



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

Wednesday, December 13, 2023, 7:00 p.m.  
Township Administration Building  
318 Canborough Street, Smithville, Ontario

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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**  
The Region of Niagara has requested a deferral regarding Minor Variance application A17/2023WL to allow for more time to engage with the applicant, NPCA, and the Township of West Lincoln regarding environmental requirements.
4. **APPLICATIONS**
  - a. B09/2023WL - 2425715 Ontario Inc. (Sheldon Creek Developments) - 3  
Chris Corosky - Agent  
**Property Address: 239 St. Catharines Street (A & W)**  
  
A consent application has been applied to sever the A&W restaurant from the Village Square plaza to allow the owners of the business to operate independently from the plaza. There will be no physical changes occurring on the site as there is a proposed blanket easement for sanitary and storm service, and to allow continuous access through both the severed and retained parcels. It's important to note, the retained lands (Village Square plaza) have also applied for a minor variance application (A16/2023WL) to address 3 zoning deficiencies resulting from the proposed severance.
  - b. A16/2023WL - 2425715 Ontario Inc. (Sheldon Creek Developments) - 12  
Chris Corosky - Agent  
**Property Address: 239 St. Catharines Street**  
  
A minor variance application has been applied to recognize the zoning deficiencies following a related consent application (B092023WL) which

would result in two separate parcels and would allow A&W to operate independently from the Village Square plaza. As a result of A&W being severed from the plaza, there are three variances required to recognize the zoning deficiencies of the retained lands (Village Square).

1. The retained lands will have approximately 7% of landscaped open space whereas, 10% is the minimum required as identified in Table 17 in Part 7 of the Township's Zoning Bylaw 2017-70, as amended.
2. There will be 407 parking spaces on the retained lands following the consent, whereas 433 parking spaces is the requirement as per Table 6 in Part 3.12.6 of the Township's Zoning Bylaw 2017-70, as amended.
3. Table 7 in Part 3.12.6 of the Township's Zoning Bylaw 2017-70, as amended, also identifies that 4% of the total number of parking spaces shall be barrier-free parking spaces. As 433 parking spaces is the requirement, 4% would result in 17 barrier free parking spaces being required on the retained lands however, following the consent 14 barrier free parking spaces will be available, being deficient of 3 barrier free spaces.

**5. MINUTES FOR APPROVAL**

- |    |  |    |
|----|--|----|
| a. | Committee of Adjustment Minutes - April 26th, 2023 | 21 |
| b. | Committee of Adjustment Minutes - October 25, 2023 | 27 |

**6. NEW BUSINESS**

**7. ADJOURNMENT**

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



# REPORT

TOWNSHIP

COMMITTEE OF ADJUSTMENT

**DATE:** December 13<sup>th</sup>, 2023

**REPORT NO:** COA-025-23

**FILE NO:** B09/2023WL  
**RELATED FILE NO:** A16/2023WL

**SUBJECT:** **Recommendation Report**  
Application for Consent, 2425715 Ontario Inc. (Sheldon Creek Developments) Chris Corosky -Agent

**LOCATION:** 239 St. Catharines Street, Smithville, ON L0R 2A0

**CONTACT:** Susan Smyth, Senior Planner

## OVERVIEW:

- o A Consent Application has been submitted by Chris Corosky on behalf of 2425715 Ontario Inc. (Sheldon Creek Developments), property owner of the subject lands located at 239 St. Catharines Street.
- o The Consent Application is being requested to sever the A&W restaurant from the Village Square Plaza to allow the owners of the business to operate independently from the plaza.
- o It's important to note, there will be no physical changes occurring between the sites as there is a proposed blanket easement for sanitary and storm services and for continuous access through both the severed and retained lands.
- o In addition, Village Square Plaza have applied for a Minor Variance Application (A16/2023WL) to address three zoning deficiencies resulting from the proposed severance, including the percentage of landscaped open space, number of parking spaces, and barrier-free parking spaces available on the retained lands.

## RECOMMENDATION: Yes ☒ No ☐ Deferral ☐

THAT, the application for Consent made by Chris Corosky on behalf of 2425715 Ontario Inc. (Sheldon Creek Developments) as outlined in Report COA-025-23, to sever A&W restaurant from the Village Square Plaza at 239 St. Catharine Street, BE APPROVED, subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, remitting the cash-in-lieu of park land dedication fee of 2% of the appraised value, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.

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3. That upon conditional approval of the Consent Application, (Part 2 –retained lands) of the property receives approval of a Minor Variance Application to address the three noted zoning deficiencies.
4. That the Applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
5. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
6. 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**

- The subject lands are currently 4.52 hectares (11.17 acres) in size, following the severance the severed lands (Part 1 –A&W) will be 2,355 square metres (0.24 hectares/0.58 acres) in size and the retained lands (Part 2 –Village Square Plaza) will be a total lot size of 4.28 hectares (10.58 acres).
- The subject lands are situated on the north side of St. Catharines Street (Regional Road 20), west of Industrial Park Road, and located on the east side of Dufferin Avenue. The subject lands are located in the Settlement Area of Smithville within the Commercial Plaza designation.
- The surrounding land uses are designated in the Township's Official Plan as Employment Area to the north and east, Service Commercial to the east, Natural Heritage System and Medium Density Residential to the south, and Medium and Low Density Residential to the west. These designations protect and enhance the existing character of Smithville (Section 6) and support the healthy growth of West Lincoln's Urban Settlement Area and building a liveable community [Policy 5.6(g)].
- The subject lands are zoned as Commercial Plaza (C4) the Township's Zoning By-law 2017- 70, as amended.
- The surrounding lands are zoned Residential Low Density (R1B), Residential Medium Density (RM1), Residential High Density (RH) and Service Commercial (C3) to the west, Industrial Employment (M2) to the north and east, Open Space, and Environmental Protection and Conservation to the east and Residential Low Density (R1B) to the south.

#### **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: Commercial Plaza**

The Township's Official Plan permits consents within Smithville subject to the policies found in Section 18.13.4 *Consents Policies for Smithville* as well as, additional regulations found in Section 18.13.1 *General Policies for Consents* of the OP.

In relation to the above policies, the severed lands (Part 1 –A&W restaurant) will not require the extension of any major services (Policy 18.13.4b[i]) as the Applicant is proposing the blanket easement over the lands for the continued access of the sanitary and storm sewers. Consistent with Policy 18.13.4b[ii]), Part 1 abuts two existing public roads, being St. Catharines Street and Dufferin Avenue. (As per Policy 18.13.4(b)[iv], the Village Square



Plaza has been established as noted by the Applicant for almost 50 years and Planning Staff do not anticipate the consent hindering or restricting the interior development of the existing block of land.

The retained lands (Part 2 –Village Square Plaza) will also have adequate frontage on two public roads (St. Catharines Street and Industrial Park Road) as per Policy 18.13.1(b). There will be no change to existing services or current drainage of the subject lands (Policy 18.13.1[i]) and in accordance with Policy 18.13.1(j), Part 2 will be subject to a Minor Variance Application (A16/2023WL) to conform with the Township's Zoning By-law regulations pertaining to parking, barrier free spaces, and landscape coverage.

Section 6.9 *Commercial Plaza* permits single retail uses in standalone buildings (being Part 1 –A&W restaurant) in addition to the predominant use being the commercial plaza (being Part 2 –Village Square Plaza). The proposed blanket easement will maintain the intent of Policies 6.9.2(d) and 6.9.2(e) as there are no proposed physical changes between the sites and there is still adequate and continuous common parking for the commercial uses and pedestrian uses within the plaza.

For these reasons, Planning Staff consider the proposed severance (lot creation) to be consistent with the policies in 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): Commercial Plaza 'C4'**

The severed lands (Part 1 –A&W restaurant) is an established and existing permitted use and complies with the zoning provisions outlined in Table 17 found in Part 7 of the Township's Zoning By-law 2017-70, as amended. It's important to note, the severed lands will have a surplus of parking for the restaurant use as the site has 29 spaces and the minimum required is 12 parking spaces. As the Applicant is proposing a blanket easement, the retained lands (Part 2 –Village Square Plaza) will have access to the surplus parking spaces, if required from Part 1.

Additionally, given Part 2 will be subject to the noted Minor Variance Application (A16/2023WL) and the three zoning deficiencies will be addressed (including parking), Planning Staff consider the proposal consistent with the general intent of the Township's Zoning By-law 2017-70, as amended. Furthermore, the severed lands (Part 1) will be subject to Site Plan Control and a new site plan agreement with the Township and the retained lands (Part 2) will also be subject to Site Plan Control and will require amending their existing site plan agreement on file.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report.

**INTER-DEPARTMENTAL COMMENTS:** Please see Attachment 3

Building Department	No comments received, as such no objections.
Septic System Inspector	No comments or objections to provide on this application.
Public Works	No objections to provide on this application. Please see Attachment 3 for information purposes, the comments previously provided at the pre-consultation meeting held in July 2023.
Niagara Peninsula Conservation Authority (NPCA)	Offers no objections or comments on this application.
Niagara Region	No objections or comments to provide as there is limited Provincial and Regional interest for the application.

**PUBLIC COMMENTS:** Yes ☐ No ☒

No public comments received at this time.

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**CONCLUSION:**

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed consent application (B09/2023WL) as outlined in Report COA-025-23 to sever the A&W restaurant (Part 1 – 2,355 square metres/0.24 hectares) from the retained lands being the Village Square Plaza (Part 2 – 42,800 square metres/4.28 hectares) and permit the proposed blanket easement for the existing sanitary and storm services, and to allow continuous access between the severed and retained lands, subject to the conditions of approval as indicated.

**Attachments:**

1. Location Map
2. Survey Sketch
3. Agency Comments

**Prepared by:**



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**Stephanie Pouliot,  
Planner**

**Recommended by:**



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





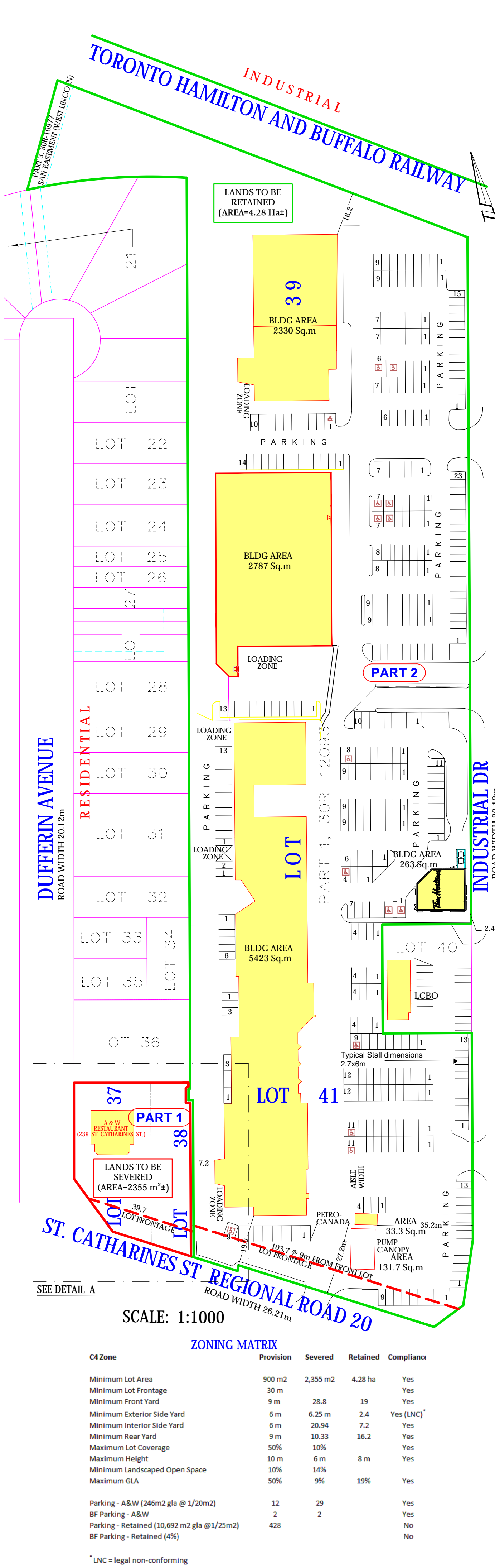
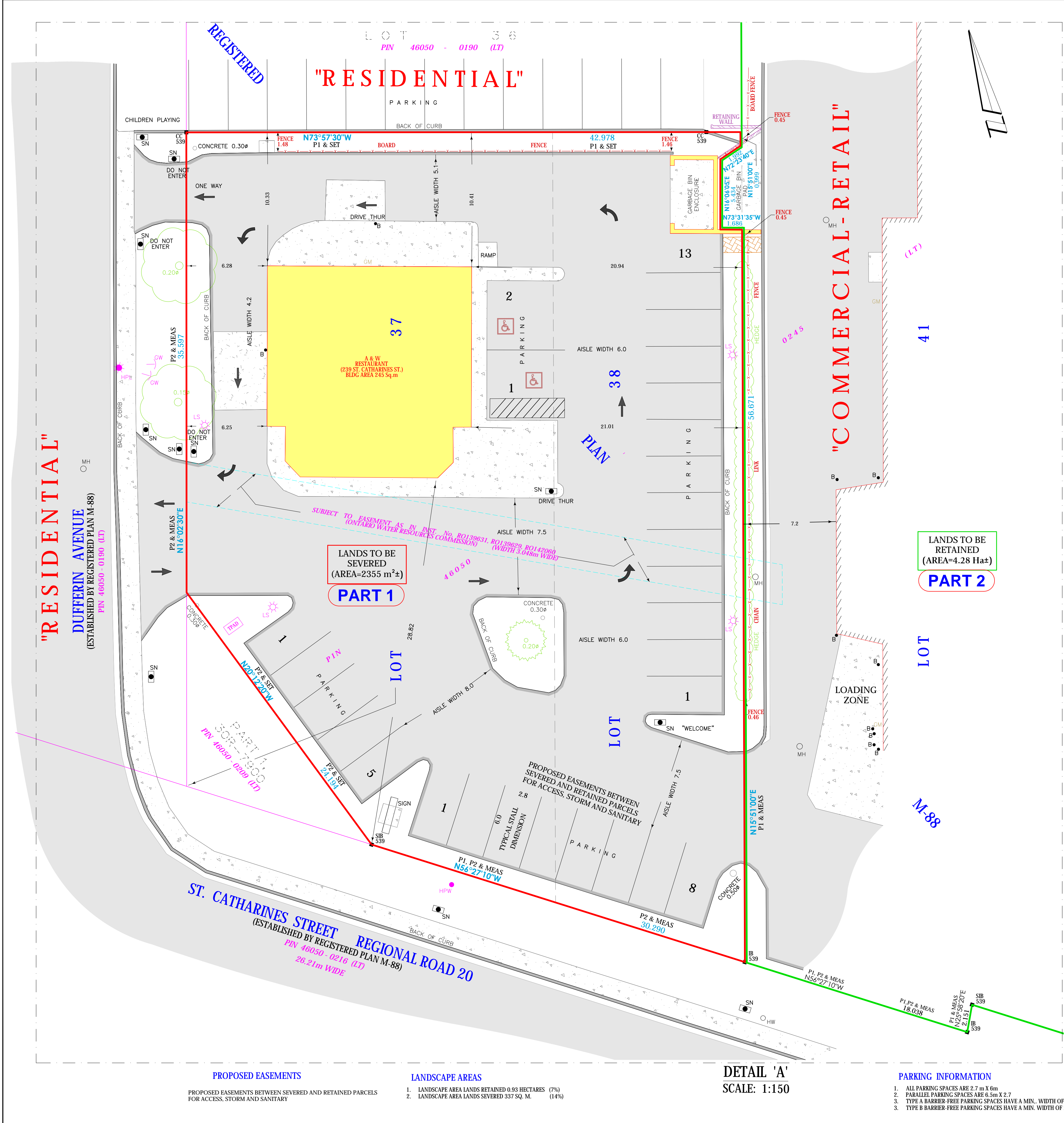
**Location Map**  
**239 St Catharines Street**  
0 15 30 60 Meters

**West Lincoln**  
Your Future Naturally

**Legend**

- Zone Boundary
- Subject Property





**SEVERANCE SKETCH OF LOTS 38, 39, 41 AND PART LOT 37 REGISTERED PLAN M-88 PART LOT 1 REGISTERED PLAN M-96 TOWNSHIP OF WEST LINCOLN REGIONAL MUNICIPALITY OF NIAGARA**

SCALE 1:150

VAN HARTEN SURVEYING INC.

**CAUTION:**

1. THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

2. THIS SKETCH IS PROTECTED BY COPYRIGHT © 2023

**NOTES:**

1. GEOGRAPHIC DESCRIPTION: PART OF LOT 37 AND ALL OF LOTS 38, 39 & 41, REGISTERED PLAN M-88, TOWNSHIP OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA

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

3. ORIGINAL VERSION OF THIS PLAN WAS PREPARED IN COLOUR

4. THIS SKETCH IS AN ORIGINAL IF EMBOSSED BY THE SURVEYOR'S SEAL

**LEGEND:**

— DENOTES SURVEY MONUMENT SET

— DENOTES SURVEY MONUMENT FOUND

SIB DENOTES .025 X .025 X 1.20 STANDARD IRON BAR

IB DENOTES .015 X .015 X 0.60 IRON BAR

CC DENOTES CUT CROSS

539 DENOTES D.C. U.R. O.L.S.

P1 DENOTES REGISTERED PLAN M-88 BY 539

P2 DENOTES DEPOSITED PLAN 308-7900 BY 539

TRANSFORMER PAD (TPAD)

HP WITH LIGHT (HPL)

LIGHT STANDARD (LS)

WOOD HYDRO POLE (HPW)

GUY WIRE (GW)

GAS METER (GM)

FENCELINE

SANITARY SEWER

WATERMAIN

STORM SEWER

UNDERGROUND HYDRO

OVERHEAD HYDRO

CONIFEROUS TREE

DECIDUOUS TREE

WATER VALVE

CATCHBASIN

MANHOLE

BOLLARD (B)

SIGN (SN)

ASPHALT

CONCRETE

PAVESTONE

**BEARING AND COORDINATE NOTE:**

1. BEARINGS ARE GRID BEARINGS AND ARE DERIVED FROM GPS OBSERVATIONS AND ARE REFERRED TO THE UTM PROJECTION, ZONE 17, NAD 83 (CSRS-2010) ADJUSTMENT.

2. DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.999748

3. COORDINATES ON THIS PLAN ARE UTM, ZONE 17, NAD83 (CSRS-2010) ADJUSTMENT AND ARE BASED ON GPS OBSERVATIONS FROM A NETWORK OF PERMANENT GPS REFERENCE STATIONS.

**BEARING COMPARISONS:**

FOR THE PURPOSES OF BEARING COMPARISONS, PREVIOUS SURVEYS HAVE BEEN ROTATED TO UTM BEARINGS BY THE ANGLES SHOWN BELOW.

PLAN	ROTATION FOR NORTHEAST BEARINGS
P1, P2	-1°03'30"

THIS SKETCH WAS PREPARED ON THE 21<sup>ST</sup> DAY OF NOVEMBER, 2023.

**JAMES M. LAWS**  
ONTARIO LAND SURVEYOR

**Van Harten**  
LAND SURVEYORS - ENGINEERS

Kitchener/Waterloo	Guelph	Orangeville
Ph: 519-742-8371	Ph: 519-821-2763	Ph: 519-940-4110

[www.vanharten.com](http://www.vanharten.com) [info@vanharten.com](mailto:info@vanharten.com)

DRAWN BY: PJ CHECKED BY: JML PROJECT NO: 32727-23

Nov 21, 2023 4:53:20 PM

G:\WEST LINCOLN\M-88\ACAD\SEV. SKETCH LOT 37-38 (32727-23) UTM 2010.dwg



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# Memo

**To:** Stephanie Pouliot, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** December 8, 2023  
**Re:** File B09/2023WL – 2425716 Ontario Inc.  
239 St. Catharines Street

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A review has been completed of this application for consent to sever the A&W restaurant from the Village Square plaza.

Public Works has no objection to this severance application, the comments provided at the pre-consultation meeting held on July 6, 2023 remain the same and are for information purposes:

The Utility Locates show a separate water service for the A&W restaurant connecting on Dufferin Ave. There is a Township sanitary sewer in an existing easement through the A&W parking lot, this easement will remain unchanged. There is also a storm sewer in the A&W parking lot that connects to the storm sewer of the mall, that connection and maintenance would be dealt with through a private agreement between A&W and the mall.

The Township's Transportation Master Plan (TMP) was endorsed by Council in 2023 and has classified Industrial Park Rd between London Rd and St. Catharines St as an Arterial road with a required road allowance of 25m, the existing road allowance is 20m. The Township's Official Plan Amendment 63 (OPA 63), which was informed by the TMP, allows the Township to require a road widening through the Planning application process. OPA 63 is currently under appeal, please be advised that any future Planning application for the mall would include a review of a road widening along Industrial Park Rd.

## Stephanie Pouliot

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**From:** Wilson, Connor <Connor.Wilson@niagararegion.ca>  
**Sent:** December 7, 2023 8:59 AM  
**To:** Stephanie Pouliot  
**Cc:** Busnello, Pat; Development Planning Applications  
**Subject:** Regional Comments - West Lincoln File No. B09/2023WL (239 St. Catharines Street)

Good morning Stephanie,

Please advise that West Lincoln File No. B09/2023WL (239 St. Catharines Street) consists of limited Provincial and Regional interest for the application and therefore staff do not require circulation of the application.

Thank you,

**Connor Wilson**  
Development Planner  
Growth Strategy and Economic Development  
Niagara Region  
Phone: 905-980-6000 Ext. 3399  
1815 Sir Isaac Brock Way, P.O. Box 1042  
Thorold, ON L2V 4T7



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## Stephanie Pouliot

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**From:** Meghan Birbeck <mbirbeck@npca.ca>  
**Sent:** July 27, 2023 4:20 PM  
**To:** Stephanie Pouliot  
**Subject:** NPCA comments for July 6 Pre-con - 239 St. Catharines St  
**Attachments:** Regulated Land Map - 239 St. Catharines Street, WL.pdf

Good afternoon Stephanie,

Please see NPCA's comments on the 239 St. Catharines St Pre-Con below:

### 239 St. Catharines Street

- The NPCA have had a chance to review the pre-consultation application for the possible consent applications at 239 St. Catharines Street.
- The NPCA notes there is no presence of a regulated features on the subject property.
- The NPCA will have no objection to the proposed Consent Application shown on the plan that was provided for our review. At this time the NPCA does not require further review of this planning application and therefore does 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, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2

905.788.3135 Ext 278  
[www.npca.ca](http://www.npca.ca)  
[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)

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# REPORT

TOWNSHIP

COMMITTEE OF ADJUSTMENT

**DATE:** December 13<sup>th</sup>, 2023

**REPORT NO:** COA-026-23

**FILE NO:** A16/2023WL

**RELATED**

**FILE NO:** B09/2023WL

**SUBJECT:** **Recommendation Report**

Application for Minor Variance, 2425715 Ontario Inc. (Sheldon Creek Developments) Chris Corosky -Agent

**LOCATION:** 239 St. Catharines Street, Smithville, ON L0R 2A0

**CONTACT:** Susan Smyth, Senior Planner

## OVERVIEW:

- A Minor Variance Application has been applied to recognize three zoning deficiencies following a related Consent Application (B09/2023WL) resulting in the creation of a new lot to allow the owners of the A&W restaurant to operate independently from the Village Square Plaza.
- As a result, the severed lands (Part 1 – 2,355 square metres/0.24 hectares) being separated from the retained lands being the Village Square Plaza (Part 2 – 42,800 square metres/4.28 hectares), three zoning deficiencies of the retained lands will need to be addressed.
- Requested relief from Table 17 in Part 7 of the Township's Zoning By-law 2017-70, as amended, for a reduced landscaped open space whereas the Zoning By-law identifies 10% as the required minimum and the retained lands will provide 7%, a total reduction of 3%.
- In addition, requested relief from Table 6 in Part 3.12.6 *Off-Street Motor Vehicle Parking Facility Requirements* and from Table 7 *Required Barrier-Free Parking Facilities* found within Part 3.12.6. Specifically, the retained lands will have a total of 407 parking spaces following the consent, whereas 433 parking spaces is the requirement.
- Of the total parking spaces, 4% shall be barrier-free parking spaces, resulting in 17 barrier free parking spaces being required on the retained lands. However, following the consent there will be 14 barrier free parking spaces available, being deficient of 3 spaces.
- It's important to note, the requested relief from the variances are recognizing existing site circumstances as there are no physical changes occurring between the sites.

## TOTAL VARIANCES: 3

- Minimum landscaped open space of 7% whereas, the minimum required is 10%.
- 407 parking spaces will be retained whereas, 433 parking spaces is the minimum requirement (1 parking space per 25 square metres of gross leasable floor area).
- 14 barrier-free parking spaces will be retained whereas, 4% of the total number of parking spaces (433 spaces) results in 17 barrier-free parking spaces being required.

**RECOMMENDATION:** Yes ☒ No ☐ Deferral ☐

THAT, the application for Minor Variance made by Chris Corosky on behalf of 2425715 Ontario Inc.

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(Sheldon Creek Developments) as outlined in Report COA-026-23, to recognize three zoning deficiencies resulting from the related severance (Consent Application –B09/2023WL) which proposes the A&W restaurant (Part 1 –2,355 square metres/0.24 hectares) be severed from the Village Square Plaza (Part 2 – 42,800 square metres/4.28 hectares), BE APPROVED.

**BACKGROUND: Surrounding Land Uses**

- The subject lands are currently 4.52 hectares (11.17 acres) in size, following the severance the severed lands (Part 1 –A&W) will be 2,355 square metres (0.24 hectares/0.58 acres) in size and the retained lands (Part 2 –Village Square Plaza) will be a total lot size of 4.28 hectares (10.58 acres).
- The subject lands are situated on the north side of St. Catharines Street (Regional Road 20), west of Industrial Park Road, and located on the east side of Dufferin Avenue. The subject lands are located in the Settlement Area of Smithville within the Commercial Plaza designation.
- The surrounding land uses are designated in the Township's Official Plan as Employment Area to the north and east, Service Commercial to the east, Natural Heritage System and Medium Density Residential to the south, and Medium and Low Density Residential to the west. These designations protect and enhance the existing character of Smithville (Section 6) and support the healthy growth of West Lincoln's Urban Settlement Area and building a liveable community [Policy 5.6(g)].
- The subject lands are zoned as Commercial Plaza (C4) the Township's Zoning By-law 2017- 70, as amended.
- The surrounding lands are zoned Residential Low Density (R1B), Residential Medium Density (RM1), Residential High Density (RH) and Service Commercial (C3) to the west, Industrial Employment (M2) to the north and east, Open Space, and Environmental Protection and Conservation to the east and Residential Low Density (R1B) to the south.

**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: Commercial Plaza – Existing Commercial Plaza (Village Square Mall)**

Section 6.9.2 *Commercial Plaza Policies*, specifically Policy 6.9.2(e) states that adequate off-street parking shall be provided. Given the proposed blanket easement for vehicular and pedestrian access is being provided and no physical changes being proposed between the sites, the intent of the policies for availability to access a regional, arterial or collector road with appropriate capacity to handle traffic are being maintained. The severed lands (Part 1 – A&W restaurant) will have a surplus of parking, which if necessary can provide the retained lands (Part 2 – Village Square Plaza) 17 additional parking spaces. The Minor Variance Application for the relief of parking on Part 2 can be compensated by the surplus parking on Part 1 if needed by the patrons of the plaza, therefore the general intent of the Official Plan and Commercial Plaza Designation is satisfied.

According to Section 6.9.3 *Existing Commercial Plaza - Village Square Mall*, specifically Policy 6.9.3(b) identifies that no more than 6 independent buildings be permitted, plus one gas station. With the related Consent Application (B09/2023WL) to sever the A&W restaurant from the commercial plaza, 4 independent buildings including Foodland, Home Hardware, and the LCBO remain. In addition, this Policy notes being subject to Site Plan Control and as the Village Square Plaza has an existing site plan agreement, an

amendment to the agreement to recognize the severance is required. It's important to note, the A&W will also be required to receive Site Plan Control and establish a separate site plan agreement with the Township. For these reasons, Planning Staff consider the proposal to maintain the intent of the Official Plan policies.

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

**Current Zone(s): Commercial Plaza 'C4'**

Planning Staff conducted a site visit on Friday November 17<sup>th</sup>, 2023, to verify the requested variances and to ensure all variances were captured with this Minor Variance Application. Aside from the three noted variances, the Village Square Plaza complies with the remaining Zoning By-law provisions.

The requested relief from Table 17 in Part 7 of the Township's Zoning By-law 2017-70, as amended, is required since the retained lands will have approximately 7% of landscaped open space whereas, the Zoning By-law identifies 10% as the required minimum. There are no physical changes to the sites although due to the proposed separation of the parcels, the landscape open space is marginally affected as more landscape is provided on the severed lands (Part 1) and the retained lands (Part 2) has less available area to provide landscape. However, the requested reduction of the landscape open space will not impact the visual appearance of the plaza. Planning Staff consider this variance to maintain the general intent of the Zoning By-law since no landscape elements are being removed from the site.

In addition, this Minor Variance is requesting relief from Part 3, Table 6 in Part 3.12.6 *Off-Street Motor Vehicle Parking Facility Requirements* and Table 7 *Required Barrier-Free Parking Facilities* found within Part 3.12.6. Specifically, the retained lands (Part 2) will have a total of 407 parking spaces following the proposed consent whereas, 433 parking space is the requirement. Additionally, Table 7 identifies 4% of the total number of parking spaces shall be barrier-free parking spaces. Since 433 parking spaces is the requirement, 4% would result in 17 barrier-free parking spaces being required on the retained lands. However, following the related consent there will be 14 barrier-free parking spaces available, being deficient of 3 barrier-free parking spaces. The deficiency in parking is recognizing an existing site circumstance and as noted by the Applicant, there has been no issue from a parking perspective over the 50 years the plaza has been operating.

It is important to note, given the blanket easement being proposed between the two sites, Part 1 will have 17 additional parking spaces available to Part 2, if required. Therefore, given the plaza is still providing an adequate number of parking spaces, the variance can be considered a slight variation from the zoning provision (e.g., 1 parking space per 26.62 square metres of gross leasable floor area whereas as 1 per 25 square metres shall be required). For these reasons, Planning Staff believe the proposal is still maintaining the intent of the parking provisions in the Zoning By-law.

Furthermore, Planning Staff do not anticipate adverse impacts from the requested variances to the surrounding area or adjacent uses given the blanket easement for access and parking being proposed and the requested variances are recognizing existing site conditions. For these reasons, Planning Staff consider the proposal consistent with the intent of the Township's Zoning By-law 2017-70, as amended.

Both sites will be subject to Site Plan Control, the Village Square Plaza (Part 2) will amend an existing site plan agreement, following this Minor Variance Application and the A&W restaurant (Part 1), as a condition of approval to the related Consent Application (B09/2023WL) will be required to establish a new site plan agreement with the Township. Therefore, Planning Staff considers the proposal consistent with the general intent and purpose of the Zoning By-law.

<b>Is the proposal desirable for the appropriate development or use of the land? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	
<p>Planning Staff consider the proposal to be appropriate development and use of land since this application is primarily recognizing zoning deficiencies resulting from the creation of a new lot for the A&amp;W restaurant to operate independently from the Village Square Plaza. The A&amp;W restaurant is permitted and recognized by the Township's policies and as previously noted, there are no adverse impacts anticipated from the requested variances as the Applicant is also proposing a blanket easement between the sites for continuous access and servicing.</p> <p>Given there are no physical changes being proposed and this Minor Variance Application is capturing the three zoning deficiencies resulting from the related Consent Application (B09/2023WL), Planning Staff believe the proposal is appropriate and desirable for the continuous use of the subject lands.</p>	
<b>Is the proposal minor in nature? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	
<p>The proposed variances are considered minor in nature as the general intent of the Township's Official Plan and Zoning By-law are being maintained since the uses of the subject lands are permitted and complies with the land use designation policies and zoning regulations. Planning Staff recognize the resulting deficiencies are a direct result of the severance and the reduced landscape open space, reduced parking spaces and barrier-free parking spaces will not have a negative impact on the functionality of the sites or create unpleasant conditions to the surrounding land uses since there will be no physical changes to the sites.</p> <p>Given these reasons, Planning Staff consider the proposal minor in nature and recommend approval of this Minor Variance Application to recognize three zoning deficiencies as a result of the related Consent Application (B09/2023WL) to sever the A&amp;W restaurant from the remainder of the Village Square Plaza.</p>	
<b>FINANCIAL IMPLICATIONS:</b>	
There are no financial implications associated with this report.	
<b>INTER-DEPARTMENTAL COMMENTS:</b> Please see Attachment 3	
Building Department	No comments received, as such no objections.
Septic System Inspector	No comments or objections to provide on this application.
Public Works	No comments or objections to provide on this application.
Niagara Peninsula Conservation Authority (NPCA)	Offer no objections or comments to provide on this application.
Niagara Region	No objections or comments to provide as there is limited Provincial and Regional interest for the application. Please see Attachment 3.
<b>PUBLIC COMMENTS:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
No public comments received at this time.	
<b>CONCLUSION:</b>	
<p>Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance Application (A16/2023WL) as outlined in Report COA-026-23, to recognize three zoning deficiencies resulting from the related Consent Application (B09/2023WL) to sever the A&amp;W restaurant (Part 1) from the Village Square Plaza (Part 2).</p>	

**Attachments:**

1. Location Map

Respecting Our Roots, Realizing Our Future

2. Survey Sketch
3. Agency Comments

**Prepared by:**



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**Stephanie Pouliot,  
Planner**

**Recommended by:**



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





Part 2 - Retained Lands

Part 1 - Severed Lands

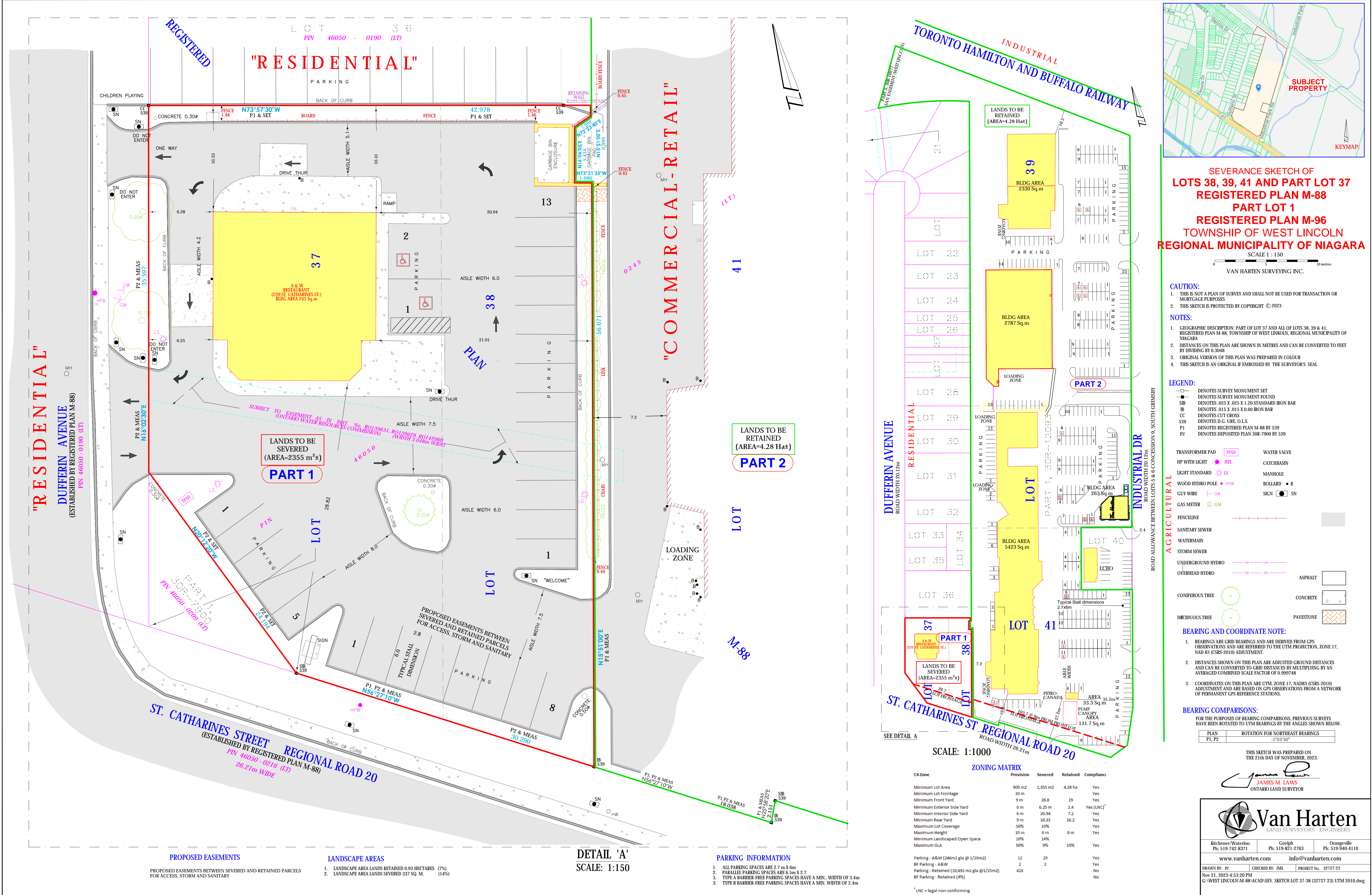
**Location Map**  
**239 St Catharines Street**  
0 15 30 60 Meters

**West Lincoln**  
Your Future Naturally

**Legend**

	Zone Boundary
	Subject Property







## Stephanie Pouliot

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**From:** Wilson, Connor <Connor.Wilson@niagararegion.ca>  
**Sent:** December 7, 2023 8:59 AM  
**To:** Stephanie Pouliot  
**Cc:** Busnello, Pat; Development Planning Applications  
**Subject:** Regional Comments - West Lincoln File No. B09/2023WL (239 St. Catharines Street)

Good morning Stephanie,

Please advise that West Lincoln File No. B09/2023WL (239 St. Catharines Street) consists of limited Provincial and Regional interest for the application and therefore staff do not require circulation of the application.

Thank you,

**Connor Wilson**  
Development Planner  
Growth Strategy and Economic Development  
Niagara Region  
Phone: 905-980-6000 Ext. 3399  
1815 Sir Isaac Brock Way, P.O. Box 1042  
Thorold, ON L2V 4T7



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## Stephanie Pouliot

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**From:** Meghan Birbeck <mbirbeck@npca.ca>  
**Sent:** July 27, 2023 4:20 PM  
**To:** Stephanie Pouliot  
**Subject:** NPCA comments for July 6 Pre-con - 239 St. Catharines St  
**Attachments:** Regulated Land Map - 239 St. Catharines Street, WL.pdf

Good afternoon Stephanie,

Please see NPCA's comments on the 239 St. Catharines St Pre-Con below:

### 239 St. Catharines Street

- The NPCA have had a chance to review the pre-consultation application for the possible consent applications at 239 St. Catharines Street.
- The NPCA notes there is no presence of a regulated features on the subject property.
- The NPCA will have no objection to the proposed Consent Application shown on the plan that was provided for our review. At this time the NPCA does not require further review of this planning application and therefore does 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, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2

905.788.3135 Ext 278  
[www.npca.ca](http://www.npca.ca)  
[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)

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

**April 26<sup>th</sup>, 2023, 7:00p.m.**

Present Members:

Bonnie Baarda (Chair)  
Peggy Cook (Sitting Member)  
Deborah Coon-Petersen (Sitting Member)

Staff:

Gerrit Boerema  
Stephanie Pouliot

Public:

Mitchel Baker  
Mike Sullivan  
Henry VanRyn  
Ed and Cornelia Redekop  
Loreen Kelly  
April Ehler  
Anita and Ralph Yeo  
Doug and Rita Lampman  
Norman Johnson

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**1. CHAIR**

The Chair will call to Order the evening's proceedings.  
The meeting was called into Order at 7:00pm.

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

There were none.

**3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT**

There are no requests at this time.

#### **4. APPLICATION(S)**

a) A02/2023WL – Kelly and Redekop  
Senior Planner, Gerrit Boerema provided an overview.

No comments from applicants or agent to add to the presentation overview.

Member Cook and Coon-Petersen had no questions on the application.

No comments/ public input received.

Member Cook made a motion to accept the minor variance application.

Member Coon-Petersen seconded the motion.

All in favour.  
Carried.

**Secretary Ms. Pouliot noted for the file the last day for filling an appeal for Minor Variance is 20 days from the decision date, being today therefore the appeal period will expire on May 15<sup>th</sup>, 2023.**

c) A03/2023WL – Ralph and Anita Yeo  
Senior Planner, Gerrit Boerema provided an overview.

Applicant Mr. Yeo took oath and noted in talks with the Region, have drawings submitted and waiting for the Region's approval on the landscape plan proposed, the area will be forested. Wanting to keep the property natural.

Member Cook noted the application makes sense and the location.

Member Coon-Petersen had nothing more to add.

#### **Public Input:**

Public member Norman Johnson noted his address for the record, 2565 Rosedene Road being east of the Applicant's property. He is a 4<sup>th</sup> generation farmer. Would like to note he likes what the owners have done with the property, and they have his full support. Only practical location for the accessory building.

Member Coon-Petersen made a motion to accept the minor variance application.

Member Cook seconded the motion.

All in favour.  
Carried.

**Secretary Ms. Pouliot noted for the file the last day for filling an appeal for Minor Variance is 20 days from the decision date, being today therefore the appeal period will expire on May 15<sup>th</sup>, 2023.**

c) B06/2022WL – Cro Quail Farms Inc. (Ehler and Tansley, Mike Sullivan -Agent) Senior Planner, Gerrit Boerema provided an overview.

Agent, Mike Sullivan took oath and provided more to the overview. Including noting a different opinion on the application, 'agree to disagree', Planners have different opinions. The Applicants have improved the application since the initial file and no public comments have been received. The Applicants are on track to meet the required sales, intent to expand livestock and putting up a pig barn and selling the manure.

Member Coon-Petersen asked what is the proper size for a farm?

Senior Planner, Mr. Boerema clarified in the Township's Zoning By-law, 40 hectares is the required lot size.

Chair Baarda noted one By-law and 2 different perspectives?

Agent, Mr. Sullivan agreed and noted the revisions to the PPS.

Senior Planner, Mr. Boerema clarified removing as little farm land as possible is the intent behind the Township policy. 40-hectare requirement encourages and can accommodate continuous long-term Agricultural uses.

Chair Baarda noted the Applicants will need a nutrient management plan, if storing anything more than one day. Would recommend contacting a professional to help with the process.

No public input or comments provided by owners.

Member Coon-Petersen made a motion to accept the consent application.

Member Cook seconded the motion.

All in favour.

Carried.

**Secretary Ms. Pouliot noted for the file the last day for filling an appeal for Severance is 20 days from the mailing date, which will be mailed this Friday April 28<sup>th</sup>, therefore the appeal period will expire on May 17<sup>th</sup>, 2023.**

d) B03/2023WL – Lampman & 1000044923 Ontario Inc. (VanRyn), Mitchell Baker –Agent  
Senior Planner, Gerrit Boerema provided an overview.

Agent Mitchell Baker took oath and noted he is supportive of the Staff's recommendation. Concerns with Condition 4, wondering if the Committee could remove the condition completely. No reconstruction planned in the near future. Believe the requested road widening is a waste of time and resources to both the Town and owners.

Member Cook noted no comments to provide.

Member Coon-Petersen asked why the road widening wasn't requested when the house was built?

Senior Planner, Mr. Boerema clarified the history with Caistor and the deficiency in the road widths. Noted the Planning Act allows these deficiencies to be addressed as part of the application.

**Secretary Ms. Pouliot read the Lampman's comments (letter submitted following the agenda) into the record:**

*"Re: B03/2023WL Lampman & 1000044923 Ontario Inc. Henry VanRyn  
We had to get a minor variance (which was approved) when we built the new on the existing basement as it was too close to the road.  
If the road allowance is widened, then the front yard is even tighter, and the house is even closer to the road. We have 6.22 metres to the road now, and if they take 1.22 metres the only leave 5 metres.  
We don't want any issues when we eventually sell the property.  
Can the Committee not include the 1.22 metres road widening on this boundary adjustment, as there are no plans by the Township for any actual road widening for at least the next ten years if ever. Should that ever be the case, we will agree to the road widening then, when all our neighbours have to as well. We understand that Parcel 4 being dropped from the application, and we would like Parcel 1 to be dropped as well. Why should we be the only ones right now? The road is being resurfaced this year.  
Doug and Rita Lampman  
8214 Concession 3 Road"*

**Public Input:**

Applicant Mr. Lampman took oath and added there is no traffic on the road, they have lived there for over 30 years, why should we change our property?

Senior Planner, Mr. Boerema noted there would be no physical changes with the required road widening. This ensures the Township's utilities are maintained and the road widening can accommodate if future utilities need to be addressed. To comment on future zoning issue, there is already non-conformity with the front yard setback, the road widening does not change that. The dwelling is also already recognized with legal non-conforming status and the Township's Zoning Bylaw speaks to grandfathering situations. Mr. Boerema showed the mapping on the screen and noted two properties to the east (Concession 2 Road) and 3 to the west (Concession 3 Road) who have already given the required road widening as part of their planning applications.

Member Cook asked would anyone be subject to this condition when applying for a planning application?

Senior Planner, Mr. Boerema noted yes, through a consent but not for a minor variance application.

Agent, Mr. Sullivan on behalf of Mr. Baker asked the rationale for the minor variance condition?

Senior Planner, Mr. Boerema clarified as noted at the pre-consultation meeting any new use will need to be addressed. There is flexibility, if the Applicants would like to go through the minor variance as well, they can, or the zoning deficiencies can be addressed in the Zoning By-law Amendment application to streamline the process.

Member Coon-Petersen made a motion to accept the consent application including all 11 conditions.

Member Cook seconded the motion.

All in favour.

Carried.

**Secretary Ms. Pouliot noted for the file the last day for filling an appeal for Severance is 20 days from the mailing date, which will be mailed this Friday April 28<sup>th</sup>, therefore the appeal period will expire on May 17<sup>th</sup>, 2023.**

## **5. MINUTES FOR APPROVAL**

Minutes to be approved from the Wednesday February 22<sup>nd</sup>, 2023, Committee of Adjustment meeting.



Minutes were approved.

## **6. NEW BUSINESS**

Secretary Ms. Pouliot noted to follow up with Manager of Planning, Dave Heyworth tomorrow regarding compensation inquiry.

Chair Baarda asked if it would be possible to get the report on the screen to reference?

Secretary Ms. Pouliot noted yes, that's possible will look into for the following meetings. Personal laptop can also be brought if that's easier.

Senior Planner, Mr. Boerema commented on the Provincial changes brought forward by Mr. Sullivan. If these changes are approved wouldn't be till January of next year, every farm property would be eligible for 3 severances. This would largely affect the Committee with the number of applications coming in by the end of the year.

Senior Planner, Mr. Boerema asked the Committee their opinion on a new format for the report? Having a check list of boxes, some comments but keeping them more concise 1-2 pages. Trickier applications will have the standard report that require more detail and analysis. This will save time for both Staff and Committee members.

Committee Members noted they would appreciate the new report format.

## **7. ADJOURNMENT**

That, this Committee does now adjourn at the hour of 8:31 pm.

Member Cook motioned to adjourn. Member Coon-Petersen seconded.  
Carried.

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PETER FORSBERG, CHAIR

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STEPHANIE POULIOT

SECRETARY TREASURER

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

**October 25, 2023, 7:02p.m.**

Present Members:

Bonnie Baarda (Chair)  
Deborah Coon-Petersen (Sitting Member)  
Peggy Cook (Sitting Member)

Staff:

Susan Smyth  
Stephanie Pouliot

Public:

Ben and Pam Heaslip  
William Heikoop –Upper Canada Consultants (Agent)

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**1. CHAIR**

The Chair will call to Order the evening's proceedings.  
The meeting was called into Order at 7:02pm.

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

There were none.

**3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT**

There were no requests at this time.

**4. APPLICATION(S)**

**a) B07/2023WL – B and A Heaslip Farms Ltd.**

Senior Planner, Mrs. Smyth provided an overview of the application.

Chair Baarda asked the applicants present if there is anything they would like to add? If so, you will need to take an oath or affirmation.

Mrs. Heaslip responded with no, we have nothing more to add.

**Applicants did not take an oath or affirmation. Mr. and Mrs. Heaslip did not provide more to the application's overview.**

Member Coon-Petersen through to Senior Planner, Mrs. Smyth asked what happens if the Region has concerns with lot size?

Senior Planner, Mrs. Smyth responded with the applicants have scaled down from the initial discussions with Planning Staff, the Region may have not been aware of the initial proposal. The revised lot size is better maintaining the intent of the Township's policies. If the Region would like more information or to provide more comments, the decision will be provided to them to do so.

Chair Baarda asked a follow-up question, if the Region has any questions. Do Planning Staff know the answers to provide?

Senior Planner, Mrs. Smyth responded with yes, that's correct.

Chair Baarda addressed that it is time to vote on the application.

Member Coon-Petersen made a motion to approve the application with the 9 conditions included.

Member Cook seconded the motion.

All in favour.

Carried.

**Secretary Ms. Pouliot noted the last day for filing an appeal for Consent is 20 days from the mailing date, which will be Monday October 30<sup>th</sup>, therefore the appeal period expires Saturday November 18<sup>th</sup>, 2023. Documentation will follow.**

**b) B08/2023WL – Spring Creek Holdings Ltd.**

Senior Planner, Mrs. Smyth provided an overview of the application.

Chair Baarda asked if the agent present would like to add anything to the overview? If so, you will need to take an oath or affirmation.

Mr. Heikoop responded with no, I have nothing more to add.

**Agent did not take an oath or affirmation. Mr. Heikoop did not provide more to the application's overview.**

**NO PUBLIC INPUT**

**NO QUESTIONS FROM COMMITTEE MEMBERS**

Member Cook noted the application is straight forward and made a motion to approve the application with the 8 conditions included.

Member Coon-Petersen seconded the motion.

All in favour.

Carried.

**Secretary Ms. Pouliot noted the last day for filing an appeal for Consent is 20 days from the mailing date, which will be Monday October 30th, therefore the appeal period expires Saturday November 18th, 2023. Documentation will follow.**

**c) B13/2021WL – Change of Condition Request –Sikkens**

**Secretary Ms. Pouliot read the memo into the record.**

*“Re: Change of Condition Request*

*7330 Concession Road 3, West Lincoln Ontario*

*Surplus Farm Dwelling Severance Application B13/2021WL –Sikkens*

*Please be advised the subject application being B13/2021WL is requesting a change of conditions pursuant to Subsection 53(23) of the Planning Act to rectify the applicants’ original request and application brought forward to the Committee in 2021 which did not include a partial discharge of mortgage and mortgage or charge. The Committee of Adjustment granted the conveyance for the surplus farm dwelling severance on March 30th, 2022. By approving the request, the Committee is authorizing the original application be amended to include the partial discharge of mortgage as a condition to also be completed for the consent application by no later than October 25th, 2025, being Condition 12 the original deadline to fulfil the conditions, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.”*

Chair Baarda to Secretary Ms. Pouliot asked if the memo could be summarized?

Secretary Ms. Pouliot noted that originally there was an oversight of the Applicant which carried over. The Applicant has since noticed and through a lawyer's request would like to amend and follow the proper process as there is a mortgage on the lands.

Chair Baarda also asked will we be circulating another notice of decision? Do we need to check the other box?

Secretary Ms. Pouliot responded with yes, through the Chair to clarify as a new decision will be sent, the Applicants have until October 2025 to fulfil conditions. I will be checking the box on the decision. I will also be sending the decisions to be signed tomorrow and if you can please return them to me by Monday. As I would like to send out the notice of decisions on Monday.

Member Coon-Petersen made a motion to amend as per Sikkens’ request.

Member Cook seconded the motion.  
All in favour.  
Carried.

**Secretary Ms. Pouliot noted the last day for filing an appeal for Consent is 20 days from the mailing date, which will be Monday October 30th, therefore the appeal period expires Saturday November 18th, 2023. Documentation will follow.**

#### **5. MINUTES FOR APPROVAL**

There were no minutes for approval.

#### **6. NEW BUSINESS**

There was no new business brought forward.

#### **7. ADJOURNMENT**

That, this Committee does now adjourn at the hour of 7:29 pm.  
Member Cook motioned to adjourn.

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BONNIE BAARDA, CHAIR

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STEPHANIE POULIOT,  
SECRETARY-TREASURER