

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

Wednesday, April 24, 2024, 7:00 p.m. Township Administration Building 318 Canborough Street, Smithville, Ontario

**Pages** 

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- 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
- 4. APPLICATIONS
  - a. A05/2024WL Corey and Shayna Buitenwerf (Agent Andrew Frandsen)

Property Address: 7 Wade Road

A Minor Variance application has been applied for in conjunction with a previously conditionally approved Consent application B02/2024WL to permit a new building lot with the following requested variances,

### Parcel 1(Severed)

- -A Minimum lot size of 515 square metres whereas 550 square metres is required.
- A minimum front yard setback of 5.5 metres whereas 7.5 metres is required.
- A minimum rear yard setback of 8 metres whereas 10 metres is required.

### Parcel 2 (Retained)

- To recognize a minimum rear yard setback of 6.07 metres to the existing dwelling located on 7 Wade Road whereas 10 metres is required.
- A21/2022WL Schilstra Brothers Inc. (Agent Katelyn Gillis)
   Property Address: 113 Griffin Street, Smithville, ON L0R 2A0

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A minor variance application has been applied for to permit the conversion of the existing 2-storey brick building, (formerly a Masonic Lodge and day nursery) to a mixed use building with two (2) ground floor commercial units and four (4) apartment dwellings above, with provisions from the Township's Zoning By-law 2017-70, for C1 zones. Four variances are being requested through this application:

- A minimum amenity space of 10m² per dwelling unit whereas 20m² is required.
- A minimum parking space dimension of 2.6m x 6.0m, from the required minimum of 2.7m x 6.0m is required
- A double traffic lane with a minimum width of 3.13m and a maximum width of 4.4m for travel in two directions, whereas a minimum width of 6m and a maximum width of 9.0m is required.
- An exception from the requirement of planting strips along the rear lot line whereas a planting strip is required along the rear lot line.

### 5. MINUTES FOR APPROVAL

February 28th, 2024 - Committee of Adjustment Hearing Minutes

### 6. NEW BUSINESS

### 7. ADJOURNMENT

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

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# REPORT COMMITTEE OF ADJUSTMENT

**DATE:** April 24, 2024

**REPORT NO:** COA-06-2024

SUBJECT: A052024WL – Recommendation Report - Application for Minor

Variance - 7 Wade Road - Corey and Shayna Buitenwerf

(Agent: Andrew Frandsen)

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

Adjustment

### **OVERVIEW:**

 A Minor Variance application has been submitted by Andrew Frandsen on behalf of Corey and Shayna Buitenwerf for the property municipally known as 7 Wade Road.

- This Minor Variance application has been applied for in conjunction with a previous conditionally approved severance application B02/2024WL, which conditionally severed Parcel 1 (515 square meters) from Parcel 2 (920 square meters). See the attached survey sketch.
- This Minor Variance application has been submitted to request four variances to permit the proposed building lot and a future dwelling. The variances requested are as follows:
  - A lot area of 515 square metres whereas, the minimum lot area 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.
  - Recognize an existing rear yard setback of 6.07 metres for the existing dwelling on Parcel 2.

### **RECOMMENDATION:**

That, the application for Minor Variance, submitted by Andrew Fransden (Agent) on behalf of Corey and Shayna Buitenwerf, as outlined in Report COA-06-2024, to permit a minimum lot area of 515 square metres, a minimum front yard setback of 5.54 metres, a minimum rear yard setback of 8 metres for Part 1, and a reduced rear yard of 6.07 metres for the existing dwelling on Part 2, Be APPROVED

### **BACKGROUND:**

The subject property is located at the north east corner of Wade Road and 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. The previous conditionally approved severance which was heard on March 27, 2024, had conditionally severed Parcel 1 (Severed Lands) being 515 square metres in area. A full planning review of that severance application was completed in <a href="Staff report COA-05-2024">Staff report COA-05-2024</a>.

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 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 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).

As a condition of approval for the severance, the applicants are required to apply for either a minor variance or zoning bylaw amendment to ensure that both the severed and retained lots comply with the Township's Zoning Bylaw. Four variances have been applied which include:

- A lot area of 515 square metres whereas, the minimum lot area is 550 square metres.
- Recognize an existing rear yard setback of 6.07 metres for the existing dwelling on Parcel 2.

These variances above are directly related to the newly created lot that consent application B02/2024WL approved.

- 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.

These variances are related to expand the building envelope on the proposed lot.

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 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 and 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 Minor Variance is consistent with the main objectives of Section 5 Growth Management of the OP, including Policy 5.2(i) to encourage and facilitate redevelopment, infilling and intensification within the Urban Settlement area of Smithville. The intent of this minor variance is to recognize deficiencies from a previously conditionally approved consent application which created a new building lot for a single detached dwelling on the corner of Wallis Avenue and Wade Road in Smithville. These applications are both aligned with infilling and meeting the targets for growth as previously mentioned. The applications at 7 Wade Road are 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. By providing for a small reduction to the front and rear yard setbacks, the building envelope on the subject property is increased, which would encourage a dwelling that is more compatible with the area with potentially less height.

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

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 conditionally approved building lot will mimic the surrounding low density residential uses and the variances requested are shown in the below table for an "R1B' zone.

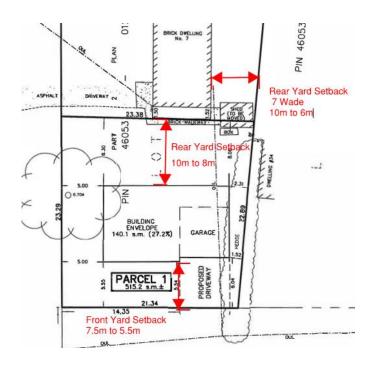
Required	Proposed	Notes
Minimum Lot Area: 550m2	515m2	Proposed size to accommodate a future single detached dwelling and due to the existing dwelling, any increase in size would not be possible.
Minimum Front Yard: 7.5m	5.5m	Front yard is measured along the shortest lot line that abuts a street which in the case is Wallis Avenue.
Minimum Rear Yard: 10m	8m	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.
Minimum Rear Yard: 10m (Existing Dwelling at 7 Wade Road)	6m	Rear yard is the distance from the nearest point of the dwelling to the rear lot line.
Minimum Side Yard: 1.5m	1.52m Meets the minimum Side yard setback minimum	Means a yard extending from the front yard to the rear yard between a side lot line and the nearest wall of a building or structure on the lot.

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 font 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).

The minimum total lot size is only 6.5% smaller than what is permitted in the Townships Zoning Bylaw from 550 m² to 515 m², and with the proposed building envelope, there is still adequate open space on both the severed and retained properties for an appropriate amenity area.

The front yard setback proposed is 5.5 metres whereas the required front yard setback is 7.5 metres, this is a 27% reduction. The rear yard is required to be 10 metres and the applicants are proposing 8 metres, this is a 20% reduction, both setbacks still allow for an appropriate front and rear yard area. Planning staff are of the opinion if we allow a larger ground floor building envelope, it might reduce the possibility of a 3 storey dwelling unit. Overall, the applicants are maintaining a minimum interior side yard setback to 34 Wallis Avenue and based on the above staff feel that it meets the intent of the Townships Zoning Bylaw.



### 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 the land since this application is primarily recognizing zoning deficiencies resulting from the conditionally approved consent that created a new lot on the subject property. The building envelope is permitted and recognized by the Township's Official Plan policies and staff do not anticipate any adverse effects on the surrounding area or abutting properties as what is being proposed is a single detached dwelling in a low density single detached dwelling neighbourhood. Furthermore, as the remainder of the Township's Zoning regulations are being fulfilled, with exception of those variances applied for, and this will create a building lot for a single detached dwelling which is aligned with infilling and meeting the targets for growth in the urban area of Smithville, which is permitted and encouraged, Planning staff consider this proposal desirable and appropriate for the use of the land.

### Is the proposal minor in nature? Yes

The proposed building envelope for a proposed future single detached dwelling is compatible with the existing surrounding low density residential land uses. The requested variances include a reduced lot area of 35 metres squared, from 550 square metres to 515 square metres, a reduced front yard setback of 1.96 meters from 7.5 metres to 5.54 metres, and a reduced rear yard setback of 2 metres from 10 metres to 8 metres. The zoning on the subject property will allow for a maximum height of 10 metres, which could include a 3 storey dwelling. By having a larger building envelope, the need and probability for a third storey is reduced.

Planning staff have compared this to the existing surrounding residential properties and staff consider this proposal for the four requested minor variances minor in nature as the general intent of the Townships Official Plan and Zoning By-Law provisions are being

### maintained.

Address	# of Stories	Front Yard Setback
Proposed	Up to 3 (10m)	5.54 m
7 Wade Road	2	7 m
34 Wallis Avenue	2	9 m
11 Wade Road	1	7.5 m
27 Wallis Avenue	2	8.5 m
32 Wallis Avenue	2	6.8 m

The additional variance requested is to recognize an existing rear yard setback deficiency located on the residential property at 7 Wade Road. The deficiency is of 4 metres, from 6 metres to 10 metres to recognize the existing dwelling. This deficiency was a result of the front lot line changing once the severance was conditionally approved. The front lot line is the shortest lot line that abuts a street on a corner lot, and in this case was Wallis Avenue. Now that the front lot line is Wade Road and the property is deficient in terms of rear yard. As there are no physical changes to the location of the dwelling that was constructed in 1969, staff believe this variance as well as the others are all minor in nature as they do not represent a significant departure of what the zoning requires or what other buildings in the vicinity are setback.

### **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.

**Septic System Inspection Manager:** No comments or objections to provide on this application as this lot will be serviced by full municipal water and sewer services.

**Niagara Peninsula Conservation Authority:** No comments or objections to provide on this application

**Niagara Region:** Regional staff note that no review is required as a previous comment letter (Township File NO. B02/2024WL) and can be found in the Planning <u>Staff report COA-05-2024.</u>

### **PUBLIC COMMENTS:**

Notice for the Minor Variance was circulated by way of regular mail on April 4th, 2024 to all property owners within 60 metres of the subject property. A yellow notice sign was also posted on the subject property. At the time of writing this report, no public comments have been submitted.

There were two written comments that were submitted as part of the related consent application and were included in Staff report COA-05-2024.

As a part of the consent application, there were concerns with the minimum lot area and setback reductions. Staff have outlined in this report that the minimum lot area and reductions to the required front and rear yard setbacks meets the four tests of a minor variance and should not have a negative impact on the neighbourhood.

There was also one public comment that was resubmitted to planning staff on April 12<sup>th</sup> with concerns about property values and parking spaces. Staff note that the proposed driveway will accommodate 2 standard sized vehicles. Planning staff also want to make note that some of the immediate neighbouring properties also don't comply with the current setbacks of an R1B zone, specifically interior side yard setbacks and the rear yard setbacks. Therefore, staff feel that this proposed building lot would not cause any negative impacts to the surrounding neighbourhood.

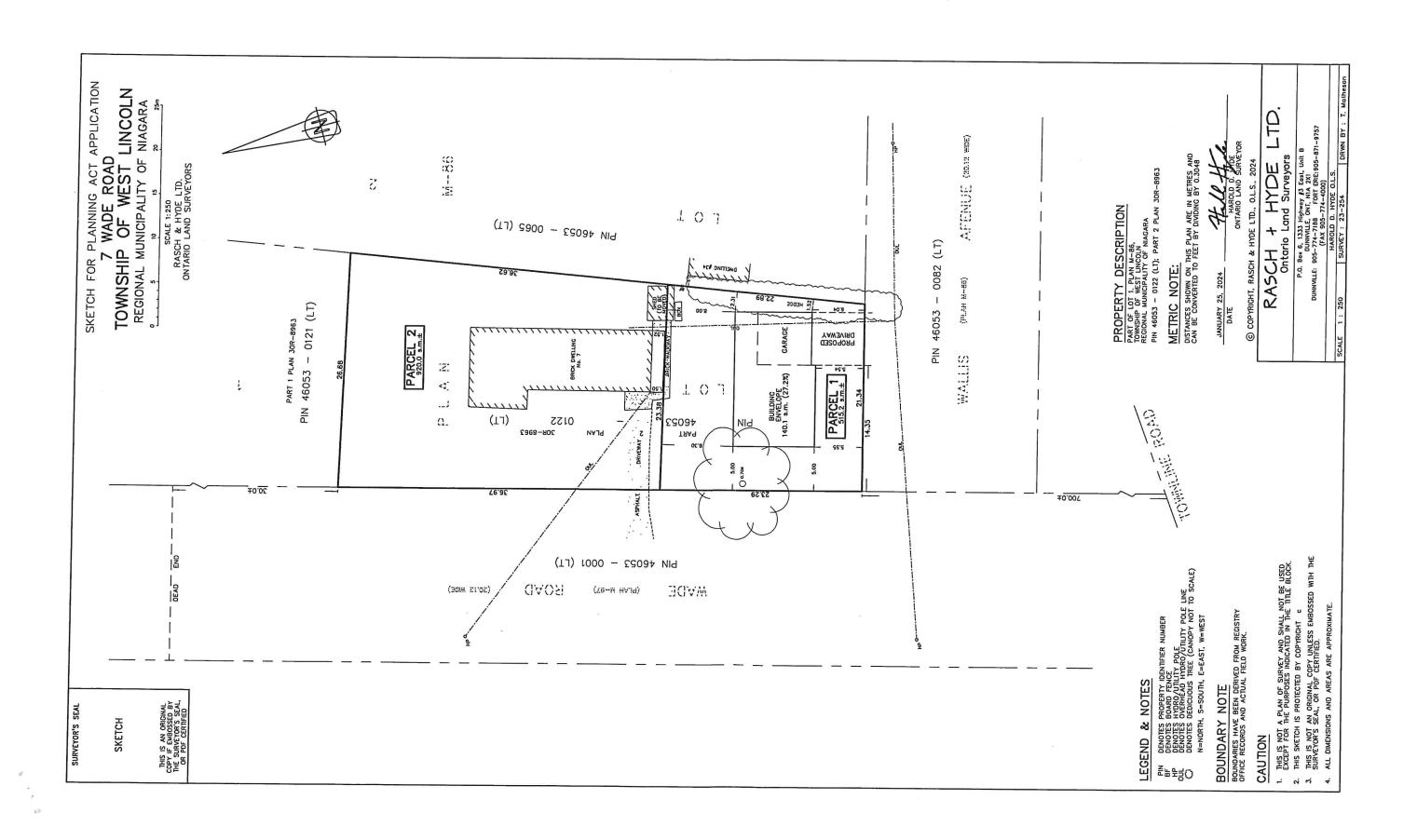
### **CONCLUSION:**

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance application A05/2024WL as outlined in report COA-06-2024 to permit a 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. And to recognize rear yard setback to an existing dwelling on Parcel 1 of 6.07 metres whereas, the minimum is 10 metres to the existing dwelling.

### ATTACHMENTS:

- 1. Site Sketch
- 2. Agency Comments
- 3. Public Comments

Prepared & Submitted by:	Approved by:
Madyson Etzl	Gerrit Boerema, RPP, MCIP
Senior Planner	Manager of Planning



### Attachment No. 3 to COA-06-2024

### **Stephanie Pouliot**

From: April Arthur

Sent: April 12, 2024 12:00 PM
To: Stephanie Pouliot

**Subject:** Regarding A05/2024WL and B02/2024WL

Regarding minor variance request. A05/2024WL and B02/2024WL

We are property owners at 11 Wade Rd and allowing these variances would greatly effect us and our property value. We would like the Township of West Lincoln to adhere and abide by the zoning by laws enacted. The reasons we believe our obvious and apparent is this case and need to be followed as they were established in order not to <u>devalue the surrounding properties</u> by overcrowding. This property does not provide adequate parking, and would have inadequate backyard space. Again we believe the established bylaws were put in place to be adhered too for just these situations. That parcel of property in no way fits with the neighbourhood properties and would stick out like a sore thumb hence devaluing our property value.

Thank you John and April Arthur 11 Wade Rd.

### **Stephanie Pouliot**

From: Jennifer Bernard

Sent: April 10, 2024 1:33 PM

To: Stephanie Pouliot

Subject: RE: Notice of Hearing and Full Package -Wednesday April 24th COA Hearing

Hi Stephanie,

I have no comments to provide on either of these applications.

Thanks, Jenn

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



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From: Stephanie Pouliot <spouliot@westlincoln.ca>

Sent: April 5, 2024 2:46 PM

**To:** Pat.busnello@niagararegion.ca; devtplanningapplications@niagararegion.ca; susan.dunsmore@niagararegion.ca; Connor.Wilson@niagararegion.ca; mbirbeck@npca.ca; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Barb Behring <br/><bbernard@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>

**Cc:** Brian Treble <a href="mailto:btreble@westlincoln.ca">btreble@westlincoln.ca</a>; Gerrit Boerema <a href="mailto:gboerema@westlincoln.ca">gboerema@westlincoln.ca</a>; Susan Smyth <a href="mailto:ssmyth@westlincoln.ca">ssmyth@westlincoln.ca</a>; Madyson Etzl <a href="mailto:metzl@westlincoln.ca">metzl@westlincoln.ca</a>; Susan Smyth

Subject: Notice of Hearing and Full Package -Wednesday April 24th COA Hearing

Good Afternoon,

Please find attached the notice of hearing and full package for the below applications going forward at the April 24th Committee of Adjustment hearing.

- Minor variance A21/2022WL Schilstra Brothers Inc. for the property located at 113 Griffin Street
- Minor variance A05/2024WL –Buitenwerf for the property located at 7 Wade Road

If you have any comments or concerns, please let me know.

Kind regards, Stephanie

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### **Stephanie Pouliot**

From: Wilson, Connor < Connor. Wilson@niagararegion.ca>

**Sent:** April 11, 2024 4:30 PM **To:** Stephanie Pouliot

**Cc:** Development Planning Applications

Subject: RE: Notice of Hearing and Full Package -Wednesday April 24th COA Hearing

Good afternoon Stephanie

### 113 Griffin Street

Staff note this application is exempt from review as the Region has been reviewing the Site Plan application. Any requirements will be address through that application.

### 7 Wade Road

Regional staff note that no review is required as a previous comment letter (Township File No. B02/2024WL) was circulated and recommended an archaeological warning clause as a condition. It is noted that the Committee of Adjustment did not add in the condition as per the Notice of Decision. Accordingly, staff have no further comments to provide but wish to reiterate the archaeological warning clause for the applicants information.

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C."

Please do not hesitate if you have any questions or concerns with the above.

All the Best,



Connor Wilson
Development Planner

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

**P:** (905) 980-6000 ext. 3399 **W:** www.niagararegion.ca

**E:** <u>connor.wilson@niagararegion.ca</u>

From: Stephanie Pouliot <spouliot@westlincoln.ca>

Sent: Friday, April 5, 2024 2:46 PM

**To:** Busnello, Pat <pat.busnello@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Wilson, Connor <Connor.Wilson@niagararegion.ca>; mbirbeck@npca.ca; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbertol@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Barb Behring <br/><bberling@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>

**Cc:** Brian Treble <a href="mailto:climates">climates</a>; Susan Smyth <a href="mailto:climates">cssmyth@westlincoln.ca</a>; Susan Smyth <a href="mailto:ssmyth@westlincoln.ca">cssmyth@westlincoln.ca</a>; Jeni Fisher <a href="mailto:jfisher@westlincoln.ca">jfisher@westlincoln.ca</a>; Madyson Etzl <a href="mailto:metzl@westlincoln.ca">metzl@westlincoln.ca</a>; Susan Smyth <a href="mailto:ssmyth@westlincoln.ca">cssmyth@westlincoln.ca</a>; Madyson Etzl <a href="mailto:metzl@westlincoln.ca">metzl@westlincoln.ca</a>; Susan Smyth <a href="mailto:ssmyth@westlincoln.ca">ssmyth@westlincoln.ca</a>; Madyson Etzl <a href="mailto:metzl@westlincoln.ca">metzl@westlincoln.ca</a>; Susan Smyth <a href="mailto:ssmyth@westlincoln.ca">ssmyth@westlincoln.ca</a>; Madyson Etzl <a href="mailto:metzl@westlincoln.ca">metzl@westlincoln.ca</a>; Subject: Notice of Hearing and Full Package -Wednesday April 24th COA Hearing

**CAUTION EXTERNAL EMAIL:** This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

### Good Afternoon,

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- Minor variance A21/2022WL –Schilstra Brothers Inc. for the property located at 113 Griffin Street
- Minor variance A05/2024WL –Buitenwerf for the property located at 7 Wade Road

If you have any comments or concerns, please let me know.

Kind regards, Stephanie

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# REPORT COMMITTEE OF ADJUSTMENT

**DATE:** April 24, 2024

REPORT NO: COA-12-2024

SUBJECT: Application for Minor Variance – 113 Griffin Street

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

Adjustment

### **OVERVIEW:**

 A minor variance application has been submitted by Katelyn Gillis of Landwise (formerly T. Johns Consulting) on behalf of Schilstra Brothers Inc., owners of 113 Griffin Street.

- 113 Griffin Street has a total lot size of approximately 716 square metres and is zoned Core Commercial 'C1'.
- The subject property contains a 2 storey brick building (formerly a Masonic Lodge and day nursery).
- The applicants have applied for a minor variance to facilitate the conversion of the existing 2-storey brick building to a mixed use building with two ground floor commercial units and four accessory dwellings above. The four variances being requested are through this application:
  - o A minimum amenity space of 10m² per dwelling unit whereas 20m² is required.
  - A minimum parking space dimension of 2.6m x 6.0m, from the required minimum of 2.7m x 6.0m is required.
  - A double traffic lane with a minimum width of 3.13m and a maximum width of 4.4m for travel in two directions, whereas a minimum width of 6m required.
  - An exception from the requirement of planting strips along the rear lot line whereas a planting strip is required along the rear lot line.
- The Minor Variance Application was originally applied for in 2022 but was deferred by the applicants in September 2022. The Minor Variance application and development concept for the property has since been revised with a reduction of four units and the addition of two commercial units.
- The applicants have also applied for a Site Plan Agreement which staff are currently processing.
- After reviewing the four tests of a minor variance, planning staff can recommend approval of the requested variances.

That, the application for Minor Variance, submitted by Katelyn Gillis of Landwise on behalf of Schilstra Brothers Inc., as outlined in Report COA-12-2024, to permit; A minimum amenity space of 10m<sup>2</sup> per dwelling unit, A minimum parking space

dimension of 2.6m  $\times$  6.0m, A double traffic lane with a minimum width of 3.13m, and an exception from the requirement of planting strips along the rear lot line; BE APPROVED;

Subject to the following condition:

1. That, the applicant applies for a Site Plan Application and enters into an agreement with the Township.

### **BACKGROUND:**

The subject property municipally known as 113 Griffin Street is located on the west side of Griffin Street/ Regional Road 14, between Smits Cove and St. Catharine's Street. The legal description is Lot 35, Plan M-92, in the Township of West Lincoln. The subject property is rectangular in shape with 10.6 metres of frontage on Griffin Street, a lot depth of 53.43 metres and an approximate total lot size of 716 square metres. The property contains a vacant two-storey brick building, formerly a Masonic Lodge and day nursery, with a single-storey stucco addition on the rear, which staff believe have since been removed. The proposed rear parking area is proposed to be accessed via a shared access easement (R0127862) on 107 Griffin Street in favour of 113 Griffin Street and other abutting land owners.

The applicants are proposing to convert the existing two-storey building into a mixed-use building with two ground floor commercial units and four accessory dwelling units above. The applicants are proposing modifications from the Township's Zoning By-law 2017-70, from the C1 zone to accommodate the parking and amenity area and access in relation to the conversion. These include a minimum amenity space of  $10\text{m}^2$  per dwelling unit whereas  $20\text{m}^2$  is required, a minimum parking space dimension of  $2.6\text{m} \times 6.0\text{m}$ , from the required minimum of  $2.7\text{m} \times 6.0\text{m}$  is required, a double traffic lane with a minimum width of 3.13m and a maximum width of 4.4m for travel in two directions, whereas a minimum width of 6m and a maximum width of 9.0m is required, and an exception from the requirement of planting strips along the rear lot line where a planting strip is required. The overall development is proposed to be supported by eight parking spaces including one barrier free space. The applicants will provide outdoor amenity space and a secure structure suitable for bicycle parking within a dedicated space in the rear yard.

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

In the Township's Official Plan, the subject property is designated as Core Commercial within the Urban Settlement Area. The Urban Settlement Area policies are found in Section 6 of the Official Plan. The intent of the Urban Settlement Area is to protect and enhance the existing character of Smithville, and ensure new developments and redevelopments maintain compatibility with existing development. The objective is also to promote mixed use development and redevelopment in appropriate locations in Smithville.

Additionally, the intent of the Core Commercial land use designation promotes economic revitalization of the downtown, specifically, through adaptive reuse, moderate levels of redevelopment, while ensuring no adverse impacts on adjacent areas within the Downtown area. Intensification can also be accommodated as long as it keeps with the character of the Downtown area.

Section 6.7.1 of the Township's Official Plan also further outlines the objectives and policies of the Core Commercial Area. Specifically, with regards to this variance application, the policy states that density will not be specifically regulated in the Core Commercial Area and that it is encouraged that sufficient parking be provided. Sufficient parking is important as Smithville is still, and will remain for some time, an auto dependant community where most dwellings depend on the automobile for life's necessities. There is very limited parking availability in the downtown core. Municipal parking spaces in the Downtown core are primarily intended to serve downtown commercial uses and are not to be relied upon for residential uses.

The applicant has also submitted a Parking Analysis completed by Paradigm Transportation Solutions Limited, however, since that report was submitted, the application has been revised and the number of residential units has been reduced to four. As a result, the zoning bylaw only requires 1 space per accessory dwelling unit and no additional spaces for the commercial units. As such, this development meets the requirement for minimum number of parking spaces in the Zoning Bylaw.

Furthermore, the subject property is located within the Community Improvement Area. The intent of these areas as outlined in Section 18 of the Official Plan are to preserve, rehabilitate and redevelop the existing built environment, and to maximize the use of existing public infrastructure, facilities, lands and amenities.

It is finally important to note that the applicants are proposing to preserve a historical building in the downtown core, which is in support of Township Official Plan policies that require that the downtown historical character be maintained and enhanced. As such, this application meets the overall intent Township's Official Plan.

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

The subject property is zoned Core Commercial 'C1'. The Core Commercial 'C1' zone requirements are outlined in the table below, along with the applicants proposed provisions, and the deficiency between them.

	I =	
Zoning Requirement	Proposed Variance	Deficiency
Lonning requirement	i i oposca varianoc	Delibicitor

Minimum Parking Space Dimension: 2.7 metres by 6 metres	Parking Space Dimension: 2.6 metres by 6 metres.	0.1m- deficient 7 spaces
Minimum Amenity Space: 20m² per dwelling unit	Minimum Amenity Space: of 10m² per dwelling unit	10m <sup>2</sup> per dwelling unit
Minimum Width for a double traffic lane: 6 metres	Minimum width for a double traffic lane 3.13 metres	2.87 metres
Planting strips along the rear lot line	An exception from planting strips along the rear lot line	No Planting Strips

The subject property faces a number of zoning related constraints due to the existing site. As such the proposed site works, including the parking area, access and amenity area relating to the conversion of the building to residential does not meet the above zoning regulations, as noted by the applicants planning consultants.

### Parking

When the original minor variance application was made in 2022, eight residential units were proposed resulting in a deficient number of parking spaces. Since that time, the application and development proposal has been revised to only four units, and the development now provides the adequate number of parking spaces.

The Township's zoning bylaw, Section 3.12 recognizes that parking shall be provided and maintained for the identified uses of lots, buildings and structures. However, subsection 3.12.1 b) recognizes that this Clause shall not apply to existing uses of existing lots, buildings and structures provided it meets the three clauses outlined below.

- i. The existing use, lot, building or structure was lawfully in existence prior to the effective date of this By-law; and,
- ii. Where there is a change in use of a lot, building or structure, parking and loading facilities shall be provided and maintained for such new use in accordance with the requirements of this Section, except that no additional parking or loading facilities shall be required for a change in use of an existing lot, building or structure located in the Core Commercial (C1) Zone; and,
- iii. If the number of dwelling units, the floor area or the seating capacity within a building or structure is increased, parking and loading facilities shall be provided for such increased dwelling units, floor areas and seating capacity in accordance with the requirements of this Section.

As the second clause indicates, where there is a change to use of an existing building located in the Core Commercial Zone, no additional parking shall be required. However, as the third clause reiterates if the number of dwelling units within a building increases, parking shall be provided for increased dwelling units. It is important to note, there are

currently no parking spaces on the subject property.

Eight spaces are being provided, including one barrier free, and only 5 spaces are required. All seven of the regular spaces are slightly deficient in size by 0.1 metre, as shown in the table above.

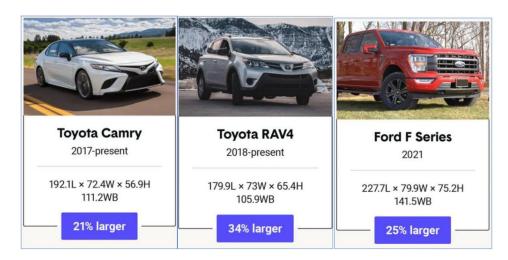
### Amenity Area

In terms of the reduced amenity space, the applicant is still meeting the intent of the Townships Zoning By-Law; Section 6, Table 15 by providing an outdoor space for recreational use and social opportunities for this development. As well, given the downtown core location of the proposed mixed-use building at 113 Griffin Street, there are multiple parks within a reasonable walking distance, such as the West Lincoln Community Centre which is about a 10 minute walk, as well as the grocery store and restaurants on St. Catharine Street which is about a 15 minute walk. There is also the new Smithville Square Parkette which is located at the corner of St. Catharine Street and Brock Street, approximately 65 metres from the subject property.

#### Access lane

There is a 3.13 metre main access aisle into the parking area for the proposed site. This access aisle is based on an existing right of way, and the location of the existing building. Although not typically adequate for two way traffic, based on dimensions of typical vehicles, the access aisle should be adequate width for most vehicles.

Planning staff note that an approximate width for a F150 vehicle is approximately 2 metres wide, the applicants are proposing the access aisle to be 2.75 metres in width, therefore at one time the truck would be able to drive through the access lane. Staff have also provided the dimensions for a smaller SUV and a sedan in the image below.



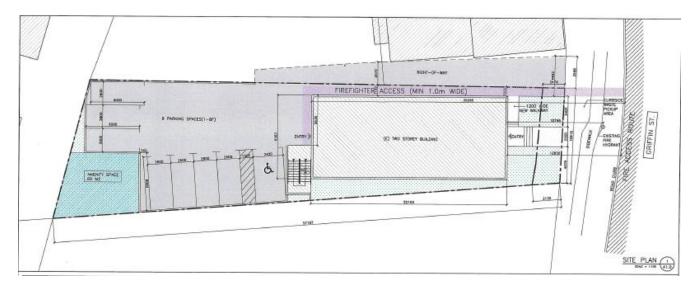
Township staff has also been in communication with the Township Fire Department and

they have indicated that in the event of an emergency, they would not drive their trucks on site. Based on the typical size of vehicles and that this access would not be utilized by Township Emergency Services, the proposed and existing access width appears sufficient.

Due to how small this development is in terms of number of units and the parking area, traffic volumes utilizing the access lane will be low. Based on the above information, the access lane maintains the intent of the Township's Zoning Bylaw.

### Planting Strip

Additionally, the applicants are requesting an exception from a planting strip along the rear lot line that abuts an RM2 zoned lot. Section 3.9.2 of the Townships bylaw states that planting strips shall be provided along the rear lot line of a lot that is used for a non-residential zone that abuts a residential zone. The applicants are proposing a 60m² amenity space on the rear lot line, this amenity space will occupy about 50% of the rear lot line and in turn reduced the deficient rear planting strip from approximately 15 metres to 6 metres. Only a small portion of the planting strip, approximately 4 metres along the rear property line will not meet the planting strip requirement in order to maintain property access to all parking spaces. Any grading or drainage concerns will be dealt with through the ongoing site plan process.



Planning Staff would also like to note that this minor variance application is subject to the condition of site plan, which will include a requirement that only compact vehicles will be permitted to use the parking area, as there are deficiencies which would make it difficult to navigate a larger vehicle.

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

The subject property is a small commercial property that currently occupies a vacant two-

storey building, formerly used as a Masonic Lodge and nursery. The development proposes to re-adapt the existing building for a mixed-use commercial and residential building with two commercial units at grade and four dwelling units above with rental tenure. The proposed mixed-use building will enhance the existing character of the surrounding community and is an example of adaptive reuse and maximizes the existing infrastructure and amenities. Staff have analysed each of the variances to determine if they are appropriate development for the property:

To permit a minimum amenity space of 10m² per dwelling unit whereas 20m² is required. Staff can consider this variance an appropriate use of the land as the applicants are proposing to utilize the existing urban lands to be used as outdoor space to support the retention of an existing heritage resource to be readapted for residential uses while promoting the use of public infrastructure and investment, which also includes the Townships "Smithville Square Parkette which is within 65 metres of the subject property. Less land is available for amenity area in an effort to maximize off-street parking on the property.

To permit a minimum parking space dimension of 2.6m x 6.0m, from the required minimum of 2.7m x 6.0m is required.

Staff can consider this variance appropriate for the use of the lands as the slightly reduced dimension will allow for the proposed development to maximize on-site parking to support the end users. As part of the site plan approval, there will be requirements to only permit compact vehicle access to the parking lot to recognize that the zoning deficiencies to access aisle and reduced parking stall dimensions will create challenges for larger vehicles.

To permit a double traffic lane with a minimum width of 3.13m and a maximum width of 4.4m for travel in two directions, whereas a minimum width of 6m and a maximum width of 9.0m is required.

Planning staff can consider this variance appropriate the traffic lane going into and out of the parking lot will maintain the existing lot boundaries, easements and takes into consideration existing buildings. The site plan agreement will contain a requirement that the access be improved to meet the Township's standards.

To permit an exception from the requirement of planting strips along the rear lot line whereas a planting strip is required along the rear lot line.

Planning staff can consider this variance appropriate development as eliminating the rear planting strip has allowed the applicants to provide more on-site parking and through the Site Plan Agreement stage the applicants will maximize on-site landscaping where feasible to further enhance the condition of the site. The planting strip has only been eliminated from a small portion of the property line.

### Is the proposal minor in nature? Yes

Although the proposed mixed-use building is appropriate redevelopment for the downtown core, the proposal has triggered a number of minor zoning modifications.

As previously mentioned, the applicants submitted a previous application in September 2022 which was deferred due to needing more clarify and information from the applicants, However, since the original submission and deferral, the applicants and their agent have revised their application and development reducing the number and extent of their variances. Based on the fact that this is an infill development and it is constrained by existing easements and buildings, the proposed variances are minor in nature.

### **INTER-DEPARTMENTAL & AGENCY COMMENTS:**

Notice was mailed to applicable agencies and departments on April 4<sup>th</sup> 2024. The Niagara Region submitted comments which stated that this application is exempt from review as the Region has been following along with the Site Plan application.

Township Public Works Department stated they had no concerns with this application.

The Townships Fire Department had reviewed the application through the previous submission in September 2022, and indicates that if the event of an emergency, they would not drive their trucks on site anyway. As such the Fire Department had no concerns with the application.

### **PUBLIC COMMENTS:**

Notification was mailed to members of the public within 60 metres of the subject property on April 4<sup>th</sup> 2024. Staff have received the following public comments on the most recent circulation of this application.

Staff had previously circulated the deferred application on September 1<sup>st</sup> 2022 and had received three comments from members of the public. As the application and proposed development has changed significantly, resulting in compliance with the number of parking spaces, which was a main issue in the previous application staff feel that most of these comments have been addressed.

Staff received a new public submission on April 13<sup>th</sup> 2024 from a neighbouring property owner, which addressed concerns about the risk of an increase in traffic on the existing busy intersection at St Catharines Street and Griffin Street, as well as the lack of visitor spaces for the residential units as well as the commercial units, and lack of on street parking. Staff also received a second comment on April 15<sup>th</sup> which spoke to all four proposed variances.

Township staff have thoroughly reviewed the material provided by Ms. Marie Horne, the owner of 111 Griffin Street. Town staff have had multiple meetings with Ms. Horne as well as have received a number of legal opinions both from the applicants and from the Township's own lawyer regarding the right of way between 113 Griffin Street and 111 Griffin Street, and owned by 107 Griffin Street. Township's staff's understanding is the following:

- 113 Griffin Street (the subject property) is entitled to a right-of-way over a portion of the lands to the north (109A/107 Griffin Street) which gives 113 Griffin Street Access to their rear yard.
- 111 Griffin Street (Marie Horne) appears to also have some rights for access over the same strip of land.
- Marie Horne and previous property owners of 111 Griffin Street have historically parked on the lands noted as a right of way.
- The necessary improvements of this right of way will need to be resolved between 113 Griffin Street and 109A/107 Griffin Street, if the variance is granted.
- The variance application is only requesting a reduced double lane access of just over 3 metres. It will be between the parties involved to confirm that access is possible in this location, although in the opinion of the Township and its Legal Counsel, there is legal access.
- The applicants indicated that they had reached out to Ms. Horne to offer a parking spot, but it is staffs understanding that this has not been pursued that this time.

Based on the above, and the meetings that Township staff have had with the applicants, Ms. Horne and lawyers, we believe that the approval of the minor variances requested can be recommended for approval.

### **CONCLUSION:**

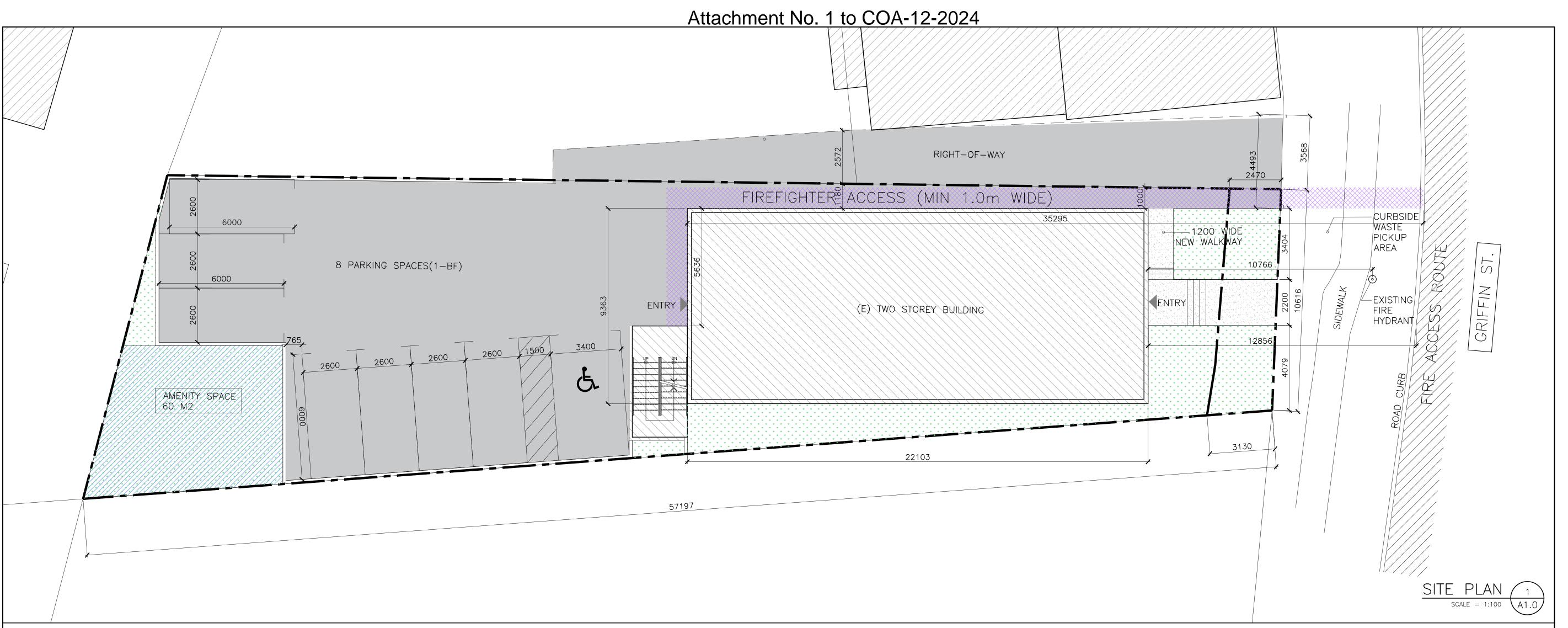
Planning staff have reviewed this application against the four tests of a Minor Variance and against the applicable planning policies and recommend support for staff report COA-12-2024, a mixed-use building with two ground floor commercial units and four apartment dwellings above with a minimum amenity space of  $10m^2$  per dwelling unit whereas  $20m^2$  is required, A minimum parking space dimension of  $2.6m \times 6.0m$ , from the required minimum of  $2.7m \times 6.0m$  is required, A double traffic lane with a minimum width of 3.13m and a maximum width of 4.4m for travel in two directions, whereas a minimum width of 6m and a maximum width of 9.0m is required, An exception from the requirement of planting strips along the rear lot line whereas a planting strip is required along the rear lot line. Staff have reviewed these variances and can recommend approval of the proposed application as they meet the four tests of a minor variance.

### ATTACHMENTS:

- 1. Location Map
- 2. Preliminary Site Plan Sketch
- 3. Planning Brief
- 3. Agency Comments
- 4. Public Comments

Prepared & Submitted by: Approved by:

	Page   <b>10</b>
Madyson Etzl	Gerrit Boerema, RPP, MCIP
Senior Planner	Manager of Planning



2017-70	<u></u>		
PROVISIONS	REQUIRED	PROPOSED	CONFORMITY
PERMITTED USE	APARTMENT DWELLING COMMERCIAL	COMMERCIAL SPACE (2 UNITS) APARTMENT DWELLING (4 UNITS)	YES
MINIMUM LOT AREA (RH ZONE)	120m <sup>2</sup> (PER DWELLING UNIT) 4 UNITS * 120m <sup>2</sup> = 480m <sup>2</sup>	717.4m²	YES
MINIMUM LOT FRONTAGE	-	-	N/A
MINIMUM FRONT YARD ADJOINING REGIONAL ROAD 14)	-	-	N/A
MINIMUM INTERIOR SIDE YARD	-	-	N/A
MINIMUM REAR YARD ABUTTING RESIDENTIAL ZONE	6m	19.38m	YES (EXISTING)
MAXIMUM LOT COVERAGE	-	-	N/A
MINIMUM HEIGHT	2 STOREYS	2 STOREYES	YES (EXISTING)
MAXIMUM HEIGHT	15m	11m	YES (EXISTING)
MINIMUM LANDSCAPED OPEN SPACE	-	-	N/A
MINIMUM GROSS LEASABLE FLOOR AREA	-	-	N/A
MINIMUM AMENITY AREA - DWELLING WITH 3 TO 4 DWELLING UNITS ON ONE LOT (RH ZONE)	20m <sup>2</sup> PER DWELLING UNIT = 80m <sup>2</sup>	40m <sup>2</sup>	NO
SETBACK TO PUBLIC STREET CENTRELINE	10.05m	10.33m	YES (EXISTING)
PARKING REQUIREMENTS	L		(=: :::0:)
APPLICABILITY AND GENERAL REQUIREMENTS	ii. NO ADDITIONAL PARKING OR LOADING FACILITIES SHALL BE REQUIRED FOR A CHANGE IN USE OF AN EXISTING LOT, BUILDING OR STRUCTURE LOCATED IN THE CORE COMMERCIAL (C1) ZONE iii. IF THE NUMBER OF DWELLING UNITS, THE FLOOR AREA OR THE SEATING CAPACITY WITHIN A BUILDING OR STRUCTURE IS INCREASED, PARKING AND LOADING FACILITIES SHALL BE PROVIDED FOR SUCH INCREASED DWELLING UNITS, FLOOR AREAS AND SEATING CAPACITY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.	0 ON-SITE PARKING SPACES EXISTING	YES
MINIMUM NUMBER OF PARKING SPACES - APARTMENT DWELLING	1.75 PER DWELLING UNIT	2 PER DWELLING UNIT	YES
MINIMUM PARKING SPACE DIMENSIONS	2.7m x 6m	2.6m x 6.0m	NO
MINIMUM PARKING SPACE WIDTH WHERE IT ABUTS LANDSCAPED OPEN SPACE	2.4m	2.6m	YES

BARRIER-FREE PARKING FA	ACILITIES		
MINIMUM BARRIER-FREE PARKING SPACES	1 TYPE A SPACE	1	YES
MINIMUM TYPE A BARRIER-FREE PARKING SPACE WIDTH	3.4m	3.4m	YES
BARRIER-FREE PARKING SPACE ACCESS AISLE WIDTH	1.5m	YES	YES
OFF-STREET BICYCLE PAR	KING FACILITY REQUIREMENTS		
MINIMUM BICYCLE PARKING FACILITIES TO BE PROVIDED FOR APARTMENT DWELLING	N/A	N/A	N/A
LOADING FACILITIES			
MINIMUM NUMBER OF LOADING SPACES TO BE PROVIDED FOR A COMMERCIAL USE	450m² OR LESS (190m²): NO MINIMUM REQUIREMENT	0	YES
DRIVEWAY REQUIREMENTS	3		
DOUBLE TRAFFIC LANE FOR TRAVEL IN TWO	MINIMUM 7.5m	±3.13m	NO
DIRECTIONS FOR NON- RESIDENTIAL USE	MAXIMUM 9.0m	4.49m	(EXISTING)
DRIVEWAYS FOR RESIDENTIAL USES WITHIN A SETTLEMENT AREA WITH LESS THAN FIVE (5) DWELLING UNITS	3m	3.13m	YES (EXISTING)
DRIVEWAY LOCATION FOR RESIDENTIAL USE WITH LESS THAN FIVE (5) DWELLING UNITS	NO CLOSER TO THE INTERIOR SIDE LOT LINE THAN THE MIN. INTERIOR SIDE YARD REQUIRED (0m)	0m	YES
3.3.1 ALLOWABLE PROJECT	IONS INTO REQUIRED YARDS		
AIR CONDITIONERS, HEAT PUMPS AND ANY APPURTENANCES THERETO	N/A	N/A	N/A
AWNINGS, CANOPIES, CORNICES, COVES, BELT COURSES, EAVES, GUTTERS, OVERHANGS, PILASTERS, SILLS OR OTHER WEATHER SHIELD	N/A	N/A	N/A
FIRE ESCAPES	N/A	N/A	YES (EXISTING)
PORCHES, UNENCLOSED, 4.5 m OR LESS IN HEIGHT	1.5m	1.57m	NO (EXISTING)
STAIRS ABOVE GRADE, UNCOVERED AND UNENCLOSED, FOR ACCESS TO A MAIN BUILDING	UP TO 4m FROM THE REAR LOT LINE	23.0m FROM REAR LOT LINE	YES

3.9 LANDSCAPING AND PLA	NTING STRIPS		
PLANTING STRIPS LOCATION	ALONG THE INTERIOR SIDE LOT LINE AND THE REAR LOT LINE OF A LOT THAT IS USED FOR A NON-RESIDENTIAL PURPOSE, WHERE THE APPLICABLE LOT LINE ADJOINS A LOT WITHIN A RESIDENTIAL ZONE (REAR LOT LINE ABUTS RESIDENTIAL ZONE)	REAR ABUTTING RESIDENTIAL ZONE (RM2) PARTIAL PLANTING STRIP PROPOSED	NO
MINIMUM PLANTING STRIPS WIDTH	1.5m	PARTIAL PLANTING STRIP PROPOSED	NO

### NOTES:

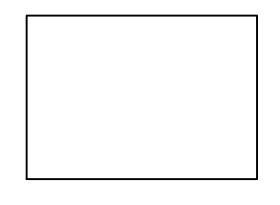
- SEE ENGINEERING DRAWINGS FOR GRADING AND SERVICING DETAILS.
   SEE LANDSCAPE DRAWINGS FOR LANDSCAPE DETAILS.
- 3. BARRIER-FREE PARKING SIGN TO BE INSTALLED IN ACCORDANCE
- WITH CITY STANDARDS AND O.B.C. REGULATIONS.

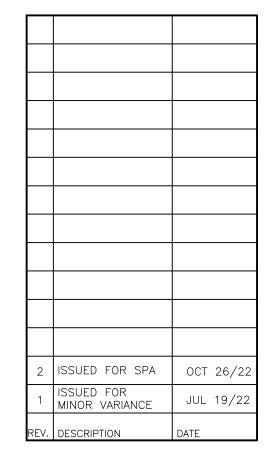
  4. GARBAGE AND RECYCLING BINS TO BE ROLLED OUT FROM GARBAGE

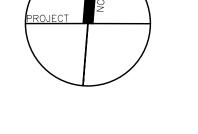
ROOM TO WASTE COLLECTION PAD ON THE DAY OF COLLECTION.



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PROJECT NAME:
NEW CONDOMINIUM (CORONATION LODGE) DEVELOPMENT
PROJECT ADDRESS:
113 GRIFFIN STREET, SMITHVILLE, ONTARIO
PROJECT NO.:
21-018
DRAWING TITLE:
SITE PLAN

PLOT DATE:	16-Nov-23
DRWN.:	MS
CHKD.:	EC
DATE:	NOVEMBER
SCALE:	1:100
DRAWING NO.	:

A1.0

Revised: January 2024



T. Johns Consulting Group Ltd. ("T. Johns Consulting") has prepared the following revised Planning Rationale Report dated November 8, 2023 in support of a revised Minor Variance application for 113 Griffin Street, Smithville in the Town of West Lincoln, Niagara Region. The following rationale shall supersede the rationale dated July 2022 for Minor Variance Application A21/2022WL.

### **Description of Subject Lands**

113 Griffin Street ("subject lands") is located in the downtown area of Smithville, on the west side of Griffin Street, otherwise known as Regional Road 14 (Refer to Figure 1 - Site Location). The subject lands are rectangular in shape with 10.6m of frontage on Griffin Street, a lot depth of 53.43m and an approximate total lot size of 717.4m². The site is an existing lot of record and is occupied by one (1) two-storey brick building that is currently vacant. The building was last used as a Masonic Lodge and day care facility. The rear parking area is accessed via a shared access easement (R0127862) on 107 Griffin Street in favour of 113 Griffin Street (Refer to submitted Survey Plan).

The existing building provides the following yards:

Front Yard 5.96m
Side Yard (North) 1.00m
Side Yard (South) 0.76m
Rear Yard 19.38m

Figure 1 - Site Location



Revised: January 2024



### Planning Status

The *Niagara Region Official Plan, Schedule A - Regional Structure,* designates the subject lands as a "Built-Up Area" within the Urban Area known as Smithville. Built-Up Areas are areas within the Region that are to be the focus for residential redevelopment and intensification.

The *Township of West Lincoln Consolidated Official Plan, Schedule B-4 - Land Use Smithville,* designates the subject lands as "Core Commercial". Permitted uses in the Core Commercial designation include but not limited to residential apartments above the first storey, offices and retail stores. Intensification and the adaptive reuse of the Town's existing building stock is permitted.

The *Township of West Lincoln Zoning By-law No. 2017-70*, zones the subject lands as Core Commercial (C1) Zone. Permitted uses in the C1 zone include apartment dwellings, therefore the proposed re-adaptation for a mixed use commercial and residential building is permitted.

### **Proposed Development**

The development proposes to re-adapt the existing 2-storey brick building for a mixed use commercial and residential building with two (2) commercial units at grade and four (4) dwelling units above with rental tenure. To meet Ontario Building Code requirements, new stairs are proposed at the rear of the building. Surface parking is proposed at the rear of the site which will be accessed by the existing right-of-way. A total of eight (8) parking spaces are proposed including one (1) barrier free space. Four (4) long-term bicycle parking spaces are proposed within a bike shed and a bike rack able to accommodate five (5) bikes is proposed near the principal entrance. A minimum of  $40\text{m}^2$  of amenity area is proposed within the rear yard.

### Nature and Extent of Relief Applied For:

The proposed re-adaptive use of the existing building for a mixed-used development at 113 Griffin Street requires relief from the *Township of West Lincoln Zoning By-law No. 2017-70*, Core Commercial (C1) Zone. Four (4) Minor Variances are being sought from ZBL No. 2017-70 to facilitate the proposed redevelopment.

The requested variances are as follows:

	ZBL No. 2017-70 Section	Purpose		
1.	6.3, Table 15 Minimum Amenity Area	To allow a minimum amenity space of 10m² per dwelling unit whereas, a minimum of 20m² per dwelling unit is required.		
2.	3.12.6 d)  Minimum Parking Requirements (Dimensions)	To allow a minimum parking space width of 2.6 metres whereas a minimum width of 2.7 metres is required.		
3.	3.12.2 b), Table 3 Minimum and Maximum Width for Driveways	To allow for a double traffic lane for travel in two directions to have a minimum width of 3.13m, whereas a minimum width of 7.5m is required.		

### Appendix "A": Planning Rationale

**113 Griffin St., Smithville** Revised: January 2024



1	3.9.2	To permit no planting strips along the rear lot line whereas			
4.	Planting Strips	a planting strip is required along the rear lot line.			

### PLANNING RATIONALE TO SUPPORT THE VARIANCES

### Overall Conformity to the Niagara Region Official Plan

The *Niagara Region Official Plan* ("ROP") identifies the subject lands within the "Built-Up Area" known as Smithville in the Township of West Lincoln. Urban areas designated as such are intended to annually accommodate 40% of the Region's residential development (Policy 4.C.3.1). The requested variances will facilitate the proposed redevelopment, contributing to the 15% residential intensification target for the Town of West Lincoln as set by the Region (Policy 4.C.4.2).

### Overall Conformity to the *Township of West Lincoln Official Plan*

The *Township of West Lincoln Official Plan* designates the subject lands as "Downtown - Commercial Core" (Schedule B-4) which permits mixed use buildings with apartment dwellings above the 1<sup>st</sup> storey and ground floor commercial to activate the streetscape (Policy 6.7.3 a) i.).

The proposed land use will demonstrate appropriate and gentle intensification within the downtown core. As both the property and building are existing, some of the proposed variances will recognize the existing site conditions ensuring that the adaptive re-use of the property is compatible with existing development patterns and thus enhances and protects the character of the historic Downtown (Policy 6.7.5 c). The requested variances maintain the intent of the Official Plan.

## VARIANCE 1. To allow a minimum amenity space of 10m<sup>2</sup> per dwelling unit whereas 20m<sup>2</sup> per dwelling unit is required.

### Why is it not possible to comply with the provision of the by-law?

As the redevelopment proposes an adaptive re-use of the existing building and site, the site design needs to work within the existing constraints while balancing the on-site parking needs, circulation space and on-site amenity.

### PLANNING RATIONALE TO SUPPORT VARIANCE 1:

### 1. Conformity to the Intent of the Zoning By-law

The intent of the minimum amenity area is to provide the opportunity for passive and programmed recreational space for residents. Amenity areas also support social interactions amongst residents. The amenity space will be landscaped and programmed with outdoor seating areas for tenants and therefore, maintains the intent of the zoning by-law.

Revised: January 2024



### 2. Is the Variance Minor and Desirable?

The requested variance to permit a minimum amenity space of 10m² per dwelling unit is minor as it will provide a programmed amenity area without impact to the existing site and building. The proposed reduction is desirable as it will efficiently utilize existing urban lands to be used as outdoor space to support the retention of an existing heritage resource to be readapted for residential uses while promoting the use of public infrastructure and investment, including the Smithville Square Parkette within 65m of the subject lands.

# VARIANCE 2. To allow a minimum parking space width of 2.6m whereas a minimum parking space width of 2.7 metres is required.

### Why is it not possible to comply with the provision of the by-law?

The existing conditions of the property and building are pre-existing with no boundary or exterior changes proposed. To provide an appropriate number of parking spaces, altered sizes are required.

### PLANNING RATIONALE TO SUPPORT VARIANCE 2

### 1. Conformity to the Intent of the Zoning By-law

The intent of the by-law is to ensure adequately sized parking spaces to allow for vehicles to safely and conveniently enter and exit the spaces. The requested variance meets this intent as the proposed spaces are adequately sized with a slight 0.1 metre adjustment in width. The proposed parking stall width maintains the intent of the Zoning By-law.

### 2. Is the Variance Minor and Desirable?

The proposed reduction in minimum parking space dimensions is minor as the site plan control approval will ensure that the parking area is used safely. The variance will allow for the development to maximize on-site parking to support the end users.

# VARIANCE 3. To allow for a double traffic lane for travel in two directions to have a minimum width of 3.13m and a maximum width of 4.46m, whereas a minimum width of 7.5m and a maximum width of 9.0m is required.

### Why is it not possible to comply with the provision of the by-law?

The driveway belongs to 107 Griffin Street and access is provided in favour to 113 Griffin Street through an access easement as in RO127862. The existing driveway has historically provided both ingress and egress to the subject lands. The driveway is located directly between the buildings on 111 and 113 Griffin Street, and as such, alterations to the driveway width are not possible without the removal of the existing buildings.

### PLANNING RATIONALE TO SUPPORT VARIANCE 3:

Revised: January 2024



### 1. Conformity to the Intent of the Zoning By-law

The intent of the required driveway width is to ensure the driveway is functional for two lanes of traffic. It is anticipated that there will be low traffic flow into and out of the subject lands. Mitigative measures including reduced traffic speeds and signage as well as convex mirrors may be implemented to improve the visibility and function of the driveway through site plan control. The primary fire route and waste pick-up will be from the Regional right-of-way, therefore, no large vehicles are required to be on site. The recognition of the existing right-of-way width maintains the intent of the zoning by-law.

### 2. Is the Variance Minor and Desirable?

The variance is minor as it will recognize an existing driveway width. The variance is desirable as it maintains the existing lot boundaries and will not negatively impact the neighbouring buildings.

VARIANCE 4. To permit no planting strip along the interior side lot line and rear lot line for a whereas a planting strip is required along the interior side lot line and rear lot line.

Why is it not possible to comply with the provision of the by-law?

To provide sufficient parking stall lengths and maneuvering space, planting strips cannot be accommodate between the parking stalls and property boundaries.

#### PLANNING RATIONALE TO SUPPORT VARIANCE 4:

### 1. Conformity to the Intent of the Zoning By-law

The intent of the planting strip is to provide a visual buffer between parking areas and neighbouring uses. The rear property boundary abuts an existing parking area of a multi-residential building and the southerly side yard abuts a vacant commercial property. The proposed reduction of planting strips will not adversely impact abutting uses. The proposed variance maintains the intent of the Zoning By-law.

### 2. Is the Variance Minor and Desirable?

The requested variance to permit no planting strip along interior side and rear lot lines is minor and is required to facilitate on-site parking, maneuvering and maintain the existing driveway access. The overall impact of this variance is minor and is further offset by maximizing on-site landscaping where feasible to enhance the existing site condition. The variance is desirable as it allows for the efficient redevelopment and adaptive reuse of urban lands and will maximize the number of on-site parking spaces while maintaining safe circulation and maneuvering.

### Conclusion

The proposed mixed use building and associated variances on 113 Griffin Street will provide additional commercial and residential dwelling units in the Downtown commercial core area of Smithville while contributing to the retention of existing heritage resources by adaptively reusing the

Revised: January 2024



former Masonic Hall building. The proposed redevelopment will provide a logical and safe site design that is compatible with the existing built form and character of Smithville. The requested variances meet the intent of the Official Plan, Zoning By-law No. 2017-70, are minor, desirable and represent good land use planning.

Respectfully Submitted,

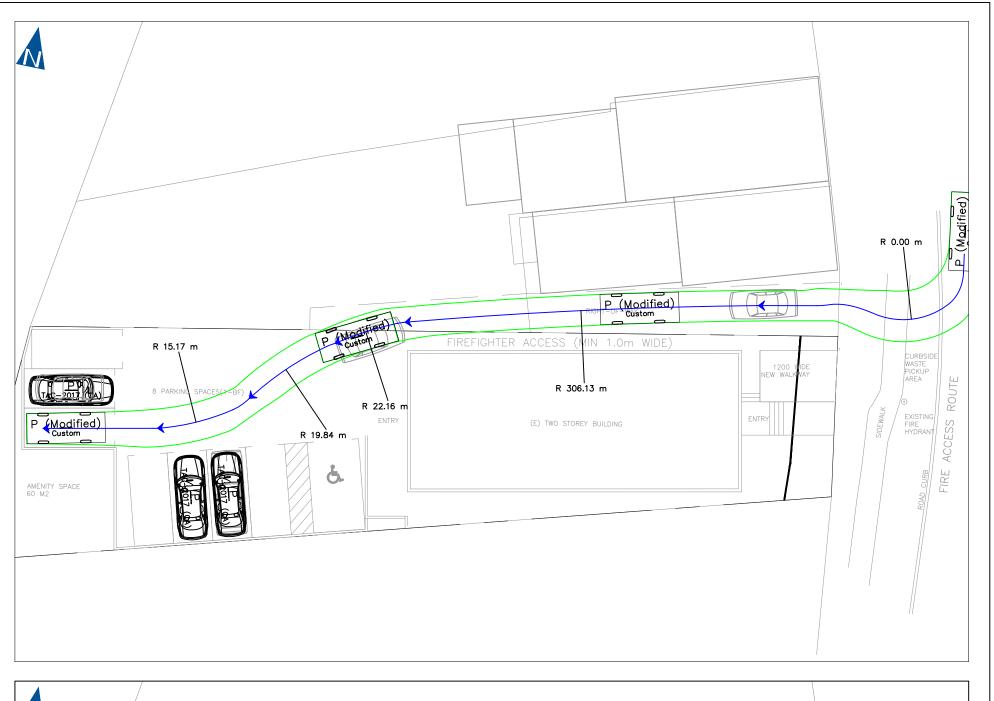
T. Johns Consulting Group Ltd.

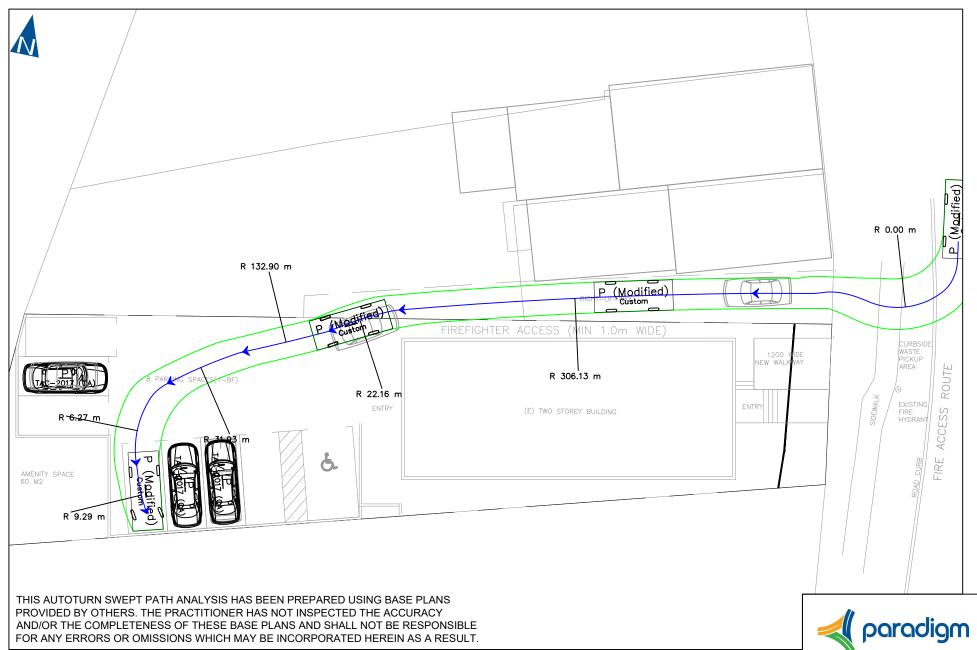
Katelyn Gillis, BA

Senior Planner

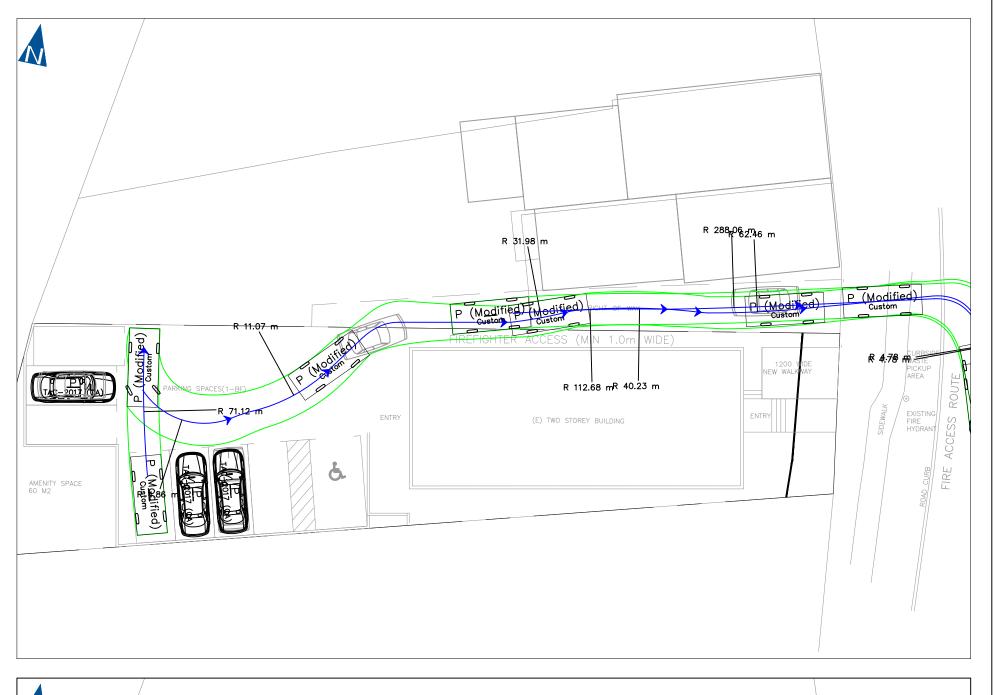
Terri Johns, MCIP, RPP

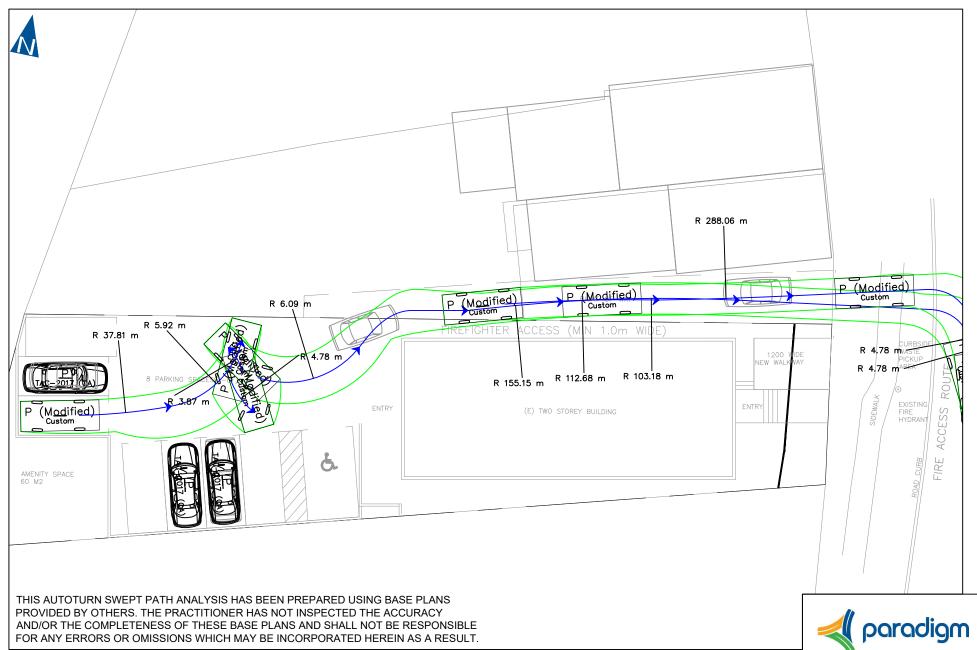
President

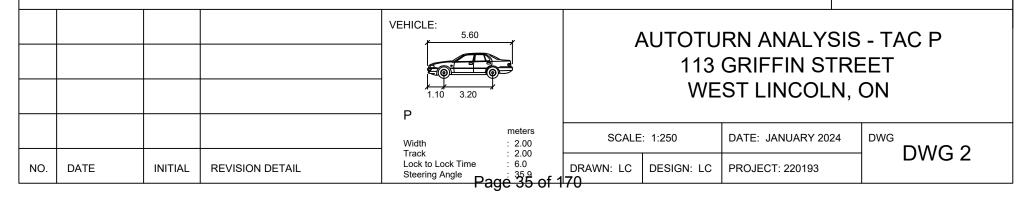




				VEHICLE: 5.60 1.10 3.20	,	AUTOTURN ANALYSIS - TAC P 113 GRIFFIN STREET WEST LINCOLN, ON		
				Width : 2.00	SCALE: 1:250		DATE: JANUARY 2024	DWG DWC 1
NO.	DATE	INITIAL	REVISION DETAIL	Track : 2.00 Lock to Lock Time : 6.9 Steering Angle : 35.9 Page 34 of	DRAWN: LC	DESIGN: LC	PROJECT: 220193	DWG 1







### Stephanie Pouliot

From: Jennifer Bernard April 10, 2024 1:33 PM Sent: To: Stephanie Pouliot

Subject: RE: Notice of Hearing and Full Package -Wednesday April 24th COA Hearing

Hi Stephanie,

I have no comments to provide on either of these applications.

Thanks, Jenn

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



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From: Stephanie Pouliot <spouliot@westlincoln.ca>

Sent: April 5, 2024 2:46 PM

To: Pat.busnello@niagararegion.ca; devtplanningapplications@niagararegion.ca; susan.dunsmore@niagararegion.ca; Connor.Wilson@niagararegion.ca; mbirbeck@npca.ca; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Barb Behring <bbehring@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>

Cc: Brian Treble < btreble@westlincoln.ca>; Gerrit Boerema < gboerema@westlincoln.ca>; Susan Smyth <ssmyth@westlincoln.ca>; Jeni Fisher <jfisher@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>

Subject: Notice of Hearing and Full Package -Wednesday April 24th COA Hearing

Good Afternoon,

Please find attached the notice of hearing and full package for the below applications going forward at the April 24th Committee of Adjustment hearing.

- Minor variance A21/2022WL Schilstra Brothers Inc. for the property located at 113 Griffin Street
- Minor variance A05/2024WL –Buitenwerf for the property located at 7 Wade Road

If you have any comments or concerns, please let me know.

Kind regards, Stephanie

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# **Stephanie Pouliot**

From: Wilson, Connor < Connor. Wilson@niagararegion.ca>

**Sent:** April 11, 2024 4:30 PM **To:** Stephanie Pouliot

**Cc:** Development Planning Applications

Subject: RE: Notice of Hearing and Full Package -Wednesday April 24th COA Hearing

Good afternoon Stephanie

# 113 Griffin Street

Staff note this application is exempt from review as the Region has been reviewing the Site Plan application. Any requirements will be address through that application.

# 7 Wade Road

Regional staff note that no review is required as a previous comment letter (Township File No. B02/2024WL) was circulated and recommended an archaeological warning clause as a condition. It is noted that the Committee of Adjustment did not add in the condition as per the Notice of Decision. Accordingly, staff have no further comments to provide but wish to reiterate the archaeological warning clause for the applicants information.

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C."

Please do not hesitate if you have any questions or concerns with the above.

All the Best,



Connor Wilson
Development Planner

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

**P:** (905) 980-6000 ext. 3399 **W:** www.niagararegion.ca

E: connor.wilson@niagararegion.ca

From: Stephanie Pouliot <spouliot@westlincoln.ca>

Sent: Friday, April 5, 2024 2:46 PM

**To:** Busnello, Pat <pat.busnello@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Wilson, Connor <Connor.Wilson@niagararegion.ca>; mbirbeck@npca.ca; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Barb Behring <br/><bbehring@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>

**Cc:** Brian Treble <a href="mailto:btreble@westlincoln.ca">btreble@westlincoln.ca</a>; Gerrit Boerema <a href="mailto:gboerema@westlincoln.ca">gboerema@westlincoln.ca</a>; Susan Smyth <a href="mailto:ssmyth@westlincoln.ca">ssmyth@westlincoln.ca</a>; Madyson Etzl <a href="mailto:metzl@westlincoln.ca">metzl@westlincoln.ca</a>; Madyson Etzl <a href="mailto:btreble@westlincoln.ca">metzl@westlincoln.ca</a>; Susan Smyth <a href="mailto:ssmyth@westlincoln.ca">ssmyth@westlincoln.ca</a>; Madyson Etzl <a href="mailto:metzl@westlincoln.ca">metzl@westlincoln.ca</a>; Madyson Etzl <a href="

Subject: Notice of Hearing and Full Package -Wednesday April 24th COA Hearing

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### Good Afternoon,

Please find attached the notice of hearing and full package for the below applications going forward at the April 24th Committee of Adjustment hearing.

- Minor variance A21/2022WL Schilstra Brothers Inc. for the property located at 113 Griffin Street
- Minor variance A05/2024WL –Buitenwerf for the property located at 7 Wade Road

If you have any comments or concerns, please let me know.

Kind regards, Stephanie

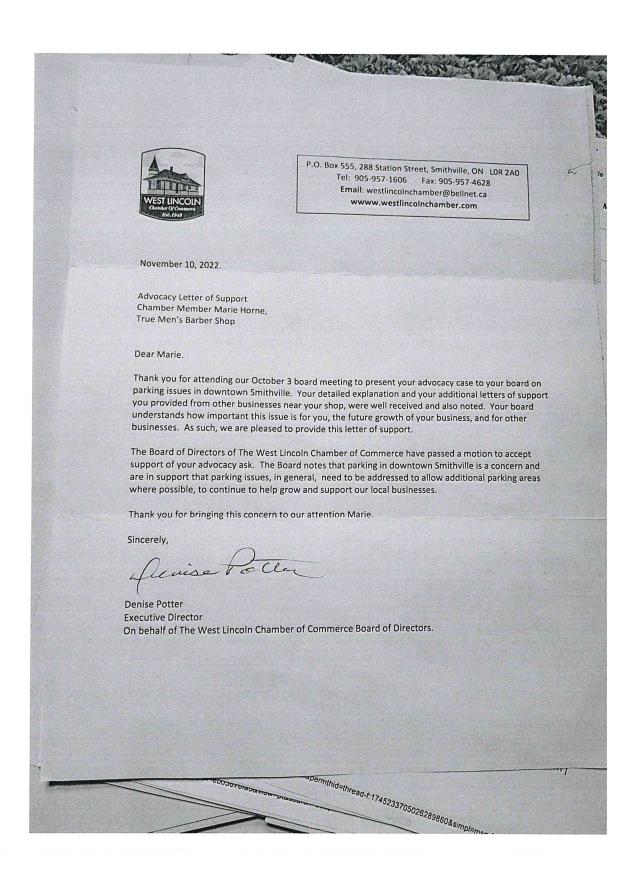
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### Attachment No. 5 to COA-12-2024



### To Whom it May Concern:

I am writing with regards to the proposed developments along Griffin Street South in Smithville. As a longtime businessman for the last 40 years, I have watched as the township has continually crippled the downtown core with regards to parking. I own several pieces of property within the downtown core, and have watched as the decisions of the township have rendered some of my properties as unrentable. Stemming as far back as the converted use of the property, now know as the "New Golden Village Restaurant", where a \$3,000/parking space cash payment, was received by the township, in lieu of the 11 parking space shortfall, to the continual removal of more and more spaces, by the regional government along Griffin Street. I have watched as the situation has grown increasingly dire. I have one unit which the property when they discover that the on street parking ( or lack of ) is the only available parking. This has been detrimental to me, as early as this year when Pizza Hut had submitted a letter of intent to lease the premises at 112 Griffin Street, , but due to the shortage of parking and the townships unwillingness to assist me with an acceptable solution, the deal fell through. The township continues to charge me property taxes for commercial unit which has become only suitable for storage. I myself have had developments scrapped due to the townships unreasonable policies and I am opposed to any future development which do not provide adequate parking which will not create further impact to the current local businesses. Is this another situation where the township is going to take cash in lieu of parking or are they going to protect the current businesses instead of only considering the increase to the tax base? I urge the township to do the honorable thing and protect all those impacted by their decisions.

Sincerely

Glenn McLeod

Glem M Leod

Sharon Schutten nee MacInnes
To whom it may concern,

I grew up at 111 Griffin St. South, Smithville since 1961.

Neil and Audrey MacInnes (my parents) started a dry-cleaning business in 1958 (service Dry Cleaners).

We had used the side as a driveway decide the Mason Hall since 1958. Neil and Audrey maintain the driveway until Neil's passing in 1987. Audrey continued to maintain the driveway, as she had a dry-cleaning depot in the back of the store (Choice Cleaners).

My son, Tyler Schutten, purchased the building in 2009, and continued to use and maintain the driveway, until his passing in 2012. He also built a storage shed and fenced in patio during his ownership.

Tyler's wife Jacquilin Shutten maintained the driveway until she sold the building. Our entire family where always the only ones to park our vehicles, and maintained the driveway since we owned the building.

The current owner (Marie Horne) continues to maintain the driveway since she purchased the building from Jacquilin.

Sincerely,

Sharon Schutten

April 15, 2024 Kest Lincoln Township To Whom DA May Concern Regarding File # A 21/2022WL Us a longtime resident of Amithville, ON, I would like to support Marie Horne, owner of True Men's Barber Ships located at 111 Ariffin St. So, & mithville, ON. The downtown, especially at the southern end has limited parking as our fown was not originally designed for vehicles, but rather sloped from businessess to the street level when horse & laggies were the The building at 111 Ariffin It So was built in the mode of transportation, early 1800s with a load-bearing structural design and clad in brick work. Using the alley (lane) on the south side of this building could pose a problem if or when used as an access to the building to the south of 111 Suffer to. Therefore, the need for more vehicle parking elsewhere. Kespe I fully. Jean Geton Smithville resident a voluntier at the Itest Lincoln Historical Society.

# Monday Jan 15 2004

· Called Town

· Vicce mail for the mayor Ex. 6726 · Jackie (Receiptionish) left a viocemail Stating a sit down meeting to be let them knowing findings of the Property

Town said there is not Active Aco right now and Brian truble is the active Aco Rightnow

· Call Kyan Johnston e (Royal (epage) @ 12:29 pm Touk about a bin Being Bropped off by Phil Schilsta Dec 13th Wed 2023 said it would be a days ended up Being Jan 19th (FRI) it was go. Only worked on the Buildingfor the week of 15th - 19th

. Also told me the tree is going to be cut down

-Email 10 to Brian Truble @ 1:13 Requesting a sit down meeting also talked about calling the mayor for a meeting Regust as well.

· Forward Email to Jacquie Thrower (Mayor's Secontary)

\* #Called Ryan Johnston @ 12:29 he called back@ 4:05

Filled him in on the findings and Keeping him up to Date . Right of Way, Alleyway, driveway. driveway. How the mess down the side is cossed by Phil's Dumster

"What my lawyer has found (on paper Jan 15 2024 Same Bau) Page 44 of 170

Monday March 202023 Customer BoParking Condo Existing Parking Increase population Bollance for Downson Core Existance - # Cost ! How much to buy the Back lot Parking When did the deal got wide will United church yof made ? year - Doug Jouner (Mar)
What Mayor or who made Brought it up-Doug Jounger when was there or new there was a consern-for Move parking - Right after the parking along the Front of Stoke fronts. Has anyone where taken away. Doug Jamenjees Terry Recommended « I rible Brian BIA make meeting Kegnon Letter -Albert Wooderball Region Coursel. Ges - Region Blocking the Store Fronts.

Development Problems x3 · Called by-law officer left a message, about looking into BIA
Terry Bed Told my the book 45/06/17000 by be latered and soon

First Meeting with Brian truble 20 2019
Showed Brian the letter statement from Kacolin in the about Lyour ill of Sale stating they had always parked Toot it Back to ome and said I don't wout to maintained that means nothing to said maintained that means nothing to the Drive's the Driesa in the grown to support his Developent Brian Truble telling me had to have 3 meters arross for Right of way, Alley. Want to family lawyer on Jan 26@10am - that's when I got Deed to my Building Feb 18 2019 (Tue)
Called Ryan Johsfon total telling him
my findings and if he wanted more Goom to
Suport his Development make me an offer. Ryan, I thought you didn't want to sell Mane, I don't want to sell but authings for sadd for the right price. 3020 3 2020 · Email Brian Troble to let him know my findings 181 new owers of log Gonshire get off the right of way alway way, my drive way was van down the street, he cameback of way said in going to not way way so so the continue to park as the new opens schistras Meet with Phili in March 2021 to introduce - Questions for Philipyou going to have enough room. Wanted to but 4 mits The Hope of take the back Fortion of the back.

Meeting W Brian Truble
Told him there is no Bilaus
to state/Protect these old
Properties and any De veoper/
invester and come in and
take avantage Came out Right

# (Mon) July 19 2021 To Brian Treble

· Made appointment to talk about new owiners of the mason hall. 2 different owners (brothers) wanting to put "6" condo units in the existing building - Philiscontacted me back in March 2021 to interduce himself and lef me know what there plans where. Also to be off the right of way by this September 2021

Questions for Brian Treble

- · No enghoug room to get viacles to the Back

- · Emergency exit · Fire, Emburgace, moving trucks · Work Being done to Ill Griffin St Building with only one access entrence in and out
- · Parking to support 6 units
- · Parking for myself, Drive way
- o On the road? Farking pass?
- · New development happing for small downtown core of business Customer parking.
  ex. Royal lapage, sonie log, Feed Mill.

o Never bin able to get to the Back of need access

access

Dage 48 of 170

Dage 48 of 170 Page 48 of 170

# Bryan Johnston 2018

Came in to my shop asking to call him gave me his Burness Card to call him called him and said... I don't own the right of way, he does, he will let me know when I have to get off. I'm going to use the side to support my development and put in Dig in the growned to support my Development.

Wout to fown after taking to Cheryle

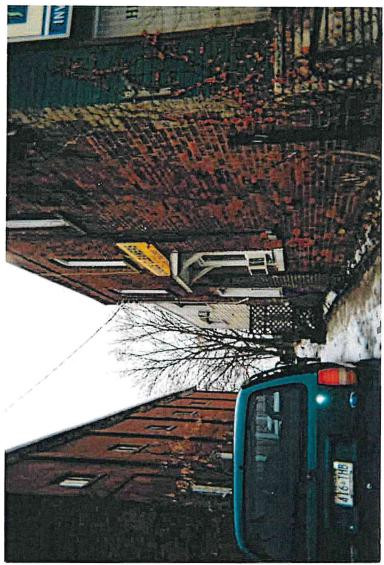
Brian Truble showed me on the computer and said Ryan Truble owned the Right of Way and tried to show him my Bill of sattle and Dismissed it. And said no I don't woult to see that. That's not it with his hands crossed means nothing leaned Back. Took me to his comptere and shaved me a view of squeure images with

no Numbers of Buildings just a high lighted area that could maybe pass as be real. No noing I thought at that point I was! had nothing. That's why I made a lawyers method.

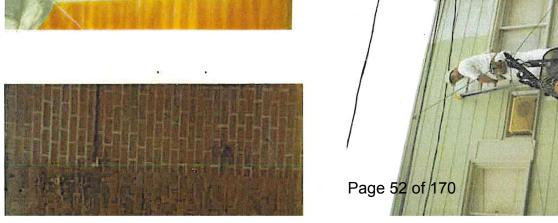
# 2018

Phone called with Cheryl Ganann tor are Ward Got # from Someone Growed Dumsters (Cfor Garbage Housupport his Development. Talked about She said, he was just Trying to Bolly me and the side has hever bin able to do anything with with out houng any room for cars, she said size was the machiness family who always parked they, there side entrences, business. No No this is not right she (& Clary I said) a I'm going to bring this matter up with the bourd. Don't warry the can't take that away from you. It's bin going back years that's the wary its always Bin. Asked Cheryl what should I do, I don't want to get into trouble. The would bring this up at the Page 51 of 170

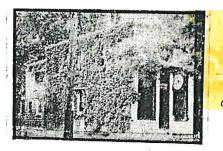












# Service Cleaners

Established 1958

Griffin Street, Smithville, Ontario

1987



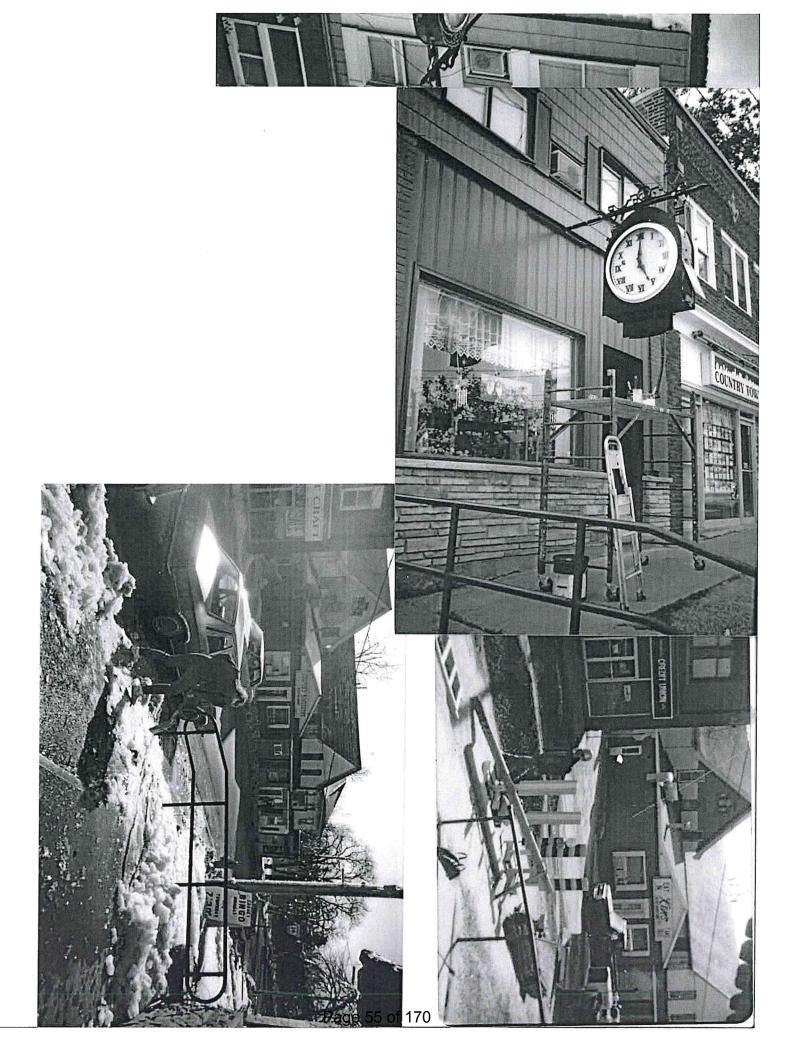
# Gerry De Boez GENERAL CONTRACTOR

SMITHVILLE, ONT. - PHONE GET 3003

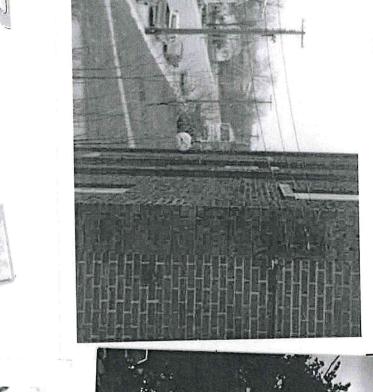
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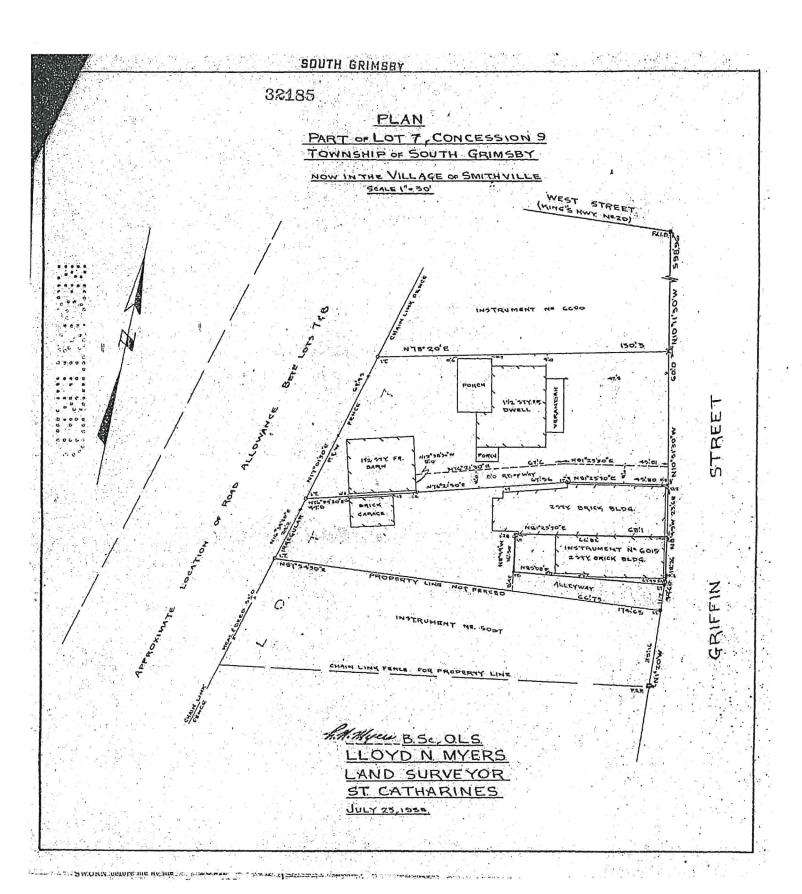


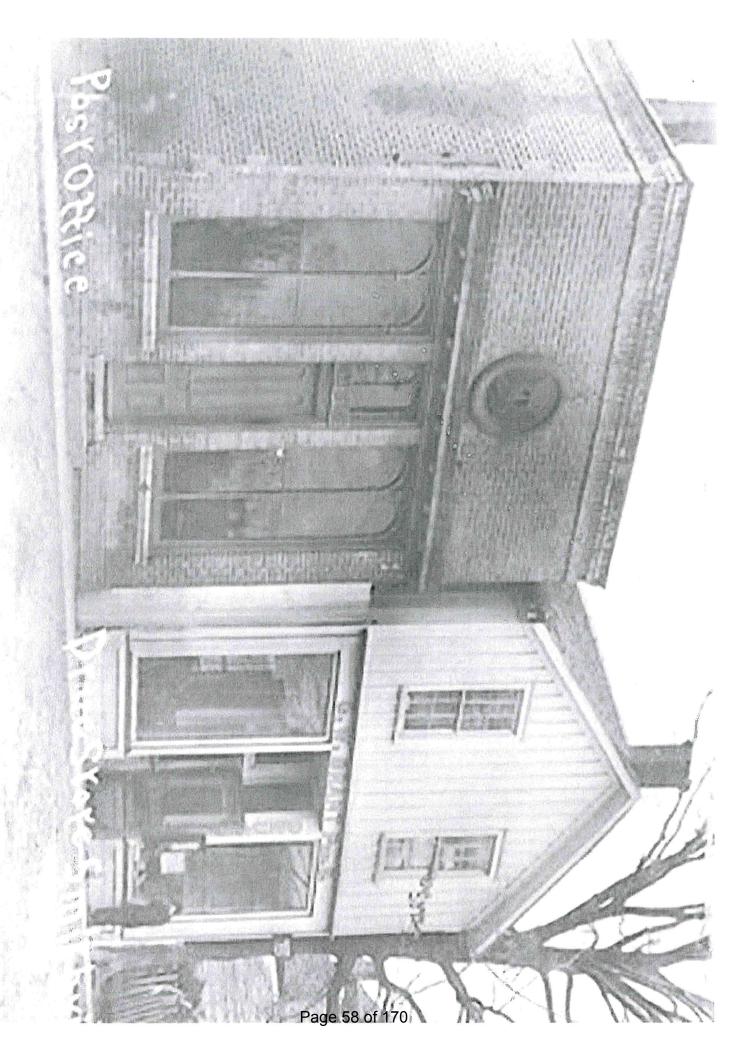




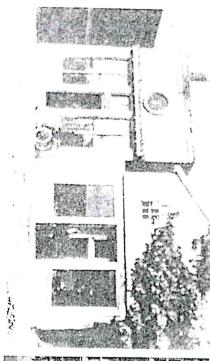


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404



Post Office & Drug Store, early 1800's. From Smithville Review, 1967

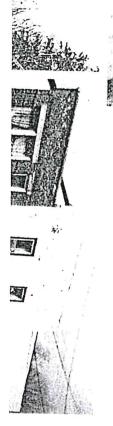
Service Dry Cleaners & Nicol's Pharmacy, 1984.

burned in 1926, both the Post Office and Drug Store were seriously damaged by fire and had to have ex-Courtesy of Violet Finn

tensive renovations. South looking north, the U.F.O. (United Farmers In this early picture, about 1912, of Griffin Street

ing is where Schnick's tailor shop was located. In the center distance can be seen the White Hotel. Note the mud street and wooden sidewalks. Courtesy of Ruth Beaty

of Ontario) Hall can be seen on the left. The awn-



Page 59 of 170



Corner of Griffin and St. Catharines Streets: R.J. Goring and Son Department Store; House of Quality - Groceries; Murgatroyd offices; Frank Hayes' Hardware.

Courtesy of Ron Joyner

The Council instructed the Public School Trustees to secure the services of Val Bizley to wire th school for electricity in January, 1926. Also, as town constable, Val Bizley was instructed to get hanc cuffs, a badge and a revolver for his police duties.

During the winter of 1926-1927, Smithville was plagued by a "fire-bug" which caused a great deal c anxiety among the inhabitants. Some of the fires for which he was found responsible were the barns of the Commercial Hotel, Dr. Zumstein (beside the hotel), Naergarth (where Mrs. Grace Reece now lives) and Lounsbury (where Walter Tuck now lives). The arsonist was very considerate in that he removed the horses and tied them a safe distance away before incinerating the buildings. Also, the U.F.O. Hall (United Farmers of Ontario), near the site where the present Masonic Temple now stands, was destroyed This fire spread to the Post O fice (Service Cleaners now) and the Drug Store belonging to John Brant.



(From left to right): The U.F.O. Hall, the Post Office and the Drug Store. Note the clock on the front of the Post Office. Later, it was removed and a new one installed on a bracket extending over the sidewalk. That one is still there. When it was out-of-order recently, the citizens really missed it.

Courtesy of Ron Joyner

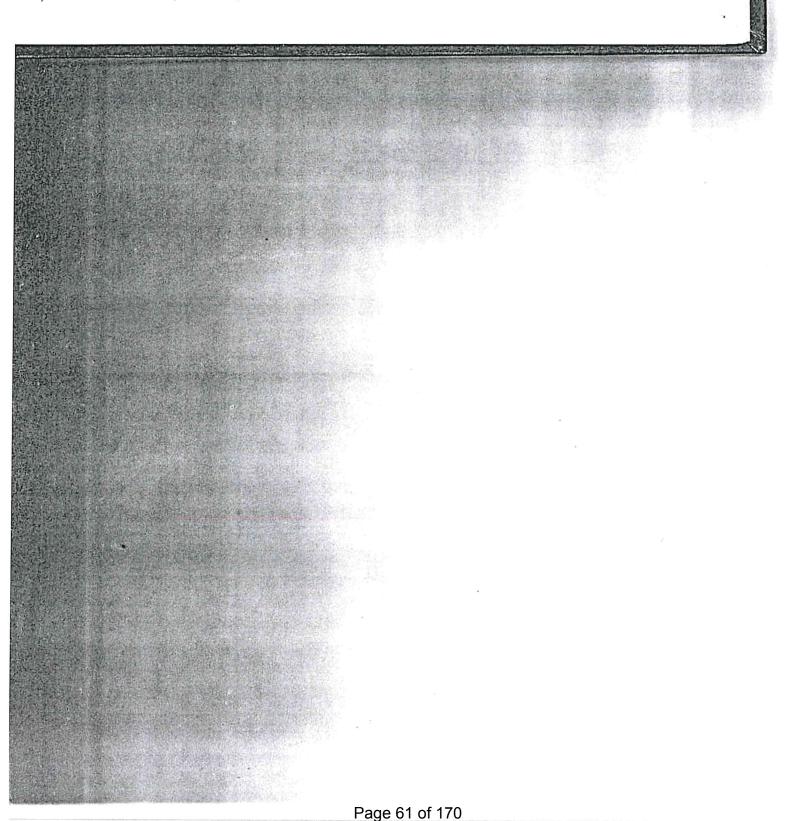
The tailor shop of J.A. Schnick was located on the ground floor of the U.F.O. Hall. It is said that he had a 500-pound safe, which Charlie Shrum, in the excitement of fighting the fire, carried across the road and deposited in front of M.B. Cosby's. Next day, he couldn't budge the safe. Evidence was found of attempts at starting other fires, which were unsuccessful. The situation became so serious that some of the citizens took turns at patrolling the village at night — while the women patrolled their homes. Finally tion, it was caught when he came running up Townline Road shouting, "Fire! Fire!". On investigation, it was found that an attempt had been made to set fire to a straw stack near a barn, but the stack was too damp to ignite and he was premature in giving the alarm. The residents of Smithville heaved a big sigh of relief when the arsonist was removed.

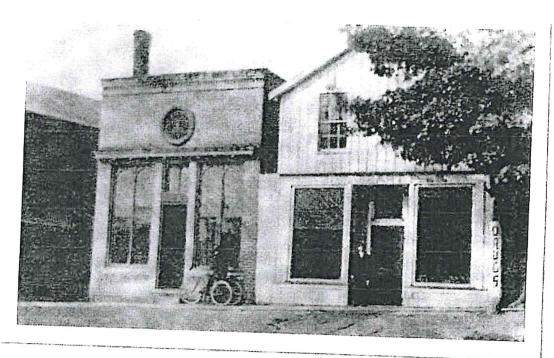
During the late 1920's and early 1930's, street dances were held in Smithville. Since Saturday night was shopping time for the farmers and the stores remained open, it was decided to furnish some entertainment for the young people (and not-so-young). Griffin Street South was cordoned off between Frank and

ter taken over by his son Gordon. He sold the business to Mr. and Mrs. vandernek, who operated the ore for a lew years, then it was closed. Above the store, Smithville Bowl-a-Way was located during the 150's and 1960's. It was closed for a few years, but re-opened recently.

It is believed that the Post Office was built about 1830 by Smith Griffin. It remained at this site until 1830, when it was moved to the C.O. Hodgkins building. Note the clock on the wall. A few years later it as put on a bracket and extended over the sidewalk. The Service Dry Cleaners took over the Post Office 1958. It is run by the MacInnes family. The dry cleaning and pressing of clothes is done on the premes, instead of being sent to a plant in the city.

The Drug Store was started by George Brant about 1850, with a hall above used for public meetings. ther proprietors of the store were: John Brant (George's son) and William Henderson. At present, 984) it is owned and operated by John and Ruth Nicol, both pharmacists. When the U.F.O. Hall





Post Office circa 1890

STATELLE MENTER HER BENEVER BROKK HIS FRAM HEN MAKAN MENDER BENEVER BOLD HIS BEGIN BY GAN UP MENNER HEN

j

The Town Clock, mounted on this building in 1940, was donated by Sarah Correvon in honour of her father Jacob M. Roy. Roy was one of Smithville's first residents and entrepreneurs, who owned several businesses in town. His grandfather, Hooks Roy came to Gainsborough in 1793 from Sussex County, New Jersey. A Loyalist of German descent, he had remained true to the British crown during the American Revolution. Jacob was born in Gainsborough Township. He lived in four different areas of the local townships during his life, including Gainsborough, Caistor, South Grimsby and Smithville. He married Elizabeth Horton in 1845 and they had eight children before Roy's death in 1899, in Grimsby. Jacob Roy was the son of Stephen and Lydia Roy who had thirteen children. Some of them were: George Roy, born 1810, died 1892 Smithville; Daniel Roy born 1813 Gainsborough, died 1888 Caistor; Stephen Roy Jr. born 1815 Gainsborough, died 1876 Gainsborough; Abraham Roy born 1818 Gainsborough, died 1852; James T. Roy born 1818 Gainsborough; Nathaniel Roy born 1820, died 1884; Jacob M. Roy born 1824, Gainsborough, died 1899 Grimsby.

# From the history of the Roszel family

According to Canada Post archives rural mail delivery started in Ontario in 1908, first in Ancaster to Hamilton. In 1909 it started in Smithville. The train would arrive in Smithville around 10 a.m. and shortly after the mail was sorted, it was loaded in a 4-wheel wagon which was drawn by horses. In the winter time they used a sleigh. Jim Chase remembers that Sam Ecker was awarded the first contract and he hired Mate Muir to drive the team and help in the delivery. According to Jim, the wagon was all covered in and it had sliding doors on each side. Every farm had a mail box along the road in front of their home. It was a long trip and most nights they arrived home around 5 p.m.

According to Clarence Roszel the drug store was built in the 1800s and was operated by George Brant, who was born in Basingstoke, England and came to Upper Canada with an



# Public Notice

Passing of by-law 2022-32 to Amend By-law 2017-70 (Driveway and Entrance Review)

On Monday April 25, 2022 the Council of the Township of West Lincoln passed By-law Number 2022-32, which regulates new driveways, entrances and culverts within the Township of West Lincoln, as well as alterations to existing driveways, entrances and boulevards.

It is important that you read and understand all of the implications of this notice and By-law. Major changes are outlined below. Additional information and material about the new Entrance and Boulevard By-law are available for viewing at the Township Administration Building during regular office hours or on the Township website at www.westlincoln.ca.

# Permits are required for the following:

- New driveways, entrances and culverts
- Alterations or modifications to existing driveways, entrances and Township Boulevards Driveway widening

Permitted driveway widths have been increased from 50% of the frontage of the lot to 60% in most residential zones (up to a maximum of 6 metres)

New permit process:

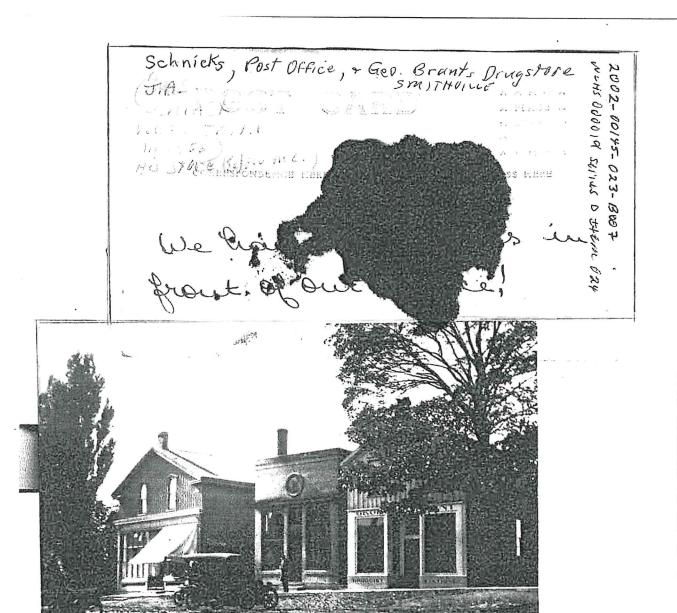
Applications must be submitted prior to work on driveways, entrances and culverts

New penalty system:

Unapproved work listed under the Entrance and Boulevard By-law may be subject to daily monetary penalties

318 Canborough St., P.O. Box 400, Smithville, ON LOR 2A0 Phone: 905-957-3346 Fax: 905-957-3219 TTY: 905-957-0680

Online: www.ages61370011.76



GRIFFIN STREET, SMITHVILLE, ONT

Tyler Banham Fwd: Fwd: Title Search and approval of the terms of the contract January 29, 2021 at 3:49 PM

Steven Schilstra

Hi Steven

I just received the search results from Cindy Webster. See her comments below and the attached results

Let me know if you have any questions

Tyler

Tyler Banham, Hon. B.A., LL.B. Barrister & Solicitor - Hometown Law 841 Upper Wentworth Street, Unit 6 Hamilton, Ontario L9A 4W5

P: 289.799.8LAW F: 289.799.9288

Given to Me by Phill Shilsta

289.799.8529

FAX: 289-799-9288 6-841 UPPER WENTWORTH STREET HAMILTON, ONTARIO L9A 4W5

THANK YOU V REAL ESTATE LAW FIRM

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3 YEARS IN A ROW!

**✓ BEST LAW FIRM** - 2 YEARS IN A ROW!

TOP REAL ESTATE LAWYER: TYLER BANHAM 2 YEARS IN A ROW!

----- Forwarded message -----

From: Clndy Webster 4

Date: Fri, Jan 29, 2021 at 3:34 PM

Subject: Re: Fwd: Title Search and approval of the terms of the contract

To: Tyler Banham <

### Happy Friday Tyler

Attached is the search for the above noted file. Note, the property has a legal right of way over the adjoining lands to the North. The adjoining lands to the North are s/t our Right of Way. I will point out the right of way in our old legal description is quite vague but the adjoining lands to the North clearly give its dimensions. Further Note, you are purchasing a lot on a Boundaries Act Plan which is ""guaranteed" boundaries. Call if you have any questions. Is your client going to keep the original building or remove it. If he plans on removing please call me to discuss as that can change things. With respect reviewing the offer that is not a service I provide, not sure if you meant that for me/

Thanks, Cindy

\*\*\*new malling address effective January 1, 2021\*\* 27 Morningside DrIve, Hamilton, Ontario, L8T 1P6 (905) 512-6276

---- Original Message -----From: Tyler Banham

Date: January 25, 2021 at 12:28 PM

Good morning Cindy

One of my realtor clients is buying a property. The deal hinges on doing a full title search to confirm the following for the client (I've cut & pasted his note for ease of reference)

"The project all hinges on being able to develop and access parking in the rear of the building. We have been told by the seller

# **Stephanie Pouliot**

From:

Marie Horne

Sent:

April 15, 2024 4:50 PM

To:

Stephanie Pouliot

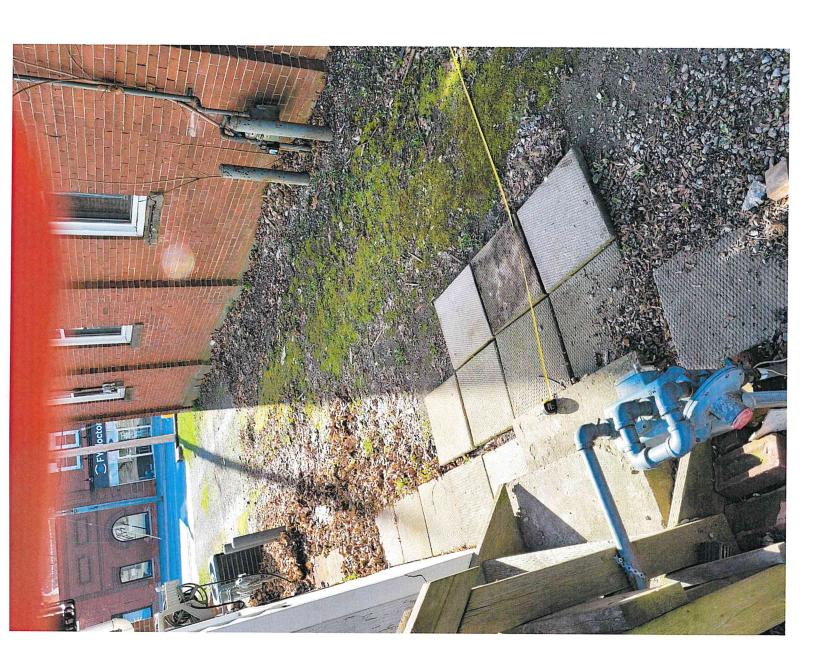
Subject:

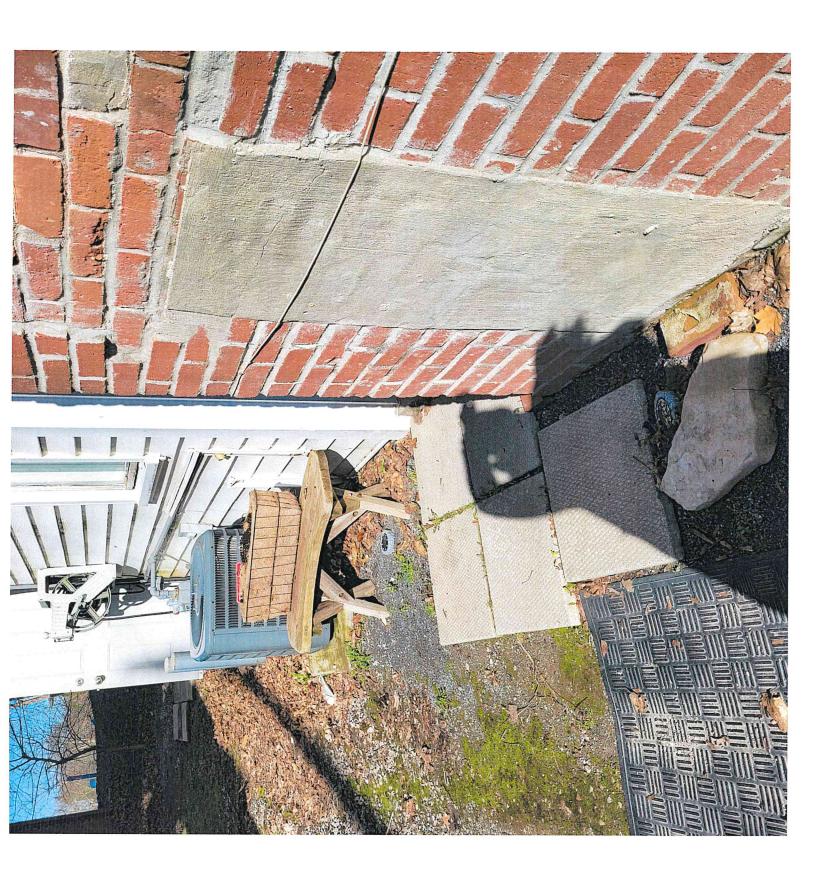
A21/2022WL

**Attachments:** 

20240415\_085759.jpg; 20240415\_090604.jpg

<sup>3</sup> gas meters on running on one main line branching off. Property. Not safe. Side entrances. A/C. How much room





# **Stephanie Pouliot**

From: Giavedoni, Mark

**Sent:** April 15, 2024 1:19 PM **To:** Stephanie Pouliot; Jeni Fisher

**Cc:** Marie Horne

**Subject:** Minor Variance Application A21/2022WL (Schilstra Brothers Inc.) 113 Griffin Street,

Smithville

**Attachments:** Township of Lincoln ltr Apr 15 24 signed.pdf

### Good afternoon:

Please find attached correspondence from Marie Horne in connection with the above application. Kindly confirm receipt.

Regards,

Mark Giavedoni

Partner

**T** +1 905 540 2493 **F** +1 905 523 2954



Gowling WLG (Canada) LLP One Main Street West Hamilton ON L8P 4Z5 Canada



gowlingwlg.com

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April 15, 2024

# SENT VIA EMAIL (planning@westlincoln.ca)

Township of West Lincoln 318 Canborough Street Box 400 Smithville, Ontario LOR 2A0

Attention: Stephanie Pouliot, Planning Department (spouliot@westlincoln.ca)

Dear Sir or Madam:

Re: Minor Variance Application A21/2022WL Objection – 113 Griffin Street, Smithville

My name is Marie Horne and I writing in objection to the Minor Variance Hearing Application described above that will seek to put two commercial and four residential condominium units on 113 Griffin Street, Smithville (the "Site"), adjacent to my existing business and residence at 111 Griffin Street, Smithville.

The details provided in the Notice of Public Meeting posted on the Site appear to be inadequate to fully understand the details of the variance but from the application description, it would appear a 50% reduction in amenity space requirements, reduced parking spaces and sizes, the requirement for a double lane in and out from behind my property at half the required dimensions and the removal of the necessity of a planting strip, do not appear to be minor in nature and should not actually be the subject of a minor variance but probably a rezoning application entirely.

This and the proposed development is bad planning as it does not fit the area or the neighbouring properties and is too ambitious for the Site. I have been very vocal about my objection to the redevelopment of this Site for years, and my objection to the proposed application for many months, including on January 17, 2024 a two-hour meeting with Gerrit Boerema and the Director of Planning, Brian Treble, to review and discuss the concerns that I have raised. All of those discussions and the many documents in support of my position which is now in the hands of the Town, should form the basis of my objection and considered prior to the hearing on April 24<sup>th</sup>. I intend to appear as well to answer any questions about my objection.

The proposed development will encroach on my existing legal property rights on the lands in question. There are other property owners in the area that have similar rights to use the back lot in the "alley way" to access our businesses and residences. The proposed development does not give creditability to these rights and the way that we have been enjoying them for many years. The Applicant's proposed

use will result in a change in the use to how I use the property and on the terms on which I bought it. The prior owners have been using the back area consistently for decades. This issue has already resulted in the removal of existing structures (a patio and shed) that were located next to my building, which was removed contrary to my legal rights. This application would be an infringement of my rights in the property and so I am objecting to the application. I wish to be confirmed on the record of my objection and my intention to appear at the hearing.

Yours very truly,

Docusigned by:

Marie Horne

2FC2122D3DD74AB...

Marie Horne

# **Stephanie Pouliot**

From: Marie Horne

**Sent:** April 15, 2024 1:27 PM **To:** Stephanie Pouliot

**Subject:** Fwd: 111 griffin st s/ driveway

please add to file A21/2022WL meeting zoom

----- Forwarded message -----

From: Marie Horne

Date: Mon, 15 Jan 2024 at 22:39 Subject: Re: 111 griffin st s/ driveway To: Brian Treble <a href="mailto:btreble@westlincoln.ca">btreble@westlincoln.ca</a>

### Good morning everyone.

This email was written last night as it has bin heavy on my heart and time is precious in this matter. I feel the need to not wait on the matter and take any day and time that is available for a meeting with all the findings I have come into my possession. The findings state the middle between the Mason hall and myself at 111 griffin st s is my right to continue usage as it has bin for decades times seven and some.

Any altering changes/plans do not belong to a decision of other parties to over ride the existing usage/legal document/s/deeds that would change the holders in hand of there deeds/documents without there consent or handover rights. I Marie Horne do not give my consent/sign off and have all aspects to all of the above stated. Will work around your schedule for a sit down meeting as well. Just ask for a day in advance to make arrangements with moving around the business. Look forward to hearing from you.

Blessings Marie Horne

On Mon, Jan 15, 2024, 5:47 p.m. Marie Horne wrote:

Hi Brian. Thank you for your response. I look forward to hearing from you regarding the meeting date and time.

Blessing

Marie Horne

----- Forwarded message ------

From: Brian Treble <a href="mailto:btreble@westlincoln.ca">btreble@westlincoln.ca</a>

Date: Mon, 15 Jan 2024 at 13:35

Subject: RE: 111 griffin st s/ driveway

To: Marie Horne

 $\label{eq:cc:cheryl} \textbf{Cc: Cheryl Gana} \\ \textbf{nn} < \\ \underline{\textbf{cganann@westlincoln.ca}} \\ \textbf{, Jacquie Thrower@westlincoln.ca} \\ \textbf{, Susan Smytholess} \\ \textbf{,$ 

< ssmyth@westlincoln.ca >, Gerrit Boerema < gboerema@westlincoln.ca >, Jeni Fisher

<i spouliot@westlincoln.ca>, Stephanie Pouliot <spouliot@westlincoln.ca>

Hi Marie:

I have copied a few people on my reply including the Mayor.

Between Jacquie and Jeni of this office, they can hopefully set up a meeting time on a Monday that works in your calendar. I have also included the planners who are working on the adjacent Masonic Hall minor variance and site plan.

Thanks for reaching out.

Brian

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



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From: Marie Horne

Sent: January 15, 2024 1:14 PM

To: Brian Treble < <a href="mailto:btreble@westlincoln.ca">btreble@westlincoln.ca</a>>

Subject: 111 griffin st s/ driveway

Good morning Brian. This is Marie Horne. My apologies for the delay in getting back to you. Had to step back for a bit do to things being overwhelming with now being the second investor/developer of the Mason hall. As well as this ongoing development pursuit next door and saving are downtown core. I have bin active in trying to save the rights of the side of my building and have clear evidences with the usage of the side dating back to 3 generating owners. Would like to suchuale a sit down meeting with you the mayor and anyone else to get everyone up to date with my findings and ongoing issues that have bin taking place next store these passed years for intitlement in residential condos with a space that doesn't have enough to support or allow. Also left a voice-mail with are mayor today as well. Requesting a sit down meeting. Have Mondays off still and hoping that that works for you.

Blessings

Marie Horne

### **Stephanie Pouliot**

From: Marie Horne

**Sent:** April 15, 2024 1:18 PM **To:** Stephanie Pouliot

**Subject:** Re: Re:

On Mon, 15 Apr 2024 at 12:50, Marie Horne wrote:

Good morning stephanie. This is Marie Horne at 111 Griffin St S. PLease add this message in the case file as well as the by-lay complaint as well as all emails back and forth to Jesse are by-law officer. My driveway is still not bin cleaned up from the last demo nore has anyone been here to address any garbage tim hortons plastic glass nails crews asbestos tiles wood Dry-wall or plaster from the by-law complaint date. I have never seen my driveway so broken. Can't even walk normally down to my back entrance. Cant even pull up to park like we do. Afraid of getting another nail or screw in the tires which would make it number 3 for the count. Thank you

----- Forwarded message -----

From: Jesse Paul < jpaul@westlincoln.ca>

Date: Mon, 22 Jan 2024 at 14:17

Subject: RE: Re:

To: Marie Horne <

No need to apologise. If I come across anything that can help from my end, I have no problem doing that.

Have a great day!

From: Marie Horne

**Sent:** January 19, 2024 8:20 PM

To: Jesse Paul < jpaul@westlincoln.ca >

Subject: Re: Re:

Hi Jesse. So sorry for the delay. No problem at all. There where some things talked about regarding BIA and thought I needed an assessment done by you as by law in order to go ahead with putting things in motion to protecting are downtown core with little parking we have for business and the town not supporting any up and coming plans for the business core. Potentially more residential being developed so close to the business core. I'm afraid are down town with be no more due to not being able to grow with not enough parking not being able to meet the increasing property tax make a living business not being able to have a retirement do to value depreciation. If there is any thing you can think of that would help from your end that would be greatly appreciated. Sorry for the late tex on Friday too. Have a wonderful weekend. Thanks again

Blessings
Marie
On Tue, Jan 16, 2024, 1:35 p.m. Jesse Paul < <u>jpaul@westlincoln.ca</u> > wrote:
Hi Marie,
I had a chance to speak with Brain, and your meeting tomorrow is involving more of the planning department. My file and Brain's file are appear to be separate issues, so professionally I have to stick to my file.
I will be around the office tomorrow though, if there are By Law topics that are brought up.
All the best!!!
From: Marie Horn Sent: January 16, 2024 9:41 AM To: Jesse Paul < jpaul@westlincoln.ca > Subject: Re: Re:
Good morning Jesse. Hope your morning is going well so far. I have a meeting coming up with Brian Treble this Wed at 11am. Was hoping you could be there . Is there a time today we could talk on the phone.
Blessing
Marie Horne
On Fri, Jan 12, 2024, 12:31 p.m. Marie Horne < war worde:
Hi Jesse
Yes . For sure. Thank you again
Hopefully progress starts soon.
Blessings
Marie

On Fri, Jan 12, 2024, 11:50 a.m. Jesse Paul < jpaul@westlincoln.ca> wrote: Good Morning and happy Friday. That is not a problem, hopefully the violations I found do get addressed with in the timeline that provided. Have a great weekend From: Marie Horne **Sent:** January 12, 2024 7:15 AM To: Jesse Paul < jpaul@westlincoln.ca > Subject: Re: Re: Good morning Jesse. Happy friday. Thank you for talking to them. My last email not trying to be confusing. It was suppost to mean they picked up some things from the building and left but nothing was cleaned up from the mess they made/ ruttes from the demolition take down the other week with the bin collesction. Sorry for the confusion. Writing is not forta. Hopefully with the talk to had with them they come and clean and fix the side soon. Thank you Marie On Thu, Jan 11, 2024, 3:58 p.m. Jesse Paul < <u>ipaul@westlincoln.ca</u>> wrote: Hi Marie, I was in-touch with the property owners and brought forward my findings to them. That is good to hear that there is progress.

Have a great night!

Sent: January 11, 2024: To: Jesse Paul < jpaul@v Subject: Re:	
response time. Was al	ay. Thank you for the information. Pretty appreciatived. Sorry for the later wondering if you had a chance to follow up with schilstr owners of the log. I side and picked up some things and left.
Thank you	
Marie	
	:41 p.m. Jesse Paul < jpaul@westlincoln.ca > wrote:
Hi Marie,	
Please find the pictur	of your property with estimated property lines.
The Pdf included is t	original report of concern you sent in.
Have a great day	
	may be different. Please do not feel obligated to reply outside of y s work together to help foster healthy work-life boundaries.

### **Enforcement Officer**

Tel: 905-957-3346 ext. 6734 Email: jpaul@westlincoln.ca Web: www.westlincoln.ca

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	this information by persons or entities other than

### Please provide a description of your concern.

jan 5 2024 notes

bin drop off dec 13th 2023 phill schilstra the one owner said it was going to start that afternoon or tomorrow, threw text message. first day of work started monday jan 1st 2024,

Damage to driveway/ alley way.

3 inch ruts that extend 10 long

Asbestos tiles , bordes , drive wall nails etc

Broken patio stone

previous contruction year and a half ago:

Dumster bin left on property for 3 monthes only maybe 2 weeks of work

THrowing debris from the top floor of the mason hall into dumpster and hitting the side of the Building resulting in broken out lit for 111 griffin st s furnace

left a pile left overs of drivewall, asbestos, wood pieces that wasnt cleaned up after demolition was done, once the last bin was gone no one came back or stayed behind to clean up . in a resolt had to put plugs in vehicle 2x.

Note: din here for 7 years , took over the past 3 generation owners responsibilities of maintaining the driveway/ allaway , dating back to when the 3 generation owners first started the dry cleaners, early 19 to mid 1950s, rough estiment. bin the sole person maintaining with snow leafs minis when the leafs came down this year didn't get to finsh them with my back problems that are getting treated for, only able to mulch 4 bags of leafs, when they bought the building i would say 3 years ago, all duties that comes with season to season changing. A guy has bin by himself 4 lines just this passed year only to wipper snip the front lawn and the odd weed up against there mason building. I cleaned up all the construction that has bin taking place at the mason hall since the new owners and the mass left behind, sent over thoursands of dollars for cameras. This has now become a liability situation for myself that iam not for, hope that helps , my sorry to have to put this to the next steps but i have volced consern with letting them the owners of the mason hall know about the first time when the out it gor broken and the pile i made with the debrie left behind, thank you for what you do everyday, all the best, marie horne

### Would you like to provide an image of the issue? \*

F C Yes No

### Optional: Upload Image (up to 3)

### File Nam

20240105\_153558.jpg 6.0 MB

20240105\_144135.jpg 2.2 MB

20240105103815363\_663a2ef3dd4b41e8

)

### Do you want to provide any additional information?

G C

### Additional Information:

Have prof of possession of driveway! allay way, the new owners of the mason log phil land steve schistra are trying to put condos in that biulding with not enough evidence to get space for even calling it a road, in and out, etc. to the back with another owners property that intentivine where the tree stands, phill told me he was going to cut the tree down in a text message just this passed dec 13th 2023, I had let him know that im not telling him no to cut the tree down because the tree is not mine and i do not want the neighbor on the opposite side of me to get mad or legal action, the tree stays, i already took my fenced in area and shed down at the very back that was located right infront of the tree in hopes to keep parking, which hes saying no now, sorry for the long letter and to much info, this has bin going on for my years now with not one not two but 3 different buyers! Investors since I have owned 111 griffin at s.

### Would you like us to personally respond to you about your concern?

e C Yes No

### **Stephanie Pouliot**

From:

Marie Horne <r

Sent:

April 15, 2024 4:45 PM

To:

Stephanie Pouliot

Subject:

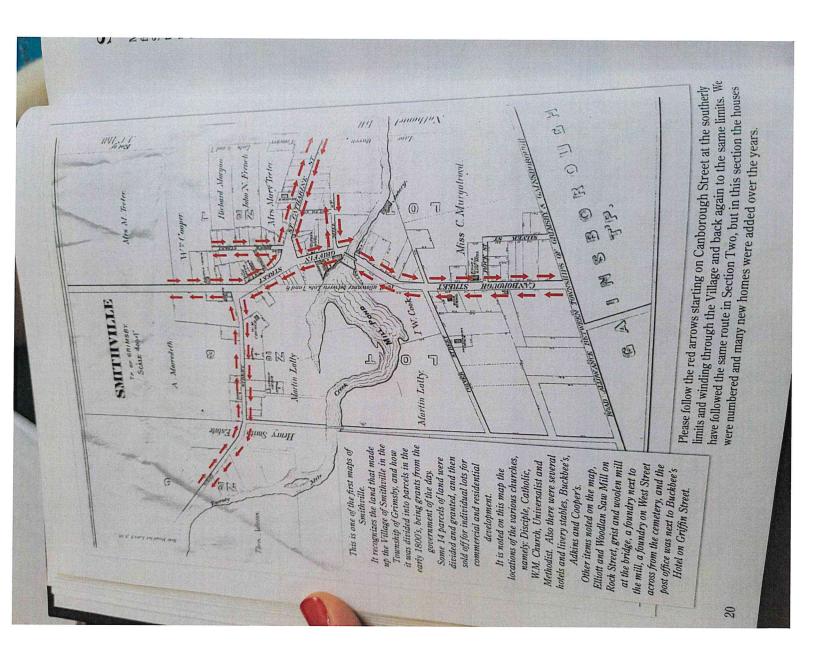
A21/2022WL Marie Horne add

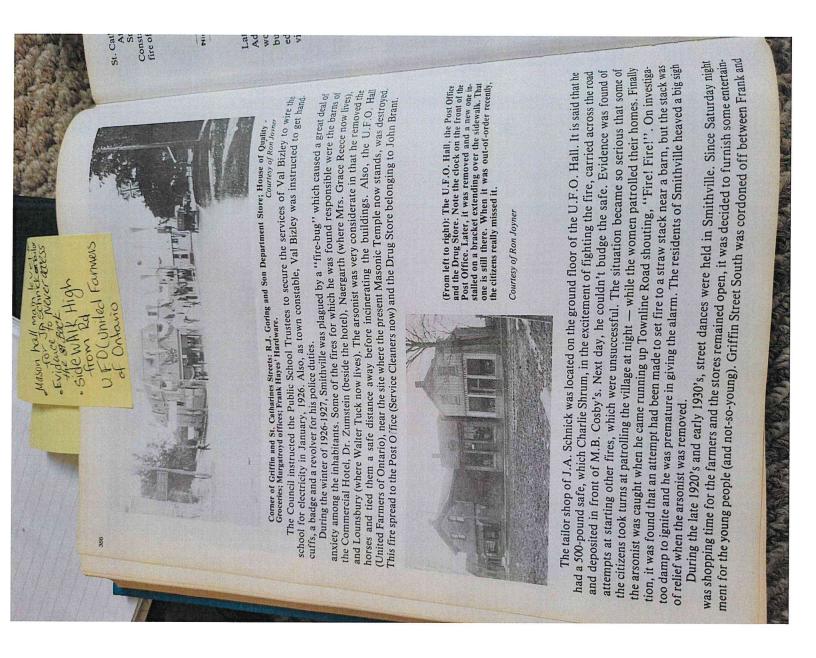
**Attachments:** 

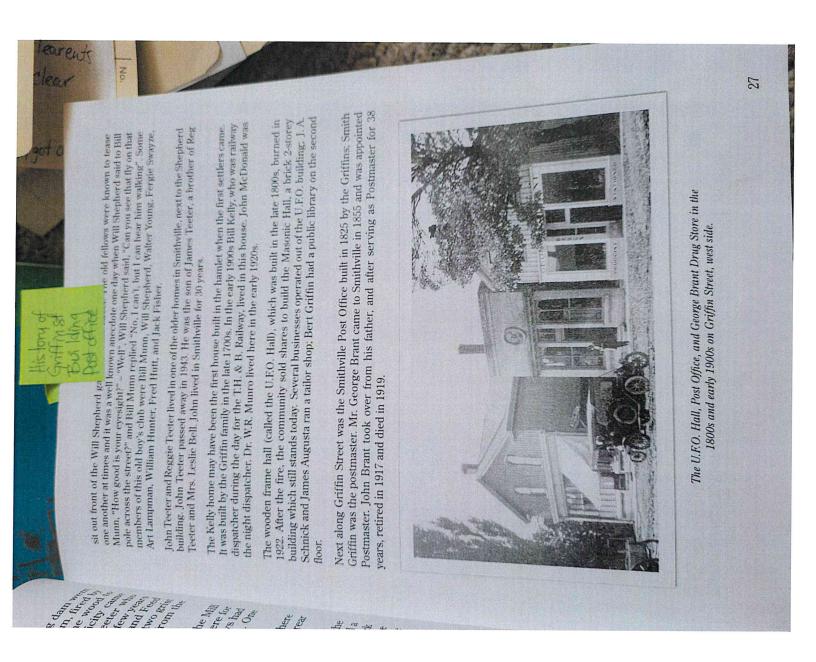
20240415\_091137.jpg; 20240415\_091241.jpg

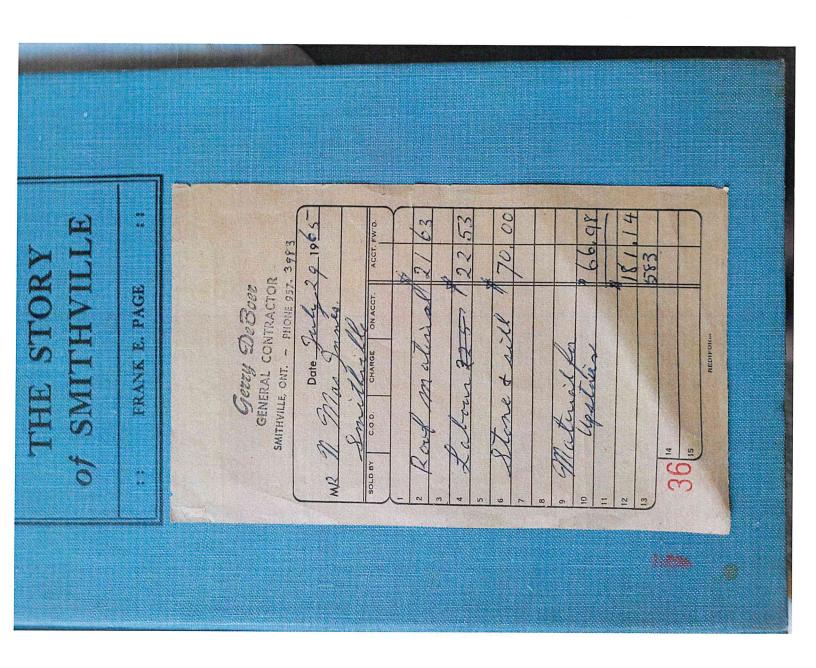
Aftermath mess from Schilstra dumpster. Still existing today. No movement. Filed bylaw comment almost 2 months ago.

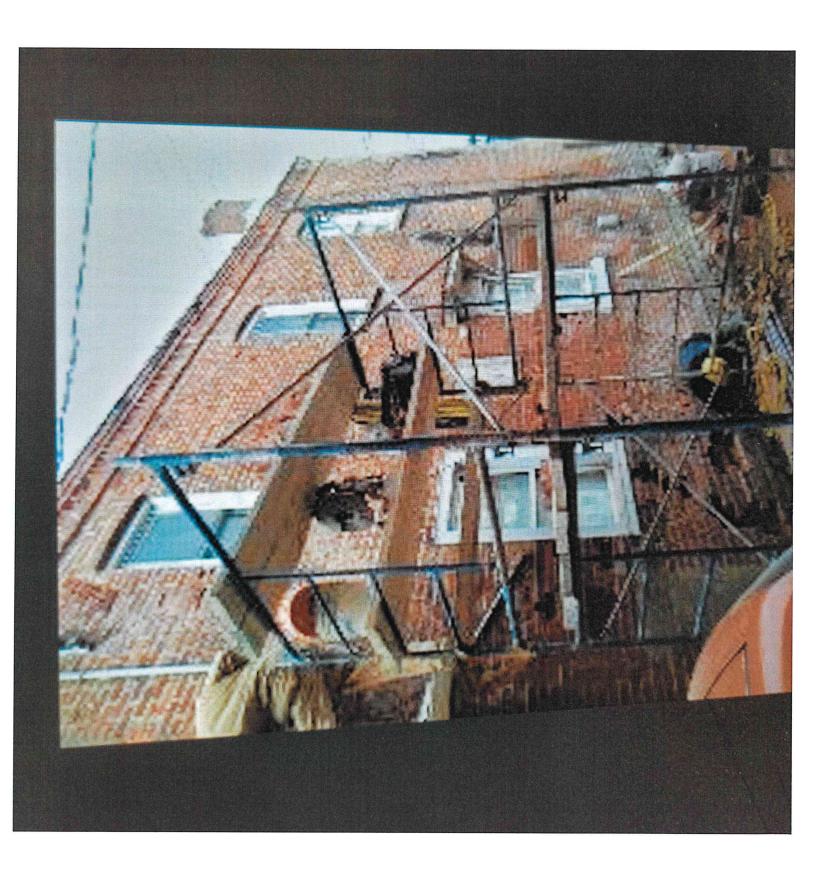


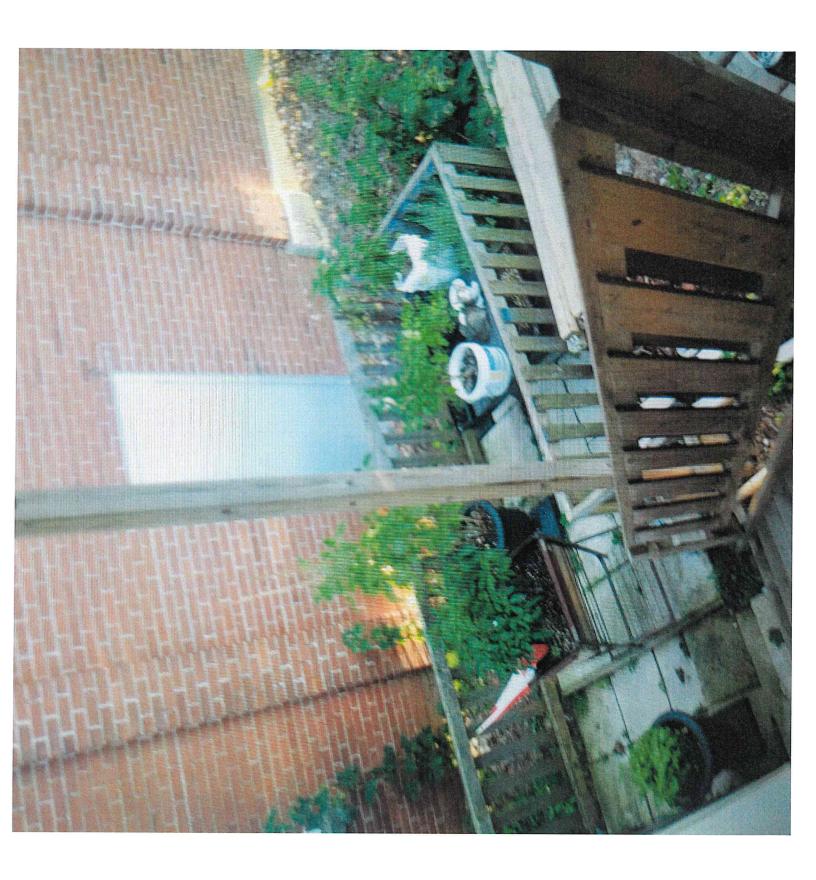


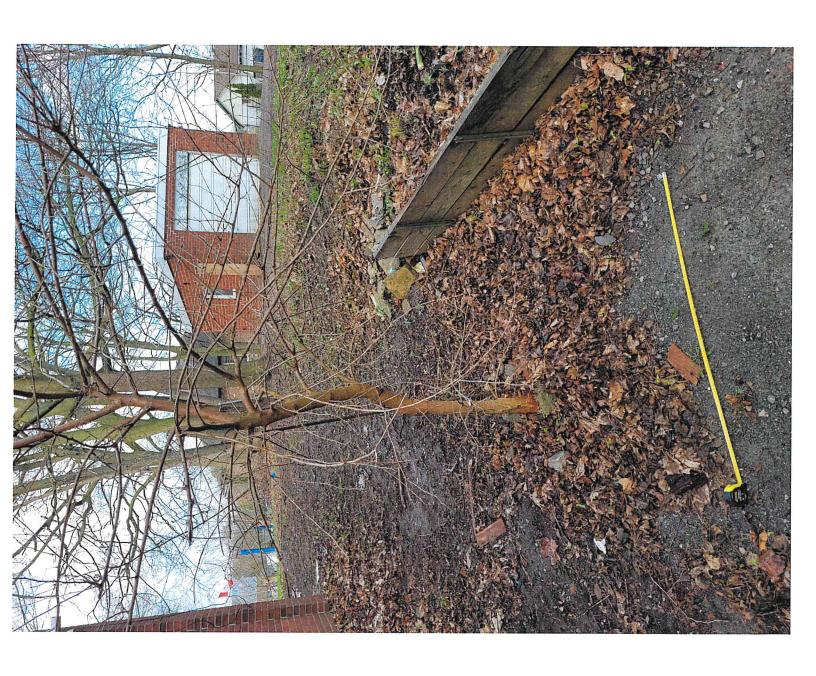














### **Stephanie Pouliot**

From: Sent: To: Cc: Subject:	C J McGlashan < Grant April 15, 2024 8:16 AM Stephanie Pouliot C J McGlashan Re: 113 Griffin Street Smithville, ON	application A21/2022 WL
April 13, 2024		
Township of West Lincoln 318 Canborough Street P.O Box 40 Smithville, Ontario LOR 2A0	00	
Dear Mayor, Council Members an	d Committee of Adjustment:	
Re: 113 Griffin Street Smithville, C	ON application A21/2022 WL	
	his property. Several of these items w	ent dated April 4, 2024 regarding multiple ere already addressed in letters dated
113 Griffin Street South is intende daily traffic. These variances still accidents at a high traffic intersec	ed for maintenance of the adjacent pro raise the problem of Increasing traffic tion. The requested variance of a sing igate the laneway. I am also concerne	consider that the shared space between 111 and operties by the owners and is not suitable for onto Griffin Street South which runs the risk of le lane instead of a double lane would affect d about where parking for the commercial units
you do not proceed with the prop		unding properties and respectfully request that s. In addition, I request that the Township rea in the very near future.
Regards,		
Cynthia Merritt McGlashan		

April 15, 2024.

Mrs. Janet Joyner, 7 Jenny Crescent, Smithville, On. LOR2A0

To: Township of West Lincoln

**COMMITTEE OF ADJUSTMENT** 

Re: A21/2022 Schilstra Brothers Inc. 113 Griffin Street Smithville, On. L0R2A0

Please accept this letter containing my concerns regarding the above file. Comments to be received today April 15<sup>th</sup>, 2024 regarding Minor Variance Application to be heard on Wednesday April 24<sup>th</sup>, 2024.

To introduce myself to the Committee I was born in Smithville and raised on Griffin Street, owned property, built a 4plex and I am retired from owning a Hardware Store on Griffin Street for 26 years. I am no stranger to the downtown core of Smithville. In the past I have been a member of the Committee of Adjustment.

Please consider the following comments:

#1. Minimum amenity space to 10 square meters from required 20 square meters:

This space is to accommodate the proposed 4 apartments on the upper floor at 113. Has any consideration been given to the fact that the tenants who rent the commercial space on the first floor may use this green space?

#2. Minimum parking space dimension to 2.6 meter from 2.7 meter.

Although this is not a great difference in space size, there are 8 proposed spots, one of which is an accessibility space. Has any consideration been given to the fact that the tenants of two commercial units on the ground floor may want to park in the rear area of the building as there is limited space for parking on the street and none in front of the building due to the location of the fire hydrant. Therefore more parking spaces will be needed. There is no way a vehicle can leave the parking lot, to back out or turn around, if all spaces are being used at the same time. There are no VISITORS parking spaces.

#3. Minimum width of 3.13 meters when 7.5 meters is required. To allow for travel in two directions.

The access to the rear of the property is a narrow laneway that is a right of way for 113 Griffin Street and I believe it is also a right of way for 111 Griffin Street (The True Mens Barber Shop). However the actual laneway is owned by 107 Griffin Street, two properties north of the subject property. I believe 107 Griffin Street is owned by the Real Estate office housed there. The use of this right of way, the traffic that will be caused as the tenants of the 4 upstairs units make their way to the parking area, will cause the right of way to appear to be the sole user of the laneway. When in fact I believe there are three

### Page #2.

Properties who have rights of way. The side entranceway/doorway into the 111 Griffin Street is inches away from the traffic flow which will take place. The laneway is too narrow to allow a walk/way or sidewalk for the tenants to walk on to get to the rear entrance to their apartments. The Tenants of the 4 apartments will be walking on the road. Tenants who want to move into and out of the upstairs apartments will not be able to have trucks or moving vans access the parking lot at the rear, I see no way they can turn around to exit back onto Griffin Street. The access location is very close to the traffic light located at Griffin Street and St. Catharines Street. This area is a very busy intersection and traffic trying to get out onto Griffin Street in this congested area and traffic waiting to enter the property will cause more congestion. The right of way cannot be used for any loading or unloading for the Commercial units on the ground floor, and there is no parking in front of 113 Griffin Street.

#4. Removing the requirement for planting strips along the rear lot line.

Without the buffer of a planting strip area, the vehicles parked along the lot line will be right up against the fence/lot line. The planting strip area would allow a strip of land for a setback from the lot lines.

In closing, I might add, as a child growing up and playing in the area I was told that there was a Cemetery at the rear of the property. Fact or Fiction? Has anyone investigated the possibility???

Please consider my comments and provide a link to me for the April 24<sup>th</sup>, 2024 Committee Meeting.

Respectfully submitted

IANET IOVNER

FRI, April 19
2024
From the meeting we have had
in Jan 17th 2024. I want all aditional
information from my file to be included
with the staff report.

Mariellows

## 图图图图图图



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25 trarealestate.com

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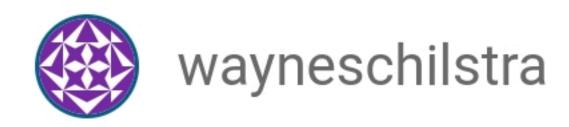
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Wayne Schilstra Team Blog



# 113 Griffin St South, Smithville – SOLD



4 years ago

### 113 Griffin St South Smithville MLS#H4093466 SOLD

I would recommend the Wayne Schilstra Team for your real estate needs. They were highly professional in every aspect of the process, and most importantly, delivered excellent results!

Grant Gonchar

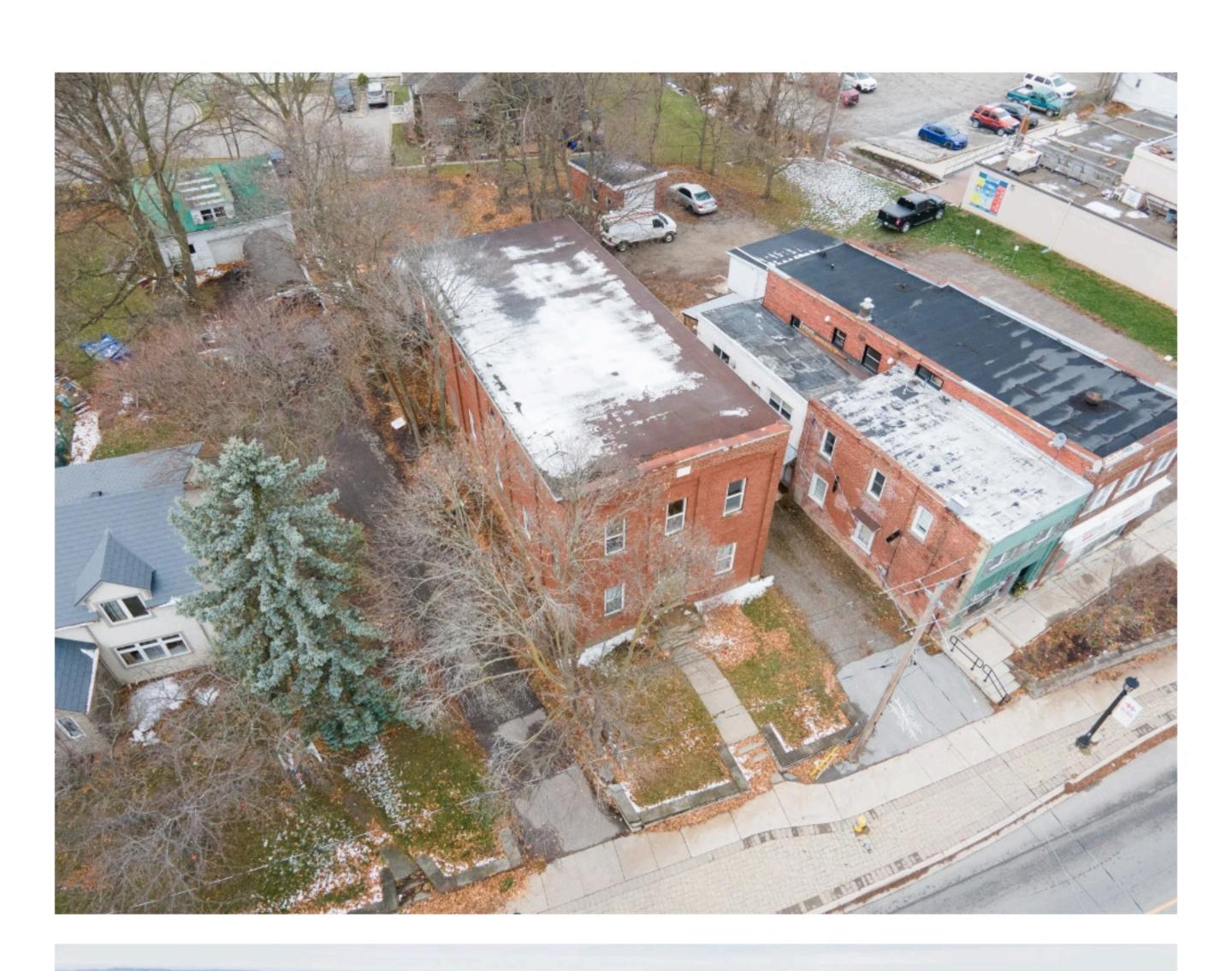






Opportunity knocks! Huge 5,083 square foot, 2 storey building in downtown Smithville – previously used as the Masonic Hall. C-1 commercial zoning allows for a variety of uses including: apartment dwelling, art gallery, commercial school, communications establishment, dry cleaning/laundry depot, financial institutions, funeral home, office including a medical office, personal service shop, place of entertainment, private club, recreational facility, restaurant, retail store, service shop, studio, veterinary clinic. 2 Furnaces; one to heat the upstairs and one to heat the main level; furnace for main level sold "as is". Potential parking at the rear of the property for approximately 10 vehicles. Low sloped roof was redone approx 15 years ago. Solid triple brick construction for the main building, one floor addition at the rear of the building is vinyl siding. Crawl space. 11'6" clear height on the

studio, veterinary clinic. 2 Furnaces; one to heat the upstairs and one to heat the main level; furnace for main level sold "as is". Potential parking at the rear of the property for approximately 10 vehicles. Low sloped roof was redone approx 15 years ago. Solid triple brick construction for the main building, one floor addition at the rear of the building is vinyl siding. Crawl space. 11'6" clear height on the main level. Please note property is 52.79 feet along rear. Right of way over adjacent property on north side for access to rear yard.



Page 106 of 170

10:12 🗷 🖫 🖷 •



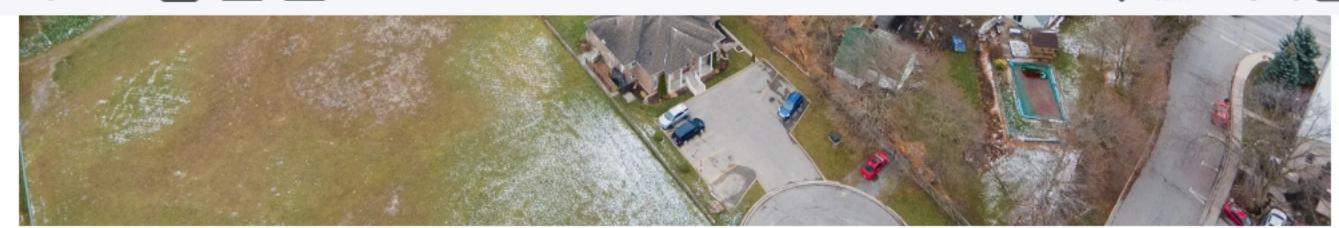














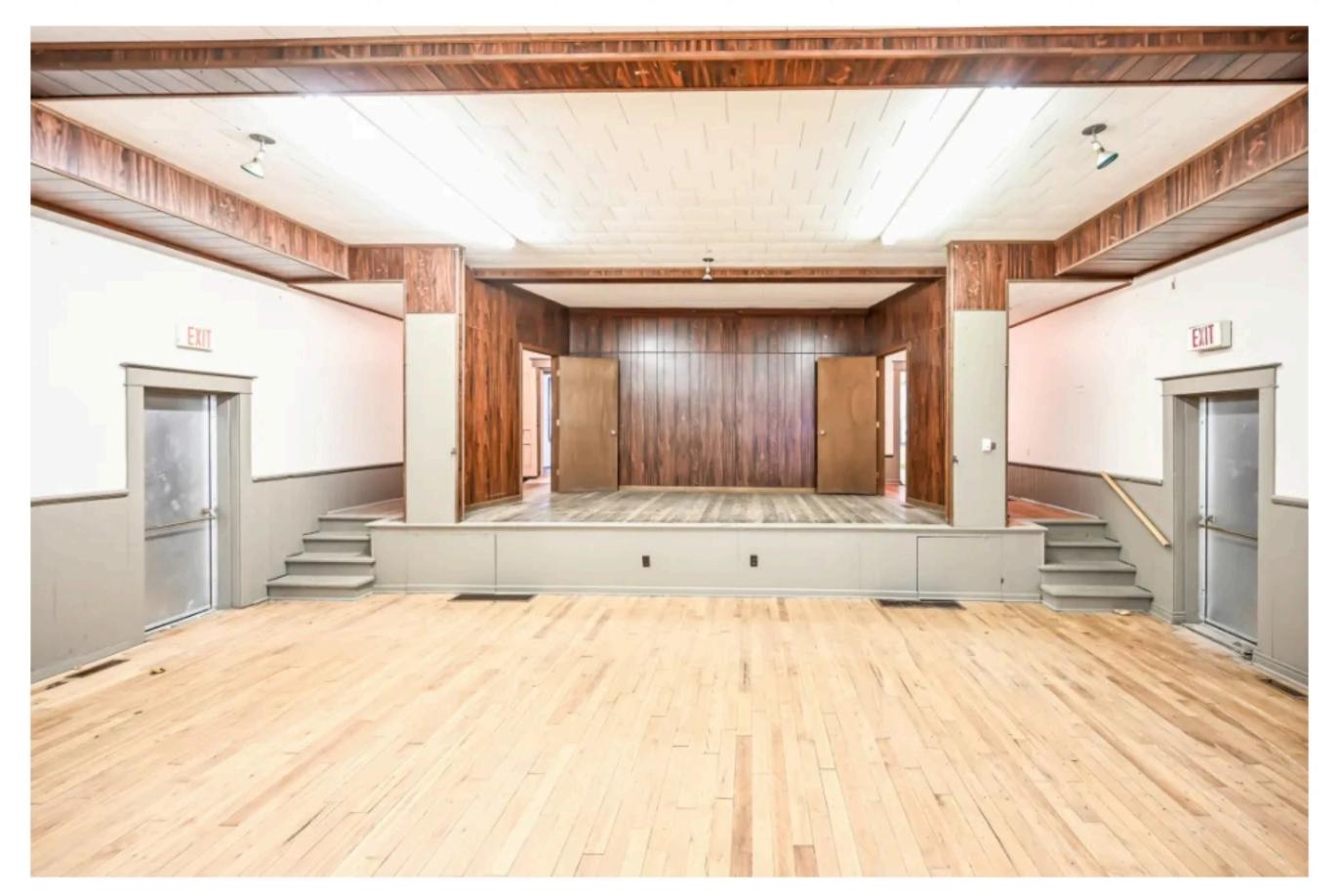














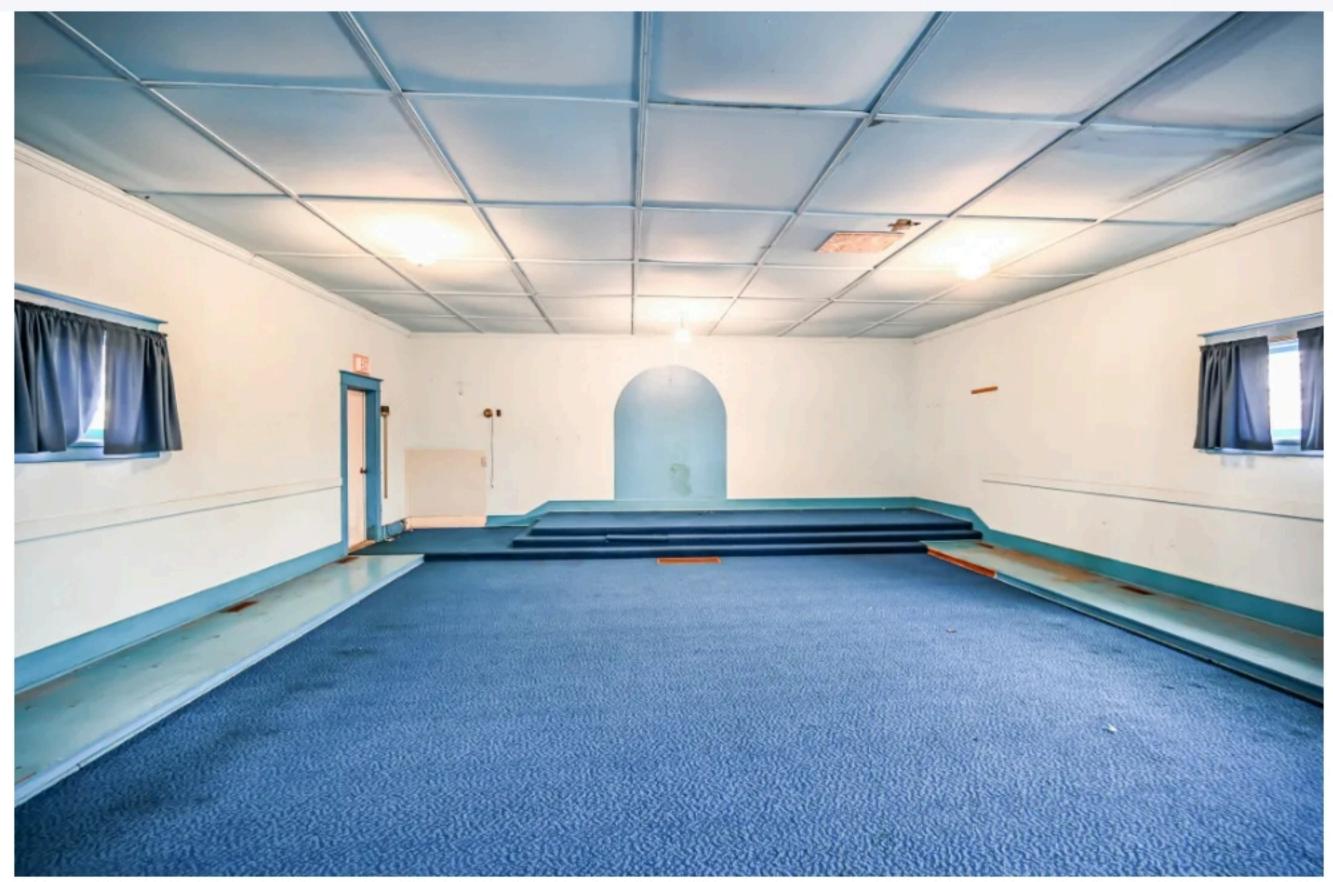


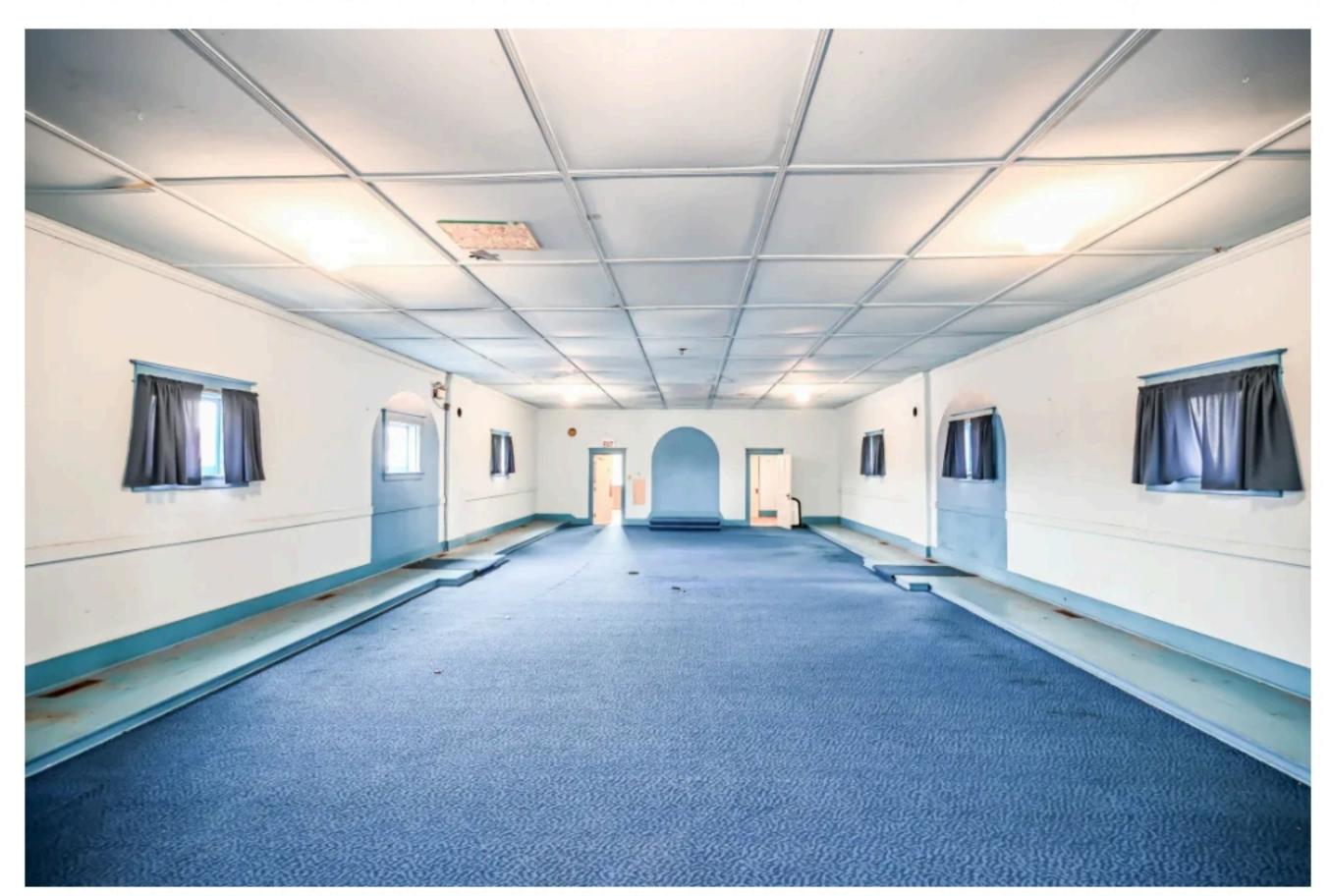


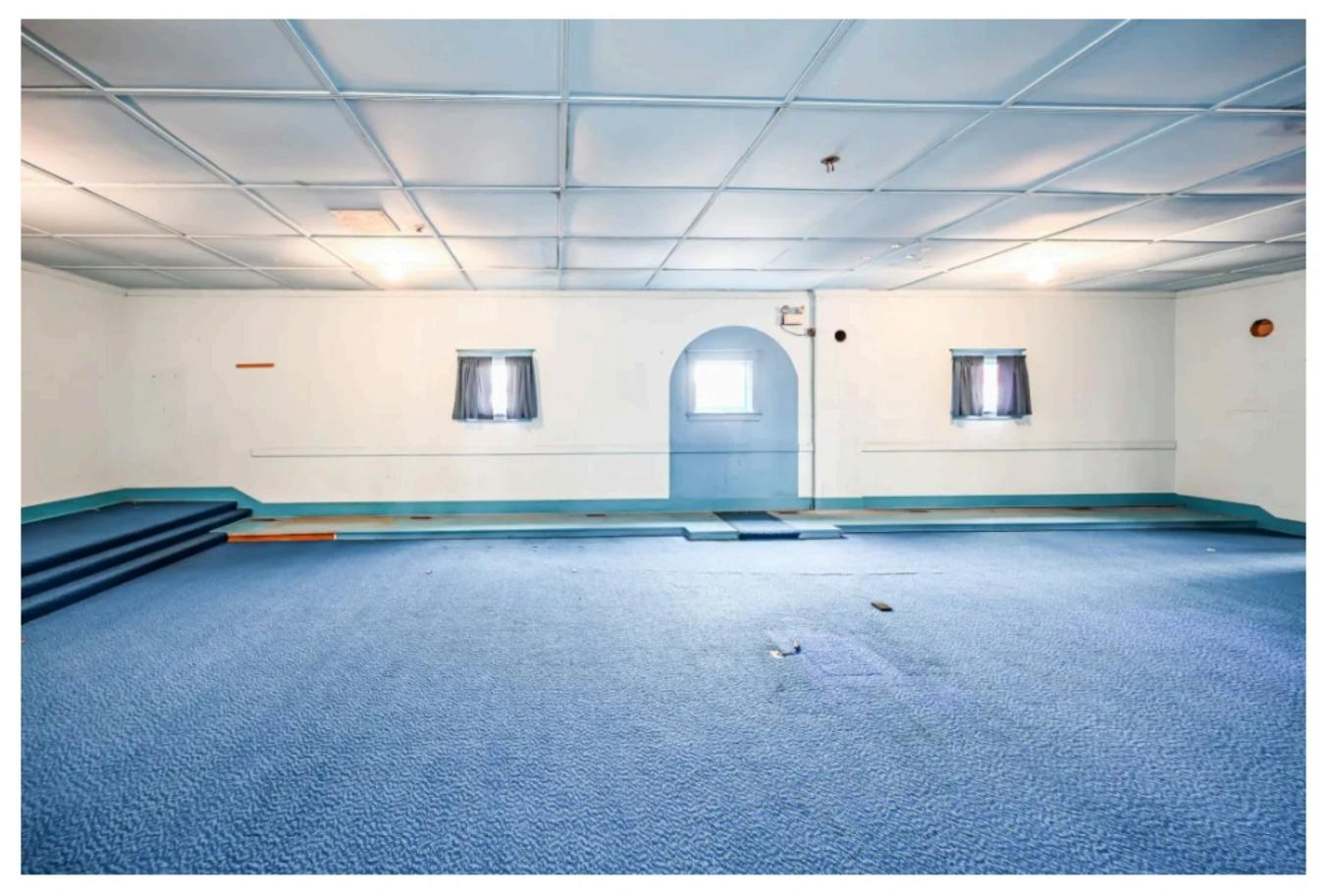


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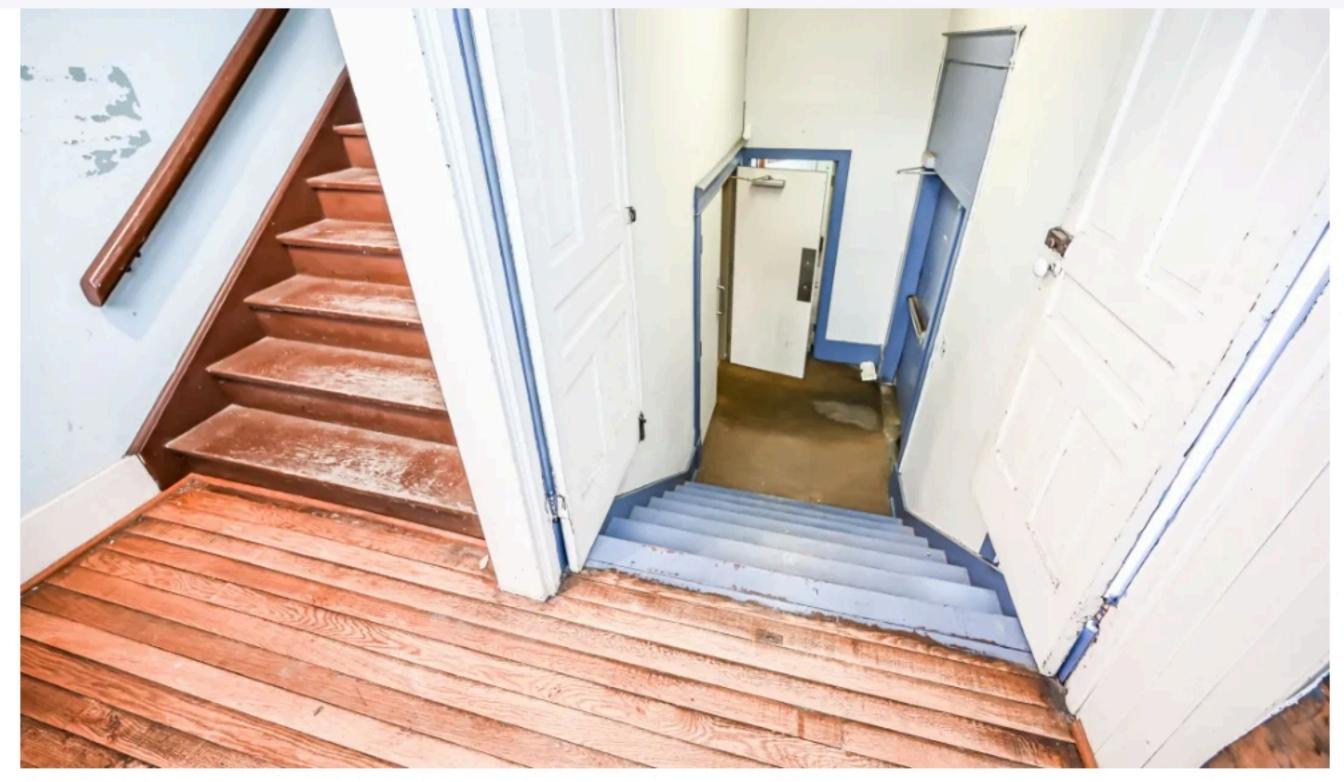


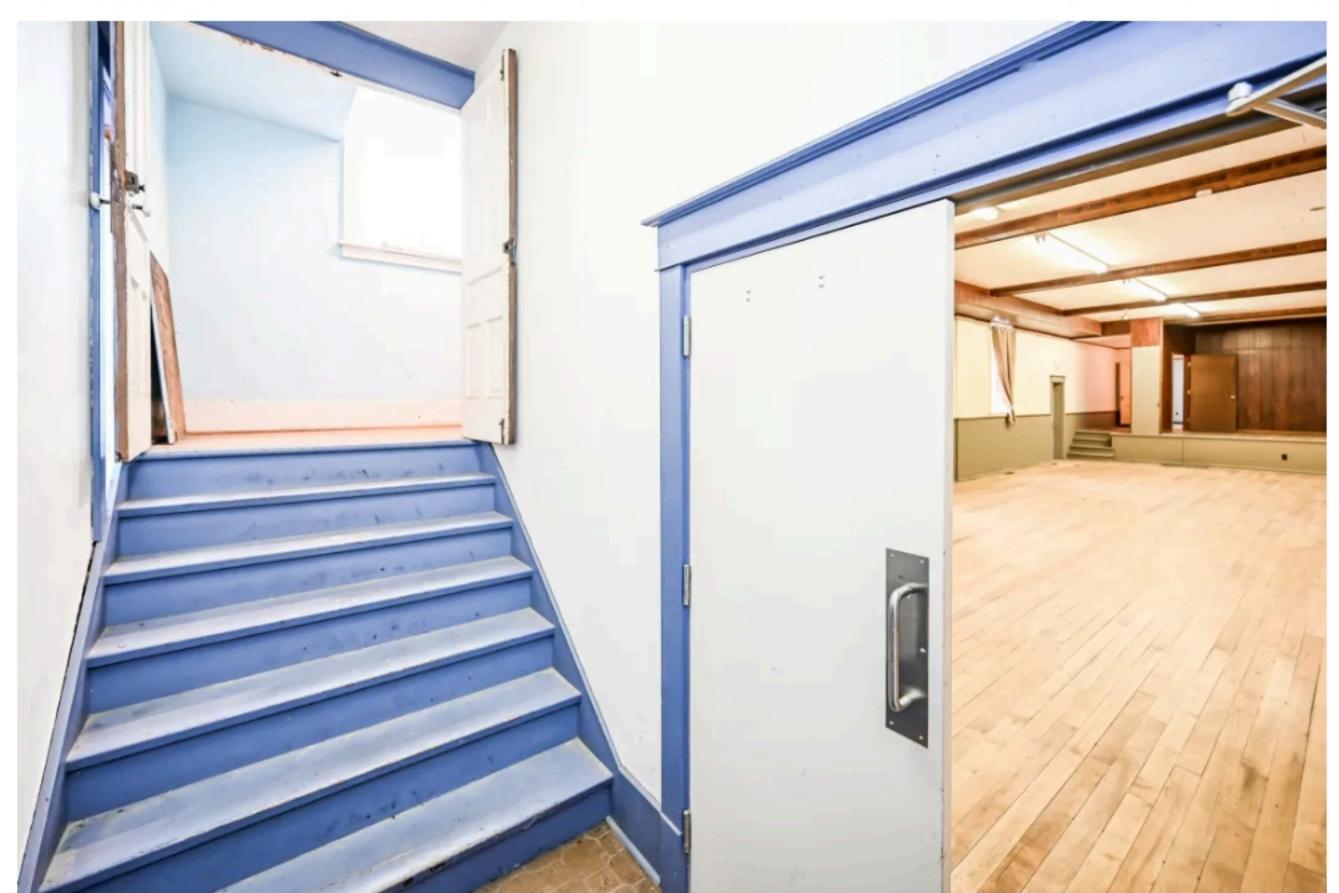


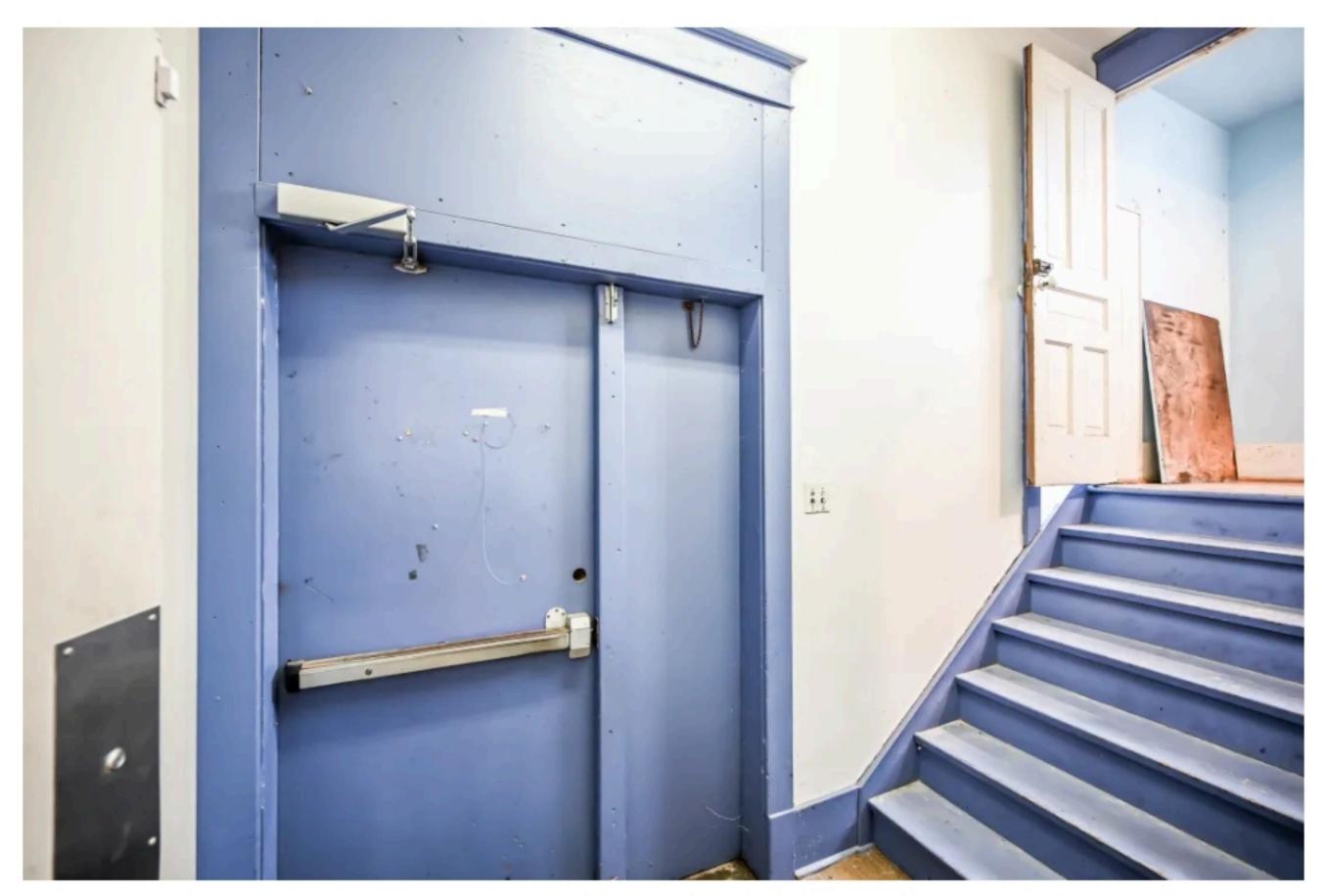


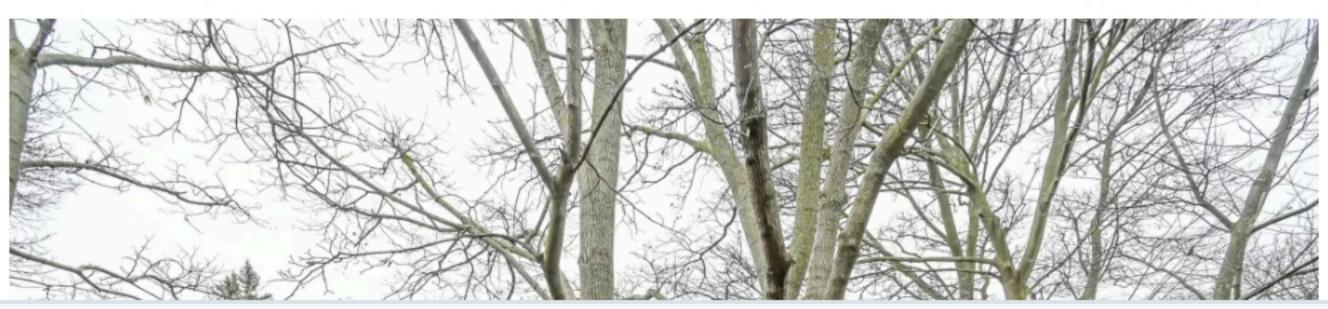
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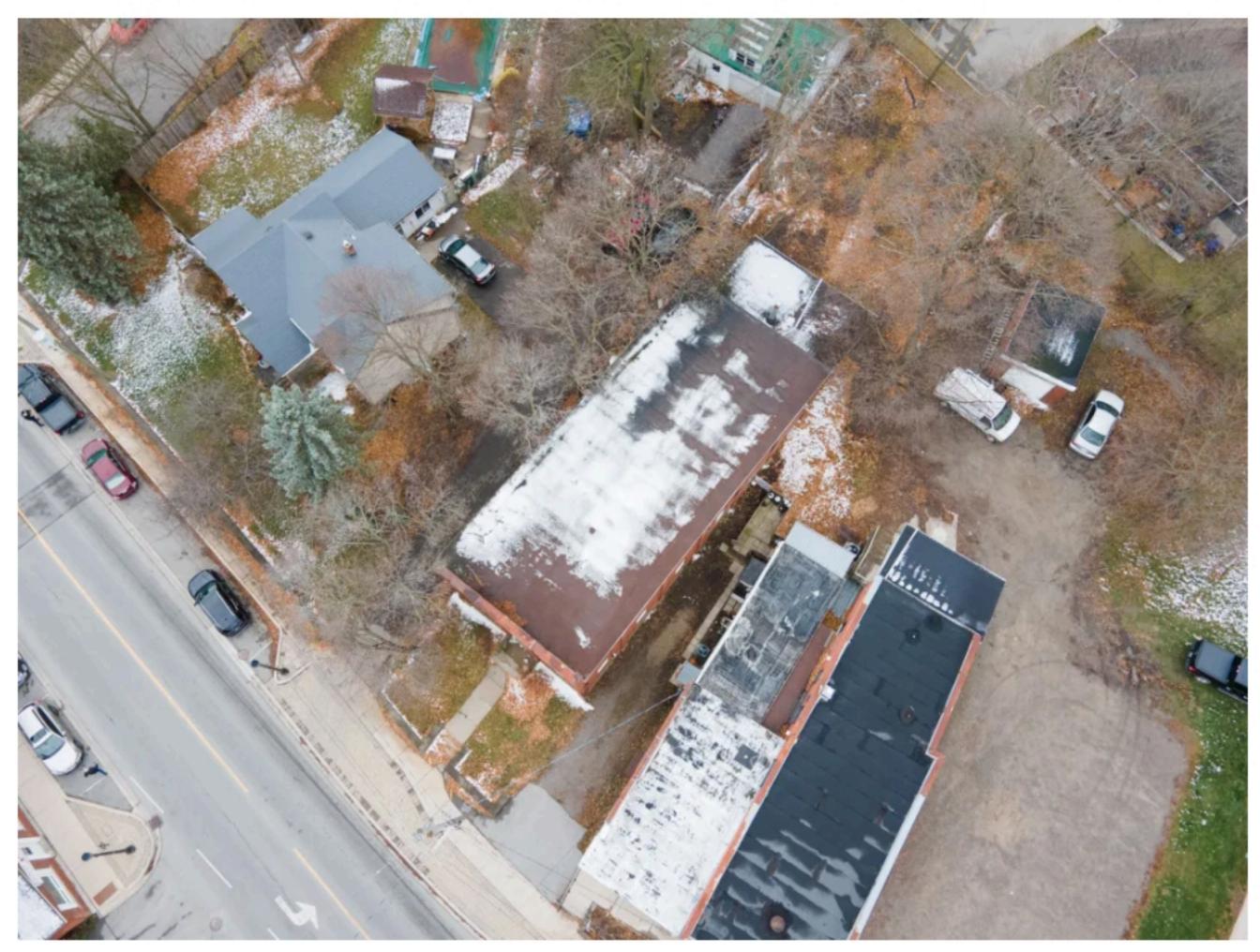








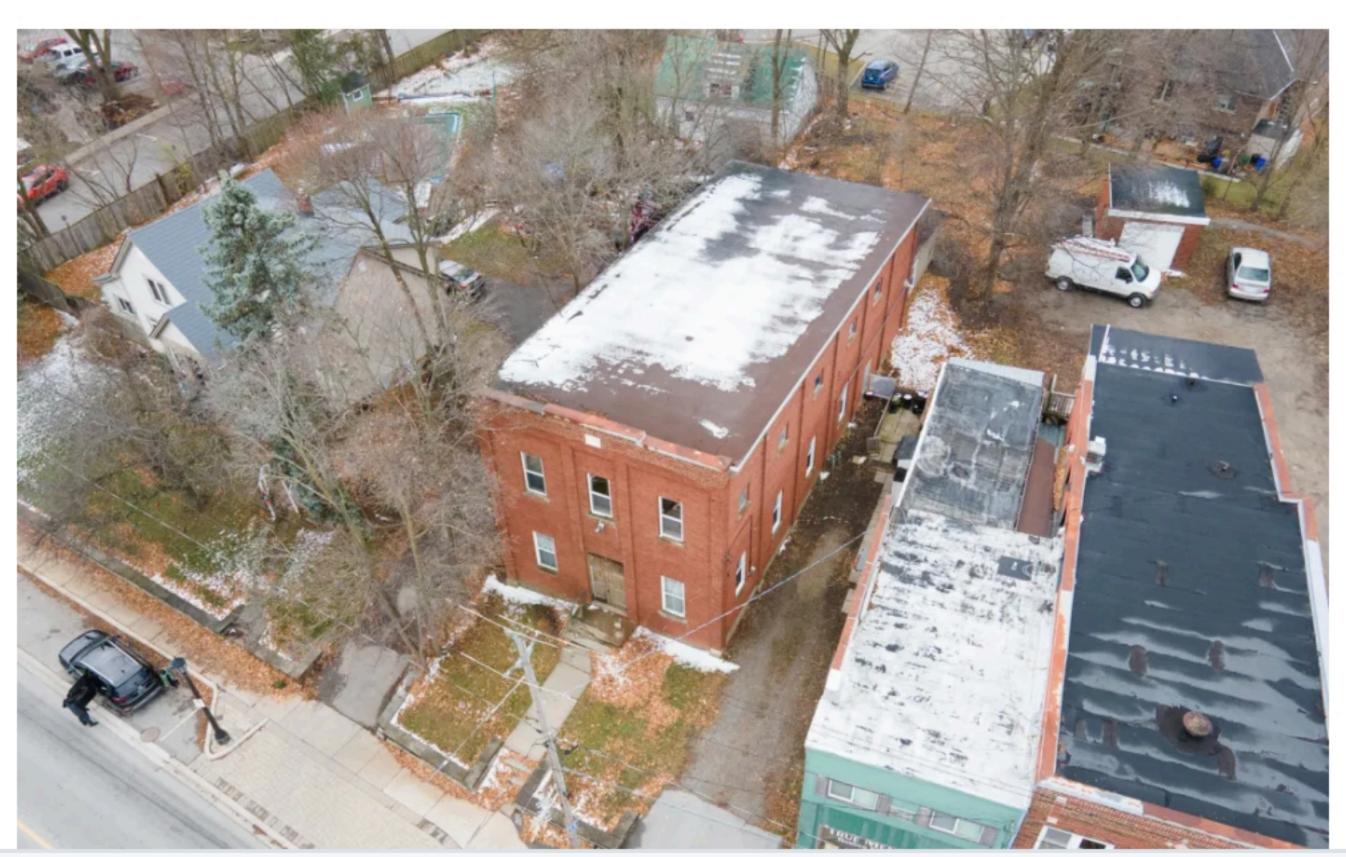










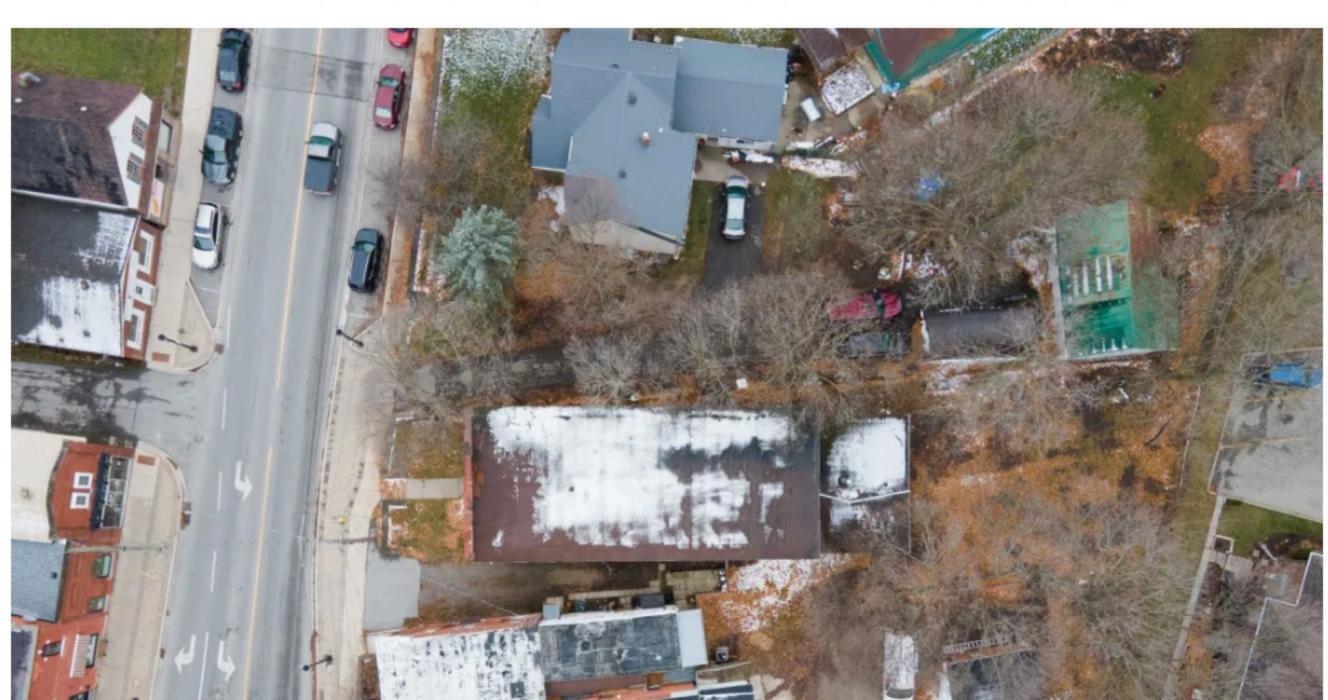












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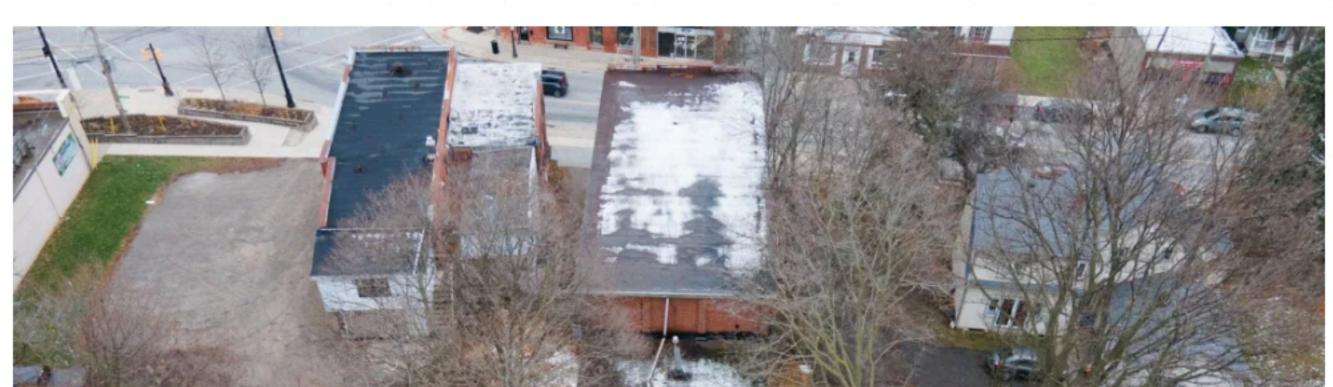
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10:15 🗷 🖫 🖫 •





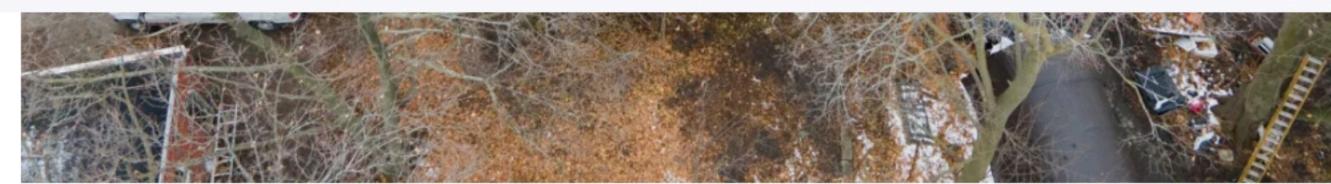








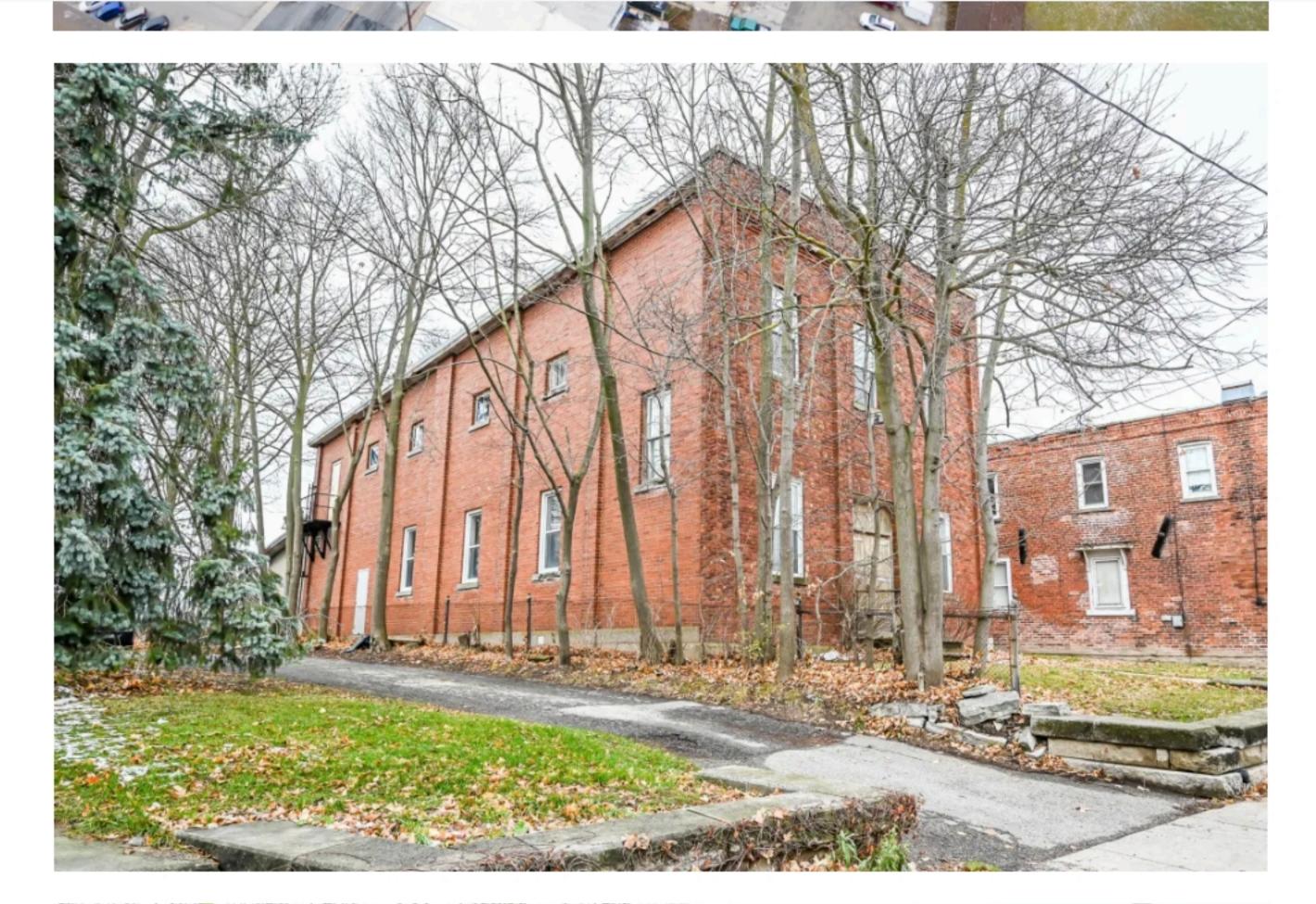




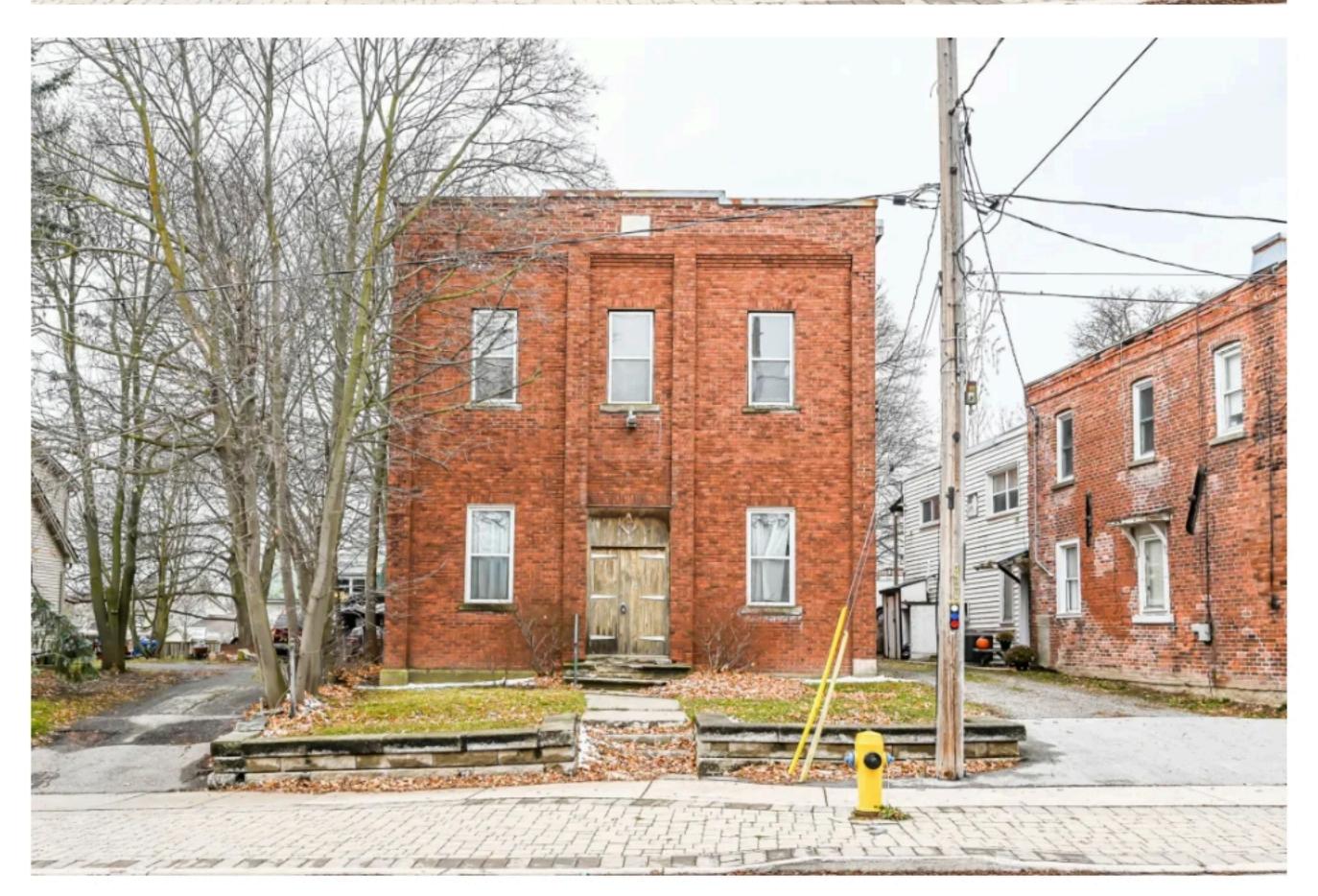
























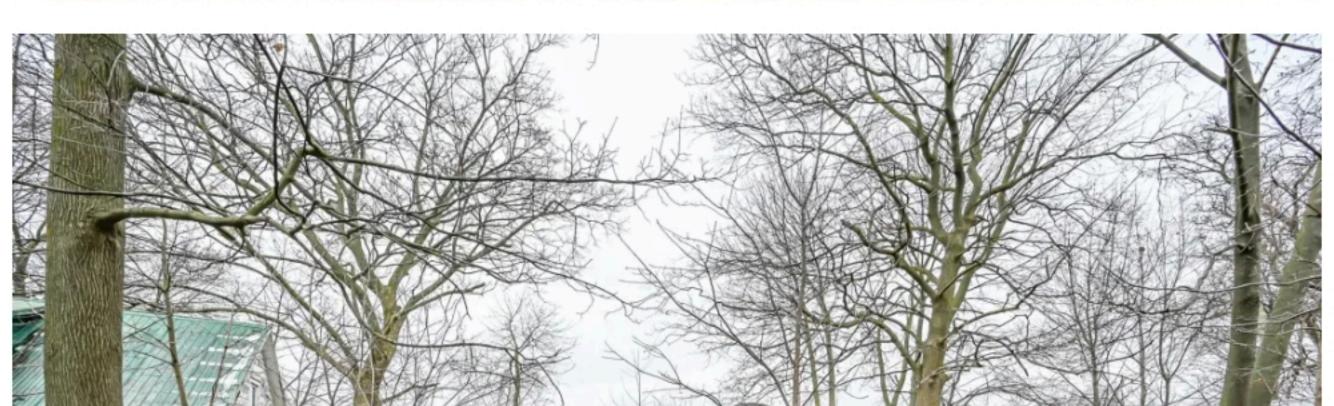
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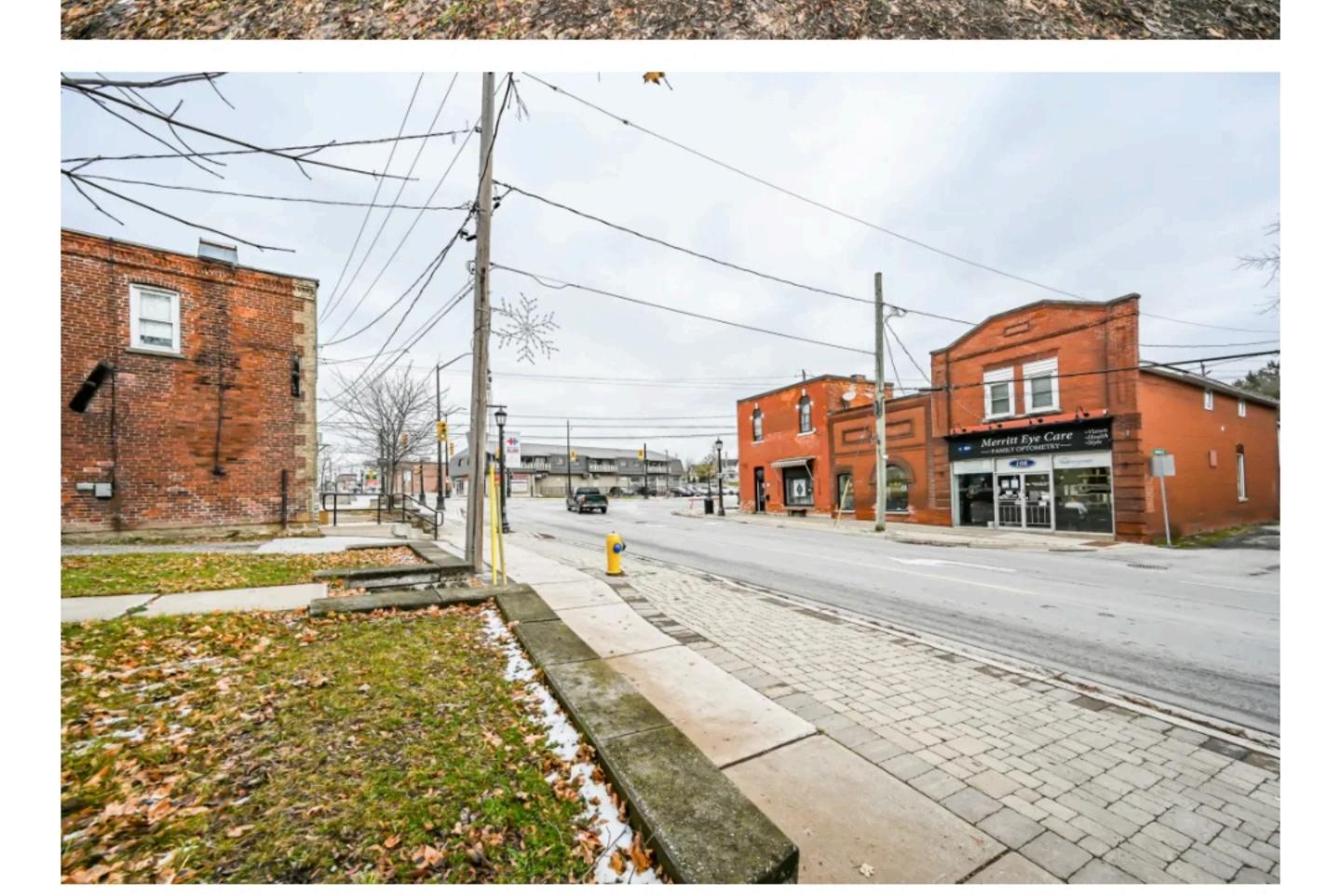














<u> 113 Oakdale Boulevard, Smithville – SOLD</u>

<u>175 Griffin Street North – Apartment</u> <u>Rental – Leased!</u>

<u>50 Creek View Drive, Smithville – SOLD</u>

Categories: Just Sold - City!



















# Marie Horne Yesterday

to Brian 🗸

**←** 

Good morning Brian. This is Marie Horne. My apologies for the delay in getting back to you. Had to step back for a bit do to things being overwhelming with now being the second investor/developer of the Mason hall. As well as this ongoing development pursuit next door and saving are downtown core. I have bin active in trying to save the rights of the side of my building and have clear evidences with the usage of the side dating back to 3 generating owners. Would like to suchuale a sit down meeting with you the mayor and anyone else to get everyone up to date with my findings and ongoing issues that have bin taking place next store these passed years for intitlement in residential condos with a space that doesn't have enough to support or allow. Also left a voice-mail with are mayor today as well. Requesting a sit down meeting. Have Mondays off still and hoping that that works for you.

Blessings

Marie Horne

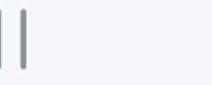


Marie Horne Yesterday

to Jacquie 🗸



Show quoted text























to Jacquie 🗸

Show quoted text



Brian Treble Yesterday



to me, Cheryl, Jacqui...



### Hi Marie:

I have copied a few people on my reply including the Mayor.

Between Jacquie and Jeni of this office, they can hopefully set up a meeting time on a Monday that works in your calendar. I have also included the planners who are working on the adjacent Masonic Hall minor variance and site plan.

Thanks for reaching out.

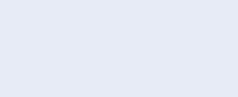
Brian

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

haundariaa



















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only ar soonly and woodin loom.our, och it books and

- <gboerema@westlincoln.ca>, Jeni Fisher
- <jfisher@westlincoln.ca>, Stephanie Pouliot
- <spouliot@westlincoln.ca>

Show quoted text



Marie Horne Yesterday







Hi Brian. Thank you for your response. I look forward to hearing from you regarding the meeting date and time.

Blessing

Marie Horne

----- Forwarded message -----

From: Brian Treble <a href="mailto:btreble@westlincoln.ca">btreble@westlincoln.ca</a>

Date: Mon, 15 Jan 2024 at 13:35

Subject: RE: 111 griffin st s/ driveway

To: Marie Horne <mhsafex@gmail.com>

Cc: Cheryl Ganann < cganann@westlincoln.ca>,

Jacquie Thrower < jthrower@westlincoln.ca>, Susan

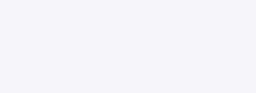
Smyth <ssmyth@westlincoln.ca>, Gerrit Boerema

<gbootena@westlincoln.ca>, Jeni Fisher

<jfisher@westlincoln.ca>, Stephanie Pouliot

<spouliot@westlincoln.ca>

Show quoted text























# Marie Horne Yesterday

to Brian 🗸



Good morning everyone.

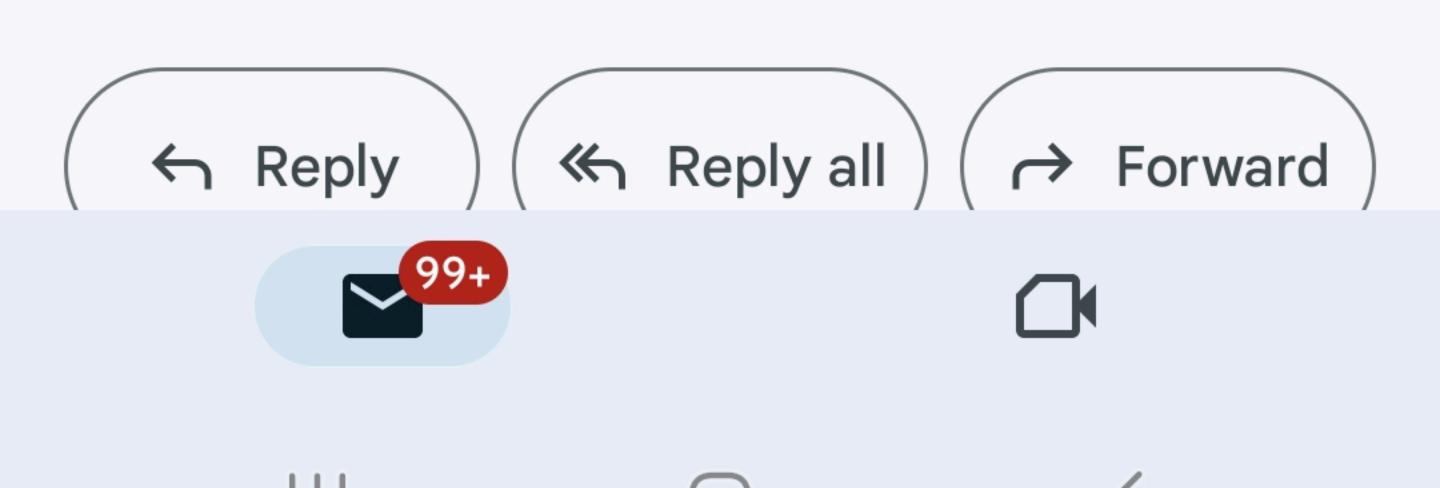
This email was written last night as it has bin heavy on my heart and time is precious in this matter. I feel the need to not wait on the matter and take any day and time that is available for a meeting with all the findings I have come into my possession. The findings state the middle between the Mason hall and myself at 111 griffin st s is my right to continue usage as it has bin for decades times seven and some.

Any altering changes/plans do not belong to a decision of other parties to over ride the existing usage/legal document/s/deeds that would change the holders in hand of there deeds/documents without there consent or handover rights. I Marie Horne do not give my consent/sign off and have all aspects to all of the above stated. Will work around your schedule for a sit down meeting as well. Just ask for a day in advance to make arrangements with moving around the business. Look forward to hearing from you.

Blessings

Marie Horne

Show quoted text



Page 130 of 170













# Re: 111 griffin st s/ driveway

Inbox





Brian Treble 6:40 a.m.







### Marie:

I can meet between 11 and 2 this Wednesday or anytime on Monday the 22nd.

As you know, the Mayor is not available on the 22nd but I can certainly brief her later.

Your call.

Brian

Sent from my iPhone

On Jan 15, 2024, at 10:39 PM, Marie Horne <a href="mailto:nhsafex@gmail.com">nhsafex@gmail.com</a> wrote:

Good morning everyone.

This email was written last night as it has bin heavy on my heart and time is precious in this matter. I feel the need to not wait on the matter and take any day and time that is available for a meeting with all the findings I have come into my possession. The findings state the middle between the Mason hall and myself at 111 griffin st s is my right to continue usage as it has bin for decades times seven and some.

Any altering changes/plans do not belong to a



















side dating back to 3 generating owners. Would like to suchuale a sit down meeting with you the mayor and anyone else to get everyone up to date with my findings and ongoing issues that have bin taking place next store these passed years for intitlement in residential condos with a space that doesn't have enough to support or allow. Also left a voice-mail with are mayor tod as well. Requesting a sit down meeting. Have Mondays off still and hoping that that works for you.

Blessings

Marie Horne



Marie Horne 7:24 a.m.







# Good morning Brian

Will see you this Wed Jan 17th at 11am. Requesting are bylaw officer to sit in the meeting. His name is Jesse last name Paul I believe.

Blessing

Marie Horne

Show quoted text















Information on 111 griffin st s/old Mason hall/ royal Lepage building /properties Add label





Marie Horne Jan 4

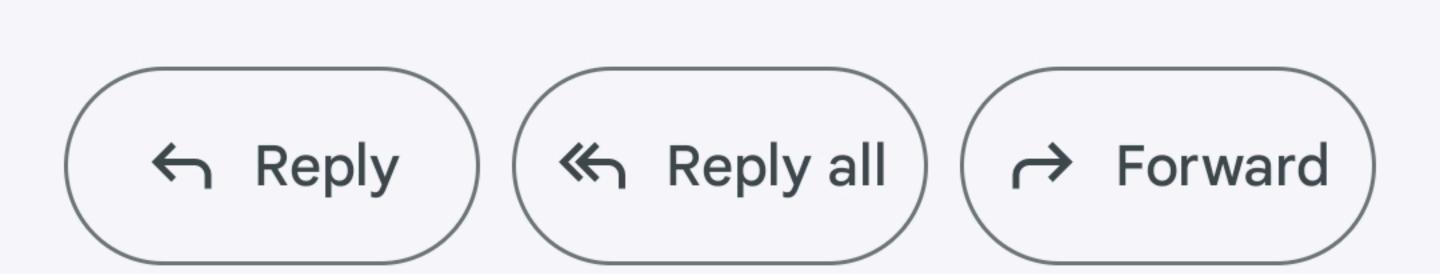
to archives ~



Hi there. This is Marie Horne owner if 111 Griffin st s. Was hoping to talk with you regarding any information and be about to get an appointment twith you to see what you have. Looking toward to hearing from you very soon. Also bin trying to get a call back from someone hoping to get a phone number and set a date up to have a appointment with you as well. Thank you for your time.

Blessings

Marie Horne





















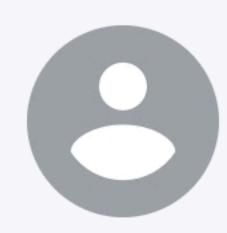






(no subject) Inbox





Jesse Paul Jan 5





https://www.westlincoln.ca/en/townshipoffice/report-a-concern.aspx

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



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.



Marie Horne Jan 5

to Jesse 🗸





hi iesse thank you for sending me the link i























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### Marie Horne Jan 5

to Jesse 🗸



hi jesse. thank you for sending me the link . i couldnt save the report i summited . could you send me a copy please for me records. confirmation number is 2024-01-05-004. thank you again Blessings marie horne
111 griffin st smithville on LOR 2a0

### Show quoted text



# Jesse Paul Jan 6

Hi Marie. I did get your a report of concern, I am out of the office till



# Marie Horne Jan 6

to Jesse 🗸



•

### Hi Jesse

OK. Thank you. Hope you have a good weekend with family. All the best

Maria









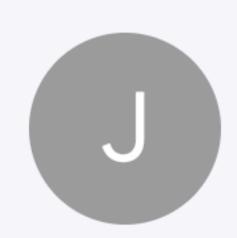












# Jesse Paul Jan 6

to me 

✓

 $\dot{}$ 

Hi Marie.

I did get your a report of concern, I am out of the office till Tuesday with family stuff, and I will go check it out on Tuesday when I am back at work.

Have a great weekend.

Sent from my iPhone

On Jan 5, 2024, at 6:33 PM, Marie Horne <a href="mailto:nhsafex@gmail.com">nhsafex@gmail.com</a>> wrote:

hi jesse. thank you for sending me the link . i couldnt save the report i summited . could you send me a copy please for me records. confirmation number is 2024-01-05-004. thank you again Blessings marie horne 111 griffin st smithville on LOR 2a0

On Fri, 5 Jan 2024 at 16:00, Jesse Paul <jpaul@westlincoln.ca> wrote:

https://www.westlincoln.ca/en/township-office/report-a-concern.aspx























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The information transmitted, including attachments, is intended only for the person(s) or entity which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you receive this in error, please contact the sender and destroy any copies of this information.



Marie Horne Jan 6

to Jesse 🗸



Hi Jesse

OK. Thank you. Hope you have a good weekend with family. All the best

Marie

Show quoted text



Respecting our Roots – Realizing our Future



imageac13ff.PNG















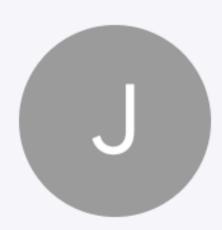












Jesse Paul Jan 9

to me ✓



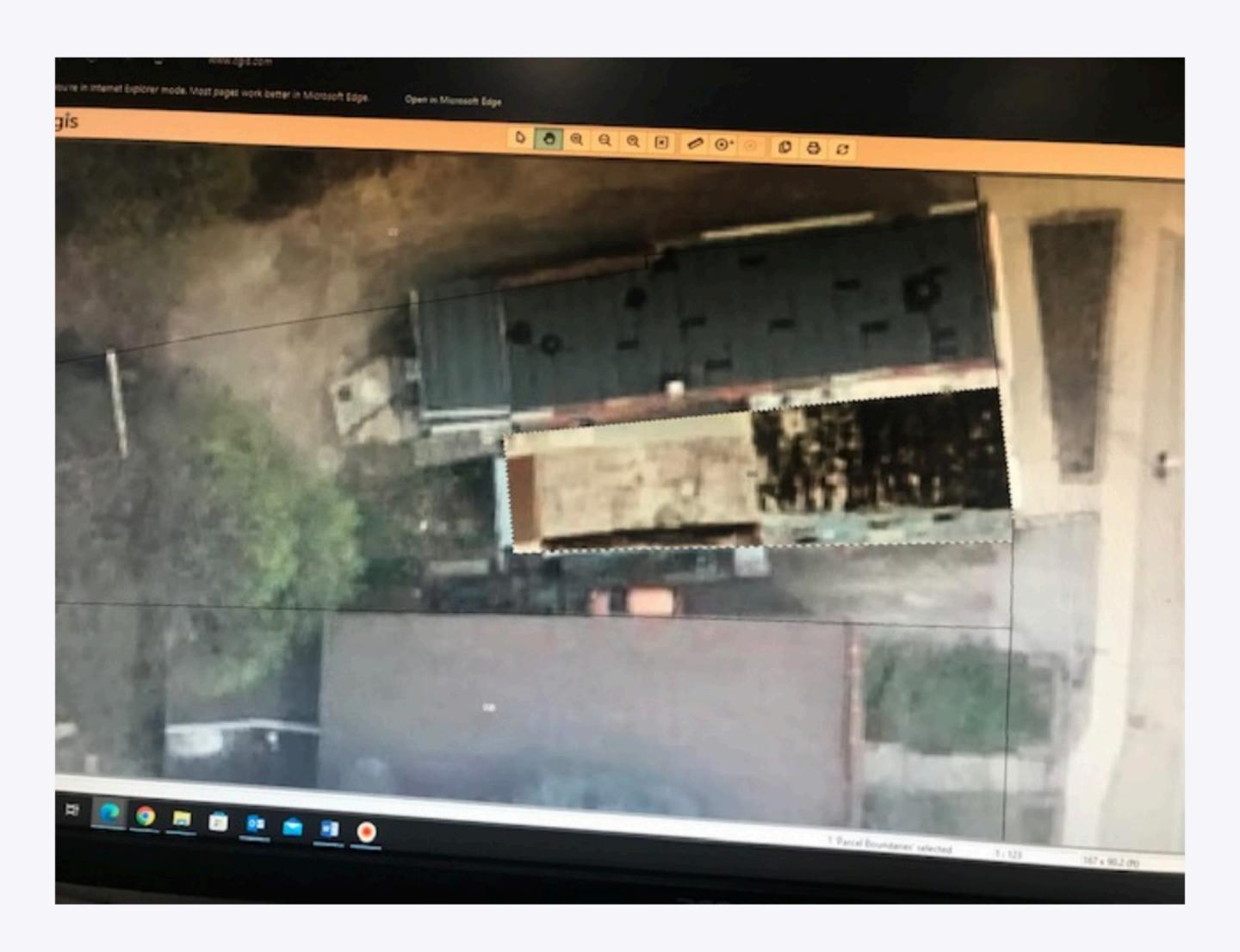


Hi Marie,

Please find the picture of your property with estimated property lines.

The Pdf included is the original report of concern you sent in.

Have a great day

















2024-01-05-004....







# Report a Concern

If you want to report a concern in the Township of West Lincoln, please fill in the form below. Thank you for taking the time to help keep your community safe, clean and enjoyable for everyone.

#### Your Contact Information

Full Name: *  Marie Horne		Email Address: *  mhsafex@gmail.com
905-536-2666	111 Griffin St S Sm	ithville Ont LOR 2A0
Please select your ar	Complaint Info	
Please describe the landmarks.*	ocation of your concern	n. Include nearest intersections and other descriptive
location : Between the intersection : Griffin S	e two buildings of 111 griff of s traffic lights	in st s and Mason HAII .

#### Please provide a description of your concern. \*

jan 5 2024 notes

bin drop off dec 13th 2023 phill schilstra the one owner said it was going to start that afternoon or tomorrow. threw text message. first day of work started monday jan 1st 2024.

Damage to driveway/ alley way.

3 inch ruts that extend 10 long

Asbestos tiles, bordes, drive wall nails etc

Broken patio stone

.....

previous contruction year and a half ago:

Dumster bin left on property for 3 monthes only maybe 2 weeks of work

THrowing debris from the top floor of the mason hall into dumpster and hitting the side of the Building resulting in broken out lit for 111 griffin st s furnace

left a pile left overs of drivewall, asbestos, wood pieces that wasnt cleaned up after demolition was done, once the last bin was gone no one came back or stayed behind to clean up, in a resolt had to repluge in vehicle 2x.

---

Note: din here for 7 years . took over the past 3 generation owners responsibilities of mainta driveway/ allawaay . dating back to when the 3 generation owners first started the dry cleaner to mid 1950s. rough estiment. bin the sole person maintaining with snow leafs minis when came down this year didnt get to finsh them with my back problems that are getting treated for. able to mulch 4 bags of leafs. when they bought the building i would say 3 years ago all duties that comes with season to season changing . A guy has bin by himself 4 times just this passed year only to

wipper snip the front lawn and the odd weed up against there mason building. I cleaned up all the construction that has bin taking place at the mason hall since the new owners and the mass left behind. sent over thoursands of dollars for cameras. This has now become a liability situation for myself that iam not for. hope that helps . my sorry to have to put this to the next steps but i have voiced consern with letting them the owners of the mason hall know about the first time when the out lit gor broken and the

#### Please provide a description of your concern. \*

jan 5 2024 notes

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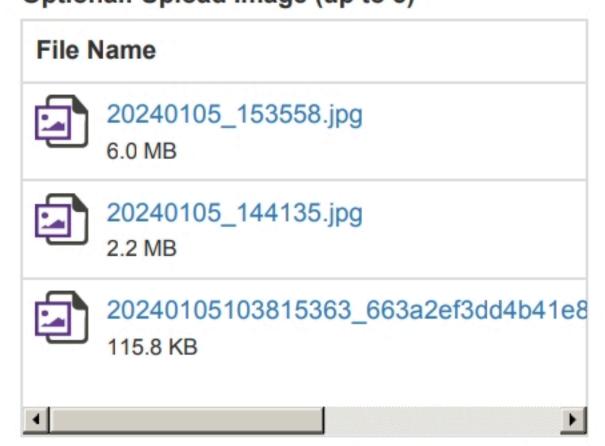
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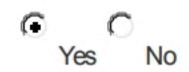
### Would you like to provide an image of the issue? \*



#### Optional: Upload Image (up to 3)



Do you want to provide any additional information? \*



#### **Additional Information:**

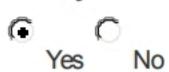
Have prof of possession of driveway/ allay way. the new owners of the mason log phil land steve schistra are trying to put condos in that biulding with not enough evidence to get space for even calling it a road, in and out, etc. to the back with another owners property that intertwine where the tree stands. phill told me he was going to cut the tree down in a text message just this passed dec 13th 2023. i had let him know that im not telling him not to cut the tree down and im not telling him to cut the tree down because the tree is not mine and i do not want the neighbor on the opposite side of me to get mad or legal action, the tree stays, i already took my fenced in area and shed down at the very back that was located right infront of the tree in hopes to keep parking, which hes saying no now, sorry for the long letter and to much info, this has bin going on for my years now with not one not two but 3 different buyers/ investors since i have owned 111 griffin st s.

#### Would you like us to personally respond to you about your concern? \*

← Yes No

a road , in and out , etc. to the back with another owners property that intertwine where the tree stands. phill told me he was going to cut the tree down in a text message just this passed dec 13th 2023. i had let him know that im not telling him not to cut the tree down and im not telling him to cut the tree down because the tree is not mine and i do not want the neighbor on the opposite side of me to get mad or legal action. the tree stays. i already took my fenced in area and shed down at the very back that was located right infront of the tree in hopes to keep parking . which hes saying no now. sorry for the long letter and to much info. this has bin going on for my years now with not one not two but 3 different buyers/ investors since i have owned 111 griffin st s.

Would you like us to personally respond to you about your concern? \*



# Thank You

Thank you for taking the time to make us aware of your concern. We appreciate your feedback. If you have requested a personal response to your concern, you can expect to hear from us as soon as possible.

Your confirmation number is: 2024-01-05-004















Marie Horne 5 days ago

to Jesse 🗸





Hi Jesse. Happy Thursday. Thank you for the information. Pretty appreciatived. Sorry for the later response time. Was also wondering if you had a chance to follow up with schilstr owners of the log. There was to guys here on the side and picked up some things and left.

Thank you

Marie

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image001.jpg









Respecting our Roots – Realizing our Future



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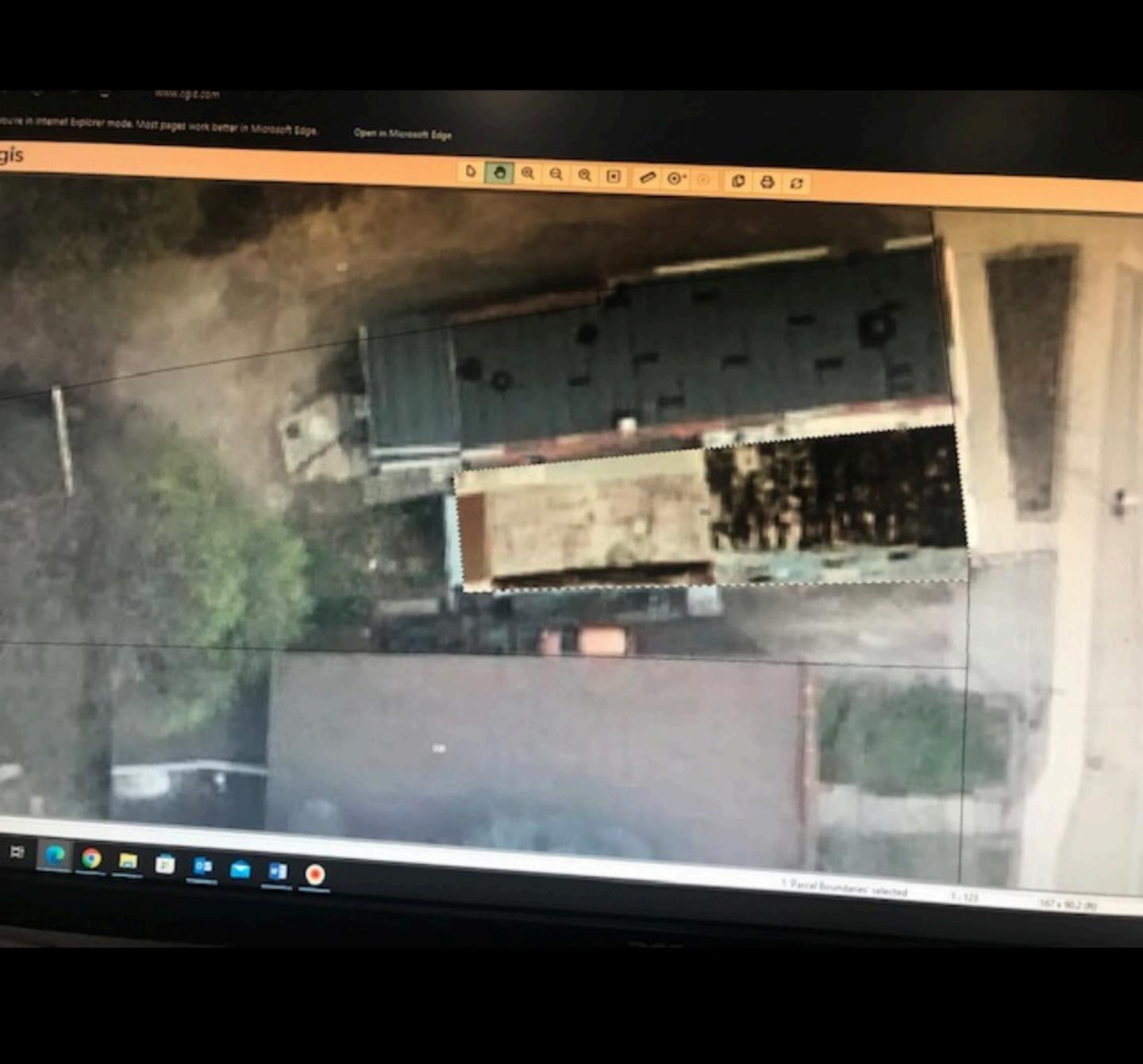


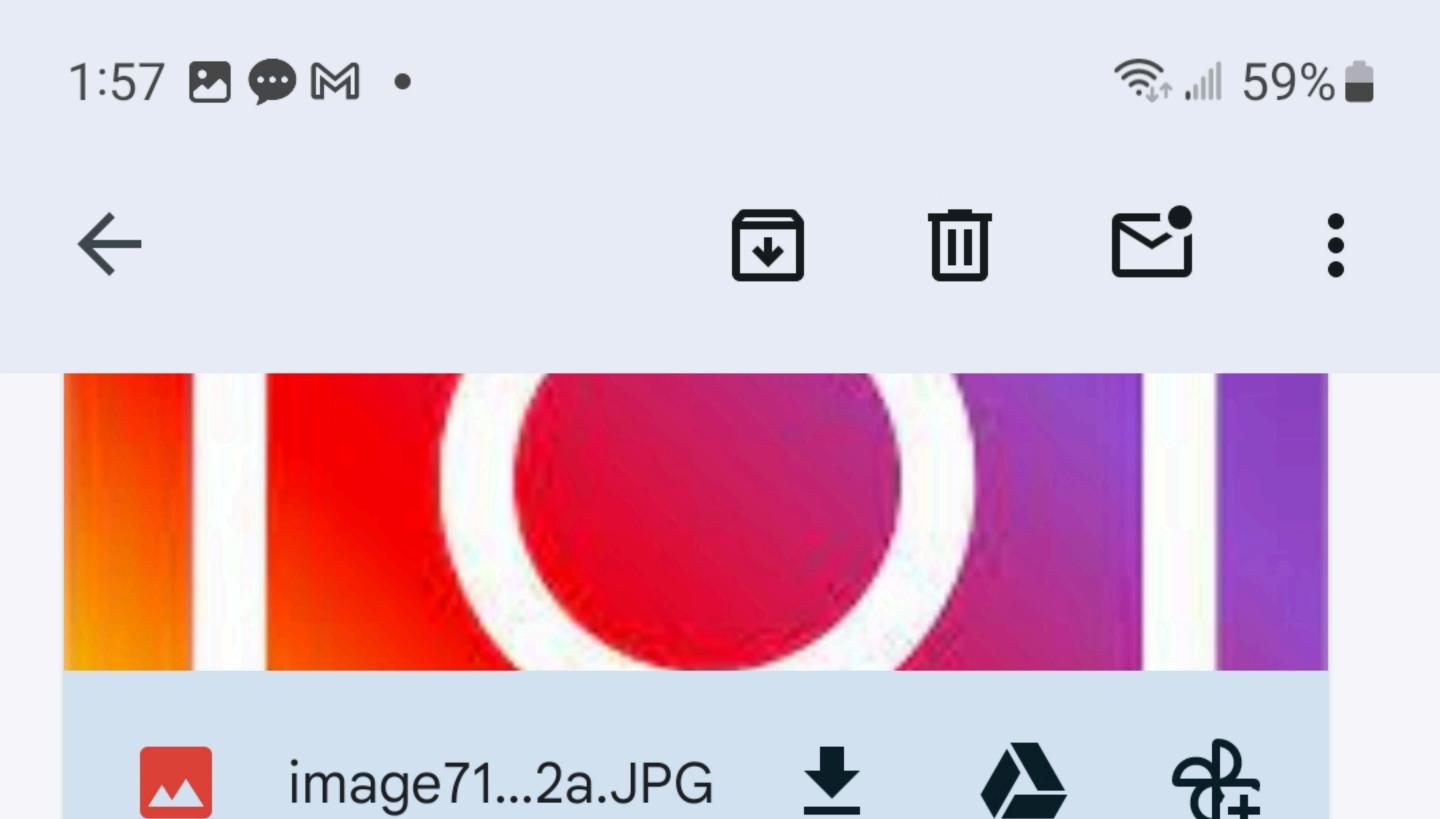


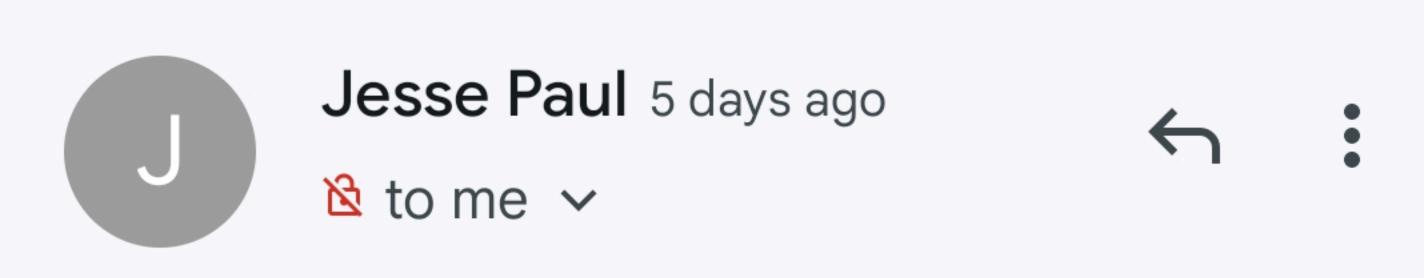










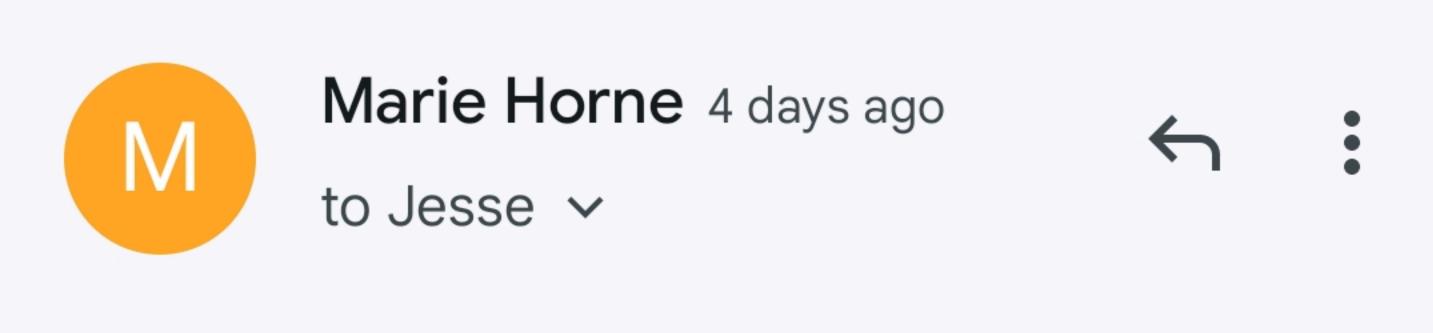


Hi Marie,

I was in-touch with the property owners and brought forward my findings to them. That is good to hear that there is progress.

Have a great night!

Show quoted text













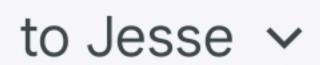


# Have a great night!

Show quoted text



Marie Horne 4 days ago







Good morning Jesse.

Happy friday. Thank you for talking to them. My last email not trying to be confusing. It was suppost to mean they picked up some things from the building and left but nothing was cleaned up from the mess they made/ ruttes from the demolition take down the other week with the bin collesction. Sorry for the confusion. Writing is not forta. Hopefully with the talk to had with them they come and clean and fix the side soon.

Thank you

Marie

Show quoted text



Jesse Paul Jan 12

Good Morning and happy Friday. That is

















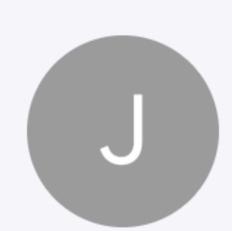






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Show quoted text



Jesse Paul 4 days ago

to me 

✓



Good Morning and happy Friday.

That is not a problem, hopefully the violations I found do get addressed with in the timeline that provided.

Have a great weekend

From: Marie Horne <mhsafex@gmail.com>

Sent: January 12, 2024 7:15 AM

To: Jesse Paul <jpaul@westlincoln.ca>

Subject: Re: Re:

Good morning Jesse.

Happy friday. Thank you for talking to them. My last email not trying to be confusing. It was suppost to mean they





















Marie Horne 4 days ago

to Jesse 🗸



Hi Jesse

Yes . For sure. Thank you again Hopefully progress starts soon. Blessings

Marie

Show quoted text



Marie Horne 9:40 a.m.

to Jesse 🗸



Good morning Jesse. Hope your morning is going well so far. I have a meeting coming up with Brian Treble this Wed at 11am. Was hoping you could be there . Is there a time today we could talk on the phone.

Blessing

Marie Horne

Show quoted text





















Marie Horne 9:40 a.m.

to Jesse 🗸

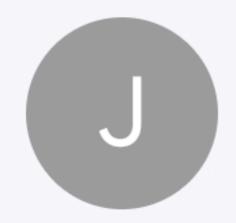
**\( :** 

Good morning Jesse. Hope your morning is going well so far. I have a meeting coming up with Brian Treble this Wed at 11am. Was hoping you could be there . Is there a time today we could talk on the phone.

Blessing

Marie Horne

Show quoted text



Jesse Paul 10:32 a.m.

to me 

✓



Good Morning Marie,

If you don't mind me asking what is this meeting with Brain regarding? I don't have access to Brain's schedule so I don't what your meeting is about.

# Thanks

Show auoted text



















:



Marie Horne 11:43 a.m.

to Jesse 🗸



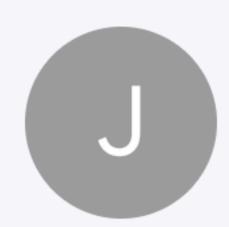
## Hi Jesse

Yes it's regarding the side piece between the Mason hall and my building with the findings I have found for deed documents dating back to the 3 generation owners. I'm going in alone and requesting options on commercial and residential differents etc. Also tying in the bia and need approval from a bylaw officers access ment over view.

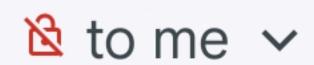
Hope that helps

Marie

Show quoted text



Jesse Paul 1:35 p.m.







Hi Marie,

I had a chance to speak with Brain, and your meeting tomorrow is involving more of the planning department. My file and Brain's file are appear to be separate issues, so professionally I have to stick to my file.

I will be around the office tomorrow though, if



















:



Jesse Paul 1:35 p.m.

to me 🗸

Hi Marie,

I had a chance to speak with Brain, and your meeting tomorrow is involving more of the planning department. My file and Brain's file are appear to be separate issues, so professionally I have to stick to my file.

I will be around the office tomorrow though, if there are By Law topics that are brought up.

All the best!!!

Show quoted text

Ok, thanks for letting me know.

Ok, thanks for the update.

Ok, thanks for the heads up.























Archived - Introduction to
Business Improvement Areas
| Business Improvement Area
handbook | ontario.ca Add label





Marie Horne 12:42 p.m.

to Jesse 🗸





https://www.ontario.ca/document/businessimprovement-area-handbook/introduction-businessimprovement-areas































Smithville Inbox





Ryan Johnstone Yesterday





to me ~

Just to check this is you.

thx



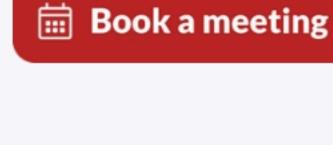
**Ryan Johnstone** Broker / Manager, Royal LePage NRC Realty

905-321-8537 | 905-688-4561 | NRCRealty.ca | ryan@royallepage.ca











Marie Horne Yesterday to Ryan 🗸



Hi Ryan. This is Marie Horne. At 111 griffin st s

Show quoted text











32135

made (in duplicate) the

7th

day of August

one thousand nine hundred and

fifty-eight.

In Pursuance of The Short Borms of Conveyances Act.

Between

LLOYD STANLEY ADAMS, of the City of Hamilton, in the County of Wentworth, Inspector,

hereinafter called the Grantor of the FIRST PART

and

00 162

30)

NEIL M. MacINNES, of the said City of Hamilton, in the County of Wentworth,

hereinafter called the Grantee of the SECOND PART

and

AUDREY JUNE ADAMS, of the said City of Hamilton, in the County of Wentworth, wife of the said Grantor, hereinafter called the Party of the THIRD PART

that in consideration of other valuable consideration

and the sum of Two (\$2.00) . Dollars of lawful money of Canada, now paid by the said Grantee to the said Grantor , the receipt whereof is hereby mit and appoint to the Grant by him acknowledged, the said Grantor he unto said Grantee in fee simple. to and upon the uses hereinafter contained. All and Singular th at certain parcel or tract of land and premises situate, lying and being in the Township of South Grimsby, in the County of Lincoln and the Province of Ontario and being composed of Part of Lot 7, in the Ninth Concession on the West side of Griffin Street as shown on a compiled Plan of the Police Village of Smithville, filed in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 40 and which said Parcel is shown outlined in Red on the attached Print of Plan of Survey and more particularly described as follows: COMMENCING at a point in the said Westerly limit of Griffin Street, and which said point may be located in the following manner;

BEGINNING at a Standard Page 153 617 70 the intersection of the said

. 3R185

Westerly limit of Griffin Street with the Southerly limit of West Street;

THENCE, South 10 degrees 11 minutes 30 seconds East, in the said Westerly Limit, 598.96 feet to an angle therein;

THENCE, South 10 degrees 51 minutes 30 seconds East, continuing in the said Westerly Limit, 60.0 feet to an angle therein;

THENCE, South 8 degrees 49 minutes East, still in the said Westerly

Limit of Griffin Street, 23.68 feet to its intersection with the production Easterly of the Northerly face of the North Wall of a Brick Building formerly occupied as a Post Office and which said point is the POINT OF COMMENCEMENT of the herein described Parcel;

THENCE, South 81 degrees 23 minutes 30 seconds West, to and along the said Northerly face of the North Wall, and its production a distance in all of 68.1 feet;

THENCE, South 8 degrees 49 minutes East, 16.5 feet;

THENCE, North 85 degrees 08 minutes East, 67.95 feet to an Iron Tube planted in the Westerly Limit of Griffin Street;

THENCE, North 1 degree 20 minutes West, in the said Westerly Limit of Griffin Street 2.74 feet to an angle therein;

THENCE, North 8 degrees 49 minutes West, 18.26 feet to the POINT OF COMMENCEMENT.

TOGETHER WITH a Right-of-Way at all times but in common with all others entitled now or hereafter thereto, in, over and upon a strip of land more particularly described as follows:

COMMENCING at the South-East Angle of the hereinbefore described Parcel

THENCE, South 85 degrees 08 minutes West, 67.95 feet;

THENCE, South 8 degrees 49 minutes East, 8.47 feet;

THENCE, North 87 degrees 54 minutes 30 seconds East, 66.73 feet to a point in the Westerly Limit of Griffin Street;

THENCE, North 1 degree 20 minutes West, in the last mentioned limit, 11.7 feet more or less to the POINT OF COMMENCEMENT.

TO HAVE AND TO HOLD unto the grantee unto such uses as he, the grantee, may by deed, will, mortgage, or other instrument in writing appoint, and until and in default of appointment, and in so far as such appointment may not extend, unto the use of the grantee, his heirs and assigns to and for his and their sole and only use forever.

Page 154 of 170

14: 34.

32185 SOUTH GROWSHY

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Subject nevertheless to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown.

SUBJECT to the Grantee assuming a first Mortgage in the amount of \$4,000.00, which the Grantee agrees to pay in accordance with the terms thereof and to save the Grantor harmless therefrom.

The said Grantor Covenant swith the said Grantee That he has the right to convey the said lands to the said Grantee notwithstanding any act of the said Grantor.

And that the said Grantee shall have quiet possession of the said lands, free from all incumbrances.

And the said Grantor Comments with the said Grantee that he will execute such further assurances of the said lands as may be requisite.

And the said Grantor Common swith the said Grantee that he has done no act to incumber the said lands.

And the said Grantor Arlenge s to the said Grantee All his claims upon the said lands.

AND the said AUDREY JUNE ADAMS, wife of the said Grantor, hereby bars her dower in the said lands.

In Colitness Collected the said parties hereto have hereunto set their hands and seals.

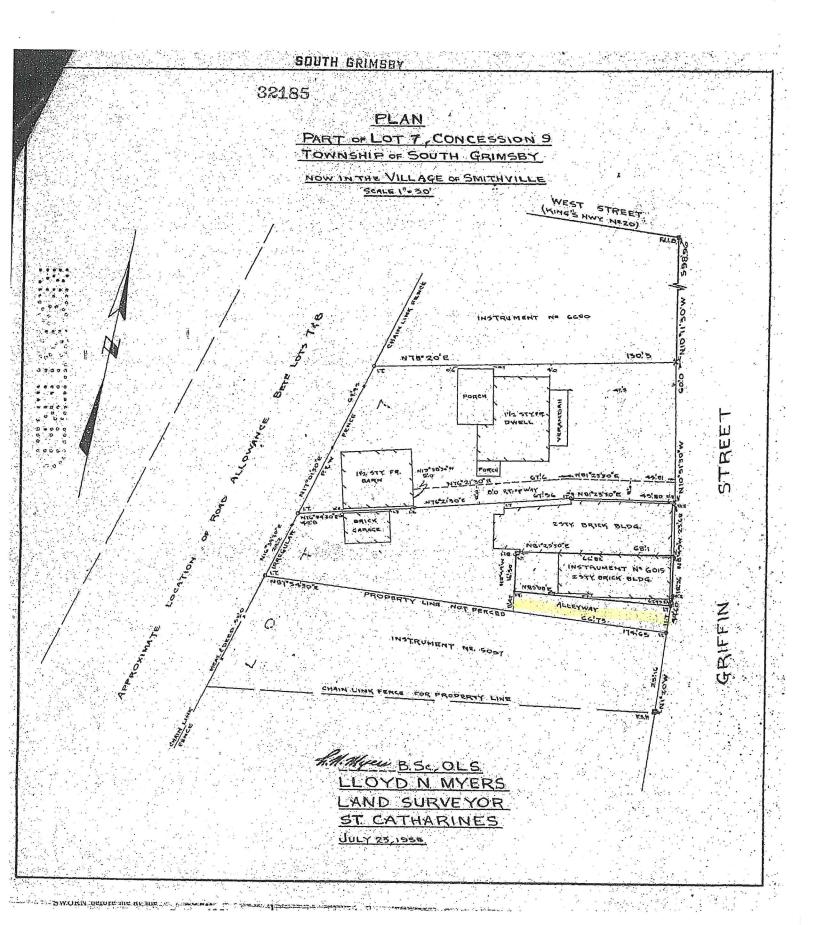
Signed, Sealed and Belivered IN THE PRESENCE OF

Dorothy H. murphy.

Andrey June adams

neil hard goves

Page 155 of 170



Jr use with orm 191 Deed no Dower

of in the

this 1958.

## County of Haldimand

## AFFIDAVIT AS TO MARRIAGE STATUS

To Wit:

I, LLOYD STANLEY ADAMS, the Grantor

in the within instrument named make oath and say:

THAT at the time of the execution and delivery by me of the within instrument I was [married], [manuscript] and of the full age of twenty-one years of THAT at the time of the execution and delivery by me of the within instrument I was

legally married to <u>Audrey June Adams</u>, the person joining

therein as my wife to bar her dower and was of the full age of twenty-one years

THE TAIL THE HICKORY OF THE PROPERTY OF THE PR

Mychosheyd and henyssof the full see of twenty-or or every

SWORN	before me at the	Town		77
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of .	Haldi	mand		9.4
this -	day of	Aug	ust	
<sup>19</sup> 58.	3/ 8	(	1	2

County Haldimand

AFFIDAVIT UNDER LANDS TRANSFER TAX ACT
In the Matter of The Land Transfer Tax Act

Province of Ontario J. Lloyd Stanley Adams of the City of Hamilton	
of dinthe County of Wentworth	
	th and say:
named in the within (or annexed) transfer.  do or by any one acting for them  2. I have a personal knowledge of the facts stated in this affidavit.	
attorney or by an agent accredited in 3. The true amount of the monies in cash and the value of any property or security in writing by the put consideration is as follows:  or by the solletory of the solletory	cluded in the
(b) Property transferred in exchanger Equity value \$ 44.11.2 \$	nil nij
(d) Balances of existing encumbrances with interest owing at date of transfer 3.	nil
(f) Liens, annuities and maintenance charges to which transfer is subject \$	nil
Clause 4.5 and 0 should be struck out 0. Other remarks and explanations, if necessary nil 1.	
OF THECESARY.	
SWORN before me at the Town	

taking Affidavita, Page 157 of 170

- M			OPLOS	SOUTH Ski	MEBA
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OF Haldimand	20 440	Town	of Dunnville	in th	e
tionarametra.		County	of Haldimand		
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signed, sealed and	personally present and did sexecuted by Lloyd	Stanley Adams	and Audrey Ju	ne Adams	У
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8. THAT I know t	he said part 165 ubscribing witness to the sa	ld Instrument and Junit	375		
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	or for daking Affidavits, etc.				
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Haldimand	Cour	nty	of Haldli make oath and a		Še.
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## **Stephanie Pouliot**

From:

Marie Horne <mhsafex@gmail.com>

Sent:

April 19, 2024 3:07 PM

To:

Stephanie Pouliot

Subject:

Fwd: Phil Schilstra

----- Forwarded message -----

From: Marie Horne < mhsafex@gmail.com>

Date: Tue, Apr 9, 2024, 4:21 p.m.

Subject: Re: Phil Schilstra

To: Giavedoni, Mark < Mark. Giavedoni@gowlingwlg.com >

Hi Gerrit

My decision has not changed from our meeting that was 2 hours long at the town with you and Brian. I have not heard anything back from Phil, or the owners at 113 griffin st about future changes that involve my building. When I was sick with the flu I specifically asked Phil to reach out at a later date, and I haven't heard anything back from him since then. I my lawyer has bin contacted.

Marie Horne

On Tue, Apr 9, 2024, 3:56 p.m. Marie Horne <mhsafex@gmail.com> wrote:

Hi Mark. Hope you had a wonderful Easter weekend. I'm hoping to get your much needed help. Bin getting sick over all this now. The town is going threw with taking this further with a minor verience meeting and I already bin closing the shop made a meeting with the town that was 2 hours long letting him know all my findings with it being my driveway and I'm not for this and to leave me along. Also wanting my shed/patio back. Done everything I can do to stand up for myself but it's not enough in the town/owners of the logs eyes. Haven't responded to the town because I don't know what else to say anymore.

Thank you again Mark.

Blessing Marie Horne

----- Forwarded message -----

From: Gerrit Boerema <gboorema@westlincoln.ca>

Date: Tue, Apr 9, 2024, 10:57 a.m.

Subject: RE: Phil Schilstra

To: Marie Horne < mhsafex@gmail.com > Cc: Madyson Etzl < metzl@westlincoln.ca >

HI Marie,

Т

You will see this week that we have sent out the notice of hearing for the minor variance at 113 Griffin Street for Schilstras. We understand they have worked with you to find a parking spot. Please let me know if there are any outstanding issues or if you need to discuss before the Committee of Adjustment Meeting.

Gerrit,

From: Marie Horne [mailto:mhsafex@gmail.com]

Sent: March 14, 2024 12:51 PM

To: Gerrit Boerema <gboerema@westlincoln.ca>

Subject: Re: Phil Schilstra

#### Gerrit

I have seen and reaspond to phill letting him know I have the stomach flu and reach out at a later date. Thank you for letting me know about my driveway.

Marie

On Thu, Mar 14, 2024, 10:06 a.m. Gerrit Boerema <gboerema@westlincoln.ca> wrote:

Good morning Marie,

We have been in contact with Phil Schistra about his development and the right-of-way between your properties. He says he has been trying to reach out to you to try to come to some agreement over a parking space, but has not been able to connect with you.

If you need anything from us please let us know.

Gerrit,

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

## Gerrit Boerema

## Manager of Planning

Tel: 905-957-3346 ext.5131 Email: gboerema@westlincoln.ca Web: www.westlincoln.ca The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

## **Stephanie Pouliot**

Marie Horne <mhsafex@gmail.com>

Sent:

April 19, 2024 3:06 PM

To: Subject: Stephanie Pouliot Fwd: Phil Schilstra

----- Forwarded message -----

From: Gerrit Boerema <gboorema@westlincoln.ca>

Date: Tue, Apr 9, 2024, 10:57 a.m.

Subject: RE: Phil Schilstra

To: Marie Horne < <a href="mailto:mhsafex@gmail.com">mhsafex@gmail.com</a> Cc: Madyson Etzl < <a href="mailto:metzl@westlincoln.ca">metzl@westlincoln.ca</a>

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Sent: March 14, 2024 12:51 PM

To: Gerrit Boerema <gboerema@westlincoln.ca>

Subject: Re: Phil Schilstra

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### Gerrit Boerema

## Manager of Planning

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## **Stephanie Pouliot**

From: Sent: To: Subject:	Marie Horne <mhsafex@gmail.com> April 19, 2024 3:06 PM Stephanie Pouliot Fwd: Phil Schilstra</mhsafex@gmail.com>
Forwarded message From: <b>Gerrit Boerema</b> < gboer Date: Thu, Mar 14, 2024, 1:05 p Subject: RE: Phil Schilstra To: Marie Horne < mhsafex@gr	ema@westlincoln.ca> p.m.
Okay thanks Marie,	
Hopefully you feel better soon!	
Gerrit,	
From: Marie Horne [mailto: <u>mhsafe</u> Sent: March 14, 2024 12:51 PM To: Gerrit Boerema < <u>gboerema@v</u> Subject: Re: Phil Schilstra	
Gerrit	
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Marie	
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### Gerrit Boerema

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Marie Horne <mhsafex@gmail.com>

## True men's 111 Griffin at

3 messages

Marie Horne <mhsafex@gmail.com>

To: gboerema@westlincoln.ca

9 December 2019 at 12:10

Good afternoon Gerrit. I came in to the town this morning to talk about the upcoming projects with royal lapage beside me the garbage positioning lot right of way and the upcoming projects with true men's refacing roof project up and coming this 2020 .. thank you for taking the time to talk with me . Looking forward to your email on there plans they submit . Have a wonderful day.

Marie Horne

Marie Horne <mhsafex@gmail.com>

To: btreble@westlincoln.ca

20 January 2020 at 15:01

[Quoted text hidden]

Brian Treble <a href="mailto:btreble@westlincoln.ca">btreble@westlincoln.ca</a>

To: Marie Horne <mhsafex@gmail.com>

20 January 2020 at 15:16

Thank you. Great to meet you.

Brian

From: Marie Horne [mailto:mhsafex@gmail.com]

Sent: January 20, 2020 3:01 PM

To: Brian Treble

Subject: Fwd: True men's 111 Griffin at



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

[Quoted text hidden]



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

## February 28, 2024, 7:00p.m.

**Present Members:** 

Deborah Coon-Petersen (Chair)

Bonnie Baarda (Sitting member)

Peggy Cook (Sitting member)

Staff:

Madyson Etzl

Stephanie Pouliot

Gerrit Boerema

Public:

Craig Riesebosch -Agent

Brandon Barnim - Agent

Sue VanBuuren -Owner

Nick DeJonge -Owner

## 1. CHAIR

The Chair will call to Order the evening's proceedings.

The meeting was called into Order at <u>6:57</u> pm.

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

There were none.

## 3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT

There are no requests for withdrawals or adjournments at this time.

## 4. APPLICATION(S)

## a) B01/2024WL - 7793 Young Street, Poly Dome Ontario Inc.

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

Agent, Mr. Barnim took oath and responded that everything Maddy said was precise. Nothing more to add.

Sitting members had no questions on the application.

Member Cook mentioned no questions on the application, happy to see what's going on within our community and local business.

Member Baarda mentioned no objections on the application, it is a good thing.

Chair Coon-Petersen asked if there were any public members present who would like to comment on the application?

- No public members present.

Chair Coon-Petersen noted it is time to vote.

Member Cook made a motion to approve the application with the 9 conditions for B01/2024WL.

Member Baarda 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, being 20 days from tomorrow which will expire on Tuesday, March 19<sup>th</sup>, 2024. Documentation will follow.

**b)** <u>A02/2024WL - 7226 & 7262 Concession 3 Road - DeJonge and David Bos Farm Ltd.</u> Senior Planner, Mrs. Etzl provided an overview of the application.

Owner, Mr. DeJonge had nothing more to add.

Sitting members had no questions on the application.

Chair Coon-Petersen asked if there were anyone public members present who would like to comment on the application?

- No public members present.

Chair Coon-Petersen noted it is time to vote.

Member Baarda made a motion to approve the application with the recommendation from staff with no conditions.

Member Cook 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, March 18<sup>th</sup>, 2024. Documentation will follow.

## c) <u>A03/2024WL - 2755764 Ontario Inc. - JC Holdings</u>

Senior Planner, Mrs. Etzl provided an overview of the application and noted a clerical error in the staff report regarding the proposed size being 669 square metres.

Agent, Mr. Riesebosch took oath and had nothing more to add, here and available for any questions?

Member Baarda asked what do you do?

Agent, Mr. Riesebosch responded I'm a BSN designer and helping the owners with the process as there is NPCA watershed and more complicated.

Member Baarda asked what do they do?

Agent, Mr. Riesebosch responded the owner is a construction worker and runs a body shop business at the subject property of the application. Their prime residence is also next door.

Member Baarda asked what will the new building be used for?

Agent, Mr. Riesebosch responded vehicles, work material, and sometimes construction equipment to protect from weather.

Member Baarda responded figured it was related to the main business, would be limited as there was nothing regarding septic in the report.

Member Cook had no questions on the application.

Chair Coon-Petersen asked if there were anyone public members present who would like to comment on the application?

- No public members present.

Chair Coon-Petersen noted it is time to vote.

Member Cook made a motion to approve the application with the one condition.

Member Baarda 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, March 18<sup>th</sup>, 2024. Documentation will follow.

Chair Coon-Petersen concluded the public portion of the meeting	ıg.
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- Public members left.

## 5. MINUTES FOR APPROVAL

a. January 24, 2024 (Annual General	Meeting)
Member Cook Motioned	<u>Chair Coon-Petersen</u> Seconded Carried ⊠
b. January 24, 2024 - Committee of A	Adjustment Hearing
Member Baarda Motioned to tal	ble the minutes until next meeting
Member Cook Seconded the	motion. Carried ⊠
6. NEW BUSINESS There is no new business at this time Staff are still working towards COA tra Deputy clerk also offered to attend a Rules of Order).  7. ADJOURNMENT	
That, this Committee does now adjou	irn at the hour of 7:35 pm.
-	, Member Cook seconded the motion. Carried ⊠
DEBORAH COON-PETERSEN,	STEPHANIE POULIOT,
CHAIR	SECRETARY-TREASURER