



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

Wednesday, March 27, 2024, 7:00 p.m.
Township Administration Building
318 Canborough Street, Smithville, Ontario

Pages

1. **CHAIR**
The Chair will call to Order the evening's proceedings.
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**
3. **REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT**
Minor Variance A05/2024WL - Buitenwerf - has been deferred, at this time, as the Minor Variance application was missing required additional variances.
4. **APPLICATIONS**
 - a. B02/2024WL - Corey and Shayna Buitenwerf (Agent - Andrew Frandsen) 3
Property Address: 7 Wade Road

A Consent application has been applied for to permit a severance where Parcel 1 (515 square metres) will be severed from Parcel 2 (920 square metres) to create a building lot on the corner of Wade Road and Wallis Avenue. In addition to the severance application, a Minor Variance Application has also been applied for to permit a residential building lot with a deficient lot size of 515 square metres whereas Table 14 of the Township's Zoning Bylaw 2017-70 as amended, states that 550 square metres is the required minimum, see separate Notice for A05/2024WL.
 - b. A04/2024WL - Mark and Nancy Horton 22
Property Address: 4131 Vaughan Road

A Minor Variance application has been applied for to permit a Type 2 accessory building (120 square metres) to be located in the front yard and closer to the front lot line than the dwelling, whereas Table 1-1 found in Part 3 of the Township's Zoning By-law 2017-70, as amended, does not permit an accessory building closer to the front lot line than the main building or in the required front yard within an Agricultural 'A' zone. The proposed accessory building will be approximately 13.4 metres to the

front lot line whereas, the dwelling has a front yard setback of 24.4 metres.

- c. A06/2024WL - Melanie and Michael Felvus - Stan Vyn (Vyn Building Services Ltd)
Property Address: 2995 Grassie Road

40

A Minor Variance application has been applied for to permit a Type 2 accessory building (93 square metres) which exceeds the maximum lot coverage of 10% within an Agricultural 'A' zone. The proposed garage with the existing dwelling results in 11% lot coverage on the property.

Table 1-1 found in Part 3 of the Township's Zoning By-law 2017-70, as amended, identifies 8% as the maximum lot coverage for all accessory buildings and structures on a lot provided the lot coverage does not exceed the maximum lot coverage in the respective zone. The maximum lot coverage for all buildings and structures within an Agricultural 'A' zone is 10%.

5. MINUTES FOR APPROVAL

51

- January 24th, 2024 Minutes (tabled from February 28th, 2024 Committee of Adjustment Meeting)

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: March 27, 2024

REPORT NO: TO COA-05-2024

SUBJECT: **B022024WL – Recommendation Report - Application for Consent– 7 Wade Road - Corey and Shayna Buitenwerf (Agent: Andrew Frandsen)**

CONTACT: Stephanie Pouliot, Secretary Treasurer of the Committee of Adjustment

OVERVIEW:

- A Consent application has been submitted by Andrew Frandsen on behalf of Corey and Shayna Buitenwerf, the property owners of 7 Wade Road.
- This Consent application has been submitted to sever off a building lot for a future single detached dwelling.
- The proposed severance will sever Parcel 1, being 515 square metres from Parcel 2 being 920 square metres and containing the existing dwelling. Please see the attached survey sketch.
- A Minor Variance application has been submitted in addition to the severance application to permit three required variances to permit the proposed building lot and future dwelling. The variances will address the following:
 - The lot area of 515 square metres whereas, the minimum is 550 square metres.
 - A reduced front yard setback of 5.54 metres whereas, 7.5 metres is the minimum permitted.
 - A reduced rear yard setback of 8 metres whereas, the minimum is 10 metres.
- The Minor Variance application was requested to be deferred to a later month to be updated to reflect additional variances needed for both Parcel 1 and 2.

RECOMMENDATION:

That, the application for Consent, submitted by Andrew Frandsen on behalf of the property owners Corey and Shayna Buitenwerf, as outlined in Report COA-05-2024, to permit the creation of a building lot of 515 square metres, 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 of 5% of the appraised value, property maintenance, compliance with Zoning By-law provisions for structures, and any related requirements, financial or otherwise.
3. That the applicant applies for and receives an entrance permit to the satisfaction of the Township's Public Works Department.
4. That the applicant provides to the Township an appraisal of the subject property completed by a certified appraiser and pays the required parkland dedication fee.
5. That the applicant receives approval for tree type and location prior to planting and ensures 2 boulevard trees are planted on the flanking side of a lot as per the requirement from the Township's Public Work Department.
6. That the application applies for and enters into a development agreement with the Township.
7. That the applicant obtain a municipal address from the Township's Building Department for the new lot, being Parcel 1 on Survey Sketch.
8. 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.
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:

The subject property is located at the corner of Wade Road and Wallis Avenue, on the east side of Wade Road and on the north side of Wallis Avenue. The subject property is also south of Twenty Mile Creek and Margaret Street, north of Colver Street, and west of Canborough Street (Regional Road 14). The property is currently 1,436.21 square metres (0.35 acres) and contains a one storey dwelling, pool and accessory building. If the proposed severance is approved, Parcel 1 (Severed Lands) will be 515 square metres and Parcel 2 (Retained Lands) will be 920 square metres.

The subject lands are located in the Settlement Area of Smithville within a Residential Low Density Designation in the Township's Official Plan.

The surrounding land uses are designated in the Township's Official Plan as Residential Low Density to the west, south and east of the 7 Wade Road. North of the property is designated as Natural Heritage System and Medium Density Residential. East of the noted low density residential area is also designated as Institutional abutting Colver Street and Canborough Street.

The subject lands are zoned as Residential Low Density (R1B) in the Township's Zoning By-law 2017- 70, as amended. The surrounding lands are zoned Residential Low Density (R1B) to the east, west and south of the property. North of the property is zoned Environmental Conservation (EC) and Environmental Protection (EP) along Twenty Mile Creek. North of the creek is zoned 'R1B' and Residential Medium Density (RM2).

CURRENT SITUATION:

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

Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe

Applications filed after June 16, 2006 must conform to the Provincial Growth Plan (*Places to Grow*). The Growth Plan provides policies for where and how to grow with a focus on directing population growth to urban areas and rural settlement areas. The policies of the growth plan deal with areas inside of these boundaries. The subject property is located within the built boundary of the settlement area of Smithville where the Growth Plan encourages infill and intensification to make efficient use of the infrastructure and services that are available.

The Growth Plan prioritizes intensification as a part of complete communities. The proposed severance would be intensifying the built up area of Smithville and helping achieve the overall goal of 50% of residential development in Niagara occurring within delineated built up areas.

The Growth Plan in alignment with the Provincial Policy Statement (PPS) also encourages intensification within settlement areas as part of creating complete communities. The PPS requires municipalities to establish minimum intensification targets within their jurisdiction to ensure that intensification occurs. Niagara's intensification target is 50% while West Lincoln's is 13%, or 1,130 units between the years 2021-2051. This new lot will help the Township achieve its goals.

Niagara Official Plan

The Niagara Official Plan (NOP) is the general planning document that guides land use development for the Region of Niagara. The goals, objectives, and policies of this document speak to land use and development issues of regional and provincial significance. According to the NOP, local municipal planning documents are to provide greater detail for the implementation of regional policy and local context.

The subject lands are within an area delineated for growth referred to as built-up areas, the NOP defines built-up areas as urban areas defined by the Minister for the purposes of measuring the minimum intensification targets in the plan. The established intensification target for West Lincoln is 13% or 1,130 units over the next 26 years. This severance will contribute to achieving that goal.

The Niagara Official Plan states that Niagara aspires to build sustainable complete communities. Niagara will build more sustainable, complete communities by making efficient use of land, resources and infrastructure, supporting intensification. The Region's common objectives include maximizing the use of existing and planned infrastructure to support growth in a compact and efficient manner. Intensification makes greater and more efficient use of existing infrastructure, such as the existing roadways (Wade and Wallis Road) and existing sewer and water infrastructure.

Severing the subject lands will allow for the development of a single detached dwelling on the severed lot and help provide and support the required growth that Smithville is currently experiencing.

Township of West Lincoln Official Plan

The Township's Official Plan (OP) designates the subject property in the Urban Boundary within the Settlement area of Smithville. Section 6.1.2 of the Township's Official Plan (OP) states objectives of Smithville's urban settlement areas which are protecting and enhancing the character and image of the urban settlement area, to promote higher density residential development, and mixed use development/redevelopment in appropriate locations in Smithville, and to encourage and facilitate the production of a range of dwelling types and ownership forms, including housing that is more affordable to the existing and future residents of West Lincoln. Additionally, Policy 6.1.2d) also encourages high quality design which is environmentally sustainable and is compatible with the character and image of the adjacent buildings. The proposed consent application will allow for infill development in the form of one single detached dwelling.

Policies regarding consents are found in Section 18.13 *Land Severances* of the Township's Official Plan (OP). Section 18.13.4 specifically addresses policies for consents in Smithville, the proposed severance would be creating a parcel on an existing public road, in this case the corner of two public roads: Wallis Avenue and Wade Road. This is aligned with Policy 18.13.4b(ii) of the Township's OP and Section 18.13.1 *General Policies for Consents*. As identified by Policy 18.13.1b) any lot or remnant parcel created must have adequate frontage on a public road that is maintained year-round and is of an adequate standard of construction to provide access for the intended use. Both lots (being the Parcel 1-Severed and Parcel 2-Retained) will have adequate frontages, the retained lands will have 36.97 metres on Wade Road and the proposed lot (Parcel 1) would have 21.34 metres along Wallis Avenue (See Attachment 2 for Survey Sketch).

Additionally, the proposed consent is aligned with the objective of Policy 18.13.1c) no land severance shall create a traffic hazard, or have limited sight lines on curves or grades. The Township's Public Works Department previously addressed the standards and regulations (at the pre-consultation meeting) that the proposed driveway for the new lot maintain a minimum of 11 metres to the intersection. The proposed driveway is 14.35 metres from the intersection complying with the noted standard and providing an additional 3.35 metres of clearance.

As with any new development and new single detached dwelling, a grading plan will have to be submitted during the building permit process to address and ensure adequate lot grading and proper drainage are to the Township’s Building Department standards. This keeps in alignment with the Official Plan (OP) Policy 18.13.1(i).

The proposed consent is consistent with one of the main objectives of Section 5 *Growth Management* of the OP, being Policy 5.2(i) to encourage and facilitate redevelopment, infilling and intensification within the Urban Settlement area of Smithville. The intent of this consent is to create a building lot for a single detached dwelling on the corner of Wallis Avenue and Wade Road in Smithville which is aligned with infilling and meeting the targets for growth as previously mentioned. The proposed infill creation lot is aligned with Policy 18.13.4b(iii) of the Township’s Official Plan (OP) as infilling existing built-up areas are permitted and encouraged to meet and address growth patterns in Smithville and projected targets.

Township of West Lincoln Zoning Bylaw

The subject lands, surrounding area and abutting properties are zoned Residential Low Density ‘R1B’ in the Township’s Zoning By-law 2017-70, as amended.

The new building lot would keep with the surrounding Low Density Residential zoning as shown in the below Table for an ‘R1B’ zone. The proposed setbacks of the building envelope can be found in Attachment 2- Survey Sketch and column two in the below Table.

Residential Low Density R1B Zoning Regulations

Required	Proposed	Notes
Minimum Lot Area: 550m²	515m ² Requires Variance	Proposed size to accommodate a future single detached dwelling and due to the existing dwelling, any increase in size would not be possible.
Minimum Lot Frontage: 18m	21.34m	Lot frontage is measured between the side lot lines and along the front lot line. Front lot line is measured as the shortest lot line.
Minimum Front Yard: 7.5m	5.5m Requires Variance	Front yard is measured along the shortest lot line that abuts a street which in the case is Wallis Avenue.
Minimum Exterior Yard: 5m	5m	Exterior side yard is measured from the lot line that abuts a public

		street which is not the front lot line. The proposed is maintaining the 5 metre setback and will also be keeping the mature tree within the side yard which is preferred by staff.
Minimum <i>Interior Yard</i> : 1.5m	1.5m	Interior side yard is the property lot line that does not abut a public street. In this case, the proposed maintains the minimum permitted to the interior lot line and no variance is being requested to encroach on this setback in the subsequent Minor Variance application.
Minimum <i>Rear Yard</i> : 10m	8m Requires Variance	Rear yard is the distance from the nearest point of the dwelling to the rear lot line. The proposed at 8 metres provides an adequate rear yard for a new residence. Due to the location of existing dwelling, a larger rear yard would not be possible to ensure an adequate rear yard and amenity space is being provided on the new lot.
Maximum <i>Lot Coverage</i> : 40%	27% - 140 square metres (as shown on Survey Sketch - see Attachment 2)	40% of 515m ² would permit a maximum lot coverage of 206 square metres
Maximum <i>Height</i> : 10m	Not yet proposed*	10m (Two-Storey) <i>Would be consistent with surrounding dwellings in R1B zone*</i>

In a subsequent Committee of Adjustment Meeting, if the consent is approved, a minimum of three variances will be requested through a Minor Variance application. This application was going to be heard at the March Hearing as well, but was deferred by the Agent as two additional variances were not captured in the application. The subsequent Minor Variance will request three reliefs from the Township's Zoning Bylaw 2017-70, as amended, including the minimum *front yard*, *rear yard*, and *lot area* as shown in the above Table. The retained lands (Parcel 2) will require a variance to recognize the existing rear yard setback of 6 metres from the dwelling to the rear lot line (see Site Plan found in Attachment 3).

The proposed attached private garage complies with Part 3.12.7 *Private Garages* of the Township's Zoning Bylaw 2017-70, as amended, being no closer than 6 metres to a public street at 6.04 metres, does not project closer to the front lot line than the main front wall of the dwelling (see proposed building envelope on Survey Sketch found in Attachment 2), and below the maximum garage width permitted as Part 3.12.7 would allow 50% of the total width of the dwelling (8 metres) and the proposed width is 5.5 metres (see Survey Sketch in Attachment 2).

As previously mentioned, the proposed driveway complies with the Township's Public Works Department standard of no closer than 11 metres from the intersection and it also complies with Table 3 found in Part 3.12.2 *Driveways and Parking Aisles* of the Township's Zoning Bylaw 2017-70, as amended, which identifies the minimum width for a driveway for a dwelling with a private garage to be 3 metres and the maximum width permitted to be 6 metres or the garage width, plus 0.5 metres. The proposed garage width is 5.5 metres, being below the maximum permitted in both sections.

As previously mentioned, at least three minor variances will be required for the proposed new lot and dwelling, and at least one variance for the exiting dwelling, which will come forward to a future Committee of Adjustment hearing if the consent is approved.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Building Department: At the time of writing this report, no comments have been received.

Public Works: No objections to provide on this application, Public Works have noted information was provided to the proponent at the pre-consultation (May 2023) to confirm available water and sanitary services to support a new building lot and the standards for a driveway setback in relation to the intersection and tree planting. The driveway must be at a minimum 11 metres from the intersection and an entrance permit will be required. Public Works requires 1 boulevard tree to be planted per lot and 2 boulevard trees planted on the flanking side of a lot which the tree type and location will have to be approved by staff prior to planting. This has been included as a condition of approval to satisfy the noted requirements from Public Works Department. This information will be included in the future development agreement. Please see Attachment 3.

Septic System Inspection Manager: No comments or objections to provide on this application.

Niagara Peninsula Conservation Authority (NPCA): The subject property is impacted by the top of slope of a valleyland. However, the proposed lot lines do not dissect the regulated feature and as such, the NPCA has no concerns or objections with the proposed lot creation or the reduced lot size.

Niagara Region: Have no objections to the proposed consent application as it is consistent with and in conformity to Provincial and Regional Policies. A warning clause has been included to address the concern for archaeological potential. Please see Attachment 4 for

the Regional Comments received.

PUBLIC COMMENTS:

At the time of writing this report, Planning staff have received comments from two neighbours (which can be found in Attachment 5).

In summary, the concerns were regarding the size of a new dwelling on the proposed reduced lot size, setback to the abutting property to the east, aesthetics of the existing neighbourhood, increased parking on the street, and the impact on privacy.

As the applicants are not proposing to rezone the property, any new dwelling would be required to follow the Residential Low Density 'R1B' regulations of the Township's Zoning Bylaw 2017-70, as amended. The applicants are proposing to meet all of the required setbacks and zone regulations with exception to a slight decrease to the minimum lot area, a slight decrease to the front yard setback and a minor rear yard setback reduction. Although these variances will need to be decided on by the Committee of Adjustment at a future meeting, Planning staff believe that these setbacks do not have any negative impacts on the neighbours. The applicants are proposing to maintain the required minimum setback to the closest house to the east. Construction within close proximity to existing dwellings occurs frequently across Niagara. The building permit and construction process is designed to ensure that there is no damage done to neighbouring property or dwellings.

Planning Staff do not believe that this consent and proposed dwelling will cause a negative impact on the neighbourhood due to its closer proximity to the street. The proposed house is marginally closer to the street than the neighbouring dwelling to the east.

In terms of privacy, the abutting dwelling to the east does not have windows on the west side of the house which would overlook the proposed building envelope and associated rear yard. Given there is also a buffer between the properties with the vegetation hedge and during the permit process, grading and drainage will be addressed through the Building Department, there is minimal impact anticipated on the abutting property.

Additionally, the proposed building envelop shows the garage length (6.2 metres) and the driveway space (6 metres), which can provide two adequate parking spaces for a new residence, which is the minimum number required by the Township's zoning bylaw. As streets are designed for travel, on-street parking is not a right limited to existing residents. Planning Staff do not have any concerns with parking.

Planning staff would like to note that due to the cost of housing and new infrastructure, all levels of planning policy strongly support opportunities for new infill lots, such as what is being proposed. New housing within existing neighbourhoods takes advantage of existing infrastructure. Planning Staff also note that due to the nature of these infill opportunities, it is not uncommon that the zoning cannot be completely achieved. Additionally, the addition of one lot and dwelling on this property, still maintains the Township's official plan definition of Low Density and maintains the low density character of this community.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed consent application B02/2024WL as outlined in report COA-05-2024 to permit severance where Parcel 1 (515 square metres) will be severed from Parcel 2 (920 square metres) to create a building lot on the corner of Wade Road and Wallis Avenue, subject to conditions.

ATTACHMENTS:

1. Location Map
2. Survey Sketch
3. Site Plan
4. Agency Comments
5. Public Comments

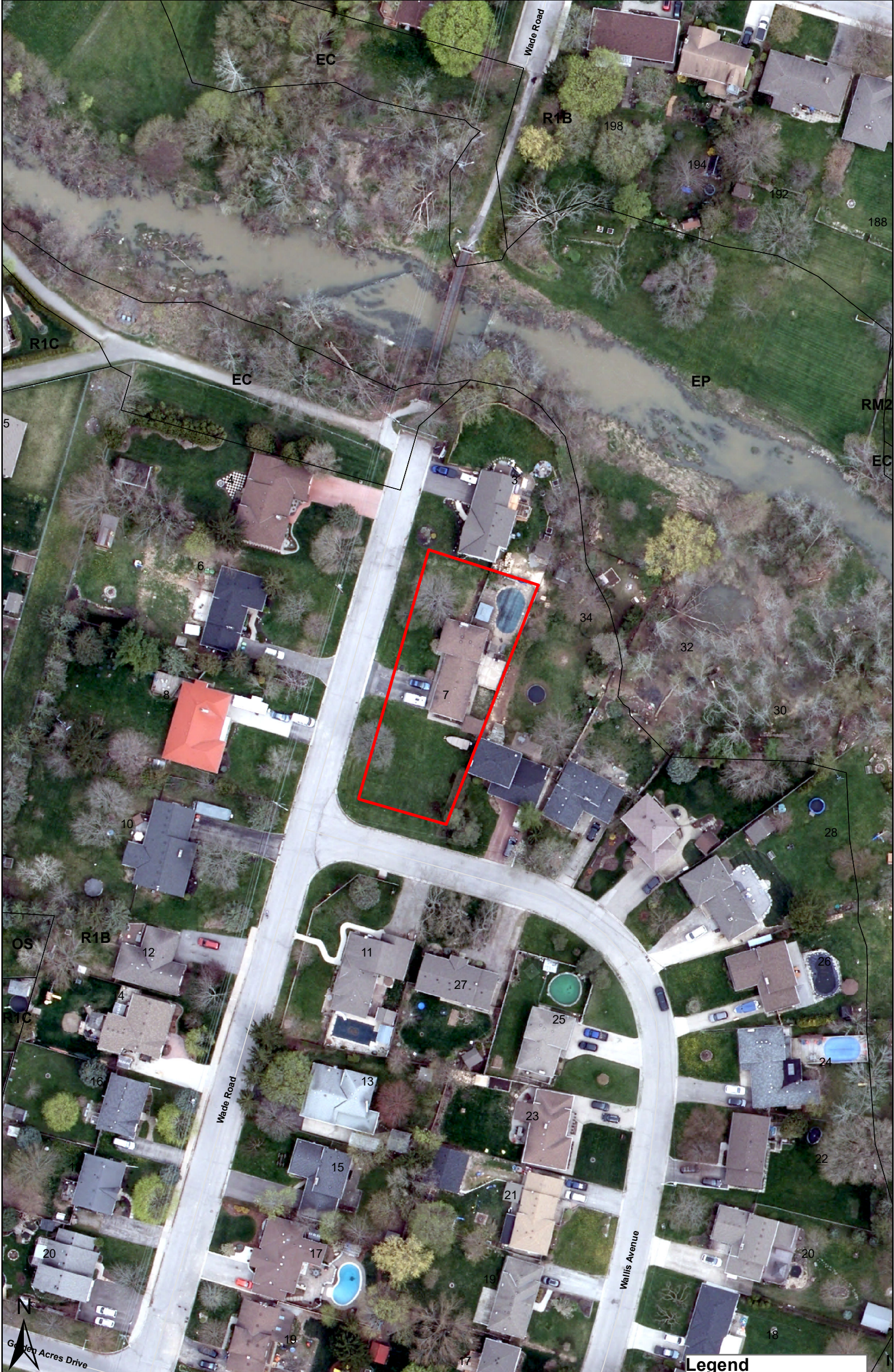
Prepared & Submitted by:

Approved by:



**Stephanie Pouliot,
Planner**

**Gerrit Boerema, RPP, MCIP
Manager of Planning**



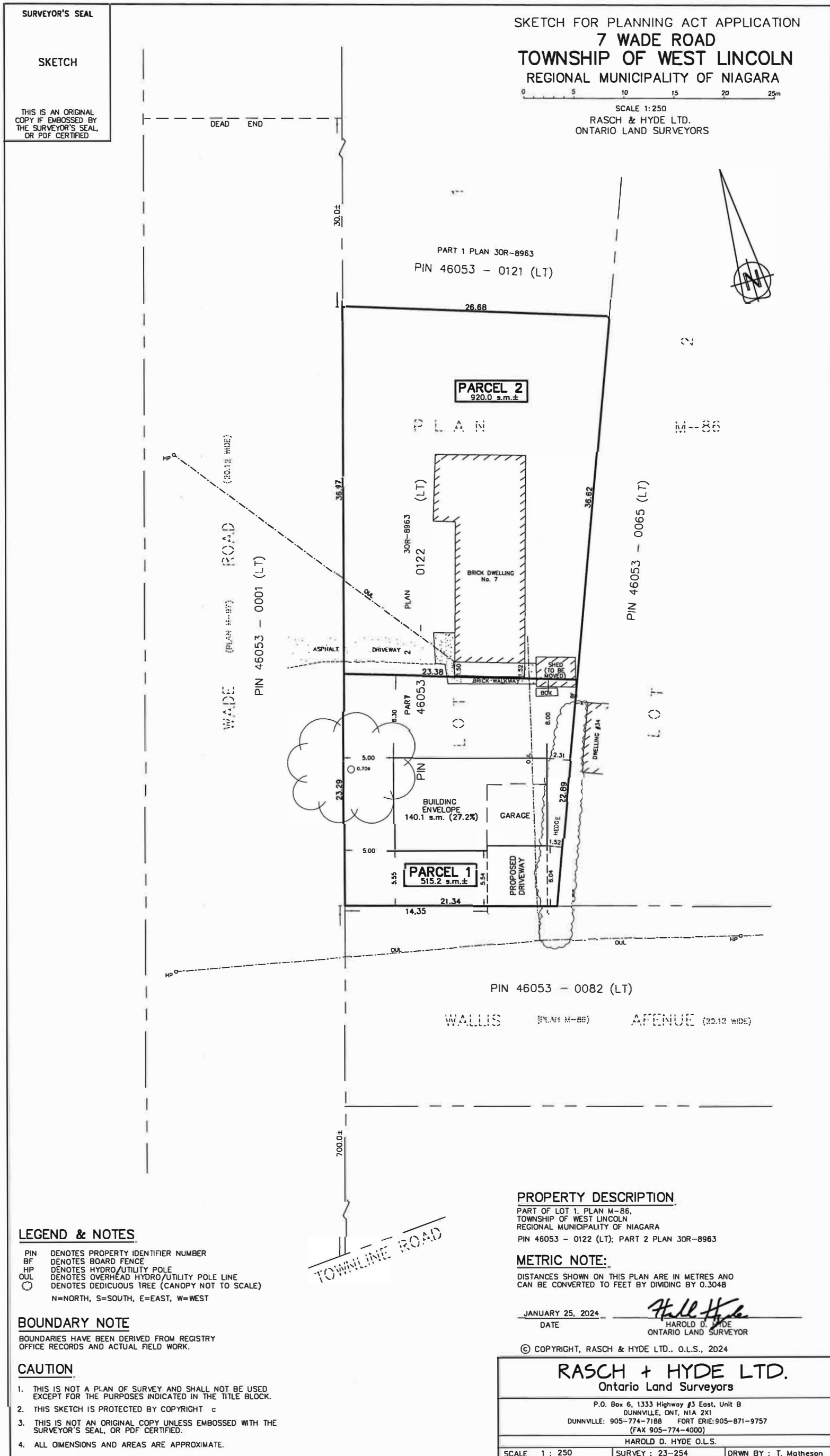
Location Map
7 Wade Road

0 12.5 25 50 Meters



Legend

- Zone Boundary
- Subject Property



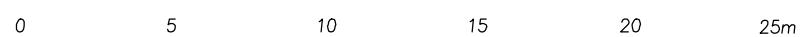
SURVEYOR'S SEAL

SKETCH

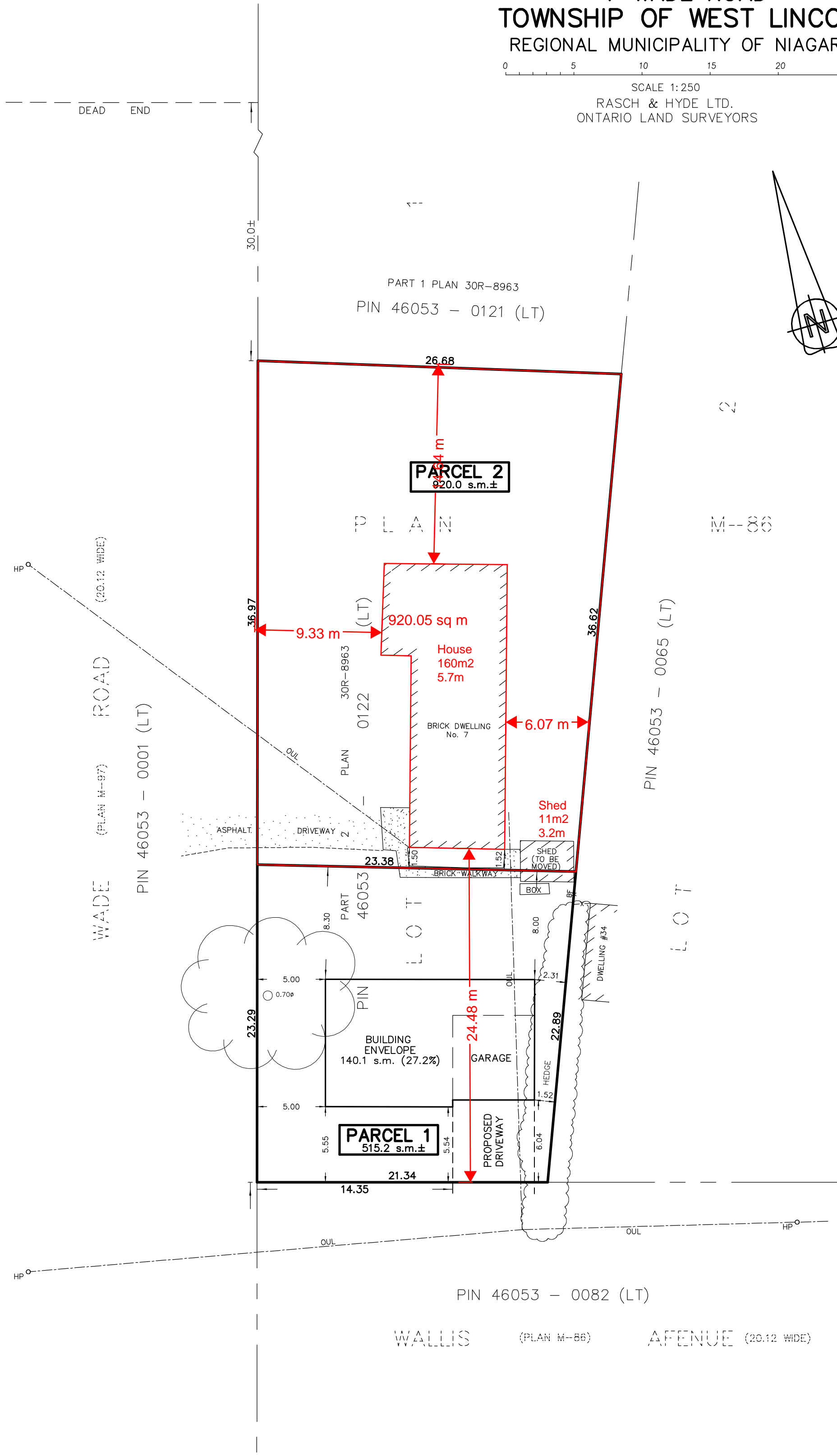
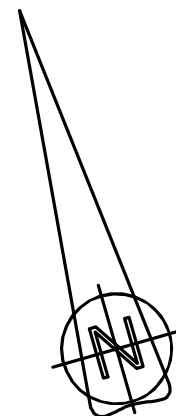
THIS IS AN ORIGINAL COPY IF EMBOSSED BY THE SURVEYOR'S SEAL, OR PDF CERTIFIED

SKETCH FOR PLANNING ACT APPLICATION

**7 WADE ROAD
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA**



SCALE 1:250
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS



LEGEND & NOTES

- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- BF DENOTES BOARD FENCE
- HP DENOTES HYDRO/UTILITY POLE
- OUL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE
- ☉ DENOTES DECIDUOUS TREE (CANOPY NOT TO SCALE)
- N=NORTH, S=SOUTH, E=EAST, W=WEST

BOUNDARY NOTE

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY OFFICE RECORDS AND ACTUAL FIELD WORK.

CAUTION

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PROPERTY DESCRIPTION

PART OF LOT 1, PLAN M-86,
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
PIN 46053 - 0122 (LT); PART 2 PLAN 30R-8963

METRIC NOTE:

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

JANUARY 25, 2024

DATE

Harold D. Hyde
HAROLD D. HYDE
ONTARIO LAND SURVEYOR

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RASCH + HYDE LTD.
Ontario Land Surveyors

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

HAROLD D. HYDE O.L.S.

SCALE 1 : 250

SURVEY : 23-254

DRWN BY : T. Matheson



Growth Strategy and Economic Development

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

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

Via Email Only

File Number: PLCS202400051; PLMV202400049

Stephanie Pouliot
Secretary-Treasurer, Committee of Adjustment
Township of West Lincoln
318 Canborough St., P.O. Box 400
Smithville, ON L0R 2A0

Dear Ms. Pouliot:

Re: Regional and Provincial Comments
Application Type: Consent
Town File Number: B02/2024WL
Applicant: Corey and Shayna Buitenwerf
Location: 7 Wade Road
Township of West Lincoln

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the Consent application to permit a severance where Parcel 1 (515 square metres) will be severed from Parcel 2 (920 square metres) to create a building lot on the corner of Wade Road and Wallis Avenue. Regional staff received notice of this application on March 7, 2024.

Staff notes that the proposed consent is also subject to a concurrent Minor Variance application to permit a reduced minimum lot size of 515 square metres. Regional staff will not be providing comments on this application as it does not affect any Provincial or Regional interests.

A pre-consultation meeting with the applicant for the proposed severance and minor variance was held on May 17, 2023 with staff of the Township and the Region.

Provincial and Regional Policies

The subject land is located within a Settlement Area under the Provincial Policy Statement, 2020 ("PPS") and designated as Delineated Built-Up Area under A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 ("Growth Plan") and Niagara Official Plan, 2022 ("NOP"). A full range of residential, commercial and industrial uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative

to land use compatibility, archaeological resource interests and environmental conservation among other matters.

The Growth Plan and NOP also provide direction for managing forecasted growth in urban areas to support, among other growth management objectives: the minimum residential intensification targets set out in Table 2-2 of the NOP (i.e. minimum 13% of residential development within West Lincoln to occur within the built-up area); a compact built form; a mix of land uses to support the creation of complete communities including a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs; and, providing opportunities for intensification, including infilling development.

Accordingly, the proposed consent is consistent with and conforms to Provincial and Regional policies subject to consideration of the following comments.

Archaeological Potential

Staff note that the property is mapped within an area of archaeological potential on Schedule K of the NOP. The PPS and NOP state that that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. NOP Policy 6.4.2.6 states that where a site proposed for development is located within an area of archaeological potential, a Stage 1 Archaeological Assessment by a licensed archaeologist is required.

Staff acknowledges that this requirement was not identified through the pre-consultation agreement. Accordingly, staff will require the inclusion of a standard warning clause, found in the Appendix, to be included. Staff note that it is at the Applicant's risk that construction activities would need to cease, and an archaeological assessment would be required if any deeply buried archaeological resources are encountered during excavation work.

Conclusion

Staff of the Regional Growth Strategy and Economic Development Services Department does not object to the proposed consent application, which is consistent with and in conformity to Provincial and Regional policies and plans, subject to the Township's satisfaction.

Please send copies of the staff report and notice of the Town's decision on these applications. If you have any questions related to the above comments, please contact me at connor.wilson@niagararegion.ca

Kind regards,

PLCS202400051; PLMV202400049
March 18, 2024

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

Connor Wilson
Planner, Development

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

Appendix

Regional Conditions

1. That the following warning clause be included to advise the applicant:

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

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

Stephanie Pouliot

From: Shauna Boyle <[REDACTED]>
Sent: March 18, 2024 7:49 PM
To: Stephanie Pouliot
Subject: A05/2024WL B02/2024WL

Hello

It would appear it has been severed into two parcels already.

The proposal is budding right up to the neighbour, not sure what the variance is supposed to be to the neighbour.

What guarantee do we have that this house would not be oversized for the lot and not compromise the neighbour's privacy?

Are they severing this lot to sell and have this building built or are they building a second dwelling for themselves?

I am not familiar with how all of this works.

--

Thanks,

Shauna Boyle

28 Wallis Ave

Stephanie Pouliot

From: David VanderVelde <[REDACTED]>
Sent: March 17, 2024 9:32 PM
To: Stephanie Pouliot
Cc: Dave Vander Velde
Subject: Minor variance concerning A05/2024WL

Good evening,

The following is our concern regarding
A05/2024WL
And
B02/2024
Property address, 7 Wade Rd.

We are against this minor variance, as well as the application for consent.

We desire to live in a residential low density zone and this amendment of this rule will change that.

Our concerns are as follow.

1-Zoning-

The proposed site (515.2 m²) than the bi law allows (550 m²) for new build. Zigzagging property lines just to make it fit is not ideal (and it is still not big enough) This will result in a house being on a lot that is smaller than the intended by law.

2-Aesthetics of the neighbourhood-The aesthetics of the neighbourhood will be affected due to the position of the house being so close to the road whereas every other home on the street is equally distance from the road.

3-Parking-

Because there is only "one" parking spot in the driveway this will lead to more parking on the road, there's barely enough parking sometimes without adding another family to the road or neighborhood. Making the road narrow and hard to navigate with no sidewalks.

The location of the this property is also at a school bus stop adding more chaos and confusion for the end of the road.

4-Construction damage-

we are concerned that new construction so close to our existing building will cause foundation issues, as well as, drainage, issues to existing slopes and runoff.

we have moved specifically to this neighbourhood and to Smithville to avoid construction and new builds.

-there are multiple cases where this has happened-

5-Positioning-

The proposed positioning of the house Puts it approximately 2 m off of my current dwelling, if they dig it exactly that only leaves a couple of feet of earth undisturbed between buildings-very concerned about damage to our existing dwelling.

6-positioning, continued -Noice disturbance -privacy This also puts the backyard directly beside, our house, not behind, and not in front, Again, right beside our house and master bedroom and living room.

Although there are other examples of these types of set ups, there are at least 15 to 20 m separation between dwellings.

7-Property value-

There are concerns (third-party)

This will depreciate the value of my home having another house so close. This current proposal will be adding adding another-(4th back yard) adjacent to this property Therefore this will depreciate the value of our current house due to the lack of privacy, closeness, position of proposed building and neighborhood aesthetics.

Notes/ Homework,

-we need to determine if this was originally part of the survey for this particular subdivision when it was established.

-need an example of a backyard adjacent to the side of the house (under 4 m) don't think any exist.

-One could say by putting a house here is strictly for a financial gain, and not in the best interest of the neighbourhood.

Dave and Alisa Vander Velde

34 Wallis Ave

DATE: March 27, 2024
REPORT NO: COA-06-2024
FILE NO: A04/2024WL
SUBJECT: Recommendation Report Application for Minor Variance, Nancy and Mark Horton
LOCATION: 4131 Vaughan Road, West Lincoln
CONTACT: Stephanie Pouliot, Secretary Treasurer to the Committee of Adjustment

OVERVIEW:

A Minor Variance application has been submitted by Nancy and Mark Horton, property owners of 4131 Vaughan Road.

The Minor Variance Application has been applied for to permit a Type 2 accessory building, being a 120 square metre detached garage, on the property which is setback approximately 13 metres from the front lot line and located in the required front yard whereas, Table 1-1 found in Part 3 of the Township’s Zoning By-law 2017-70, as amended, does not permit an accessory building closer to the front lot line than the main building or within the required front yard within an Agricultural ‘A’ zone. The proposed accessory building would have a front yard setback of 13 metres whereas, the existing dwelling is located 24.4 metres from the front property line. In this case, the requested variance would permit the accessory building (120 square metres) 11.4 metres closer to the front lot line than the dwelling.

RECOMMENDATION:

That, the application for Minor Variance, submitted by Nancy and Mark Horton, as outlined in Report COA-06-24, to permit a Type 2 accessory building (120 square metres) to be located in the front yard and closer to the front lot line than the dwelling with a front yard setback no less than 13 metres. on the property, BE APPROVED.

*Please note that conditions have been requested by agencies. Please see agency comments below.

BACKGROUND & SURROUNDING LAND USES:

4131 Vaughan Road is positioned on the north side of Vaughan Road, located west of Boyle Road, east of Gee Road, and south of Highway 20 (Regional Road 20). The subject property is also located north west of the Hamlet of Boyle. The property has a total lot size of approximately 4.20 hectares (10.37 acres) and currently contains a dwelling and some existing accessory buildings.

The subject property and surrounding land uses are designated in the Township's Official Plan as *Good General Agricultural Lands* and part of the Township's *Natural Heritage System*. The property is impacted by both an Environmental Conservation and Environmental Protection area along the west property line. A portion of the property is also designated as part of the Core Natural Heritage Corridor, impacted by PSW (Provincially Significant Wetlands), and Significant Woodlands. Both designations (Section 4 and Section 10 of the Official Plan) protect and maintain long-term agricultural and conservation use within the West Lincoln area.

The subject property is also zoned Agricultural 'A' and Environmental Protection 'EP'. The surrounding lands to the north, east and south are mostly actively farmed. The property to the west is mostly environmental protection and is vacant.

CURRENT SITUATION:

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

Does the Proposal Maintain the General Intent of the Official Plan? Yes

The subject property is designated as *Good General Agriculture* in the Township's Official Plan (OP) and part of the *Natural Heritage System* along the west property line. The proposed detached garage falls under a Type 2 accessory building (120 square metres) and is generally permitted by Section 4 *Agricultural Land Use Policies* of the Township's Official Plan (OP), specifically by Policy 4.2(c) found in Section 4.4 *Good General Agriculture Areas*.

The main objectives are protecting Agricultural areas, preserving viable agricultural lands as well as, promoting small scale secondary uses which do not hinder the surrounding agricultural area. This proposal will not be hindering the surrounding Agricultural lands with the requested variances. The location of the proposed is preferred to avoid removing cropland from production and given the use of the building will in part be supporting the farming needs on the property. The proposed accessory building is a permitted accessory use to the existing agricultural use on the subject lands. For these reasons, Planning Staff consider the proposal consistent with the intent and general purpose of Section 4 of the Township's OP, which is protecting and preserving the long-term agricultural use within West Lincoln.

Additionally, Section 10 *Natural Environment* of the Township's Official Plan (OP) prioritizes the preservation of key *Natural Heritage System* features in West Lincoln and encourages, where possible enhancing ecological integrity within the area. Given the

detached accessory building is proposed about 6 metres from the Niagara Peninsula Conservation Authority’s regulated buffer and located approximately 36 metres from the regulated feature on the property, there is still an adequate buffer being maintained from the noted environmental feature (west of the proposed building as shown in Figure 1 below). As this is the case, Planning Staff believe the proposal to be consistent with Section 10 of the Township’s OP by maintaining the property’s ecological integrity and not encroaching on the NPCA’s regulated buffer.

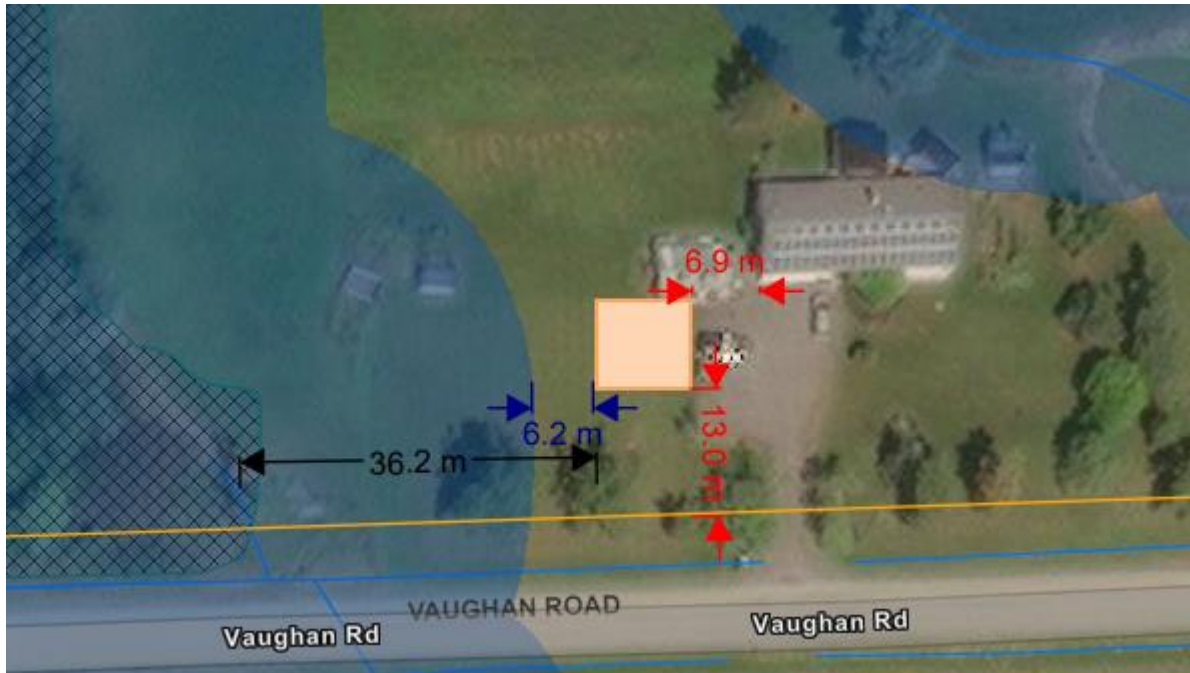


Figure 1: 4131 Vaughan Road with Niagara Peninsula Conservation Authority’s regulated lands and approximate location of the proposed accessory building to the regulated feature and associated buffer

For these reasons, Planning Staff believe the proposal to be in alignment with the general intent and purpose of the Township’s Official Plan (OP) policies.

Does the proposal maintain the general intent and purpose of the Zoning Bylaw? Yes

The subject property is zoned Agricultural ‘A’ with a total lot size of 4.20 hectares (10.37 acres). As outlined in Table 11 in Part 5 of the Township’s Zoning By-law 2017-70, as amended, permits the proposed accessory building (120 square metres) as it is an accessory use to the permitted agricultural (principal) use on the property.

Aside from the requested variances, the proposed Type 2 accessory building (120 square metres) complies with the remainder of the required setbacks identified in Table 1-1 found in Part 3 and in Table 12 in Part 5 of the Township’s Zoning By-law 2017-70, as amended.

The proposed accessory building (120 square metres) would have a front yard setback of approximately 13 metres whereas, the existing dwelling is located 24.4 metres from the front lot line. Therefore, the requested variances would permit the Type 2 accessory

building 11.4 metres closer to the front lot line than the dwelling and in the required front yard.

Given there is an existing accessory building on the subject property (east of the existing dwelling) with a front yard setback of approximately 17 metres which is already located in front of the principal dwelling (see Figure 2 below). The proposed accessory building will be approximately 3 metres closer to the dwelling than the existing accessory building on the property.

Since this aerial was taken, the owners rebuilt the principal dwelling farther from the front lot line, being located approximately 24.4 metres to the front lot line (see Figure 1 above). As shown in the historical aerial imagery, the dwelling was located close to the road and the barn (east of the house) was located behind and no closer to the front lot line than the dwelling. The proposed front yard setback is similar to what had historically been there for the previous dwelling.



Figure 2: Aerial Imagery of the property from 1965, showing the existing barn to the east of the dwelling with red line showing 17 metres setback to front lot line. Blue line showing the 14 metres for the previous dwelling

With this being said, the intent of the zoning provision is being maintained as there is still an adequate front yard setback being provided for the property. The minimum front yard for a dwelling within an Agricultural ‘A’ zone is 15 metres as outlined in Table 12 in Part 5 of the Township’s Zoning By-law 2017-70, as amended. Given the proposed building is short of this requirement by 2 metres, this proposal can be considered a minor alteration to adhere to the site constraints while accommodating the property’s farming needs.

For these reasons, Planning Staff consider this proposal to be consistent with the general purpose of the Township’s Zoning By-law 2017-70, as amended.

Is the Proposal desirable for the appropriate development or use of the land? Yes

Planning Staff consider the proposal to be appropriate development and use of land since there are no adverse impacts anticipated on the surrounding area, including the existing agricultural land uses. As noted by the Applicants, the intended use of the proposed building will be for storage of agricultural equipment and repairs to such equipment. The property appears to be actively farmed and the proposed accessory building (120 square metres) will allow space to store farm equipment and make necessary repairs. This proposal supports and accommodates the property’s farming needs and enhances its long-term agricultural use. The location of the proposed is preferred on the maintained lawn as it is not actively farmed and does not take any agricultural lands out of production, and will be utilizing the existing driveway.

The proposed accessory building is 120 square metres in size and is permitted as a Type 2 accessory building and would be consistent with other Type 2 accessory buildings permitted in West Lincoln.

For these reasons, Planning Staff believe the proposal is desirable and appropriate given the existing use of the property and the intended use of the proposed accessory building.

Is the proposal minor in nature? Yes

Planning Staff consider this proposal to be minor in nature as the general intent of the Township's Official Plan and Zoning By-law provisions are being maintained. The proposed accessory building is compatible with the existing land uses. The proposed will be replacing an existing shed which has been deteriorating on the property (see Figure 1 above). From historical aerial imagery, it appears the shed projected a couple metres in front of the existing dwelling and the proposed location of the accessory building (120 square metres) is within the approximate location of the noted existing shed.

Additionally, due to the location of the septic system (see Attachment 2) and proximity to the NPCA regulated lands on the property (see Figure 1), there would be limited space to relocate the proposed accessory building without encroaching on the agricultural lands that are actively farmed.

By replacing the existing shed, the proposed building would be enhancing the visual appearance of the property and functionality of the lands being farmed. For these reasons, Planning Staff recommend approval of this Minor Variance Application to permit the detached Type 2 accessory building (120 square metres) on the property.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Building Department: No comments have been received at the time of writing this report.

Public Works: No comments or objections to provide on this application.

Septic System Inspection Manager: No comments or objections to provide on this application.

Niagara Peninsula Conservation Authority (NPCA): The subject property is impacted by a regulated watercourse, provincially significant wetland, and the Silverdale Wetland Complex with the associated regulated buffers. The NPCA has noted that it would appear the proposed would be 18 metres from the dwelling which is outside of the associated and regulated buffer.

NPCA staff have requested two conditions:

- 1) *THAT, the applicant submits a revised site plan (clearly showing the location of the proposed), to the satisfaction of the NPCA.*
- 2) *THAT, the applicant submits a review fee of \$678, to the satisfaction of the NPCA.*

In response to the NPCA's comments, Township Staff have circulated a revised and more detailed site plan. The proposed as shown has a setback of approximately 6 metres from the regulated buffer and would place the proposed approximately 36 metres to the regulated feature (see Figure 1 above). At the time of writing, Staff have not heard back from the NPCA and believe the Committee can add the noted conditions of approval, if they see it appropriate.

Niagara Region: Have noted the property is located within an area designated for Archaeological Potential. Additionally, the Region has requested two conditions:

1. That the Applicant submits the required Stage 1 Archaeological Assessment, prepared by a licensed archaeologist and acknowledgement letter from Ministry of Citizenship and Multiculturalism (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

2. That the following warning clause be included to advise the applicant: "Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists. In the event that human remains are encountered during construction, all activities must cease immediately and the Niagara Region Police Services as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

PUBLIC COMMENTS:

At the time of writing this report, no public comments have been received.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance Application (A04/2024WL) as outlined in Report COA-06-24, to permit a Type 2 accessory building (120 square metres) to be located in the front yard and closer to the front lot line than the dwelling with a front yard setback no less than 13 metres.

ATTACHMENTS:

1. Location Map

- 2. Site Plan Drawings
- 3. Agency Comments

Prepared & Submitted by:

Approved by:



**Stephanie Pouliot,
Planner**

**Gerrit Boerema, RPP, MCIP
Manager of Planning**



EP

A

4131

Vaughan Road



Location Map

4131 Vaughan Road



0 30 60 120 Meters



West Lincoln

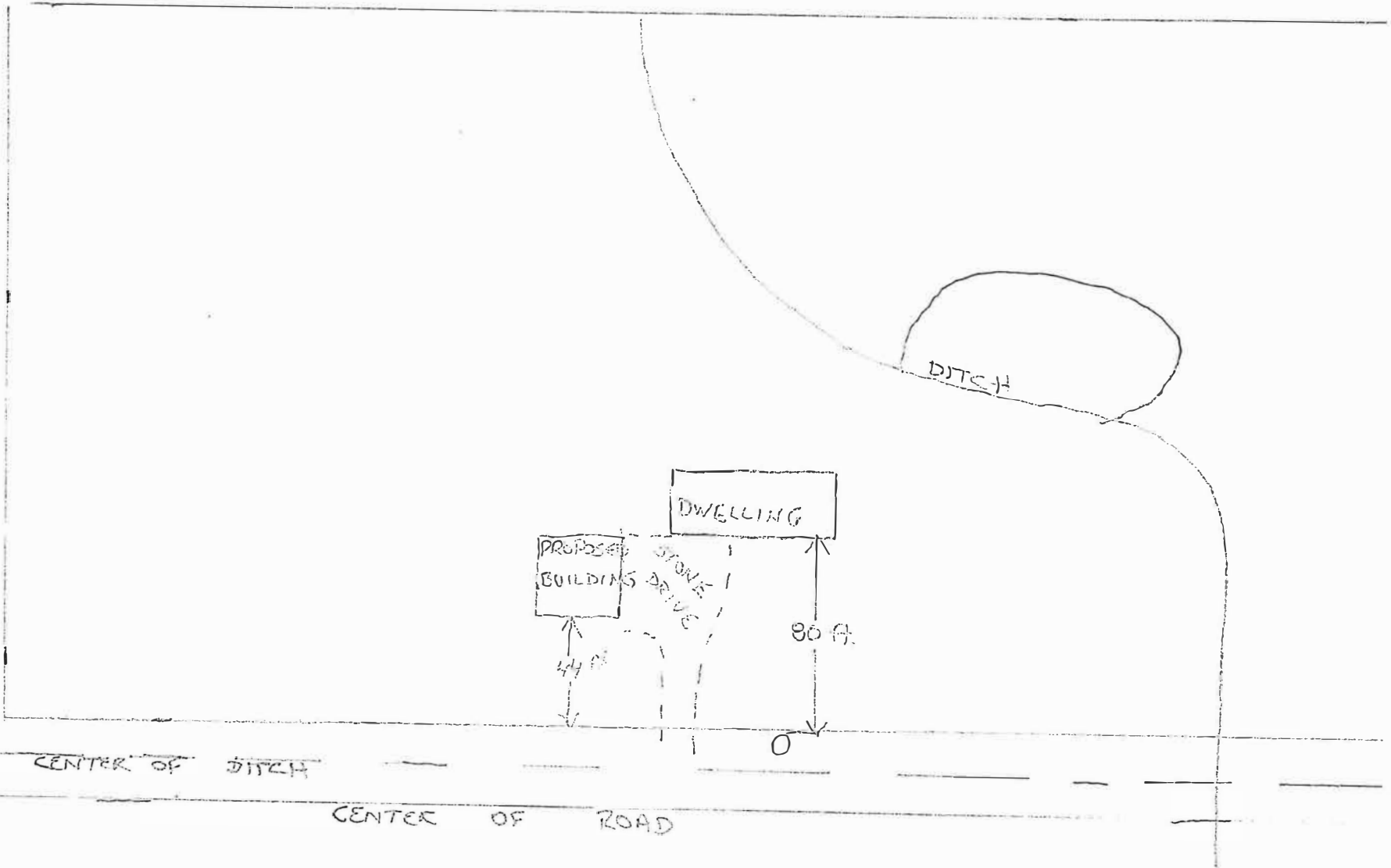
Your Future Naturally

Legend

-  Zone Boundary
-  Subject Property



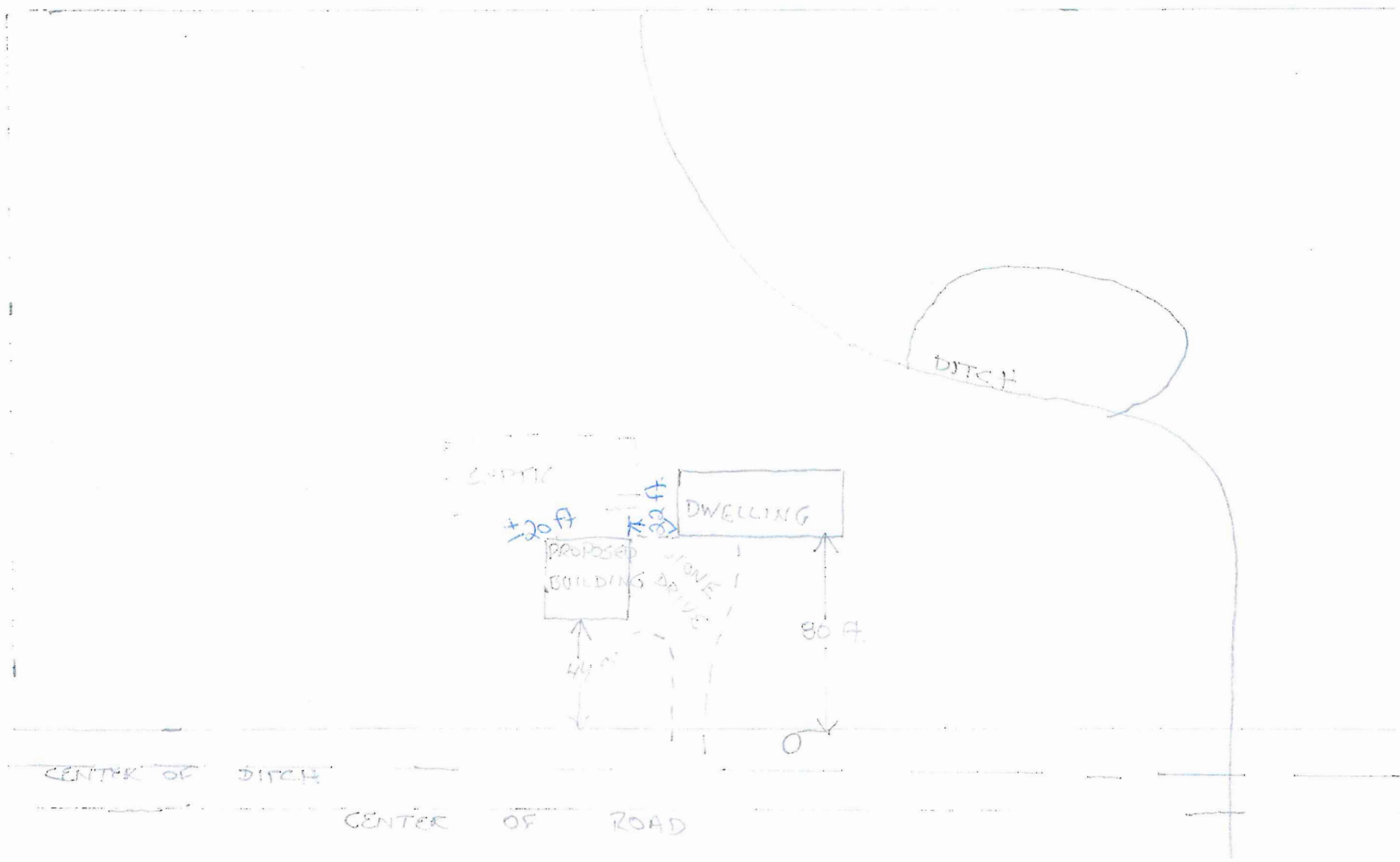
4131 VAUGHAN RD.



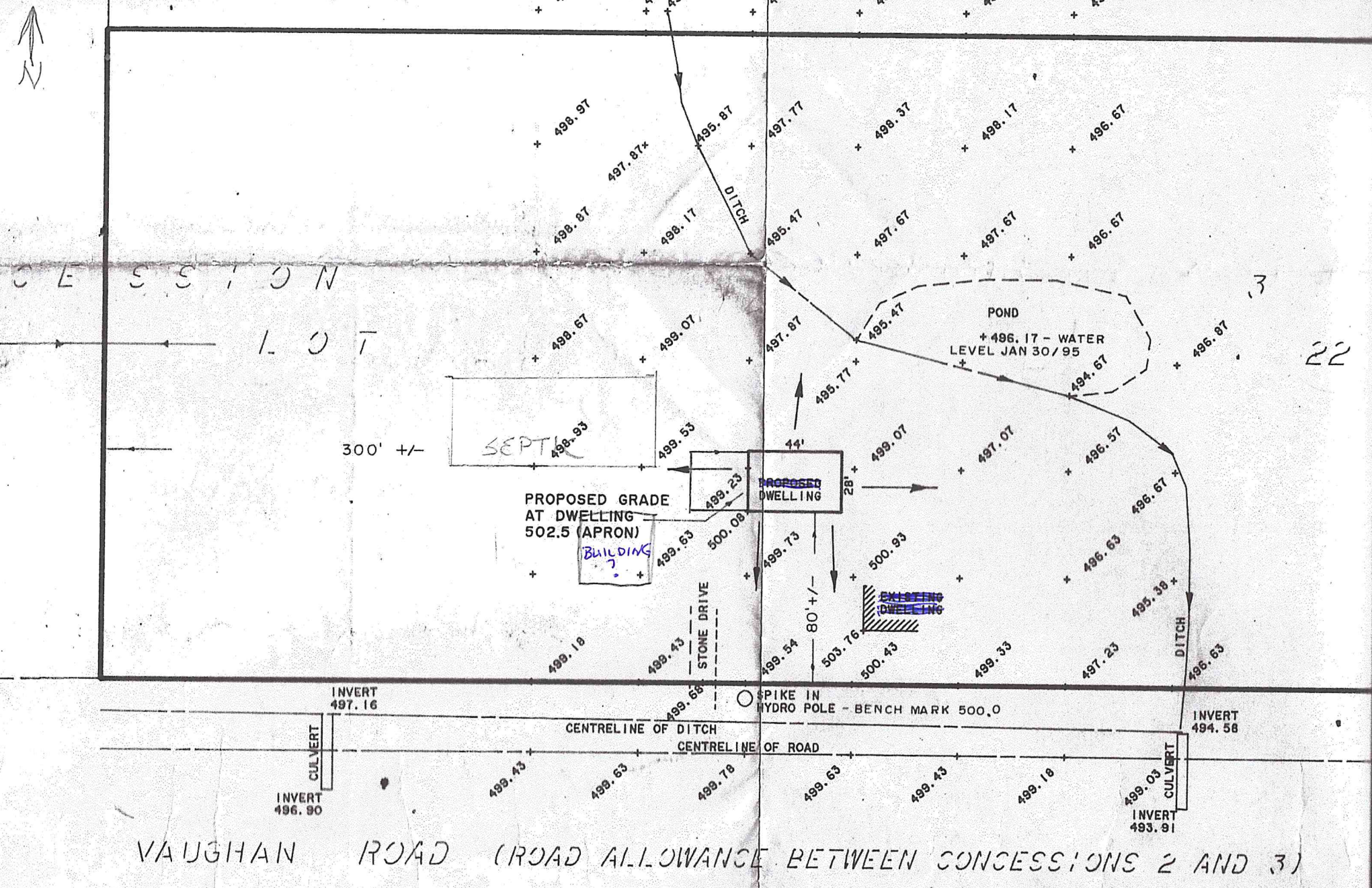
SCALE 1" = 60 ft.



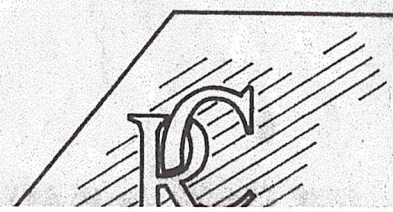
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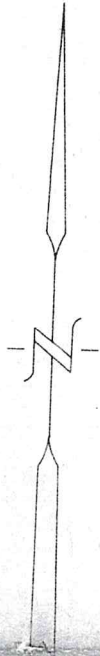
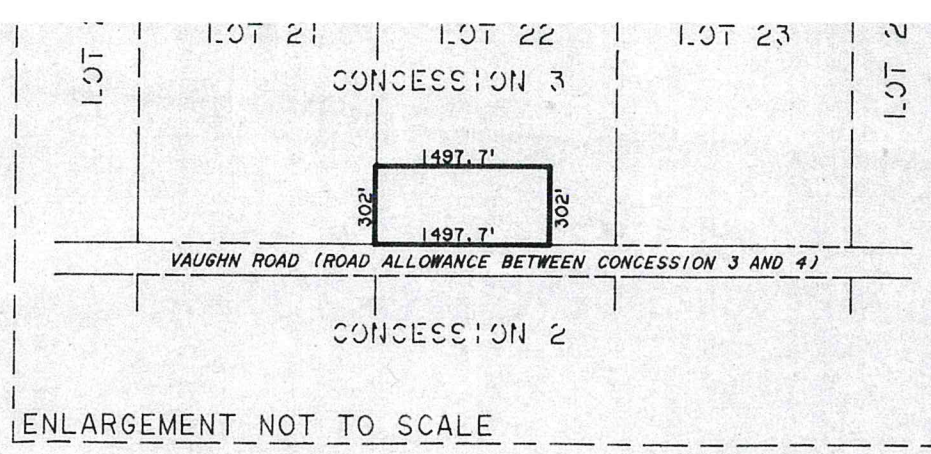
SCALE 1" = 60 ft.



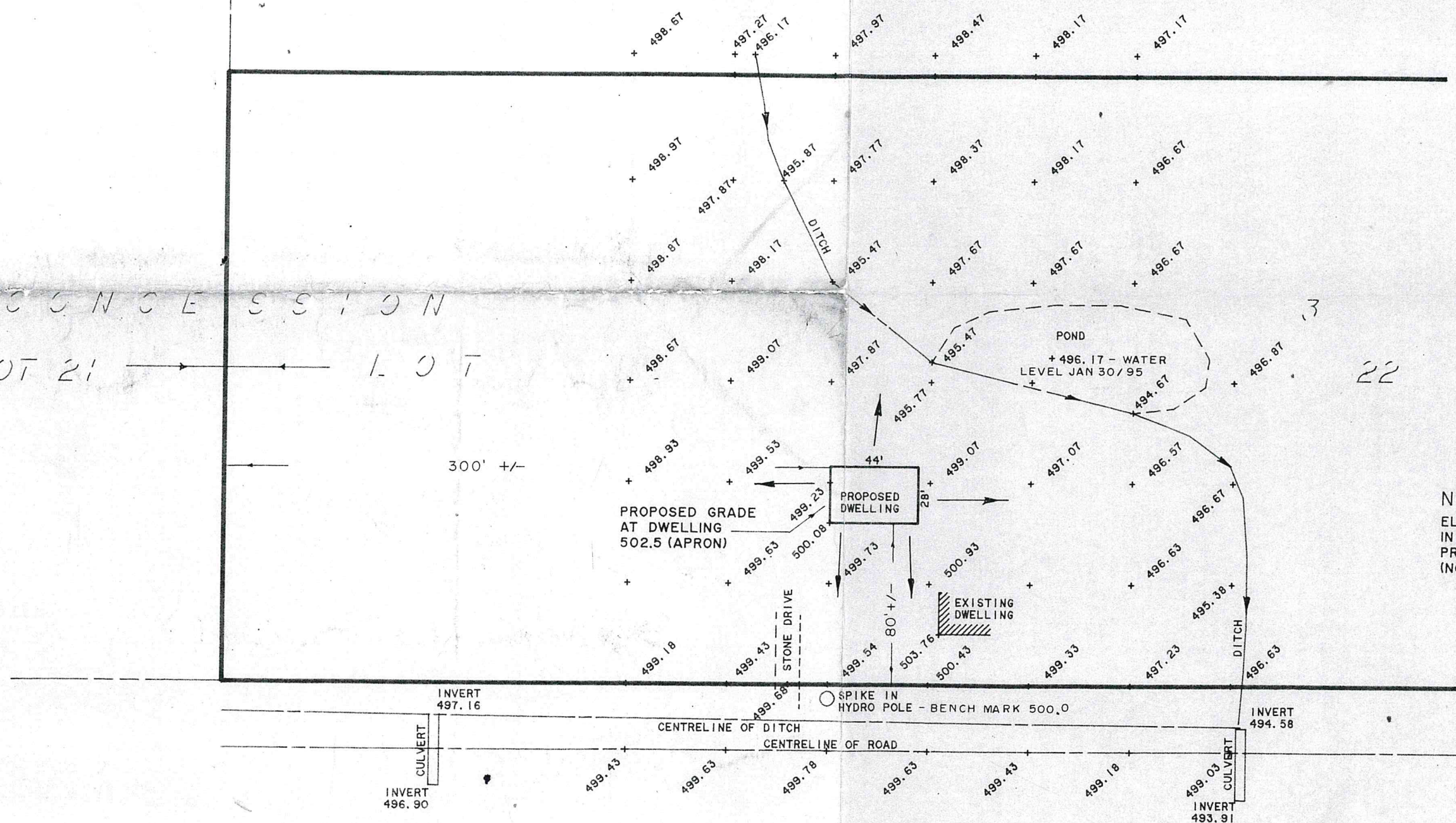
CERTIFICATE
 PREPARED ON THIS PLAN WAS
 DAY OF JANUARY, 1996.



RASCH &
 ASSOCIATES
 ONTARIO
 711 MAIN ST. EAST
 DUNNVILLE, ONT.
 774-7188



CONCESSION
 LOT 21 LOT 22

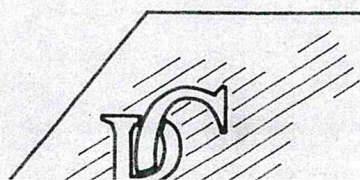


NOTE
 ELEVATIONS ARE REFERRED TO A NAIL
 IN A HYDRO POLE OPPOSITE THE
 PROPOSED DWELLING HAVING AN ASSUMED
 (NOT GEODETIC) ELEVATION OF 500.0 FEET

VAUGHAN ROAD (ROAD ALLOWANCE BETWEEN CONCESSIONS 2 AND 3)

SURVEYOR'S CERTIFICATE

I CERTIFY THAT :
 THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS
 COMPLETED ON THE 30th DAY OF JANUARY 1995.



RASCH & CHAMBERS LTD
 ONTARIO LAND SURVEYORS
 711 MAIN ST. EAST 41 CAITHNESS ST. W. 74 JARVIS ST.
 DUNNVILLE, ONT. CALEDONIA, ONT. FORT ERIE, ONT.



Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free:1-800-263-7215

Via Email Only

File Number: PLMV202400048
Stephanie Pouliot
318 Canborough St., P.O. Box 400
Smithville, ON L0R 2A0

Dear Ms. Pouliot:

Re: Regional and Provincial Comments
Application Type: Minor Variance
Town File Number: A04/2024WL
Applicant: HORTON DAVID MARK
Location: 4131 Vaughan Road;
Municipality Name: West Lincoln

Staff of the Regional Growth Strategy and Economic Development Department has received an application to permit a Type 2 accessory building (120 square metres) located in the front yard and closer to the front yard lot line (13.4 metres) than the dwelling (24.4 metres for the property municipally known as 4131 Vaughan Road in the Township of West Lincoln. Regional staff received notice of this application on March 7, 2024

Staff note that no pre-consultation meeting was held to discuss the proposal. The following comments are provided from a Provincial and Regional perspective to assist the Committee in their consideration of the application.

Provincial and Regional Policies

The subject land is within the 'Prime Agricultural Area' within the Provincial Policy Statement, 2020 ("PPS"), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation ("Growth Plan"), and the Niagara Official Plan, 2022 ("NOP"). The permitted uses within this designation is for agricultural uses, agriculture-related uses, and on-farm diversified uses. In addition, existing legally established uses, such as residential, are recognized and can continue.

Staff note that NOP Policy 4.1.10.2 also permits expansions to accessory structures subject to demonstration of the following:

- a. new municipal services are not required;
- b. the proposal does not expand into key natural heritage features and key hydrologic features, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;
- e. the proposal does not result in the intrusion of new incompatible uses; and

The requested variance, which will facilitate the construction of a new accessory structure (for agricultural equipment storage and repairs), would not be in conflict with Provincial and Regional policies and plans subject to the following comments and local requirements.

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 subject lands are mapped within an area of archaeological potential on Schedule K of the NOP. Staff also note that there is a registered archaeological site in proximity to the subject property. In accordance with Policy 6.4.2.6 of the NOP, a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist is required for any proposed development within an area of archaeological potential requiring approval under the Planning Act. This property is located outside of a settlement area boundary, a licensed archaeologist may consult with the Province if the area can be exempted or scoped. As such, Regional staff recommends that an archaeological assessment(s) be completed and submitted to the Ministry Citizenship and Multiculturalism with a copy of their acknowledgement of the report(s) shared to the Niagara Region and the Township.

Staff recommend that a Stage 1 Archaeological Assessment (at minimum), a Ministry Acknowledgement report and a standard archaeological warning clause be included to advise the applicant should any resources be uncovered through construction works. Appropriate conditions are included within the attached Appendix.

Natural Heritage

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Significant Woodland and the Silverdale Provincially Significant Wetland Complex (PSW), which is considered a Key Hydrologic Feature (KHF) outside of Settlement Areas.

March 18, 2024

NOP policy 3.1.9.8.1 states that a proposal for development or site alteration within 120 metres of a KHF of Significant Woodland will require an Environmental Impact Study (EIS) that identifies a minimum 30 metres Vegetation Protection Zone (VPZ), to be established as natural self-sustaining vegetation. Development or site alteration is generally not permitted within a KHF or its VPZ.

However, NOP policy 3.1.9.8.2 states that EIS requirements can be scoped if the proposed development is minor and is not anticipated to have a negative impact on the NES. As the Minor Variance is for an expansion of an existing use and is less than 30 metres from the features, staff are satisfied that the Minor Variance and proposed development will be minor and not have a negative impact on the NES. Staff therefore offer no objection to the MV, provided that Best Management Practices (BMP) are implemented during construction.

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 accessory agricultural equipment storage building, subject to the following conditions in the appendix.

Please send copies of the staff report and notice of the Town's decision on these applications. If you have any questions related to the above comments, please contact me at connor.wilson@niagararegion.ca

Kind regards,



Connor Wilson
Planner, Development

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

Appendix

Regional Conditions of Approval

1. *That the Applicant submits the required Stage 1 Archaeological Assessment, prepared by a licensed archaeologist and acknowledgement letter from Ministry of Citizenship and Multiculturalism (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.*

2. *That the following warning clause be included to advise the applicant: "Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

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

Clearance of Conditions

Prior to granting final approval, the Township of West Lincoln must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

Stephanie Pouliot

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: March 22, 2024 11:14 AM
To: Stephanie Pouliot
Subject: NPCA Comments regarding - Notice of Hearing and Full Package -Wednesday March 27th COA Hearing
Attachments: Regulated Land Map - 4131 Vaughan Rd.pdf

Good morning Stephanie,

I hope this email finds you well.

Thank you so much for circulating the NPCA the COA applications for March 27th.

Please find NPCA comments below:

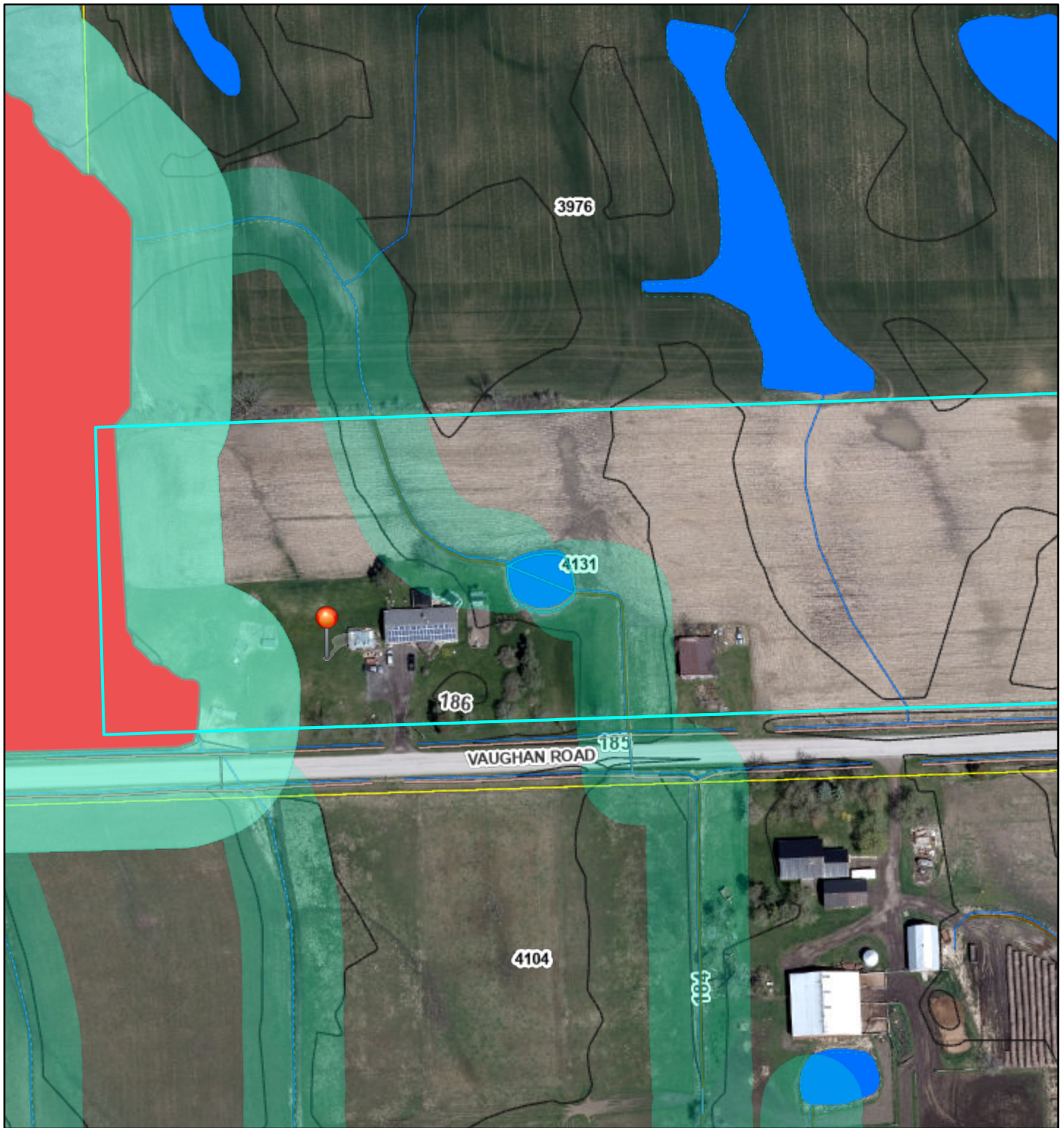
- Consent B02/2024WL & Minor variance A05/2024WL – Buitenwerf, for the property located at 7 Wade Road
 - The subject property is impacted by the top of slope of a valleyland.
 - However, the proposed lot lines for the consent application are not proposed to dissect the regulated feature.
 - As such, the NPCA has no concerns regarding the proposed lot creation or the reduced lot size and will not require a review fee.

- Minor variance A04/2024WL – Horton, for the property located at 4131 Vaughan Road
 - The subject property is impact by regulated watercourses as well as the Silverdale Wetland Complex, a provincially significant wetland, and the regulated buffers of the watercourses and wetlands.
 - In principle, the NPCA does not object to the proposed detached accessory building being proposed in front of the principal use (single detached dwelling).
 - The proposed accessory building appears larger than the existing accessory building that it is proposed to replace.
 - The provided documents do not clearly indicate the setback of the proposed accessory building from the wetlands to the west or the west lot line.
 - The provided documents provide rough indicators of the location of the proposed accessory building – 22 ft from the dwelling with a width of 36 ft, which would put the west wall of the building around 58 ft (~18 m) from the dwelling.
 - If the west wall of the accessory building is 18 m from the dwelling this would be outside of the buffer of the wetland, however the NPCA would request to be circulated an updated site plan which clearly shows the location of the proposed accessory building.
 - As such the NPCA would request the following Conditions be added:
 - THAT, the applicant submits a revised site plan, to the satisfaction of the NPCA.
 - THAT, the applicant submits a review fee of \$678, to the satisfaction of the NPCA.
 - Any future development on the subject property should be circulated to the NPCA for review and approval.

- Minor variance A06/2024WL – Felvus, for the property located at 2995 Grassie Road
 - Please note that there are no NPCA regulated features on 2995 Grassie Road / RR8 and as such the NPCA has no concerns with the increased lot coverage for a proposed detached accessory building and will not require a review fee.

Best,
 Meghan

Regulated Land Map - 4131 Vaughan Rd



3/22/2024, 11:09:59 AM

1:2,257

LIO Wetlands DRAFT

Evaluated-Provincial

SWOOP 2020 NPCA

Red: Band_1

Green: Band_2

Blue: Band_3



Override 1

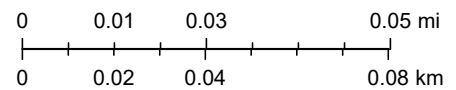
Approximated Regulated Lands Internal Issues Identified

Pending

Yes

No

No Study Required



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

DATE: March 27, 2024

REPORT NO: TO COA-08-2024

FILE NO: A06/2024WL

SUBJECT: **Recommendation Report Application for Minor Variance, Melanie and Michael Felvus (Agent: Vyn Building Services Ltd)**

LOCATION: 2995 Grassie Road, West Lincoln

CONTACT: Stephanie Pouliot, Secretary Treasurer to the Committee of Adjustment

OVERVIEW:

A Minor Variance application has been submitted by Stan Vyn (Vyn Building Services Ltd), on behalf of the property owners, Melanie and Michael Felvus for the property located at 2995 Grassie Road.

A Minor Variance Application has been applied for to permit a Type 2 accessory building (93 square metres), being a detached garage, on the property which results in a total lot coverage of 11% for all buildings on the lot whereas, Table 1-1 found in Part 3 of the Township's Zoning By-law 2017-70, as amended, identifies 200 square metres or 8% of the lot area as the maximum lot coverage for all accessory buildings and structures on the lot, provided the lot coverage shall not exceed the maximum lot coverage in the respective zone, being 10% within an Agricultural 'A' zone as outlined in Table 12 in Part 5 of the Township's Zoning By-law 2017-70, as amended.

RECOMMENDATION:

That, the application for Minor Variance, submitted by Vyn Building Services Ltd. on behalf of the property owners, Melanie and Michael Felvus, as outlined in Report COA-08-24, to permit a Type 2 accessory building (93 square metres) which results in a total lot coverage of 11% for all buildings on the property, BE APPROVED.

BACKGROUND & SURROUNDING LAND USES:

2995 Grassie Road is a 0.41 hectare (1 Acre) lot located on the east side of Grassie Road, south of Young Street, and north of Highway 20 (Regional Road 20). The subject property is also located north west of the Hamlet of Kimbo.

The majority of the surrounding land uses are designated in the Township's Official Plan as *Good General Agricultural Lands* including the subject property. The surrounding lands are actively farmed with a number of small rural residential properties. The subject property is zoned Agricultural 'A' and currently contains a dwelling that was constructed in 2019. The owners are now looking to construct a detached garage with a size of 93 sq. metres, which exceeds the maximum lot coverage of 10%.

CURRENT SITUATION:

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

Does the Proposal Maintain the General Intent of the Official Plan? Yes

The subject property is designated as Good General Agriculture in the Township's Official Plan (OP). The Official Plan policy of the Good General Agricultural designation recognizes that there are a number of legally established non-agricultural land uses, and that these uses, including the residential use of the subject lands, may continue (Section 4.2(c)). The proposed detached garage is accessory to the residential use on the property.

The main objectives for the Good General Agricultural Area is protecting Agricultural areas, preserving viable agricultural lands as well as, promoting small scale secondary uses which do not hinder the surrounding agricultural area. This proposal will not be hindering the surrounding Agricultural lands with the requested variance pertaining to lot coverage. The proposed detached garage is a permitted secondary use to the existing dwelling on the subject property. For these reasons, Planning Staff consider the proposal consistent with the intent and general purpose of Section 4 of the Township's OP, which is protecting and preserving the long-term agricultural use within West Lincoln.

For these reasons, Planning Staff believe the proposal to be in alignment with the general intent and purpose of the Township's OP policies.

Does the proposal maintain the general intent and purpose of the Zoning Bylaw? Yes

The subject property is zoned Agricultural 'A' with a total lot size of 0.41 hectares (1.01 acres). As outlined in Table 11 in Part 5 of the Township's Zoning By-law 2017-70, as amended, permits the proposed detached private garage (93 square metres) as it is an accessory use to the permitted principal use (dwelling) on the property.

Aside from the requested variance pertaining to lot coverage, the proposed Type 2 accessory building (93 square metres) complies with the remainder of the required setbacks identified in Table 1-1 in Part 3 and Table 12 in Part 5 of the Township's Zoning By-law 2017-70, as amended. The location of the detached private garage given the proposed size 7.62 metres by 12.19 metres (93 square metres) is appropriate in the rear

yard (4.57 metres from the south interior side yard and 5.18 metres from the rear lot line) and will have adequate space to comply with the remainder of the Township's Zoning By-law regulations as shown on the site plan (See Attachment 2).

Additionally, the proposed accessory building (93 square metres) is within and under the permitted size limit of 120 square metres. Ground floor area (GFA) is the area of a building enclosed in with walls, while lot coverage is the area covered by a roofed area. The proposed accessory building complies with the maximum ground floor area, interior and rear setbacks permitted by Table 1-1 found in Part 3 of the Township's Zoning By-law 2017-70, as amended. Given the existing lot size (0.41 hectares/1.01 acres), the maximum lot coverage for accessory buildings is limited to 8% of the lot area, provided the lot coverage does not exceed the maximum lot coverage permitted for all buildings and structures on the lot.

In this case, the existing dwelling (361.9 square metres) and the proposed detached private garage total a lot coverage of 11% which exceeds the maximum permitted by 1% as outlined by Table 12 Part 5 of the Township's Zoning By-law 2017-70, as amended, which identifies 10% as the maximum lot coverage permitted within Agricultural 'A' zones.

The subject property has an existing lot size of 0.41 hectares (1.01 acres) which makes it more comparable to the Township's Rural Residential 'RuR' zone. The Rural Residential Zone permits a maximum lot coverage of 20%, where the Agricultural zone only permits a maximum of 10%. The proposed accessory building would comply with the ground floor area permitted for accessory buildings in a 'RuR' zone as well as, the required interior and rear setbacks as outlined by Table 1-1 found in Part 3 of the Township's Zoning By-law 2017-70, as amended. Given that the property functions more as a Rural Residential property, the proposed detached private garage (93 square metres) still aligns with the general intent of the Township's Zoning By-law.

For these reasons, Planning Staff consider this proposal to be consistent with the general purpose of the Township's Zoning By-law 2017-70, as amended.

Is the Proposal desirable for the appropriate development or use of the land? Yes

Planning Staff consider the proposal to be appropriate development and use of land since there are no adverse impacts anticipated on the surrounding area, including the existing agricultural land uses. The subject property is not actively farmed and will not affect the continued long-term agricultural uses in the area, including the abutting farm parcel to the south east of the property.

The proposed area of the private garage at 93 square metres is consistent with average Type 2 accessory buildings in the area, and permitted in West Lincoln. Type 2 accessory buildings are permitted to a maximum of 120 square metres as long as in compliance with the applicable lot coverage. Given the lot area and the total proposed lot coverage of 11% would comply within a Rural Residential 'RuR' zone, Planning Staff can consider the detached accessory garage to be appropriate development.

For these reasons, Planning Staff believe the proposal is desirable and appropriate given the existing use of the property.

Is the proposal minor in nature? Yes

The proposal requires a variance as the accessory detached private garage exceeds the maximum lot coverage by 1% with a total of 11%. The proposed detached garage is permitted as an accessory use to the existing dwelling on the property. Given the existing lot area (0.41 hectares/1.01 acres) is typical for a Rural Residential 'RuR' lot and the 11% would comply with the 20% lot coverage applicable, Planning Staff consider this proposal to be minor in nature as the general intent of the Township's Official Plan and Zoning By-law provisions are being maintained. The proposed accessory detached garage is compatible with the existing land uses and should have no adverse impacts on the surrounding area.

For these reasons, Planning Staff recommend approval of this Minor Variance Application to permit the detached Type 2 accessory building (93 square metres) on the property.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Building Department: At the time of writing this report, no comments have been received.

Public Works: No comments or objections to provide on this application.

Septic System Inspection Manager: No comments or objections to provide on this application as submitted.

Niagara Peninsula Conservation Authority (NPCA): Have no concerns or objections with this application as there are no regulated environmental features on the subject property.

Niagara Region: Have noted the property is located within an area designated for Archaeological Potential. As such, the Region have also recommended a Stage 1 Archaeological Assessment, however Planning Staff consider the proposed location for the detached garage within previously disturbed lands and as such, the warning clause included in the Regional comments is considered sufficient in lieu of a Stage 1. Regional comments can be found in Attachment 3. The Committee can add the Stage 1 Archaeological Assessment, if they see it appropriate.

PUBLIC COMMENTS:

At the time of writing this report, no public comments have been received.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance Application (A06/2024WL) as outlined in Report COA-08-24, to permit a Type 2 accessory building (93 square metres) which results in a total lot coverage of 11% for all

buildings on the property.

ATTACHMENTS:

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

Prepared & Submitted by:



**Stephanie Pouliot,
Planner**

Approved by:



**Gerrit Boerema, RPP, MCIP
Manager of Planning**





Location Map
2995 Grassie Road

0 30 60 120 Meters



West Lincoln
Your Future Naturally

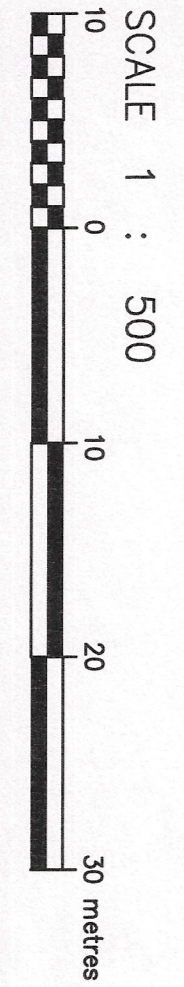
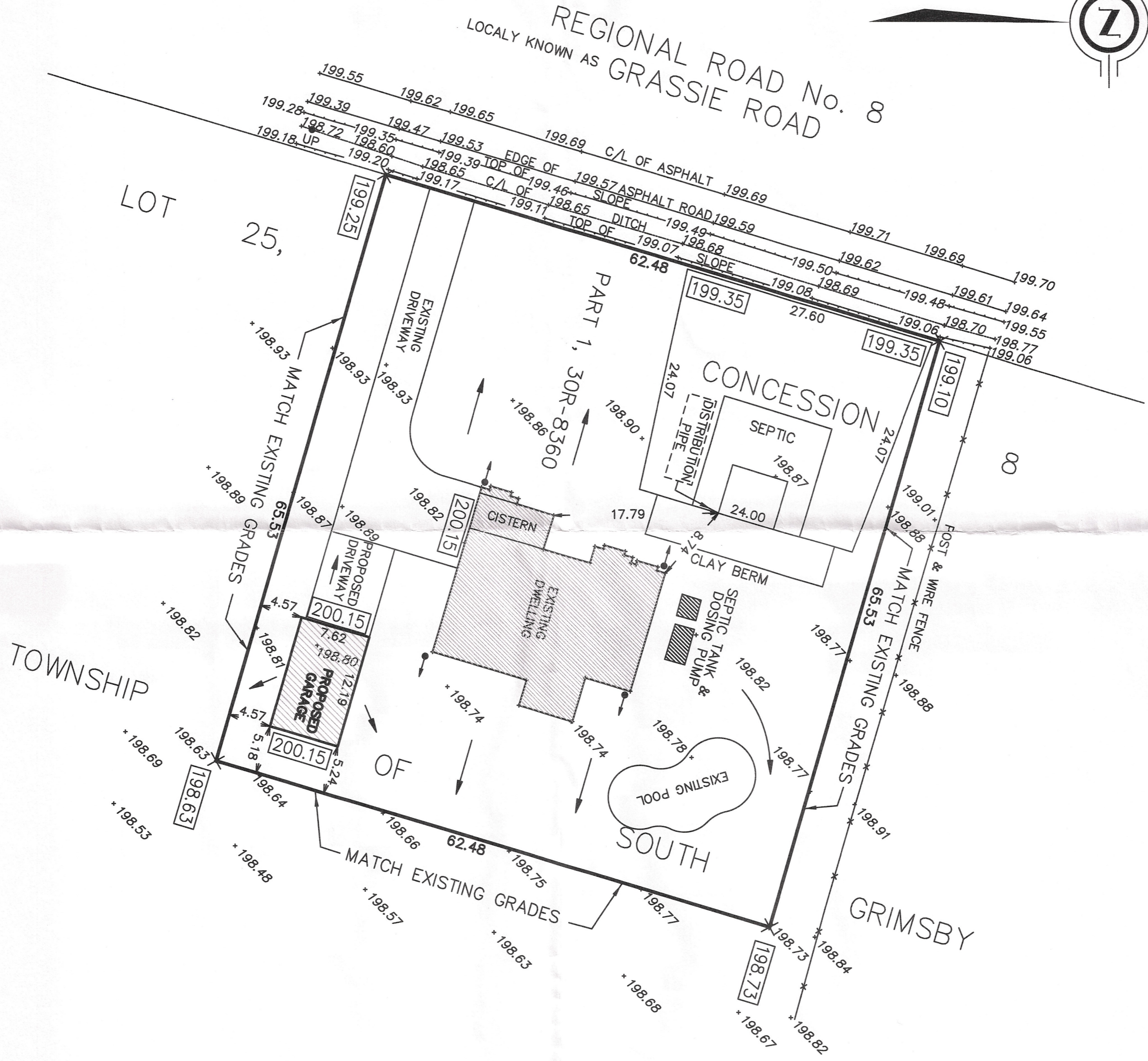
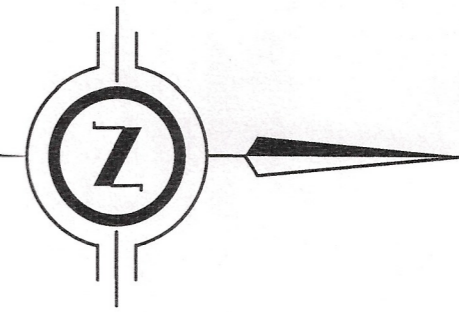
Legend

-  ZoneBoundary
-  Subject Property

TOWNSHIP OF WEST LINCOLN - LOT GRADING PLAN
 Legal Description **PART OF LOT 25, CONCESSION 8, TWP OF S. GRIMSBY (BEING PART 1 ON PLAN 30R-8360)**
 Street No. **GRASSIE RD**
 Builder or Owner **VYN BUILDING SERVICES LTD. (905) 961-7820**
 BOUNDARY INFORMATION HAS BEEN DERIVED FROM A FIELD SURVEY DATED APRIL 29, 2019. THIS IS NOT A PLAN OF SURVEY.
 © COPYRIGHT 2024

LEGEND
 Drainage Direction
 Setback Measurement
 Downspout & Direction of Discharge
 Existing Ground Elevation
 Proposed Ground Elevation
 Finished Ground Elevation

METRIC NOTE
 DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
ELEVATION NOTE
 ELEVATIONS ARE OF GEODETIC ORIGIN (CGVD-1928.78), DERIVED FROM GNSS OBSERVATIONS AND NRCAN'S GEOD MODEL HT2.0.



SCALE 1 : 500
 LOT AREA=4094.5 sq.m.
 LOT COVERAGE=361.9 sq.m. (8.8)%

Dwg attached	DRAWN AA / AH	CHECKED	DP	ZONE A	REF. 19-16-112-00	SCALE 1:500
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Proposed Grading Certification
 I hereby certify that the proposed grading shown is compatible with adjoining lands.

As Constructed Grading Certification
 I hereby certify that I have taken the finished grades shown, and that the grading of this land does not impact adversely on adjoining lands.

by Township _____ Date _____
 DASHA PAGE O.L.S.
 Date FEB. 21, 2024

Date _____
 O.L.S.

J.D. BARNES SURVEYING & MAPPING GIS
 4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
 T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com
 THIS SKETCH IS PROTECTED BY COPYRIGHT, AND IS AN ORIGINAL ONLY IF EMBOSSED BY A SURVEYOR'S SEAL.



Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free:1-800-263-7215

Via Email Only

File Number: PLMV202400050
Stephanie Pouliot
318 Canborough St., P.O. Box 400
Smithville, ON L0R 2A0

Dear Ms. Pouliot:

Re: Regional and Provincial Comments
Application Type: Minor Variance
Town File Number: A06/2024WL
Applicant: FELVUS MICHAEL JOSEPH
Location: 2995 Grassie Road;
Municipality Name: West Lincoln

Staff of the Regional Growth Strategy and Economic Development Department has received an application to permit a Type 2 accessory building (93 square metres) which exceeds the maximum lot coverage of 10% (11%) for the property municipally known as 4131 Vaughan Road in the Township of West Lincoln. Regional staff received notice of this application on March 7, 2024.

Staff note that no pre-consultation meeting was held to discuss the proposal. The following comments are provided from a Provincial and Regional perspective to assist the Committee in their consideration of the application.

Provincial and Regional Policies

The subject land is within the ‘Prime Agricultural Area’ within the Provincial Policy Statement, 2020 (“PPS”), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation (“Growth Plan”), and the Niagara Official Plan, 2022 (“NOP”). The permitted uses within this designation is for agricultural uses, agriculture-related uses, and on-farm diversified uses. In addition, existing legally established uses, such as residential, are recognized and can continue.

Staff note that NOP Policy 4.1.10.2 also permits expansions to accessory structures subject to demonstration of the following:

- a. new municipal services are not required;

b. the proposal does not expand into key natural heritage features and key hydrologic features, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;

e. the proposal does not result in the intrusion of new incompatible uses;

The requested variance, which will facilitate the construction of a new accessory structure (garage), is not in conflict with Provincial and Regional policies and plans subject to the following comments and local requirements.

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 subject lands are mapped within an area of archaeological potential on Schedule K of the NOP. In accordance with Policy 6.4.2.6 of the NOP, a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist is required for any proposed development within an area of archaeological potential requiring approval under the Planning Act. As such, Regional staff recommends that an archaeological assessment(s) be completed and submitted to the Ministry Citizenship and Multiculturalism with a copy of their acknowledgement of the report(s) shared to the Niagara Region and the Township.

Staff recommend that a Stage 1 Archaeological Assessment, a Ministry Acknowledgement report and a standard archaeological warning clause be included to advise the applicant should any resources be uncovered through construction works.

Appropriate conditions are included within the attached Appendix.

Conclusion

Staff of the Regional Growth Strategy and Economic Development Services Department does not object to the request for a Minor Variance to permit an accessory structure (garage), subject to the following conditions in the appendix.

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

Please send copies of the staff report and notice of the Town's decision on these applications. If you have any questions related to the above comments, please contact me at Connor.Wilson@niagararegion.ca

PLMV202400050

March 18, 2024

Kind regards,

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

Connor Wilson
Planner, Development

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

Appendix

1. *That the Applicant submits the required Stage 1 Archaeological Assessment, prepared by a licensed archaeologist and acknowledgement letter from Ministry of Citizenship and Multiculturalism (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.*

2. *That the following warning clause be included to advise the applicant: "Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

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



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

January 24, 2024, 7:00p.m.

Present Members:

- Peter Forsberg (Chair)
- Kim Willis (Sitting Member)
- Deborah Coon-Petersen (Sitting Member)

Staff:

- Gerrit Boerema
- Stephanie Pouliot

Public:

- Matthew Butler
- Chris Buitenwerf

Via Zoom:

- Jarret McNamee

1. CHAIR

The Chair will call to Order the evening's proceedings.
The meeting was called into Order at 7:03pm.

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

There were none.

3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT

Minor Variance application A17/2023WL has been withdrawn by the applicant and agent. The request for withdrawal was received by Township staff on December 20th, 2023.

4. APPLICATION(S)

a) A18/2023WL – Butler - McNamee (AJM Designs Inc. - Agent)

Manager of Planning, Mr. Boerema provided an overview of the application.

Agent, Mr. McNamee had nothing more to add, noting Mr. Boerema cover his presentation.

Sitting members had no questions or comments on the application.

Chair Forsberg noted it is time to vote.

Member Willis made a motion to approve the application with the included conditions.

Member Coon-Petersen seconded the motion, acknowledging the letter/concerns from Mr. and Mrs. Moffatt have been heard.

All in favour.

Carried.

Secretary Ms. Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date, being 20 days from today which will expire on Monday, February 12th, 2024. Documentation will follow.

b) A01/2024WL - Galaxy Pallets Ltd. (Bruce McFarlane)

Manager of Planning, Mr. Boerema provided an overview of the application, noting Mr. McFarlane is not here this evening. We will follow-up with him tomorrow.

Chair Forsberg asked whether there will be a noise reduction?

Manager of Planning, Mr. Boerema responded no claim it will reduce noise but as more of the business will be contained inside the facility, there should be no additional compatibility issues.

Sitting members had no questions on the application.

Chair Forsberg noted it is time to vote.

Member Coon-Petersen made a motion to approve the application with the one condition.

Member Willis seconded the motion.

All in favour.

Carried.

Secretary Ms. Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date, being 20 days from today which will expire on Monday, February 12th, 2024. Documentation will follow.

5. MINUTES FOR APPROVAL

There were no minutes for approval at this time.

6. NEW BUSINESS

There is no new business at this time.

7. ADJOURNMENT

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

PETER FORSBERG, CHAIR

STEPHANIE POULIOT,
SECRETARY-TREASURER