heyworth <dheyworth@westlincoln.ca>; Jeni Fisher <jfisher@westlincoln.ca>
Subject: RE: Notice of Hearing and Full Package -Wednesday September 27th

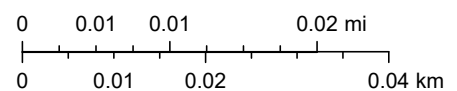
Good afternoon,

Regulated land map - 8168 Sixteen Rd - 260201000141800



9/22/2023, 3:41:13 PM

1:1,128



- SWOOP 2020 NPCA NPCA APPROXIMATE REGULATION LANDS
- Red: Band_1 SHORELINES Enhanced Local Feature Type Shoreline
 - Green: Band_2 Pond - Other
 - Blue: Band_3 FLOWLINES Enhanced Local Feature Type Flowlines
 - Override 1 Culvert
 - Roads Ditch - Other
 - Ditch - Roadside

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

VIA E-MAIL ONLY

September 22, 2023

Region File: D.17.12.MV-23-0099

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
Township File: A13/2023WL
Owner: Amjad
8168 Sixteen Road
Township of West Lincoln**

Staff of the Regional Growth Strategy and Economic Development Department has received an application to permit a Minor Variance application to permit a minimum front yard setback of 11 metres, which the Townships Zoning By-law identifies the minimum front yard setback within an Agricultural 'A' Zone to be 15 metres for the property municipally known as 8168 Sixteen Road in the Township of West Lincoln. Regional staff received notice of this application on September 14, 2023.

Provincial and Regional Policies

The property is mapped within a 'Prime Agricultural Area' as set out under the *Provincial Policy Statement, 2020* ("PPS"), *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and the *Niagara Official Plan, 2022* ("NOP").

Across the region, an agricultural system has been identified in which all types, sizes, and intensities of agricultural uses and normal farm practices are promoted and protected in accordance with Provincial standards. The PPS and NOP require that new land uses, including new or expanding livestock facilities comply with the minimum distance separation formulae. Regional staff note that municipalities are responsible for ensuring that MDS setbacks are met when reviewing land use planning applications.

Therefore, Committee should look for confirmation from Township staff as to how MDS setbacks will be met.

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 has reviewed submitted plan for the proposed addition, which includes foundation walls. Given the scale of the proposed structures on the property, including the foundation walls, staff recommend the submission of a Stage 1 Archaeological Assessment (at minimum) be completed by a licensed archaeologist. The assessment shall be submitted to the Ministry of Citizenship and Multiculturalism, with a copy of their acknowledgment shared to Niagara Region.

Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of the Caistor Centre Provincially Significant Wetland Complex (PSW), East Caistor Centre Slough Forest Life Science ANSI, Significant Woodland, Other Wetland and potential Permanent/Intermittent Watercourse. The property 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).

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 KNHF/KHF. Further, NOP policies require that a minimum 30 m Vegetation Protection Zone (VPZ) as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation. Development or site alteration is generally not permitted within a KNHF/KHF or its VPZ.

The proposed addition is within the above-noted setbacks. However, the proposed addition is 70 m from the nearest feature and separated by existing development, manicured lawn, and active agriculture. As such, Regional staff offer no objection to the minor variance from a natural environment perspective.

Conclusion

Staff of the Regional Growth Strategy and Economic Development Services Department does not object to the request for a Minor Variance to permit a minimum front yard setback of 11 metres, subject to the Township's satisfaction.

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

Regards,

A handwritten signature in blue ink, appearing to read 'Connor Wilson', with a long horizontal flourish extending to the right.

Connor Wilson
Development Planner

Cc: Pat Busnello, MCIP, RPP, Manager of Development Planning
Yves Scholten, Planning Ecologist

Appendix
8168 Sixteen Road
West Lincoln, Ontario

Condition

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

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