



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

Wednesday, May 29, 2024, 7:00 p.m.
Township Administration Building
318 Canborough Street, Smithville, Ontario

Pages

1. **CHAIR**
The Chair will call to Order the evening's proceedings.
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**
3. **REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT**
There are no requests at this time.
4. **APPLICATIONS**
 - a. **A07/2024WL - Dakota Boone** 4
Property Address: 5627 Canborough Road

A Minor Variance application has been applied for to permit the construction of a front unenclosed porch on the existing dwelling which has an existing front yard setback of 6 metres. This application is seeking relief from Table 2 found in Part 3.3 Allowable Projections into Required Yards and Table 14 in Part 6 Residential Zones (minimum front yard) of the Township's Zoning Bylaw 2017-70, to allow a covered porch within a required yard with a setback of 3.98 metres from the front property line.
 - b. **A08/2024WL - Mark and Carmen Lunt (Jeremy Brown - Agent)** 28
Property Address: 2599 South Grimsby Road 16

A Minor Variance application has been applied for to permit a prefabricated Quonset hut with a size of 167 square metres on the subject property. The proposed accessory building falls under a Type 3 accessory building in the Township's Zoning By-law 2017-70, as amended. Type 3 accessory buildings (greater than 120 square metres) are only permitted on lots with a minimum lot area of 0.5 hectares or greater, in accordance with lot coverage.

The subject lands are exactly 0.4 hectares (1 acre) in size and would

only be permitted to have an accessory building up to 120 square metres as identified by Table 1-1 found in Part 3 of the Township's Zoning By-law 2017-70, as amended.

In addition, Table 1-1 identifies the total lot coverage for all accessory buildings and structures on the lot (0.4 hectares or less) to be 200 square metres. With the proposed Quonset hut, the lot coverage for all accessory buildings on the subject lands would total 209.9 square metres.

- c. A09/2024WL - Johnny V. Poultry (Chris Attema - Agent)
Property Address: 8697 Highway 20

47

A Minor Variance application has been applied for relief of Section 3.10.2 Compliance with Minimum Distance Separation II (MDS II) to allow the construction of an 81 metres by 19.5 metres new poultry barn. The calculated MDS reflects decommissioning the existing laying hen barn and manure storage facilities on the property. The proposed new manure storage building (24.4 metres by 15.24 metres) will meet the MDS requirements.

An MDS II setback of 229 metres is required to neighbouring residential uses. The variance application is requesting a reduction of 50 metres or 21.8% in the MDS II setback to the nearest residences at 8685 Regional Road 20. The MDS II setback also needs to be reduced for 8751 and 8673 Regional Road 20.

- d. B03/2024WL - Wesley and Jaclyn Blokker
Property Address: 2931 South Grimsby Road 19

60

A Consent application has been applied to sever Part 1, being 4,047 square metres (0.4 hectares/1acre). Part 1 (severed lands) is being proposed as a 1- acre commercial lot with the existing single detached dwelling and accessory building.

Following the severance, Part 2, the retained lands would be 33,506 square metres (3.35 hectares/8.28 acres) as shown on the attached sketch with the existing one storey commercial building. Part 2 (retained lands) is proposed to maintain the existing split zoning, being approximately 30,066 square metres (2.95 hectares/ 7.28 acres) zoned as Agricultural 'A' and 3,439.83 square metres (0.34 hectares/0.85 acres) of the remaining Service Commercial 'C3' zoning.

5. MINUTES FOR APPROVAL

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: May 29, 2024
REPORT NO: COA-15-2024
SUBJECT: **Application for Minor Variance – 5627 Canborough Road**
CONTACT: Stephanie Pouliot, Secretary Treasurer of the Committee of Adjustment

OVERVIEW:

- A Minor Variance Application has been submitted by Dakota Boone (Applicant) for the property located at 5627 Canborough Road.
- This Minor Variance application has been applied for to permit the construction of a covered, but unenclosed front porch on the existing dwelling.
- This application is seeking relief from Table 2 found in Part 3.3 *Allowable Projections into Required Yards* and Table 14 in Part 6 *Residential Zones* provisions to permit a covered but un-enclosed front porch at a setback of 3.9 meters from the front property line.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval.

RECOMMENDATION:

That, the application for Minor Variance, submitted by Dakota Boone, as outlined in Report COA-015-2024, to permit the construction of a covered but unenclosed front porch at a setback if 3.9 metres from the front property line.

BACKGROUND:

The subject lands are situated on the north side of Canborough Road, east of Baldwin Road and West of Wellandport Road, being legally described as Gainsborough Concession Part Lot 11 RP30R14594 Part 1, in the former Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 5627 Canborough Road. (See attachment 1 for a site sketch).

The subject property is approximately 1.19 acres in size. The property is designated as Good General Agriculture and is zoned Rural Residential ‘RUR’. The surrounding properties surrounding the subject lands are larger agricultural parcels, being farmed with single detached dwellings.

This Minor Variance application has been applied for to request a variance to permit the property owner to construct a covered, but unenclosed front porch on the front of the existing single detached dwelling. This variance is to recognize an existing front yard setback of 6 metres for the house, where Table 12 of the Townships Zoning Bylaw 2017-70, as amended, identifies that a rural residential property shall have a minimum front yard setback of 15 metres for a dwelling. Balconies and decks, uncovered and unenclosed are permitted to project into the required front yard no more than 1.5 metres according to the Townships Zoning Bylaw 2017-70, Section 3.3 Table 2. The variance is requesting a projection into the required front yard a maximum distance of 1.8 metres where 1.5 the maximum. The current owners have been residing on the property since 2019, the existing house was constructed in 1959 and the existing covered but unenclosed porch was added in 1998, prior to the Townships Zoning Bylaw coming into effect. A building permit was recently approved for an addition on the rear of the house.

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 property is designated as Good General Agriculture under the Township's Official Plan. The Good General Agricultural designation comprises those lands designated as the second highest level of protection and preservation for agricultural purposes. Residential and Accessory residential uses are permitted in the Good General Agricultural Designation. The property in question is a small residential holding property and is approximately 1.19 acres in size.

This minor variance application has been applied for to request a variance to permit a property to construct a front covered but unenclosed porch. This variance recognizes a front yard setback of 6 metres for the existing dwelling where Table 12 of the Townships Zoning Bylaw 2017-70, as amended, identifies that a rural residential property shall have a minimum front yard setback of 15 metres for a dwelling. Balconies and decks, uncovered and unenclosed are permitted to project into the required front yard no more than 1.5 metres according to the Township's Zoning Bylaw 2017-70, Section 3.3 Table 2. The variance is requesting a projection into the required front yard a maximum distance of 1.8 metres where 1.5 the maximum. This would result in a 3.9 metre setback to the front property line.

Township planning staff are of the opinion that the requested minor variance meets the general intent and purpose of the Official Plan as the dwelling has been existing with this established front yard setback since 1965, and continues to fit the character of the surrounding agricultural area.

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

The subject land is zoned Rural Residential 'RUR' In the Township's Zoning By-law 2017-70, as amended and is 1.19 acres in size. The Rural Residential zone permits a single

detached dwelling and associated accessory buildings. The proposed addition and front unenclosed porch is a permitted use under the regulations of the Rural Residential Zone.

Under Table 14 of the Townships Zoning By-law 2017-70, as amended, it is indicated that the minimum front yard setback for a dwelling on a Rural Residential parcel of land is 15 metres. Currently, this property has an existing single detached dwelling that was constructed in 1959 with a front yard setback of 6 metres, this was established prior to the current Zoning By-law. There is currently an unenclosed and uncovered porch that was constructed in 1998 and projects into the front yard, this porch is proposed to be reconstructed with the remainder of the renovation. The proposed unenclosed but covered porch will project into the required front yard a distance of 1.8 metres, where a projection of 1.5 metres is the maximum.

As the renovation and proposed porch is within the existing footprint of the existing dwelling and porch, and will not further increase the degree to which both variances are diverting from the staff support the variance.

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

The applicant has proposed to construct a new unenclosed porch off the front of the existing dwelling. The subject land is currently being used for residential purposes. The proposed unenclosed porch will does not negatively impact the existing use of the property or the surrounding agricultural properties and their uses. The Niagara Region provided comments included as attachment 3 to this report which stated that staff of the Regional Growth Strategy and Economic Development Services Department does not object to the request of the Minor Variance to permit a minimum front yard setback of 6 metres, subject to the Township's satisfaction.

Is the proposal minor in nature? Yes

The subject application is requesting to permit a proposed addition and front porch to the existing dwelling. The applicants are requesting to recognize the setback from 15 metres to 6 metre for the existing house, and to allow a projection of 1.8 metres where 1.5 metres is the permitted maximum for the proposed porch. Township staff feel that this variance is minor as the existing dwelling has been situated 6 metres from the front property line since the dwelling was constructed in 1959. The dwelling currently has a covered, unenclosed porch which will be removed and replaced. As the applicant is not requesting to further increase the degree to which the front yard setback will be diverting form the Township's Zoning By-law 2027-70, as amended, staff feel this variance can be supported.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Notification was mailed to all applicable agencies and departments on May 9th 2024. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Niagara Peninsula does not have any comments on this application at this time.

The Niagara Region provided comments and does not have any objections, see attachment 3 for Niagara Regions full comments.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on May 9th 2024. A notice was posted to the Township's website on the same day and a yellow sign was posted on the property a minimum of 10 days before the hearing.

CONCLUSION:

This Minor Variance Application is to allow for the construction of a front covered unenclosed porch on an existing single detached dwelling with a front yard setback of 15 metres whereas 15 metres is required as well as a variance to the allowable front yard projection to allow the unenclosed porch to project into the required front yard 1.8 metres where 1.5 metres is the permitted maximum.

ATTACHMENTS:

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

Prepared & Submitted by:

Approved by:



Madyson Etzl
Senior Planner

Gerrit Boerema, RPP, MCIP
Manager of Planning

EC

EC

EP

APO

EC

RuR

Canborough Road

A



Location Map

5627 Canborough Road




West Lincoln

Your Future Naturally

Legend

 ZoneBoundary

 Subject Property

5627 CANBOROUGH RD WELLANDPORT ON L0R2J0
 PROPOSED ADDITION AND FRONT PORCH



PERSPECTIVE



CURRENT HOME

LIST OF DRAWINGS

- A-1 COVER SHEET
- A-2 SITE PLAN
- A-3 FOUNDATION PLAN
- A-4 MAIN FLOOR PLAN
- A-5 SECOND FLOOR
- A-6 FRONT ELEVATION
- A-7 REAR ELEVATION
- A-8 RIGHT ELEVATION
- A-9 LEFT ELEVATION
- A-10 SECTIONS / DETAILS / NOTES

COMPLIANCE PACKAGE "TABLE 3.1.1.11 ZONE 1"
 O.B.C. 2012 SUPPLEMENTARY STANDARD SB-12 TABLE 2.1.1.2 (1)

Ceiling With Attic	R60
Ceiling Without Attic	R31
Exposed Floor	R31
Walls Above Grade	R19+5ci
Basement Walls	R20ci

AREA EXISTING

MAIN FLOOR: 958 SQ.FT.
 SECOND FLOOR: 929 SQ.FT.
 TOTAL AREA: 1887 SQ.FT.
 WITH ADDITION
 MAIN FLOOR: 1144 SQ.FT.
 SECOND FLOOR: 1391 SQ.FT.
 TOTAL AREA: 3031 SQ.FT.

LOT AREA: 56889 SQ.FT.
 LOT COVERAGE: 1653 SQ.FT.
 3%

PERFORMANCE INFO:
 ADDITION ONLY
 EXTERIOR WALL AREA: 1089 SQ.FT.
 WINDOW AREA: 146.66 SQ.FT.

W,S&G%= 13.5%

CONTRACTOR TO VERIFY ALL DIMENSIONS BEFORE PROCEEDING. ALL WORK TO CONFORM TO THE O.B.C.

PROJECT DESCRIPTION:
 Boone Residence
 5627 Canborough Rd.
 Wellandport ON
 L0R 2J0
 ADDITION

To the best of my knowledge these plans are drawn to comply with owner's and/or builder's specifications and any changes made on them after prints are made will be done at the owner's and/or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawing. SANDD Construction Ltd. is not liable for errors once construction has begun. While every effort has been made in the preparation of this plan to avoid mistakes, the maker can not guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter.

THESE DRAWINGS ARE THE PROPRIETARY WORK PRODUCT AND PROPERTY OF SANDD CONSTRUCTION LTD., DEVELOPED FOR THE EXCLUSIVE USE OF SANDD CONSTRUCTION LTD. USE OF THESE DRAWINGS AND CONCEPTS CONTAINED THEREIN WITHOUT THE WRITTEN PERMISSION OF SANDD CONSTRUCTION LTD. IS PROHIBITED.

PERSPECTIVE

DRAWINGS PROVIDED BY:

 sanddconstruction@outlook.com
 PH/F 905-678-5991

REGISTRATION INFORMATION
 The undersigned has reviewed and takes responsibility for this design and all the qualifications set out in the Ontario Building Code to be a designer

FIRM: SANDD Construction Ltd. B.C.I.N # 47271
 INDIVIDUAL: JAMES SUPPLE B.C.I.N # 36897

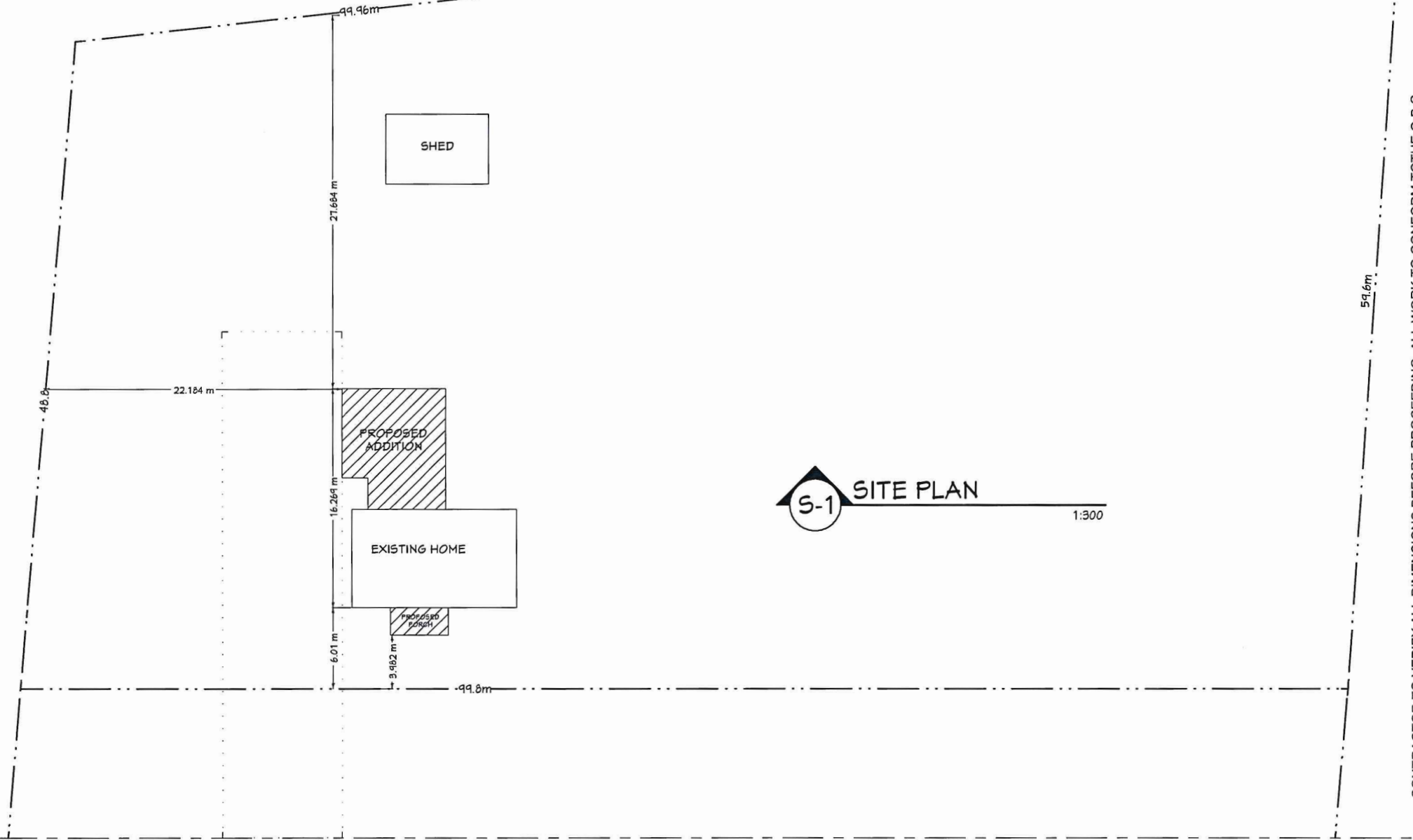
NO.	DESCRIPTION	DATE
1	FOR REVIEW	2024-02-01
2		

DATE: 2024-02-15

SCALE: 3/16"=1'-0"

SHEET: **A-1**

5627 CANBOROUGH RD WELLANDPORT ON L0R2J0



S-1 SITE PLAN 1:300

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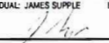
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SITE PLAN

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 INDIVIDUAL: JAMES SUPPLE B.C.I.N.# 36857


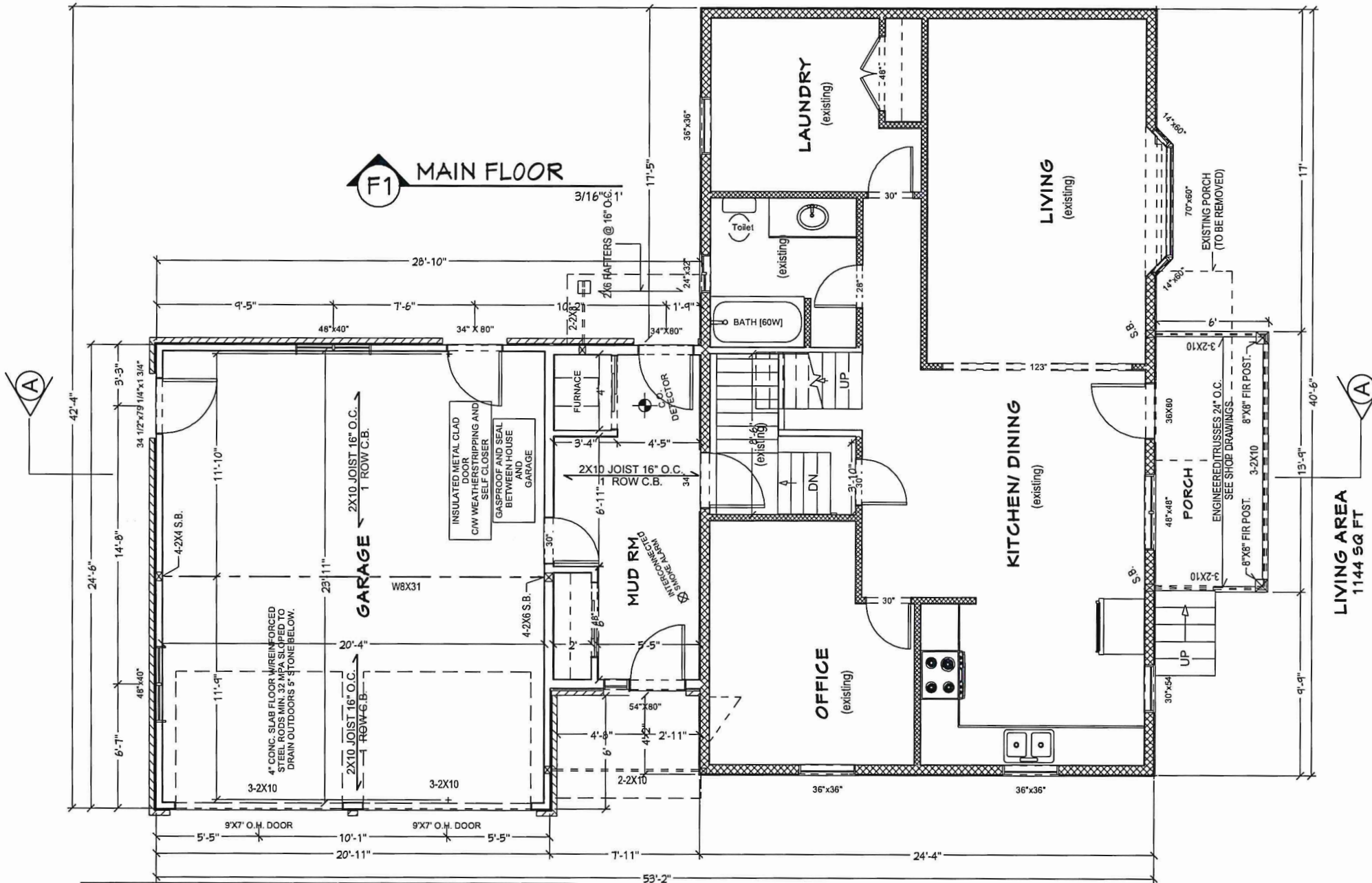
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SCALE: 3/16"=1'-0"

SHEET: **A-2**

CANBOROUGH ROAD



F1 MAIN FLOOR

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MAIN FLOOR

DRAWINGS PROVIDED BY:

 sanddconstruction@outlook.com
 PH# 905-679-5991

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 FIRM: SANDD Construction Ltd. B.C.I.N # 47221
 INDIVIDUAL: JAMES SUPPLE B.C.I.N # 36557

NO.	DESCRIPTION	DATE
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2		

DATE: 2024-02-15

SCALE: 3/16"=1'-0"

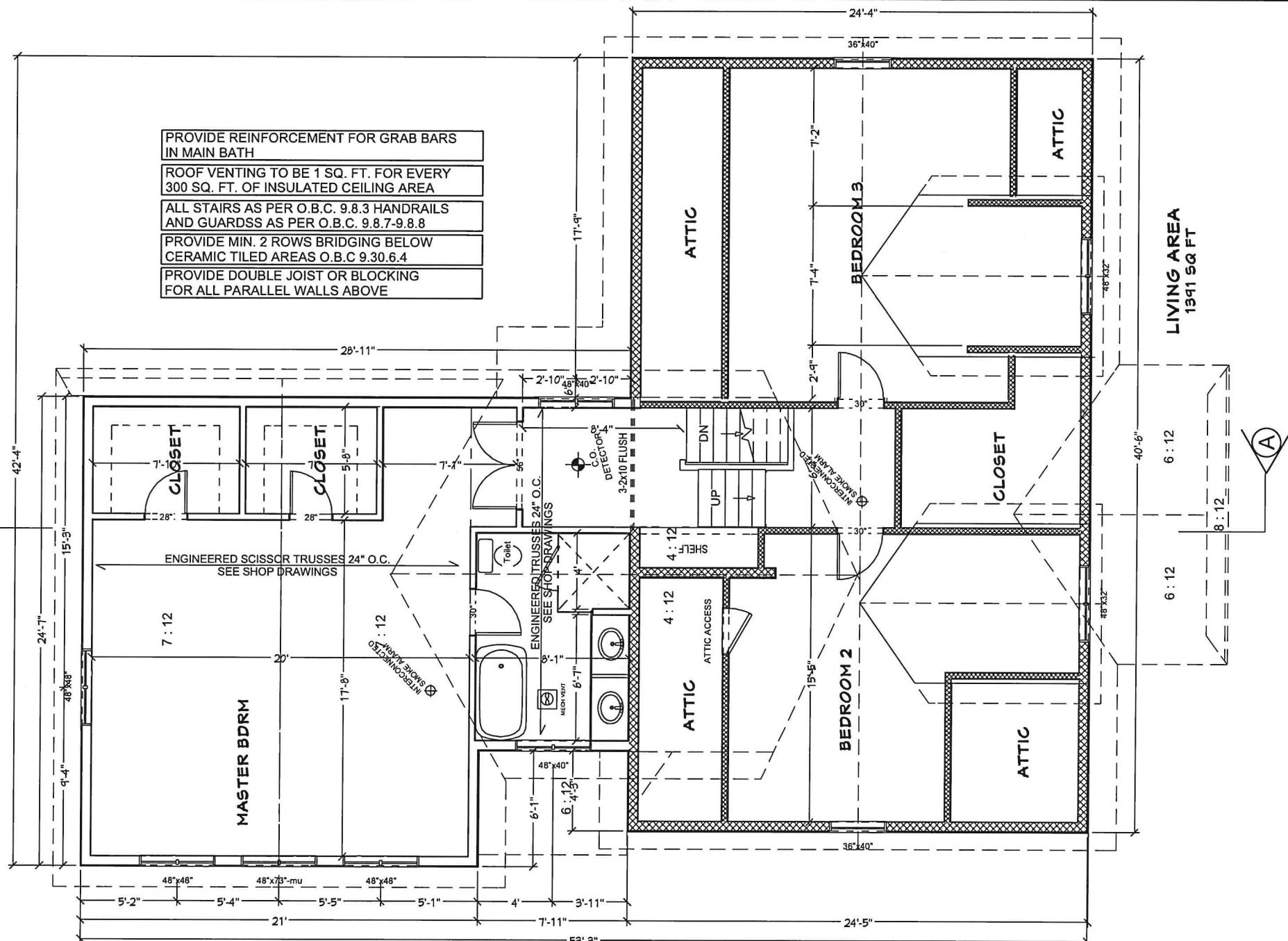
SHEET: **A-4**

CONTRACTOR TO VERIFY ALL DIMENSIONS BEFORE PROCEEDING. ALL WORK TO CONFORM TO THE O.B.C.

WOOD LINTEL						
SPF 1 OR 2 GRADE AS PER O.B.C. 2012						
SPANS LINTEL SIZE	ROOF & CEILING ONLY		ROOF/CEILING + 1 STORY		ROOF/CEILING + 2 STORY	
	EXT. WALLS	INT. BRG. WALLS	EXT. WALLS	INT. BRG. WALLS	EXT. WALLS	INT. BRG. WALLS
2-2X6	5'-5"	4'-5"	4'-6"	3'-4"	4'-1"	2'-10"
2-2X8	6'-7"	5'-4"	5'-5"	3'-11"	5'-0"	3'-5"
2-2X10	8'-1"	6'-7"	6'-8"	4'-7"	6'-1"	4'-2"
2-2X12	9'-4"	7'-7"	7'-9"	5'-5"	6'-11"	4'-9"

ALL STAIRS AS PER O.B.C. 9.8.3 HANDRAILS AND GUARDSS AS PER O.B.C. 9.8.7-9.8.8
 PROVIDE MIN. 2 ROWS BRIDGING BELOW CERAMIC TILED AREAS O.B.C. 9.30.6.4
 PROVIDE DOUBLE JOIST OR BLOCKING FOR ALL PARALLEL WALLS ABOVE

EXISTING WALLS =
 NEW WALLS =



- PROVIDE REINFORCEMENT FOR GRAB BARS IN MAIN BATH
- ROOF VENTING TO BE 1 SQ. FT. FOR EVERY 300 SQ. FT. OF INSULATED CEILING AREA
- ALL STAIRS AS PER O.B.C. 9.8.3 HANDRAILS AND GUARDSS AS PER O.B.C. 9.8.7-9.8.8
- PROVIDE MIN. 2 ROWS BRIDGING BELOW CERAMIC TILED AREAS O.B.C. 9.30.6.4
- PROVIDE DOUBLE JOIST OR BLOCKING FOR ALL PARALLEL WALLS ABOVE



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Boone Residence
 5627 Canborough Rd.
 Wellandport ON
 LOR 2JO
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SECOND FLOOR

DRAWINGS PROVIDED BY:

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 PH/F 905-679-5991

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 INDIVIDUAL: JAMES SUPPLE B.C.I.N # 36897

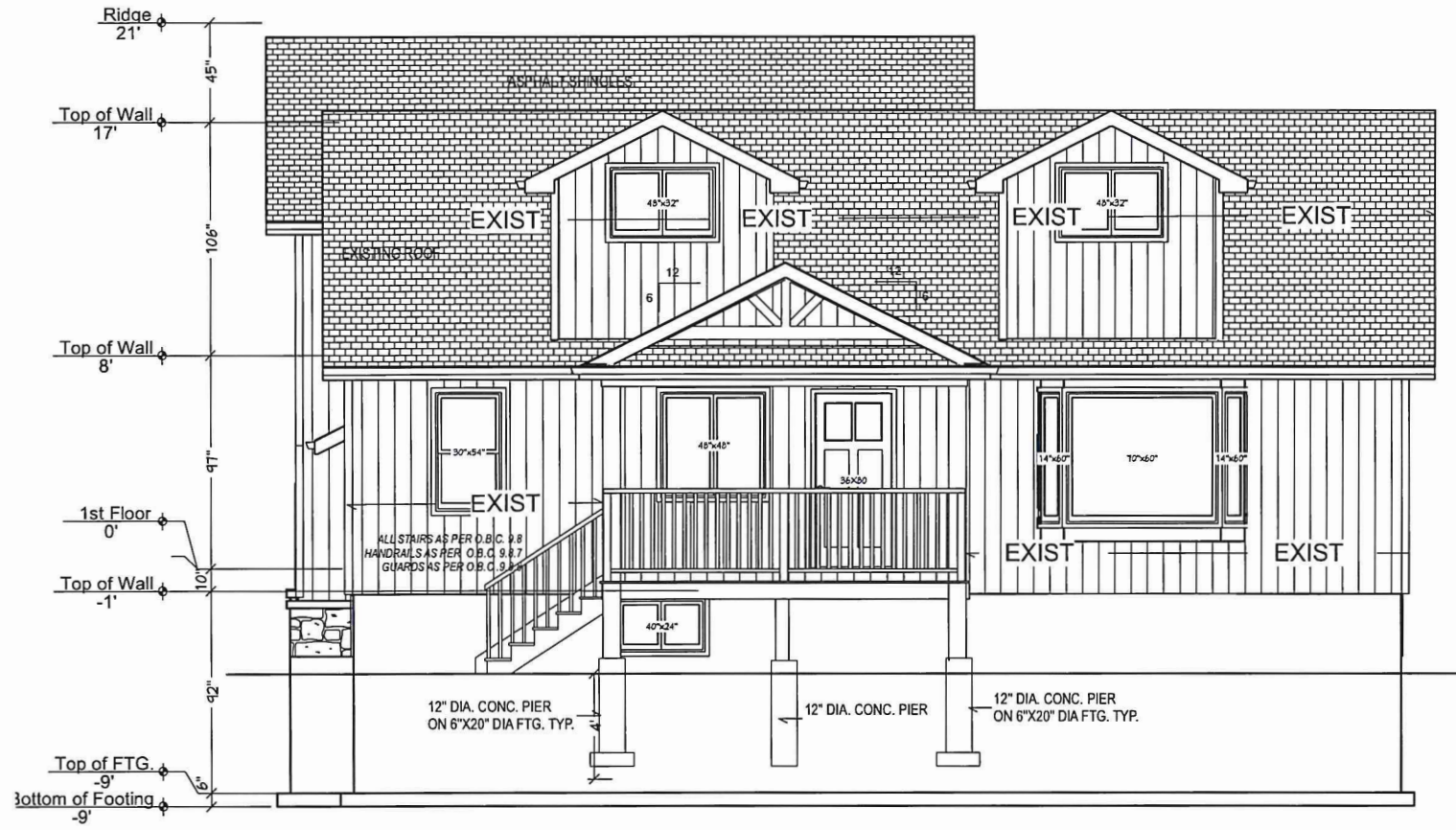
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2		

DATE: 2024-02-15
 SCALE: 3/16"=1'-0"
 SHEET: **A-5**

F2 SECOND FLOOR
 3/16" = 1'

EXISTING WALLS =
 NEW WALLS =

CONTRACTOR TO VERIFY ALL DIMENSIONS BEFORE PROCEEDING. ALL WORK TO CONFORM TO THE O.B.C.



NUMBER OF STEPS MAY VARY DUE TO SITE CONDITIONS. STEPS AND RISERS AS PER O.B.C.9.8.8

E1 FRONT ELEVATION

3/16" = 1'

PROVIDE GUARDS AT DOORS WHERE DISTANCE TO GRADE IS 2'-0" OR GREATER (SB-7 TYPE GUARDS FOR HOUSING OR SMALL BUILDINGS)

ALL TRUSSES PARALLAM BEAMS AND TJI FLOOR JOISTS TO BE SUPPLIED AND DESIGNED BY THE LUMBER SUPPLIER OR TRUSS MANUFACTURER

PROVIDE LIGHTING AT ALL ENTRANCES AS PER O.B.C. 9.34.2.1

ALL CONSTRUCTION TO COMPLY WITH THE LATEST EDITION OF THE ONTARIO BUILDING CODE

ALL DOORS AND WINDOWS TO MEET RESISTANCE TO FORCED ENTRY AS PER O.B.C. 9.6.8 & 9.7.6

FLASHING REQUIRED OVER EXTERIOR OPENINGS AS PER O.B.C. 9.27.3

CONTRACTOR TO VERIFY ALL DIMENSIONS BEFORE PROCEEDING. ALL WORK TO CONFORM TO THE O.B.C.

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FRONT ELEVATION

DRAWINGS PROVIDED BY:

 sanddconstruction@outlook.com
 PH/F 905-679-5991

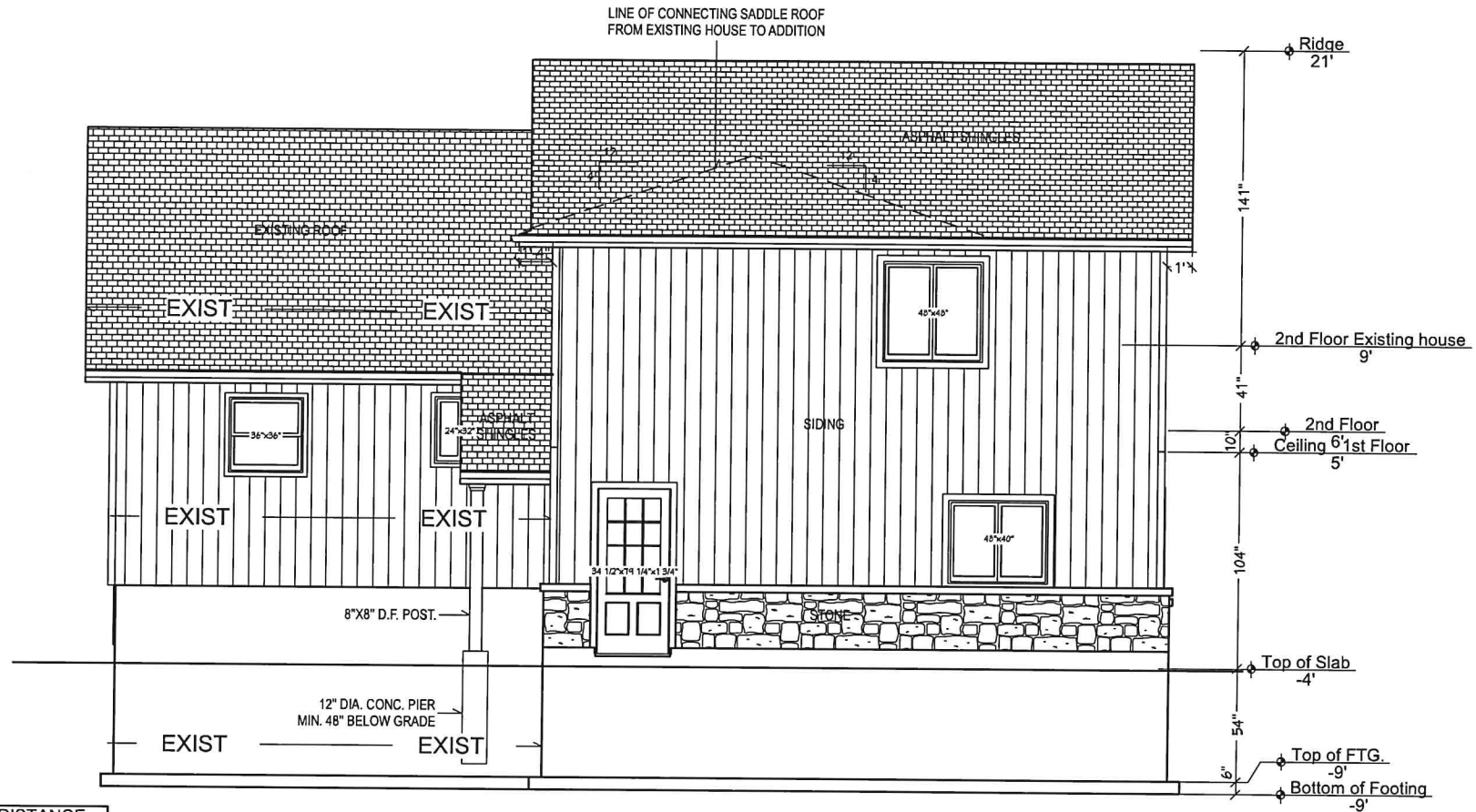
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 INDIVIDUAL: JAMES SUPPLE B.C.I.N # 36897

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DATE: 2024-02-15

SCALE: 3/16"=1'-0"

SHEET: **A-6**



CONTRACTOR TO VERIFY ALL DIMENSIONS BEFORE PROCEEDING. ALL WORK TO CONFORM TO THE O.B.C.

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**REAR
ELEVATION**

DRAWINGS PROVIDED BY:

 sanddconstruction@outlook.com
 PH/F 905-879-5991

REGISTRATION INFORMATION
 The undersigned has reviewed and takes responsibility for this design and has the qualifications set out in the Ontario Building Code to be a designer.
 FIRM: SANDD Construction Ltd. B.C.I.N. # 4721
 INDIVIDUAL: JAMES SUPPLE B.C.I.N. # 3887

NO.	DESCRIPTION	DATE
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SCALE: 3/16"=1'-0"

SHEET: **A-7**

PROVIDE GUARDS AT DOORS WHERE DISTANCE TO GRADE IS 2'-0" OR GREATER (SB-7 TYPE GUARDS FOR HOUSING OR SMALL BUILDINGS)

ALL TRUSSES PARALLAM BEAMS AND TJI FLOOR JOISTS TO BE SUPPLIED AND DESIGNED BY THE LUMBER SUPPLIER OR TRUSS MANUFACTURER

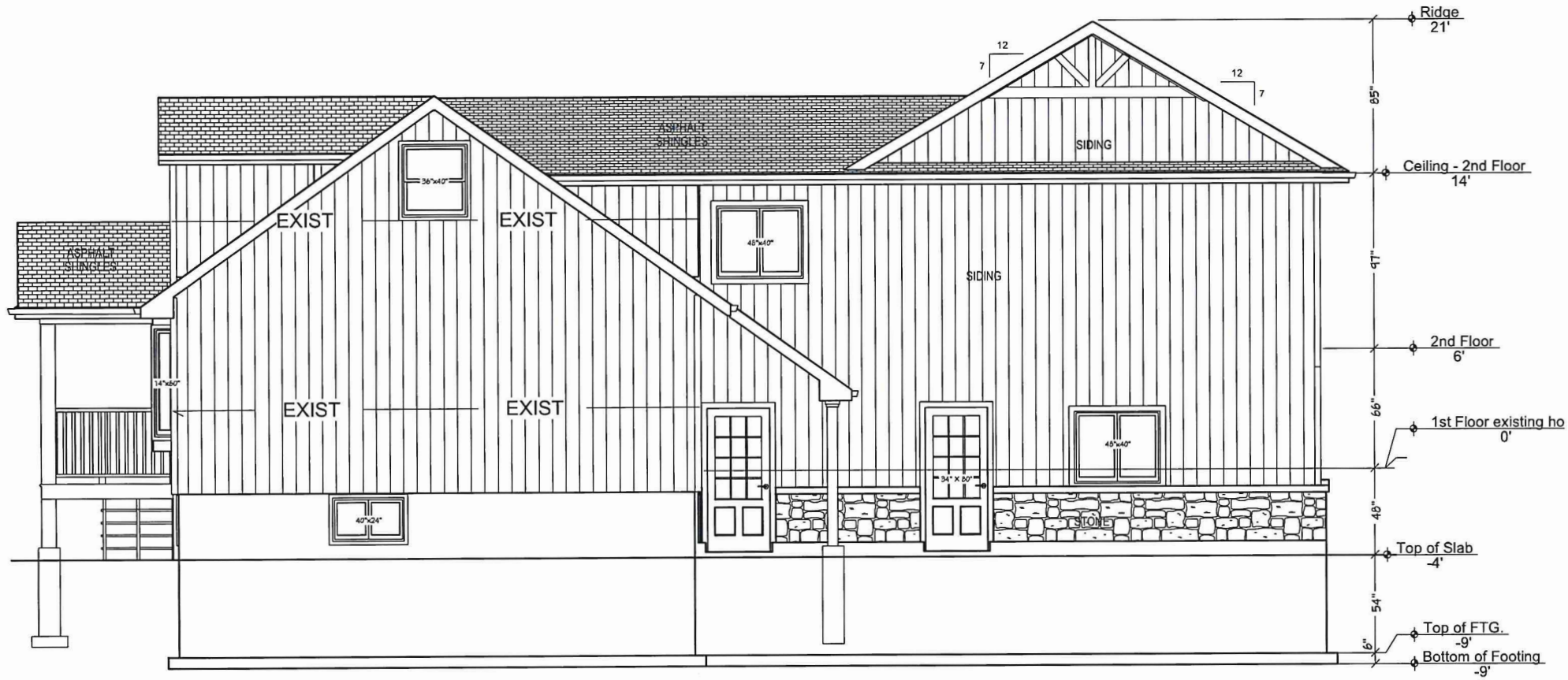
PROVIDE LIGHTING AT ALL ENTRANCES AS PER O.B.C. 9.34.2.1

ALL CONSTRUCTION TO COMPLY WITH THE LATEST EDITION OF THE ONTARIO BUILDING CODE

ALL DOORS AND WINDOWS TO MEET RESISTANCE TO FORCED ENTRY AS PER O.B.C. 9.6.8 & 9.7.6

FLASHING REQUIRED OVER EXTERIOR OPENINGS AS PER O.B.C. 9.27.3





CONTRACTOR TO VERIFY ALL DIMENSIONS BEFORE PROCEEDING - ALL WORK TO CONFORM TO THE O.B.C.

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RIGHT ELEVATION

DRAWINGS PROVIDED BY:

 sanddconstruction@outlook.com
 PH/F 905-679-5991

REGISTRATION INFORMATION
 The undersigned has reviewed and takes responsibility for this design and has the qualifications set out in the Ontario Building Code to be a designer.
 FIRM: SANDD Construction Ltd. B.C. 118 # 4721
 INDIVIDUAL: JAMES SUPPLE B.C. 118 # 3687

NO.	DESCRIPTION	DATE
1	FOR REVIEW	2024-02-01
2		

DATE: 2024-02-15
 SCALE: 3/16"=1'-0"
 SHEET: **A-8**

PROVIDE GUARDS AT DOORS WHERE DISTANCE TO GRADE IS 2'-0" OR GREATER (SB-7 TYPE GUARDS FOR HOUSING OR SMALL BUILDINGS)

ALL TRUSSES PARALLAM BEAMS AND TJI FLOOR JOISTS TO BE SUPPLIED AND DESIGNED BY THE LUMBER SUPPLIER OR TRUSS MANUFACTURER

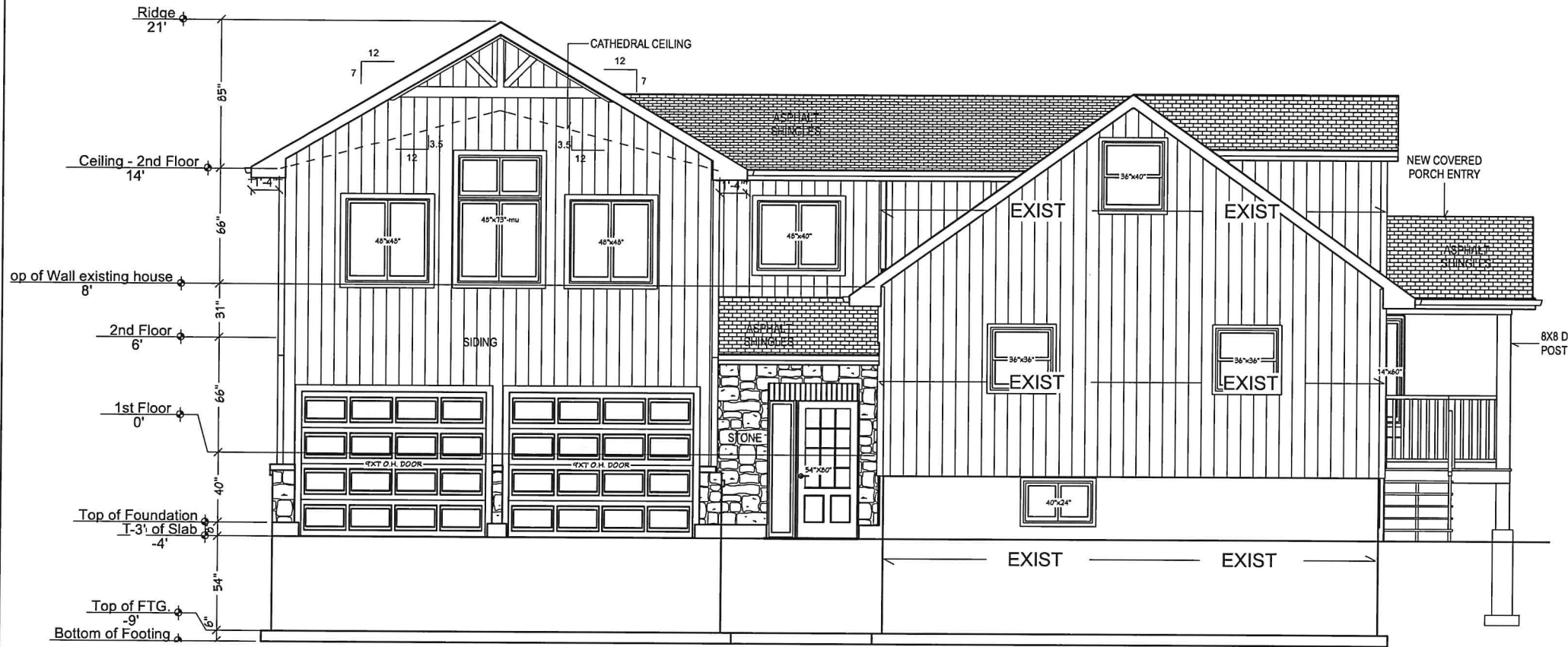
PROVIDE LIGHTING AT ALL ENTRANCES AS PER O.B.C. 9.34.2.1

ALL CONSTRUCTION TO COMPLY WITH THE LATEST EDITION OF THE ONTARIO BUILDING CODE

ALL DOORS AND WINDOWS TO MEET RESISTANCE TO FORCED ENTRY AS PER O.B.C. 9.6.8 & 9.7.6

FLASHING REQUIRED OVER EXTERIOR OPENINGS AS PER O.B.C. 9.27.3

E3 RIGHT SIDE
 3/16" : 1'



- PROVIDE GUARDS AT DOORS WHERE DISTANCE TO GRADE IS 2'-0" OR GREATER (SB-7 TYPE GUARDS FOR HOUSING OR SMALL BUILDINGS)
- ALL TRUSSES PARALLAM BEAMS AND TJI FLOOR JOISTS TO BE SUPPLIED AND DESIGNED BY THE LUMBER SUPPLIER OR TRUSS MANUFACTURER
- PROVIDE LIGHTING AT ALL ENTRANCES AS PER O.B.C. 9.34.2.1
- ALL CONSTRUCTION TO COMPLY WITH THE LATEST EDITION OF THE ONTARIO BUILDING CODE
- ALL DOORS AND WINDOWS TO MEET RESISTANCE TO FORCED ENTRY AS PER O.B.C. 9.6.8 & 9.7.6
- FLASHING REQUIRED OVER EXTERIOR OPENINGS AS PER O.B.C. 9.27.3



MASONRY VENEER WALLS

1. ALL MASONRY WALLS TO BE MIN. 3 5/8" THICKNESS AND 24'-0" MAX. HEIGHT.
2. MASONRY TIES TO BE MIN. 22ga. 7/8" WIDE AND SPACED NOT MORE THAN 16" O.C. HORIZONTALLY AND 24" O.C. VERTICALLY AND NAILED TO THE STUDS BENEATH THE SHEATHING.
3. PROVIDE 1" AIR SPACE BETWEEN VENEER AND WALL SHEATHING.
4. MAX. CORBEL OVER FOUNDATION WALL IS 1/2".

CONTRACTOR TO VERIFY ALL DIMENSIONS BEFORE PROCEEDING. ALL WORK TO CONFORM TO THE O.B.C.

PROJECT DESCRIPTION:
Boone Residence
 5627 Canborough Rd.
 Wellandport ON
 L0R 2J0
 ADDITION

To the best of my knowledge these plans are drawn to comply with owner's and/ or builder's specifications and any changes made on them after prints are made will be done at the owner's and / or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawing. SANDD Construction Ltd. is not liable for errors once construction has begun. While every effort has been made in the preparation of this plan to avoid mistakes, the maker can not guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter.

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LEFT ELEVATION

DRAWINGS PROVIDED BY:

 sanddconstruction@outlook.com
 PH/F 905-679-5991

REGISTRATION INFORMATION
 The undersigned has reviewed and takes responsibility for this design and has the qualifications set out in the Ontario Building Code to be a designer
 FIRM: SANDD Construction Ltd. B.C.I.N # 47221
 INDIVIDUAL: JAMES SUPPLE B.C.I.N # 36897

NO.	DESCRIPTION	DATE
1	FOR REVIEW	2024-02-01
2		

DATE: 2024-02-15

SCALE: 3/16"=1'-0"

SHEET: **A-9**

GENERAL NOTES

ALL CONSTRUCTION TO MEET OR EXCEED THE LATEST ADDITION OF THE ONTARIO BUILDING CODE

FOUNDATIONS

1. FOOTINGS TO CONFORM TO O.B.C. 9.15.
2. FOOTINGS TO BE MIN. 2200 PSI POURED CONC. AND TO REST ON UNDISTURBED SOIL CAPABLE OF SUSTAINING A LOAD OF 2000 LBS. PER SQUARE FT.
3. THE UNDERSIDE OF ALL FOOTINGS TO BE MIN. OF 48" BELOW GRADE.
4. WINDOW WELLS SHALL BE DRAINED TO THE FOOTING.
5. DOWN SPOUTS SHALL HAVE EXTENSIONS TO CARRY WATER AWAY FOR BUILDING AND PROVISIONS SHALL BE MADE TO PREVENT SOIL EROSION.
6. FOUNDATION WALLS TO BE MIN. 5 7/8" ABOVE FINISHED GRADE
7. ALL ANCHOR BOLTS TO BE MIN 1/2" DIA. EMBEDDED MIN. 4" INTO CONCRETE FOUNDATION AND SPACED NOT MORE THAN 7'-10" APART.

FRAMING

1. ALL LUMBER SHALL MEET O.B.C. STANDARDS AND BE S.P.F. GRADE NO. 1&2 AND SHALL BE IDENTIFIED BY A STAMP.
2. SILL PLATES TO BE MIN. 2X4 LUMBER.
3. HEADER JOISTS TO BE DOUBLED IF SPAN IS OVER 3'11" AND NOT OVER 10'-6".
4. MIN. 1 1/2" BEARING OF ALL JOISTS, CEILING JOISTS AND RAFTERS.
5. USE ENGINEERED METAL JOIST HANGERS FOR SUPPORT OF ALL JOISTS AND BEAMS WITH FRAMING INTO THE SIDES OF WOOD BEAMS, TRIMMERS AND HEADERS.
6. INTERIOR WALLS TO BE MADE UP OF 2X4 STUDS 16" O.C. UNLESS OTHERWISE NOTED

BEAMS & COLUMNS

1. ALL STEEL BEAMS AND COLUMNS TO BE PRIMED
2. MIN. 3 1/2" BEARING BENEATH ALL WOOD AND STEEL BEAMS
3. STEEL COLUMNS NOTED TO HAVE A MIN. OF 3/16" WALL THICKNESS.
4. WOOD COLUMNS FOR CARPORTS OR GARAGES TO BE MIN. 3 1/2" X 3 1/2".
5. ALL OTHER WOOD COLUMNS TO BE A MIN. OF 5 1/2" X 5 1/2"

ROOF CONSTRUCTION

1. ALL TRUSSES SHALL BE DESIGNED AND CONSTRUCTED AS PER THE O.B.C.
2. SUPPLIER SHALL SUPPLY ALL PLANS INCLUDING THE LAYOUT, BEARING AND BRACING AND SHALL BEAR THE SEAL OF AN ENGINEER WITH A LICENCE TO PRACTICE IN THE PROVINCE OF ONTARIO.
3. HIP AND VALLEY RAFTERS NOT TO BE LESS THAN 2" GREATER IN DEPTH THAN THE COMMON RAFTERS AND NOT LESS THAN 1 1/2" THICK.
4. ROOF AND CEILING FRAMING TO BE DOUBLED ON EACH SIDE OF OPENING GREATER THAN 2 RAFTERS OR JOIST SPACING.
5. ROOF SPACES OR ATTICS TO BE VENTED AS PER O.B.C. 9.19.1 TO THE EXTERIOR HAVING A TOTAL AREA OF 1/300 OF THE INSULATED CEILING AREA.
6. INSULATION SHALL BE INSTALLED IN A MANNER WHICH WILL NOT REDUCE THE FLOW OF AIR THROUGH THE VENTS AT ANY PORTION OF THE ROOF SPACE.
7. BAFFLES SHALL BE INSTALLED AT THE SOFFIT/WALL AREA TO ENSURE AIR FLOW FROM SOFFIT VENTS.

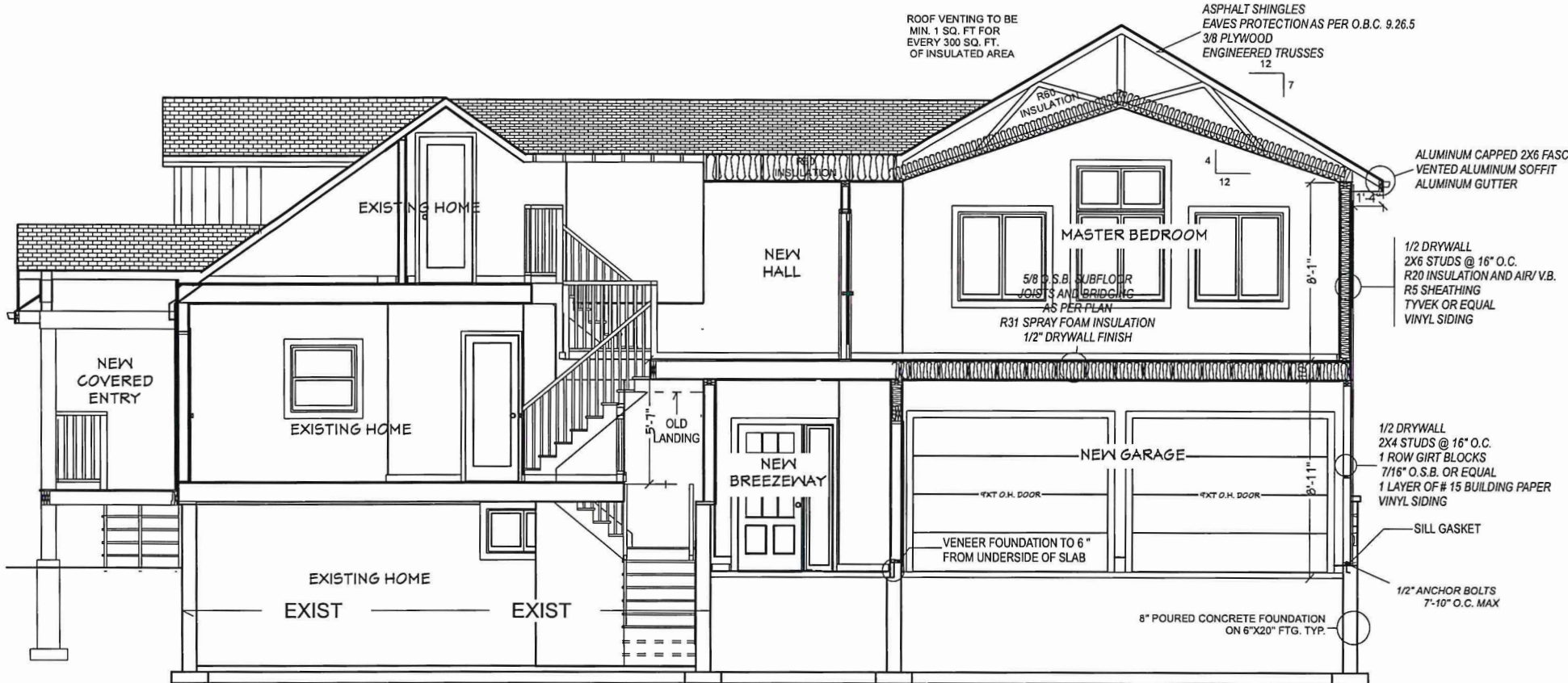
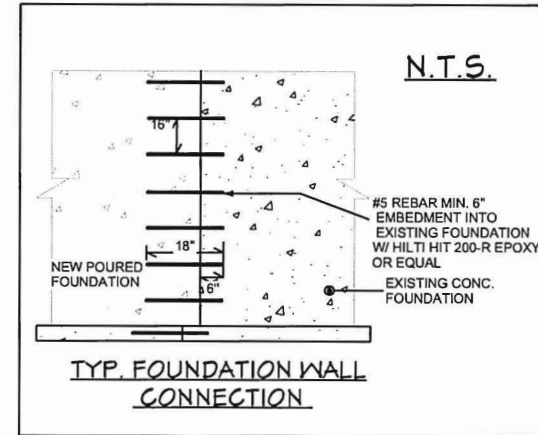
STAIRS:

- MAX. RISE 7 7/8"
- MIN. RUN 10 1/16"
- MIN. TREAD 10 1/16"
- MIN. HEAD RM. 6' 9"
- MIN. WIDTH 2' 10"

1. A LANDING MUST BE MIN. THE WIDTH OF THE STAIR OR 43" IN LENGTH AT THE TOP OF ANY STAIR LEADING TO THE PRINCIPLE ENTRANCE TO A DWELLING AND OTHER ENTRANCES WITH MORE THAN 5 RISERS.
2. GUARDS ARE REQUIRED AROUND EVERY ACCESSIBLE SURFACE THAT IS MORE THAN 25 5/8" ABOVE THE ADJACENT SURFACE.
3. GUARDS SHALL HAVE NO OPENINGS GREATER THAN 4" AND NO MEMBER BETWEEN 4" AND 2'-11" THAT WILL FACILITATE CLIMBING.
4. HEADROOM FOR STAIRS WITHIN LIVING AREAS SHALL BE MIN. 6'-9" MEASURED VERTICALLY FROM A LINE DRAWN FROM THE FRONT OF THE NOSING.
5. HANDRAILS SHALL BE INSTALLED ON AT LEAST ONE SIDE OF ALL STAIRS LESS THAN 3'-7" IN WIDTH.
6. EXTERIOR STAIRS WITH 3 OR MORE RISERS TO HAVE A HANDRAIL ON AT LEAST ONE SIDE.

DOORS & WINDOWS

1. EVERY FLOOR CONTAINING A BEDROOM AND NOT CONTAINING AND EXTERIOR DOOR SHALL HAVE AT LEAST ONE WINDOW HAVING AN UNOBSTRUCTED OPENING AREA OF 3.8 SQ.FT. AND NO DIMENSION LESS THAN 15" WHICH IS OPENABLE FROM THE INSIDE WITHOUT TOOLS.
2. EXTERIOR HOUSE DOORS AND WINDOWS WITHIN 6' 7" FROM GRADE SHALL BE CONSTRUCTED TO RESIST FORCED ENTRY.
3. DOORS SHALL HAVE A DEADBOLT.



CONTRACTOR TO VERIFY ALL DIMENSIONS BEFORE PROCEEDING. ALL WORK TO CONFORM TO THE O.B.C.

PROJECT DESCRIPTION:
Boone Residence
 5627 Canborough Rd.
 Wellandport ON
 LOR 2J0
 ADDITION

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SECTION DETAILS

DRAWINGS PROVIDED BY:

 sanddconstruction@outlook.com
 PH/F 905-679-5991

REGISTRATION INFORMATION
 The undersigned has reviewed and takes responsibility for this design and has the qualifications set out in the Ontario Building Code to be a designer.
 FIRM: SANDD Construction Ltd. B.C.I.H.# 4721
 INDIVIDUAL: JAMES SUPPHE B.C.I.H.# 3657

NO.	DESCRIPTION	DATE
1	FOR REVIEW	2024-02-01
2		

DATE: 2024-02-15
 SCALE: 3/16"=1'-0"
 SHEET: **A-**

Stephanie Pouliot

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: May 17, 2024 3:25 PM
To: Stephanie Pouliot
Subject: RE: Notice of Hearing and Full Package -Wednesday May 29th CofA Hearing

Good afternoon Stephanie,

Thank you so much for circulating the NPCA the COA materials for the May 29th Hearing.

Please see NPCA comments below:

- Consent B03/2024WL –Blokker for the property located at 2931 South Grimsby Road 19
 - o As previously mentioned during the pre-con for the subject property the NPCA has no concern with the proposed severance.
 - o As such the NPCA does not require a review fee.
- Minor variance A07/2024WL –Boone for the property located at 5627 Canborough Road
 - o There are no NPCA regulated features on the subject property.
 - o As such, the NPCA has no comment and will not require a review fee.
- Minor variance A08/2024WL –Lunt for the property located at 2599 South Grimsby Road 16
 - o There are no NPCA regulated features on the subject property.
 - o As such, the NPCA has no comment and will not require a review fee.
- Minor variance A09/2024WL –Johnny V. Poultry Inc. for the property located at 8697 Highway 20 – ARN 260203001132601
 - o The subject property is impacted by the Lower Twenty Mile Creek Wetland Complex and associated buffer and an unmapped floodplain.
 - o Technical staff have had a review of the provided materials and indicate that the proposed location of the proposed barn and manure building is suspected to be within the unmapped floodplain.
 - o NPCA policy 6.2.3 would support the proposed barn and manure building in the floodplain.
 - o As such, the NPCA can support the proposed minor variance for the barn and manure building.
 - o Please note that the NPCA would require a work permit for the proposed development.

Best,
Meghan



Meghan Birbeck (MS)

Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)

3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

905.788.3135 Ext 278

www.npca.ca

mbirbeck@npca.ca

From: Stephanie Pouliot <spouliot@westlincoln.ca>

Sent: Wednesday, May 8, 2024 10:33 AM

To: Pat.busnello@niagararegion.ca; devtplanningapplications@niagararegion.ca; susan.dunsmore@niagararegion.ca; Connor.Wilson@niagararegion.ca; Meghan Birbeck <mbirbeck@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Barb Behring <bbehring@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>; DL-Council Members <DL-CouncilMembers@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>; Justin Paylove <jpaylove@westlincoln.ca>

Subject: Notice of Hearing and Full Package -Wednesday May 29th CofA Hearing

Good morning,

Please find attached the notice of hearing and full package for the below applications going forward at the May 29th Committee of Adjustment hearing.

- Consent B03/2024WL –Blokker for the property located at 2931 South Grimsby Road 19
- Minor variance A07/2024WL –Boone for the property located at 5627 Canborough Road
- Minor variance A08/2024WL –Lunt for the property located at 2599 South Grimsby Road 16
- Minor variance A09/2024WL –Johnny V. Poultry Inc. for the property located at 8697 Highway 20

Please note, I will be sending the other two applications separately as the files are too large.

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

Kind regards,
Stephanie

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

Stephanie Pouliot	
	Planner I
	Tel: 905-957-3346 ext. 5140 Email: spouliot@westlincoln.ca Web: www.westlincoln.ca
	

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IMPORTANT NOTICE

Effective April 15, 2024 the Niagara Peninsula Conservation Authority head office has moved to 3350 Merrittville Highway, Thorold Ontario L2V 4Y6

Stephanie Pouliot

From: Jennifer Bernard
Sent: May 21, 2024 10:44 AM
To: Stephanie Pouliot
Subject: RE: Notice of Hearing and Full Package -Wednesday May 29th CofA Hearing
Attachments: B032024WL - PW Comments.pdf

Hi Stephanie,

Here are Public Works comments on B03/2024WL, let me know if you want to chat about it further.

I have no comments to provide for A07/2024WL, A08/2024WL and A09/2024WL

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.

Jennifer Bernard, C.E.T.

Coordinator, Engineering Services

Tel: 905-957-3346 ext 6732
Email: jbernard@westlincoln.ca
Web: www.westlincoln.ca



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From: Stephanie Pouliot <spouliot@westlincoln.ca>
Sent: May 8, 2024 10:33 AM
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>; DL-Council Members <DL-CouncilMembers@westlincoln.ca>
Cc: Brian Treble <btreble@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Susan Smyth <ssmyth@westlincoln.ca>; Jeni Fisher <jfisher@westlincoln.ca>; Madyson Ettl <metzl@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>
Subject: Notice of Hearing and Full Package -Wednesday May 29th CofA Hearing

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- Minor variance A09/2024WL –Johnny V. Poultry Inc. for the property located at 8697 Highway 20

Please note, I will be sending the other two applications separately as the files are too large.

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

Kind regards,
Stephanie

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

	Stephanie Pouliot
	Planner I
	Tel: 905-957-3346 ext. 5140 Email: spouliot@westlincoln.ca Web: www.westlincoln.ca
	

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Growth Strategy and Economic Development

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

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

Via Email Only

May 21, 2024

File Number: PLMV202400560

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

Dear Ms. Pouliot:

**Re: Regional and Provincial Comments
Minor Variance Application
Township File Number: A07/2024WL
Applicant: Dakota Boone
5627 Canborough Road;
Township of West Lincoln**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed this Minor Variance application for the property municipally known as 5627 Canborough Road to permit the construction of a front enclosed porch with a reduced front yard setback of 6 metres. Regional staff received notice of this application on May 8, 2024

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

Provincial and Regional Policies

The property is mapped within a 'Prime Agricultural Area' as set out under the Provincial Policy Statement, 2020 ("PPS"), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation ("Growth Plan"), and the Niagara Official Plan, 2022 ("NOP"). Across the region, an agricultural system has been identified in which all types, sizes, and intensities of agricultural uses and normal farm practices are promoted and protected in accordance with Provincial standards.

The permitted uses within this designation are for agricultural uses, agriculture-related uses, and on-farm diversified uses. In addition, NOP policy 4.1.10.1 states that the plan

shall not prohibit the continued operation of legally established uses (e.g., residential). As such, the proposed addition to the existing dwelling does not conflict with Provincial or Regional policies subject to the following comments.

Archaeological Potential

The PPS and the NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, PPS policy 2.6.2 and NOP policy 6.4.2.1 state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

The property is mapped within Schedule K of the NOP as an area of archaeological potential. NOP Policy 6.4.2.6 states that where a site proposed for development is located within an area of archaeological potential, a Stage 1 Archaeological Assessment by a licensed archaeologist is required.

Staff has reviewed submitted plan for the proposed porch, which includes concrete pillars. Given the scale of the proposed porch and that the concrete piers would have a restricted and minimal area of disturbance, staff do not require a Stage 1 Archaeological Assessment.

Staff, however, provided an archaeological advisory clause in the appendix to inform the applicant should any archaeological artifacts be discovered.

Conclusion

Staff of the Regional Growth Strategy and Economic Development Services Department does not object to the request for a Minor Variance to permit a minimum front yard setback of 6 metres, subject to the Township's satisfaction.

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

Kind regards,



Connor Wilson
Planner, Development

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

Appendix

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

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

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

PLANNING & DEVELOPMENT DEPARTMENT

MEMORANDUM

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

FROM: Lyle Killins, Septic Inspection Manager

DATE: May 22, 2024

**SUBJECT: A07/2024 WL
Dakota Boone**

Dear Stephanie,

Please be advised the application as proposed does not negatively impact its requirements of Part 8 Ontario Building Code.

Thus, no objection to the application as proposed.

Respectfully submitted,



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

DATE: May 29, 2024

REPORT NO: COA-16-2024

FILE NO: A08/2024WL

SUBJECT: **Recommendation Report Application for Minor Variance, Mark and Carmen (Agent – Jeremy Brown, Niagara Planning Consultants)**

LOCATION: 2599 South Grimsby Road 16, West Lincoln

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

OVERVIEW:

A Minor Variance application has been submitted by Jeremy Brown (Niagara Planning Consultants), on behalf of the property owners, Mark and Carmen Lunt for the property located at 2599 South Grimsby Road 16.

A Minor Variance application has been applied for to permit a Quonset hut with a size of 167 square metres on the subject property. The proposed accessory building falls under a Type 3 accessory building in the Township’s Zoning By-law 2017-70, as amended. Type 3 accessory buildings (greater than 120 square metres) are only permitted on lots with a minimum lot area of 0.5 hectares or greater, in accordance with lot coverage. Therefore, this application is requesting to locate a Type 3 accessory building on the subject lands which exceeds the maximum ground floor area permitted by approximately 47 square metres.

As identified by Table 1-1 in Part 3 of the Township’s Zoning By-law 2017-70, as amended, the maximum lot coverage for all accessory buildings and structures on the lot (for a lot area of 0.4 hectares or less) is limited to 200 square metres. With the proposed Quonset hut, the lot coverage for all accessory buildings on the subject lands would total 209.9 square metres, exceeding by approximately 10 square metres.

The Applicants have also indicated that they will be submitting an alteration permit to remove 0.9 metres off of the rear of the existing accessory structure to comply with the minimum rear yard setback of 2 metres for a Type 2 accessory building. This permit will also remove the overhang from the existing accessory building, doing so will reduce the lot coverage for all accessory buildings and structures to 186 square metres to comply with the 200 square metre requirement, therefore, no longer requiring this variance.

RECOMMENDATION:

That, the application for Minor Variance, submitted by Jeremy Brown, on behalf of the property owners, Mark and Carmen Lunt, as outlined in Report COA-16-24, to

permit a 167 sq. meters, Type 3 accessory building on the subject property, BE APPROVED, subject to the following conditions:

1. That the proposed Quonset hut be no closer than 3 metres to side and rear property lines.
2. That the Applicant obtains an approved building permit for the existing accessory building, including any necessary alterations to bring it into zoning conformance.
3. That the Applicant submit a report from a licensed sewage system installer and/or engineer indicating compliance with minimal separation distance requirement as per Tables 8.2.1.6 A and 8.2.1.6 B of the Ontario Building Code.
4. That the Applicant submit an entrance permit to the satisfaction of the Township's Public Work and Planning Departments.
5. That the proposed Quonset hut be used in conjunction with the permitted residential use and that the proposed accessory building not be used for commercial purposes.

BACKGROUND & SURROUNDING LAND USES:

2599 South Grimsby Road 16 is a 0.41 hectare (1 Acre) lot located on the south side of South Grimsby Road 16, north of Twenty Road, west of Caistor Centre Road, and south of Highway 20 (Regional Road 20). The subject lands are also located south east of the Hamlet of Fulton and south west of the Hamlet of Kimbo.

A Minor Variance application has been submitted by Jeremy Brown (Niagara Planning Consultants), on behalf of the property owners, Mark and Carmen Lunt for the property located at 2599 South Grimsby Road 16.

A Minor Variance application has been applied for to permit a prefabricated Quonset hut with a size of 167 square metres on the subject property. The proposed accessory building falls under a Type 3 accessory building in the Township's Zoning By-law 2017-70, as amended. Type 3 accessory buildings (greater than 120 square metres) are only permitted on lots with a minimum lot area of 0.5 hectares or greater, in accordance with lot coverage. The subject lands are 0.4 hectares (1 acre) in size and would only be permitted to have an accessory building up to 120 square metres as identified by Table 1-1 found in Part 3 of the Township's Zoning By-law 2017-70, as amended.

The proposed Quonset hut has been reduced to 167 square metres from the initial ground floor area proposed with the applicant's building permit which identified the total size of the Quonset hut to be 195 square metres.

The majority of the surrounding land uses are designated in the Township's Official Plan as *Good General Agricultural Lands* including the subject property. The surrounding lands are actively farmed with a number of small rural residential properties. The subject property is zoned Agricultural 'A' and currently contains a dwelling that was constructed in 1963 and an existing accessory structure shown as 42.9 square metres in Figure 1 of the agent's additional justification which can be found in Attachment 3.

The owners are now looking to locate a Quonset hut with a size of 167 square metres on the subject property. In terms of lot coverage for accessory buildings and structures, the subject lands would have a total of 209.9 square metres with keeping the existing accessory building as is. The existing accessory building has been recently constructed without the appropriate building permits and is currently located too close to the rear property line. As such, Planning Staff are recommending a condition that the existing accessory building be brought into compliance through obtaining a building permit, and that the variance for overall lot coverage to exceed 200 square metres be denied, requiring the existing accessory building to be reduced in size.

Therefore, the following variances are being requested by this application to permit the proposed Quonset hut on the subject lands; permitting a Type 3 accessory building on an acre lot, with a total area of 167 square metres which exceeds the maximum ground floor area permitted (being 120 square metres) by approximately 47 square metres.

Planning Staff attended a site visit of the property on Tuesday, May 15th, 2024. The existing pool as shown on the survey sketch (in Attachment 2) has been removed. The deck has also been straighten to a line with the south side of dwelling. The owner has confirmed shed 2 (marked as to be replaced on the survey sketch) will be removed to construct the concrete pad for the proposed Quonset hut. Shed 1 has been used for pool equipment and the pool pump which will be removed before assembling the Quonset hut.

CURRENT SITUATION:

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

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

The subject property is designated as *Good General Agricultural Lands* in the Township's Official Plan (OP).

The Official Plan policy of the *Good General Agriculture* designation recognizes that there are a number of legally established non-agricultural land uses, and that these uses, including the residential use of the subject lands, may continue (Section 4.2(c)). The proposed Quonset hut is accessory to the residential use on the property as shown in the proposed storage includes a recreational trailer, two vehicles, two trailers, storage space, gardening table and a 3.0 metre by 4.6 metre workshop, see below in Figure 1 for the proposed layout.

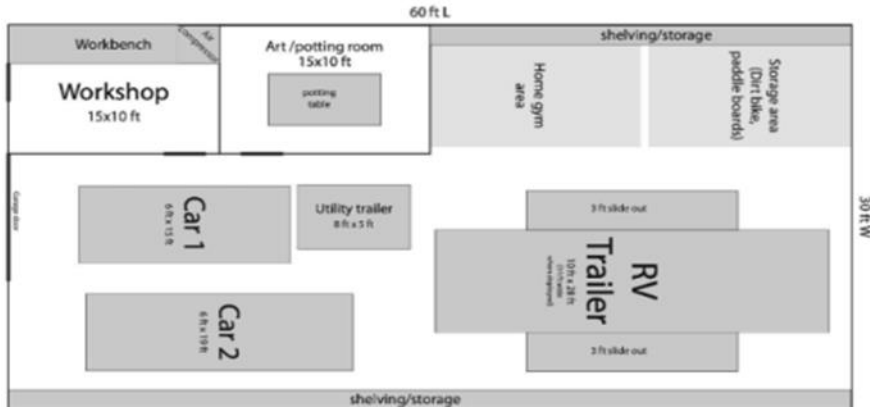


Figure 1: Proposed storage layout from the agent’s additional justification found in Attachment 4 and on the survey sketch found in Attachment 2.

The main objectives for the *Good General Agricultural Area* is protecting Agricultural areas, preserving viable agricultural lands as well as, promoting small scale secondary uses which do not hinder the surrounding agricultural area. This proposal will not be hindering the surrounding agricultural lands with the requested variances. An accessory building is permitted as a secondary use to the existing dwelling on the property and with the noted items in the proposed storage layout (Figure 1 above) is being proposed in conjunction with the permitted residential use.

For these reasons, Planning Staff consider the proposal consistent with the general intent of Section 4 of the Township’s OP as protecting long-term agriculture in West Lincoln is still being maintained with the residential use continuing on the subject lands.

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

The subject property is zoned Agricultural ‘A’ with a total lot size of 0.40 hectares (1 Acre). As outlined in Table 11 in Part 5 of the Township’s Zoning By-law 2017-70, as amended, accessory buildings and structures are permitted in conjunction with a permitted principal use, in this case, being an accessory use to the permitted dwelling on the property. As noted, the items proposed to be stored in the Quonset hut are in relation to the predominant residential use of this property (see Figure 1 above).

However, the proposed Quonset hut (167 square metres) exceeds the permitted size limit of 120 square metres. Ground floor area (GFA) is the area of a building enclosed in with walls, while lot coverage is the area covered by a roofed area. The proposed accessory building does not comply with the maximum ground floor area permitted for an acre lot or the interior side setback for a Type 3 accessory building permitted by Table 1-1 found in Part 3 of the Township’s Zoning By-law 2017-70, as amended.

Additionally, the lot coverage for all accessory buildings and structures on an acre lot is limited to 200 square metres and with the proposed alteration to the existing accessory building and Quonset hut (167 square metre) totals 186 square metres. The Township’s Zoning By-law regulates the total lot coverage for accessory buildings and structures (in

Part 3) as well as the total lot coverage for all buildings and structures on a lot within an agricultural zone (in Part 5).

As identified by Table 12 in Part 5 *Agricultural Zones* of the Township's Zoning By-law 2017-70, as amended, the maximum lot coverage for all buildings and structures permitted within the Agricultural 'A' zone is 10%. Therefore, the total lot coverage for this property (1 Acre/ 4046.86 square metres) with the existing dwelling (140 square metres), the existing accessory building following alteration (19 square metres), and proposed accessory building (167 square metres) results in a total coverage of 326 square metres, being approximately 8.1% of the total lot coverage which complies with the maximum permitted of 10%.

Additionally, as noted in Table 11 (Part 5), accessory uses are only permitted accessory and in conjunction with a permitted *principal use*. As previously noted, the items proposed to be stored in the Quonset hut (see Figure 1 above) are associated with the residential use on the property.

Furthermore, the proposed setback as shown on the survey sketch indicates a 3.05 metres interior side setback to the south property line. As outlined in Table 1-1, the minimum interior side setback for a Type 2 accessory building (10.1 to 120 square metres) is 2 metres and for a Type 3 accessory building (greater than 120 square metres) is 7.5 metres. Given the proposed size being 47 square metres larger than a Type 2 accessory building, a setback no less than 3 metres would better meet the intent of the zoning provision. 3.75 metres is half the setback for a Type 3 building ($7.5\text{m}/2 = 3.75\text{m}$), therefore a setback of 3 metres would still provide an appropriate setback for this size building. As such, this has been added as a condition of approval.

For these reasons, Planning Staff believe this proposal maintains the intent of the Township's Zoning By-law provisions with the conditions as included.

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

Given there is an existing row of trees along the south property line, the proposed area for the Quonset hut can be considered appropriate with the existing screening which will be provided a buffer to the nearest residences (south of the subject property). As the subject lands are fully-screened from the public road (South Grimsby Road 16), the proposed Quonset hut is not anticipated to have any impact on the surrounding area.

Directly abutting the south property line is a laneway which provides an additional buffer between the proposed location and the closest neighbours to the south. An existing driveway will also be utilized to access the proposed accessory building as shown on the

survey sketch (see Attachment 2). This driveway entrance appears not to have obtained the appropriate approvals through Public Works and a condition has been added requiring a permit to be approved.

In addition, ensuring an interior side and rear setback no less than 3 metres will align with the intent behind the zoning provisions found in Table 1-1 (in Part 3), by providing an adequate setback for this type building to the south and rear property lines.

As previously noted, the use of the proposed Quonset hut will be used in conjunction with the permitted residential use on the property and will provide a space for storing vehicles and allow a workshop for property maintenance and repair as indicated by the agent's justification letter (see Figure 1 or Attachment 3). Additionally, the owners have indicated they have no intent of running a business from this accessory building or the subject lands which provides additional assurance of this proposal having no impact on the surrounding area, please see the letter from Mr. and Mrs. Lunt found within Attachment 4. This has also been included as a condition of approval.

For these reasons, Planning Staff believe the proposed Quonset hut is desirable and appropriate given the existing use of the property and the conditions of approval.

Is the proposal minor in nature? Yes

Planning Staff believe with the conditions of approval, one being the revisions to the existing accessory building reduced from 42.9 square metres to 19 square metres helps the proposal become more minor in nature. Doing so, reduces one of the requested variances as lot coverage for accessory buildings now complies with a total of 186 square metres which is under the 200 square metre maximum. Additionally, as the general intent of the Township's Official Plan and Zoning By-law provisions are being maintained by this proposal, the required variances can be considered minor in nature in this case.

The proposed Quonset hut is compatible with the existing land uses including similarly sized accessory buildings in the surrounding area. Directly south east of the proposed location for the Quonset hut is a 264 square metres Quonset hut on the abutting farm parcel as noted in the agent's justification letter (see Attachment 3). Planning Staff would like to clarify these accessory buildings on the abutting (25 acre) farm parcel comply with the zoning provisions for a larger agricultural property, and provides double the required interior side setback to the applicants' rear property line of approximately 15 metres whereas, 7.5 metres is the minimum requirement.

The justification letter also speaks to the neighbouring property (0.91 acres) and the accessory building with a total size of 187.5 square metres. At the time of construction, the Township's previous Zoning By-law 79-14 was in place and these lands (2599, 2585 and 2555 South Grimsby Road 16 were zoned under Agricultural A2). The maximum lot coverage permitted at the time under Zoning By-law 79-14 (Policy 9.2.1c) allowed a maximum lot coverage of 12.5% for a single detached dwelling and accessory buildings (thereto), revised from the previous provision of 1%. The dwelling was approximately 68 square metres with the existing accessory building (40 feet by 48 feet), being 178 square

metres resulted in a lot coverage of 6.75% (0.91 acres/3682.64 square metres) which complied. However, with this being said, each property in West Lincoln needs to comply with the provisions at the time of an application.

Given the proposed location for the Quonset hut being already screened with an existing planting buffer (bush) from the nearest neighbours, the property being fully screened from the public street and the majority of the property being screened with mature trees, and as previously noted, the similar-sized accessory buildings in the area; the proposed Quonset hut would be compatible with the surrounding area.

For these reasons, Planning Staff do not anticipate any adverse impacts and as such, recommend approval of this Minor Variance Application to permit the pre-fabricated Quonset hut (Type 3 accessory building) with a ground floor area no greater than 167 square metres on the subject property.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Building Department: Any buildings or structures greater than 15 square metres require a permit under the Ontario Building Code. Upon review, it appears the accessory building was constructed without the required building permit. As such, a condition of approval has been included to satisfy the concern from the Building Department. Please note, this permit will be required to be issued before the building permit for the Quonset hut to satisfy the Planning Department's concern regarding compliance with the Township's Zoning By-law, particularly for the rear yard setback for the existing accessory building as previously noted.

Public Works: Has reviewed the application and has no record of an entrance permit for the second driveway shown on the survey sketch (see Attachment 2). As such, a condition has been included that an entrance permit and an inspection be completed to ensure the work in the Township ditch was completed correctly and that the culvert was also sized appropriately.

Septic System Inspection Manager: Has reviewed the application as submitted and as there were no documentation provided regarding the existing sewage system. A condition has been included to satisfy the septic concern regarding compliance with the minimal distance requirements per Tables 8.2.1.6 A and 8.2.1.6 B of the Ontario Building Code. Please see above for the applicable condition of approval and Attachment 5 for the comments received.

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

Niagara Region: Have no objections to permit the accessory building, however, have noted the property is located within an area designated for Archaeological Potential. As such, the Region has included the Archaeological Potential warning clause should any deeply buried artefacts or remains be found. Please see Attachment 5 for more information.

PUBLIC COMMENTS:

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

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance Application (A08/2024WL) as outlined in Report COA-16-24, to permit a Type 3 accessory building with a total ground floor area no greater than 167 square metres on the property, subject to conditions as indicated.

ATTACHMENTS:

1. Location Map
2. Survey Sketch
3. Justification Letter
4. Intended Use from Owners
5. Agency Comments

Prepared & Submitted by:

Approved by:



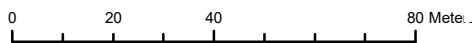
**Stephanie Pouliot,
Planner**

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



Location Map

2599 South Grimsby Road 16





West Lincoln


Your Future Naturally

Page 36 of 75

Legend

-  ZoneBoundary
-  Subject Property

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2214059



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
in accordance with
Regulation 1026, Section 29(3).

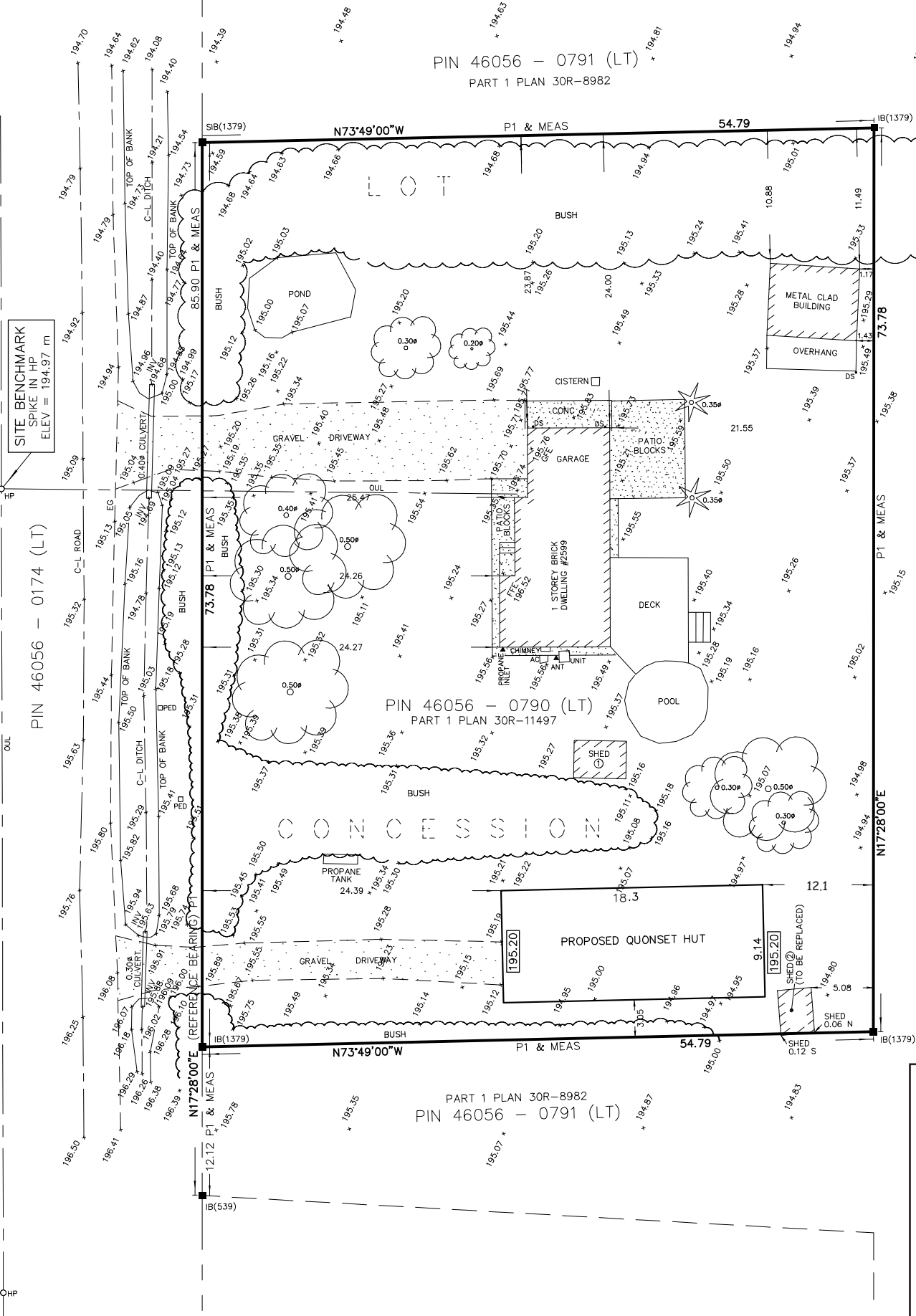
PLAN OF SURVEY SHOWING TOPOGRAPHICAL INFORMATION
FOR PERMIT APPLICATION

**PART OF LOT 31, CONCESSION 9
GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA**

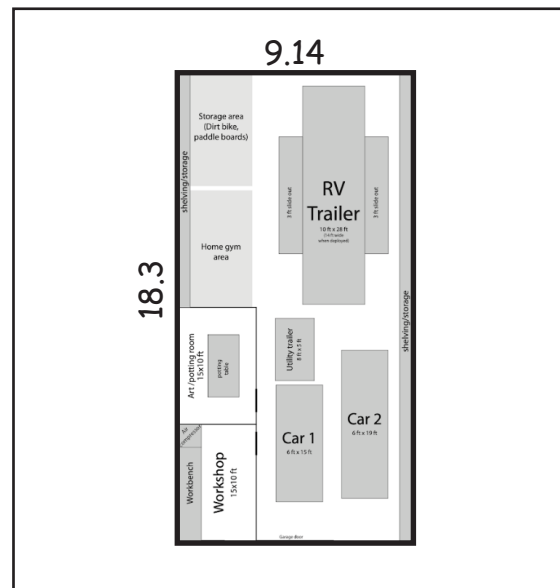
0 10 20 30m

SCALE 1:300
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS
© COPYRIGHT, Rasch & Hyde Ltd., OLS's, 2024

ROAD ALLOWANCE BETWEEN LOTS 31 AND 32, CONCESSION 9, SOUTH GRIMSBY
ALSO KNOWN AS SOUTH GRIMSBY ROAD 16



PROPOSED STORAGE LAYOUT



LOT COVERAGE NOTES

TOTAL LOT AREA:	4043.0 s.m. (100%)
EXISTING HOUSE:	140.3 s.m. (3.5%)
METAL CLAD BUILDING:	42.9 s.m. (1.1%)
SHED ①:	13.1 s.m. (0.3%)
SHED ②:	10.1 s.m. (0.2%)
PROPOSED BUILDING:	167.0 s.m. (4.1%)

METRIC NOTE

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

BEARING NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EAST LIMIT OF SOUTH GRIMSBY ROAD AS SHOWN ON PLAN 30R-11497 HAVING A BEARING OF N17°28'00"E.

ELEVATION NOTE

ELEVATIONS ARE GEODETIC, DERIVED BY GPS OBSERVATIONS, REFERRED TO GEODETIC SURVEY OF CANADA BENCHMARK 0011975U193 HAVING AN ELEVATION OF 209.563m (CGVD-1928:1978)

TOWNSHIP: HAMILTON-WENTWORTH IRON PIPE WITH BRASS CAP, ALONG WHITE CHURCH ROAD, AT INTERSECTION WITH WOODBURN ROAD, 42.1 M EAST OF CENTRE LINE OF ROAD TO SINCLAIRVILLE, 9.8 M SOUTH OF CENTRE LINE OF WHITE CHURCH ROAD, 21.6 M SOUTHWEST OF HYDRO POLE NO. B56, SLIGHTLY BELOW ROAD LEVEL.

ALL FUTURE GRADE WORK ON SITE TO BE BASED ON SITE BENCHMARK. ANY ELEVATION DISCREPANCIES TO BE REPORTED TO RASCH & HYDE LTD.

LEGEND

- DENOTES SURVEY MONUMENT PLANTED
 - DENOTES SURVEY MONUMENT FOUND
 - SIB DENOTES STANDARD IRON BAR (25mmX25mmX120cm)
 - SSIB DENOTES SHORT STANDARD IRON BAR (25mmX25mmX60cm)
 - IB DENOTES IRON BAR (15mmX15mmX60cm)
 - IB⊙ DENOTES ROUND IRON BAR (20mm DIA X 60cm)
 - CC DENOTES CUT CROSS
 - CM DENOTES CONCRETE MONUMENT
 - CP DENOTES CONCRETE PIN
 - PB DENOTES PLASTIC BAR
 - WIT DENOTES WITNESS
 - OU DENOTES ORIGIN UNKNOWN
 - PIN DENOTES PROPERTY IDENTIFIER NUMBER
 - (539) DENOTES D. G. URE O.L.S.
 - (1379) DENOTES EDWARD GRENKIE O.L.S.
 - P1 DENOTES PLAN 30R-11497
 - AC DENOTES AIR CONDITIONER
 - C-L DENOTES CENTRELINE
 - DS DENOTES DOWNSPOUT
 - EG DENOTES EDGE OF GRAVEL
 - FFE DENOTES FINISHED FLOOR ELEVATION
 - GFE DENOTES GARAGE FLOOR ELEVATION
 - HM DENOTES HYDRO METER
 - HP DENOTES HYDRO/UTILITY POLE
 - OUL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE
 - PED DENOTES PEDESTAL
 - ★ DENOTES CONIFEROUS TREE (CANOPY NOT TO SCALE)
 - DENOTES DECIDUOUS TREE (CANOPY NOT TO SCALE)
 - +100.00 DENOTES EXISTING GROUND ELEVATION
 - 100.00 DENOTES PROPOSED ELEVATION
 - DENOTES DIRECTION OF DRAINAGE
 - RWL DENOTES RAINWATER LEADER
- N=NORTH, S=SOUTH, E=EAST. W=WEST

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT :
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 - THIS SURVEY WAS COMPLETED ON THE 16th DAY OF FEBRUARY 2024.

MARCH 13, 2024
DATE

Harold D. Hyde
HAROLD D. HYDE
ONTARIO LAND SURVEYOR

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RASCH + HYDE LTD.
Ontario Land Surveyors

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

HAROLD D. HYDE O.L.S.

SCALE 1 : 300

SURVEY : 24-009

DRWN BY : T. Matheson

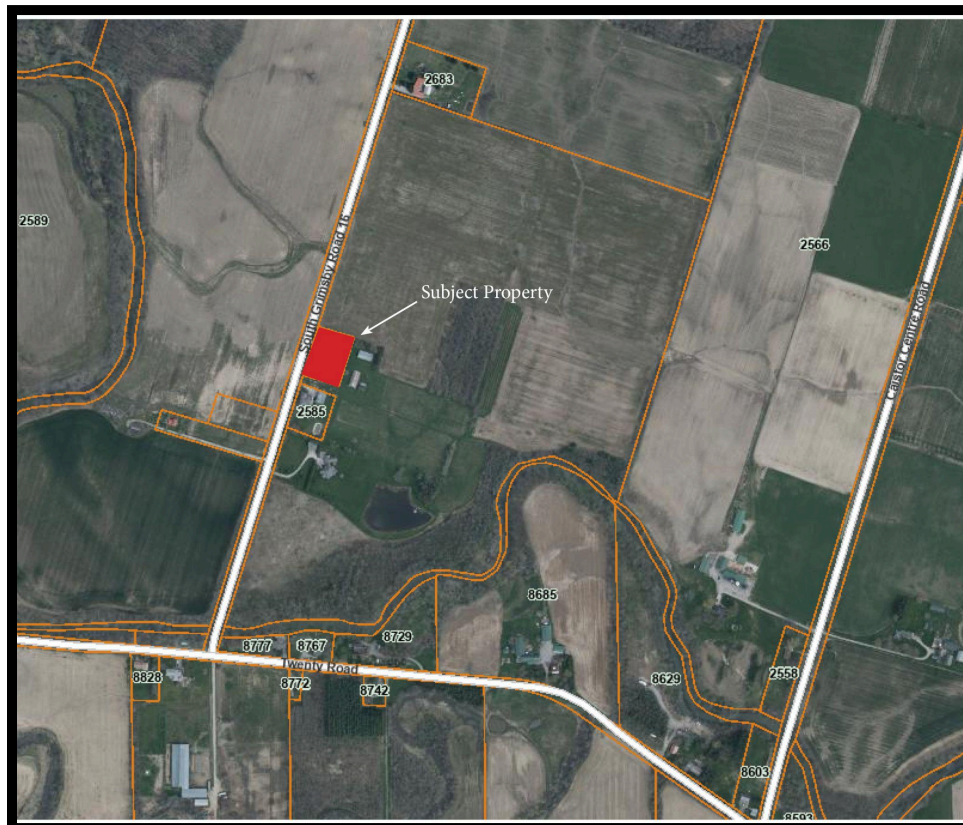
Minor Variance Application Addendum

Owner Information

Owner's Names: Mark and Carmen Lunt
Owner's Phone Number: (905)-664-4758
Owner's Email #1: Marklnty11@outlook.com

Subject Property Description:

Address: 2599 South Grimsby Road 16, West Lincoln
ARN: 260203001110405
Legal Description: CON 9 PT LOT 31 RP 30R11497;PART 1
Zoning: Agricultural



Introduction

The owner's of the subject property are intending to place a metal prefabricated quonset hut, similar to the various other metal storage structures in the nearby neighbouring properties. The original size of the quonset hut that was purchased originally was 21.34m x 9.14m (195.04 s.m.). The owners of the subject property have altered the structure in order to try and accommodate the zoning by-law requirements. They have reduced the over area by 28 s.m. making the proposed structure 18.3m x 9.14m. This reduction in size is the minimum area that the owner's require in order to accommodate their storage needs. We are proposing for the committee of adjustment to agree that the deviations from the Zoning By-Law is acceptable when considering the location, neighbouring properties, and minimal impact on the subject property.

Four Tests For Minor Variance Consideration:

Why is the variance minor in nature?

The proposed variance is minor in nature due to several reasons. Firstly, while the quonset hut storage building exceeds the prescribed size limit, the increase in size is relatively small compared to the overall size of the property. Secondly, the additional space is essential for efficient storage and organisation. Additionally, the proposed structure maintains setbacks and adheres to other zoning requirements, ensuring minimal impact on neighbouring properties. Overall, the deviation from the standard is minimal and does not compromise the integrity or character of the surrounding area.

Why are the variances desirable for the appropriate use of the land?

The requested variances are essential for optimising the functionality and utilisation of the land for its intended purpose. Despite being zoned Agricultural, this land is primarily and forever will be maintained as a residential use. The quonset hut storage building will provide crucial storage space for the intended purpose of this property, providing space for equipment, recreational vehicles, and property maintenance/repair. Without the additional space, there would be significant constraints on the owner's ability to effectively store and maintain their property. Moreover, the proposed variances align with the efficient use of the land, allowing for the consolidation of storage inside a single building instead of having various recreational vehicles being stored around the property. Thereby minimising sprawl and maximising the available space for other beneficial uses.

Does it meet the intent and purpose of the Official Plan?

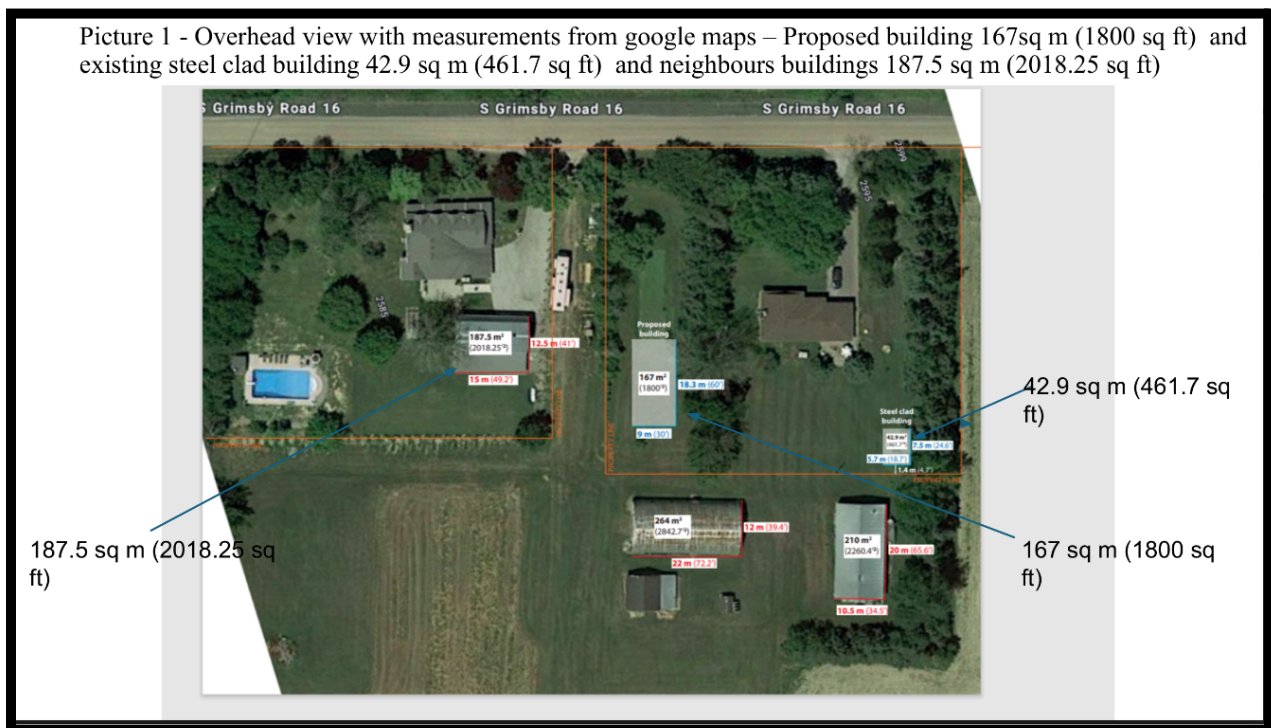
The proposed quonset hut aligns with the intent and purpose of the Official Plan. The proposed maintains compatibility with the surrounding land uses outlined in the Niagara Region Official Plan - Prime Agricultural Lands, and with West Lincoln's Official Plan - Good General Agricultural Lands. The proposed does not detract from the subject property but instead contributes to the overall functionality and sustainability of the property, in accordance with the objectives outlined in the Official Plan.

Does it meet the intent and purpose of the Zoning By-Law?

The proposed quonset hut storage building is consistent with the intent and purpose of the Zoning By-Law while providing necessary flexibility to accommodate the unique needs of this property. The zoning by-law allows for this style and type of storage on Agriculturally zoned properties. The intent of the Agricultural Zone is to achieve orderly development of these types of structures, as accessory structures are common and required in this zone type. Overall, the development satisfies the objectives of the Zoning By-Law by promoting orderly and sustainable development while addressing the specific needs of this property.

Neighbouring Properties:

Directly behind and beside the subject property is a 76 Acres Agricultural property, that accesses their accessory storage buildings through a lane way between the subject property and their neighbouring 0.9 Acre property. The proposed location for the quonset hut is surrounded by larger accessory structures than what is being proposed.

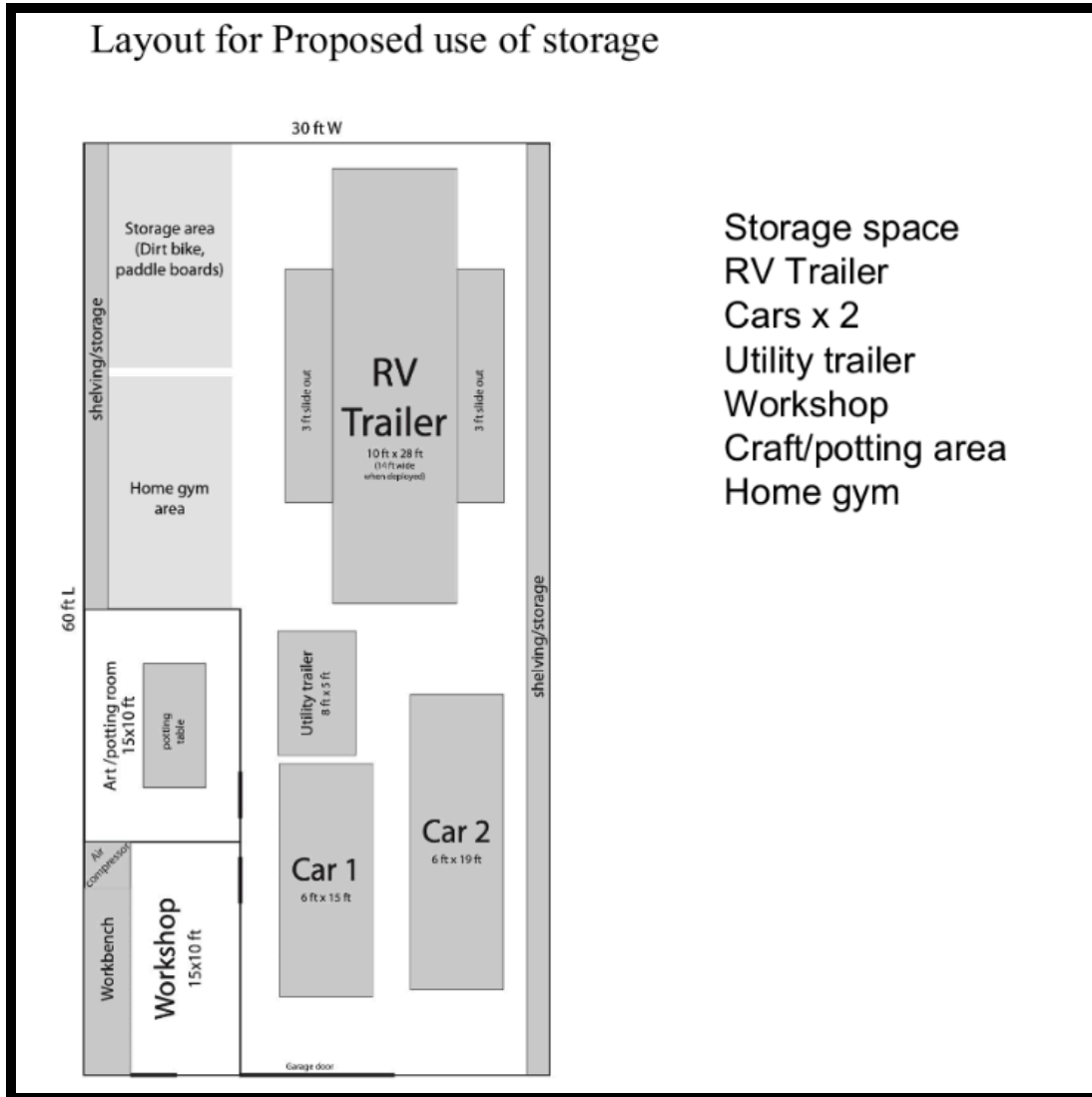


Picture 5 – Shows my rear view of #2555 neighbours buildings for my rear deck – we plan to add rustic rail fence and fruit trees to partial block this view



Picture 2 - Streetview to Proposed building





Should you have any questions regarding the contents of this letter, please contact Jeremy Brown at (905)-246-1423.

Jeremy Brown - Owner of Niagara Planning Consultants



We the owners of 2599 South Grimsby Rd #16, West Lincoln, understand that due to the zoning by-law restrictions on the Agricultural lands which we are included in, we will not be able to operate any home occupations from our property. We have no intent of running the business Surf+Turf Instant shelters from the property.

Mark and Carmen Luat.

Niagara Region

Growth Strategy and Economic Development

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

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

Via Email Only

File Number: PLMV202400402

Stephanie Pouliot

318 Canborough St., P.O. Box 400

Smithville, ON L0R 2A0

To Ms. Pouliot:

Re: Regional and Provincial Comments

Application Type: Minor Variance

Town File Number: A082024WL

Applicant: Mark Lunt

Location: 2599 South Grimsby Road 16;

Municipality Name: West Lincoln

Staff of the Regional Growth Strategy and Economic Development Department has received an application to permit a Type 3 accessory building (recreational, storage and equipment maintenance) (167 square metres) on a lot 0.4 hectares in size, whereas the Townships Zoning By-law only permits a Type 3 accessory building on lots with a minimum lot area of 0.5 hectares or greater. In addition, the total lot coverage for all accessory buildings and structures on the lot is 200 square metres. The proposed Quonset hut would equate to 209.9 square metres for the property municipally known as 4131 Vaughan Road in the Township of West Lincoln. Regional staff received notice of this application on May 8, 2024

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

Provincial and Regional Policies

The subject land is within the 'Prime Agricultural Area' within the Provincial Policy Statement, 2020 ("PPS"), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation ("Growth Plan"), and the Niagara Official Plan, 2022 ("NOP"). The permitted uses within this designation are for agricultural uses, agriculture-related uses, and on-farm diversified uses. In addition, NOP policy 4.1.10.1 states that the plan shall not prohibit the continued operation of legally established uses (e.g., residential

Archaeological Potential

The PPS and the NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, PPS policy 2.6.2 and NOP policy 6.4.2.1 state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

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

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 Niagara 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.

Conclusion

Staff of the Regional Growth Strategy and Economic Development Services Department does not object to the request for a Minor Variance to permit an accessory building.

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

Kind regards,



Connor Wilson
Planner, Development

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

PLANNING & DEVELOPMENT DEPARTMENT

MEMORANDUM

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

FROM: Lyle Killins, Septic Inspection Manager

DATE: May 23, 2024

**SUBJECT: A08/2024 WL
Mark & Carmen Lint**

Dear Stephanie,

Please be advised the application as submitted does not provide required information relating to the existing sewage system. Thus, a report from a licensed sewage system installer and/or engineer should be provided to indicate compliance with minimal separation distance requirement as per Tables 8.2.1.6 A and 8.2.1.6 B of the Ontario Building Code.

Respectfully submitted,



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

DATE: May 29, 2024

REPORT NO: COA-17-2024

FILE NO.: A09/2024WL

SUBJECT: Recommendation Report – Application for Minor Variance for Johnny V. Poultry Inc. (Chris Attema – Agent) 8697 Regional Road 20

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

OVERVIEW:

- A Minor Variance application has been applied for relief of Section 3.10.2 of the Township’s Zoning Bylaw, *Compliance with Minimum Distance Separation II (MDS II)* to allow the construction of an 81 metres by 19.5 metres (1,579.50 square metres) new layer poultry barn.
- An MDS II setback of 229 metres is required to neighbouring residential uses. The Minor Variance application is requesting a reduction of 50 metres or 21.8% in the MDS II setback (179 metres) to the nearest residence at 8685 Regional Road 20.
- The MDS II setback is required to be reduced to four neighbouring residences.
- The calculated MDS reflects decommissioning the existing laying hen barn and manure storage facility on the property. The proposed new covered manure storage area will meet the MDS requirements.

RECOMMENDATION:

That, the application for Minor Variance A09/2024WL, submitted by Chris Attema (Agent) on behalf of the owners Johnny V. Poultry Inc., as outlined in Report COA-17-2024, to permit an MDS II setback of 179 metres (a reduction of 50 metres or 21.8%) in the MDS II setback for a proposed layer barn, **BE APPROVED**, subject to the following condition:

1. That the existing poultry barn and manure storage facility be decommissioned to the satisfaction of the Township.

BACKGROUND:

The subject lands are located on the north side of Highway 20 and west of Caister Centre Road, municipally known as 8697 Regional Road 20, and legally described as Concession 8, Part Lot 30 and 31, in the Former Township of South Grimsby.

The subject lands with the lot area of 17.98 hectares (44.44 acres) owned by Johnny V. Poultry Inc. are actively farmed and has a laying hen barn operation. There is an easement approximately 2.19 hectares (5.41 acres) for the Hydro One Network corridor which bisects the subject lands.

The surrounding lands are actively farmed with a number of livestock buildings, mainly poultry, scattered with a number of small rural residential properties.

The Township's Official Plan designates the subject lands as 'Good General Agricultural' and 'Natural Heritage System for the watercourse, floodplain, and wetland features that traverse the site. The majority of the surrounding land uses are designated as Good General Agricultural lands.

The Township's Zoning By-law 2017-70, as amended zones the subject lands as Agricultural 'A' and 'Environmental Protection – EP'. The existing grain elevators will remain in operation and the existing laying hen barn (±703 square metres) and liquid hen manure storage area will be decommissioned to allow for the construction of the new barn and manure storage area.

CURRENT SITUATION:

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

Does the proposal maintain the general intent of the Official Plan? YES

The proposed new laying hen barn and the associated manure storage area are permitted uses within Good General Agricultural designation and recognized in Section 4 of the Official Plan (OP) specifically Policy 4.2 (a) and 4.2.1 (a). Additionally, Policy 4.2.1(c) addresses the Minimum Distance Separation Formulae indicating how new or expanding livestock operations are required to comply with the calculated requirement.

For some context, the existing laying hen barn is currently situated to the east of the grain elevators and approximately 110 metres from the road with the open liquid manure storage area set directly behind the barn. The existing barn is currently situated 89 metres away from the nearest residence to the east being 8685 Regional Road 20.

There are five other residential properties that are within the MDS II radius that was consider for this evaluation, as follows:

Residence Reference	Distance from new barn	Address
A	272 metres	8757 Regional Road 20
B	197 metres	8751 Regional Road 20
C	179 metres	8685 Regional Road 20 *nearest habitable living area*
D	198 metres	8673 Regional Road 20
E	311 metres	8664 Regional Road 20
F	228 metres	8661 Regional Road 20

Refer to Attachment 1 for the MDS II Separation Site Map.

The proposal is to construct a new $\pm 1,579.50$ square metres laying hen barn and ± 371.55 square metre covered manure storage area which will be positioned further away from the adjacent residences. The distance separation of the new building will be increased by approximately 90 metres to the nearest residence although falling short by 50 metres of the required MDS II distance separation. The requested variance for the reduction of the MDS II setback is necessary to maintain the direct driveway access from the road and to avoid issues with the electrical services, while maintaining the regulated distances to the Natural Heritage features (e.g., wetland) located at the rear of the subject lands. The proposed new laying hen barn and covered manure storage is appropriate for preserving agricultural land for the field crops.

Considering the subject lands has the EP designation, Section 10 of the OP recognizes that development should give first priority to avoid negative environmental impacts and maintain, enhance, or restore ecosystem health and integrity. The new location of the barn and manure storage area is closer to the Natural Heritage features, although does not negatively encroach into the regulated or mandated buffer areas to these features.

As such, this application is improving the distance of the laying hen barn and covered manure storage from existing residences in addition to the proposed barn being constructed with modern construction to assist in minimizing the potential impacts to the neighbouring properties. On this basis, Planning Staff believe the general intent of the OP is being maintained.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?
YES**

The MDS II calculation and separation map was included with this application (refer to Attachment 1) which identified the required distance separation to the nearest residence habitable living area being 229 metres. The requested variance is to have a reduction of 50 metres or 21.8% of the required distance leaving the MDS II minimum separation of 179 metres to the nearest residence.

The requested setback reduction is considered appropriate as the Applicant is increasing the distance between the barn and closest receptor to reduce potential odour conflicts while balancing and mitigating against other potential concerns and impacts such as maintaining the required setbacks to the wetland feature.

In order to expand the operation, the existing building required to be upgraded and due to its age, the existing livestock facility was not located in accordance with MDS II setbacks, and yet has existed adjacent to surrounding dwellings for many years. Considering livestock and their associated facilities such as poultry barns and manure storage are permitted uses within an Agricultural 'A' zone, the reduction and construction of the new facilities are deemed an improvement to what currently exists. The requested reduction is not expected to noticeably increase odour potential and may be an overall improvement with the decommissioning of the exiting older barn and manure system.

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

Is the proposal desirable for the appropriate development or use of the land? YES

Planning Staff considers the proposal desirable for the appropriate development and use of land as the proposed laying hen barn and covered manure storage area are enhancing the existing agricultural use of the property by improving the owner's current operation. The removal and decommissioning of the existing barn and manure storage will be required to facilitate this new construction.

For these reasons, Planning Staff can consider this application appropriate development and use of land.

Is the proposal minor in nature? YES

The proposed variance for the reduction of 50 metres or 21.8% of the required MDS II distance separation is considered minor in nature since the new laying hen barn will be increasing the distance separation to the nearest residence than the current situation by 90 metres. Additionally, the manure storage will be a covered facility versus the open manure storage area which can facilitate the reduction of emissions of methane and decrease odours. The surrounding area is familiar with livestock facilities and the proposed new laying hen barn and covered manure storage area will be consistent with the current operations and conditions that the nearest residences will be exposed to.

The requested reduction of the required distance separation of the new laying hen barn to the nearest residence is also considered minor in nature because the placement of the new building will refrain from any negative encroachments into the Natural Heritage Features and its associated buffers.

On this basis, Planning Staff can consider the proposal minor in nature.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

At the time of writing this report, the following agency comments have been provided and found in Attachment 2.

Public Works and Engineering

- No issue or comments.

Region of Niagara

- The subject lands are mapped within an area of archaeological potential on Schedule K of the NOP. Staff also note that there is a registered archaeological site in proximity to the subject property. In accordance with Policy 6.4.2.6 of the NOP, a Stage 1 and 2 Archaeological Assessment (at minimum) by a licensed archaeologist is required for any proposed development within an area of archaeological potential requiring approval under the Planning Act.
- The subject property is impacted by the Region's Natural Environment System (NES), consisting of the Lower Twenty Mile Creek Provincially Significant Wetland Complex (PSW), Other Wetland, an NES Linkage corridor and a permanent/intermittent stream. The property is also partly mapped as part of the Provincial Natural Heritage System (PNHS). As such, these features are considered Key Natural Heritage Features (KNHF) and/or Key Hydrologic Features (KHF). Staff note that the proposed works are located outside the linkage and outside the above-noted setback. Staff therefore offer no objection.
- The applicant should be aware that at future planning applications an irregular road widening of approximately 1.03 metres - 0.73 metres (to be determined by field survey to achieve the recommended width) will be required.

Niagara Peninsula Conservation Authority (NPCA)

- The subject property is impacted by the Lower Twenty Mile Creek Wetland Complex and associated buffer and an unmapped floodplain.
- Technical staff have had a review of the provided materials and indicate that the proposed location of the proposed barn and manure building is suspected to be within the unmapped floodplain.
- NPCA policy 6.2.3 would support the proposed barn and manure building in the floodplain.
- As such, the NPCA can support the proposed minor variance for the barn and manure building.
- Please note that the NPCA would require a work permit for the proposed development.

PUBLIC COMMENTS:

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

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance Application (A09/2024WL) as outlined in Report COA-17-24, for the reduction of 50 metres or 21.8% of the distance separation. This will result in an MDS II setback of 179

metres.

Planning Staff also recommends that the existing laying hen barn and manure storage are decommissioned to facilitate the proposed improvements to the operation.

ATTACHMENTS:

1. Attachment 1 – MDS II Separation Map
2. Attachment 2 – Agency Comments

Prepared & Submitted by:

Approved by:



Susan Smyth, CPT
Senior Planner

Gerrit Boerema, RPP, MCIP
Manager of Planning

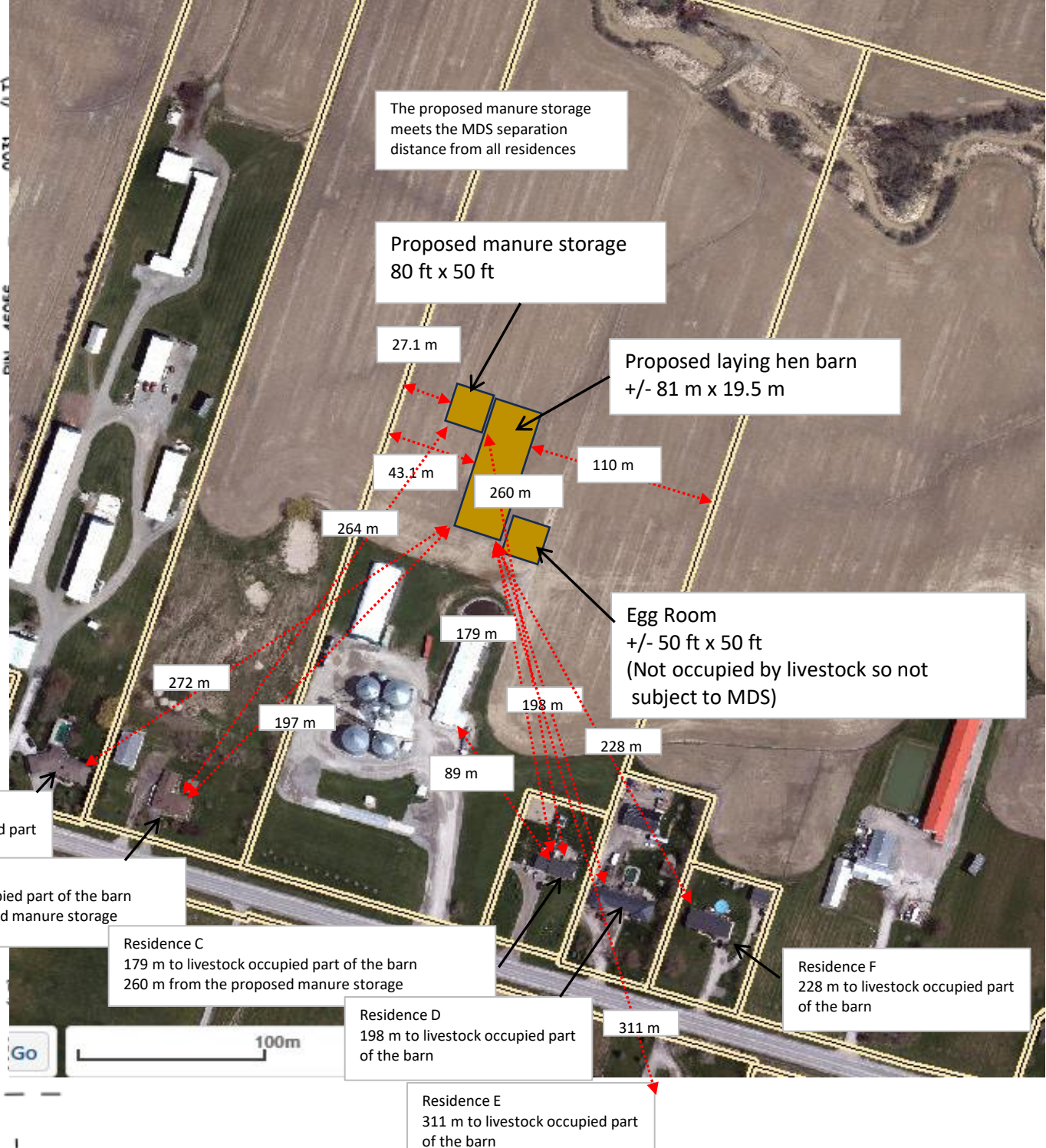
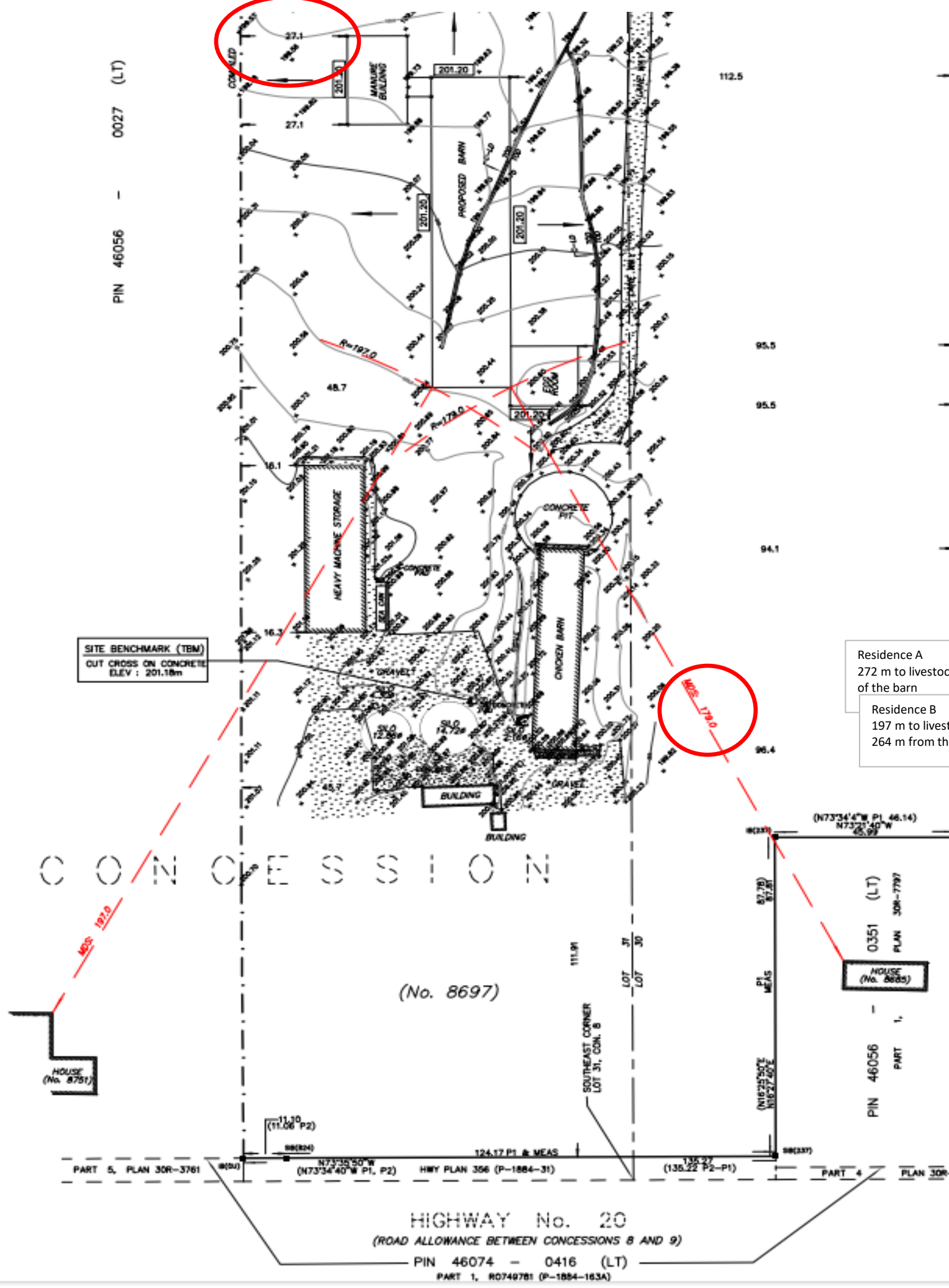
Minimum Distance Separation Site Map

Home Farm

<p>This farm</p> <ul style="list-style-type: none"> Generates ASM Receives commercial fertilizer <p>Farm location</p> <p>Regional Municipality of Niagara, Township of West Lincoln</p> <ul style="list-style-type: none"> GRIMSBY, Concession: 8, Lot: 30 GRIMSBY, Concession: 8, Lot: 31 (Generates ASM) 	<p>Status</p> <p>Owned</p> <p>Roll numbers</p> <ul style="list-style-type: none"> 2602030011326010000 2602030011325040000 	<p>Tillable area</p> <p>65.1 ac</p> <p>911 address (if available)</p> <p></p>
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Agricultural operation information

<p>Operator contact information</p> <p>c/o Jim Vuckovic 9480 Regional Rd 20 Smithville, ON L0R 2A0 905-870-6544 jvuckovic@live.com</p> <p>Operation type</p> <p>Corporation</p>	<p>Owner is the same as the operator</p> <p>Yes</p> <p>Legal farm name</p> <p>Johnny V. Poultry Inc.</p>
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Setback distance summary

Description	Building setbacks		Storage setbacks	
	Minimum	Actual	Minimum	Actual
Type A land uses	229 m (751 ft)	179 m (587 ft) ⚠️	229 m (751 ft)	260 m (853 ft)
Type B land uses	458 m (1503 ft)	NA (Not available)	458 m (1503 ft)	NA (Not available)
Nearest lot line (side or rear)	23 m (75 ft)	43 m (141 ft)	23 m (75 ft)	27 m (89 ft)
Nearest road allowance	46 m (150 ft)	NA (Not available)	46 m (150 ft)	NA (Not available)

Niagara  Region

Growth Strategy and Economic Development

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

Via Email Only

May 21, 2024

File Number: PLMV202400562
Stephanie Pouliot
318 Canborough St., P.O. Box 400
Smithville, ON L0R 2A0

To Ms. Pouliot:

Re: Regional and Provincial Comments
Application Type: Minor Variance
Town File Number: A09/2024WL
Applicant: Johnny V. Poultry Inc.
Location: 8697 Highway 20;
Municipality Name: West Lincoln

Staff of the Regional Growth Strategy and Economic Development Department has reviewed this application to permit the construction of a new poultry barn and manure storage building for the property municipally known as 8697 Highway 20 in Township of West Lincoln with the existing laying hen barn and manure storage facilities to be decommissioned. The variance application is requesting a reduction of 50 metres (21.8%) in the MDS II setback to the nearest residences at 8685 Regional Road 20. Township staff note the MDS II setback also requires a reduction for 8751 and 8673 Regional Road 20. Regional staff received notice of this Minor Variance request on May 8, 2024.

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

Provincial and Regional Policies

The subject land is within the 'Prime Agricultural Area' within the Provincial Policy Statement, 2020 ("PPS"), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation ("Growth Plan"), and the Niagara Official Plan, 2022 ("NOP").

Across the region, an agricultural system has been identified in which all types, sizes, and intensities of agricultural uses and normal farm practices are promoted and

protected in accordance with Provincial standards. The PPS and NOP require that new land uses, including new or expanding livestock facilities comply with the minimum distance separation formulae. Regional staff note that municipalities are responsible for ensuring that MDS setbacks are met when reviewing land use planning applications. Therefore, Committee should look for confirmation from Township staff as to how MDS setbacks will be met.

Archaeological Potential

The PPS and the NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, PPS policy 2.6.2 and NOP policy 6.4.2.1 state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

The subject lands are mapped within an area of archaeological potential on Schedule K of the NOP. Staff also note that there is a registered archaeological site in proximity to the subject property. In accordance with Policy 6.4.2.6 of the NOP, a Stage 1 and 2 Archaeological Assessment (at minimum) by a licensed archaeologist is required for any proposed development within an area of archaeological potential requiring approval under the Planning Act.

This property is located outside of a settlement area boundary, a licensed archaeologist may consult with the Province if the area can be exempted or scoped. As such, Regional staff recommends that an archaeological assessment(s) be completed and submitted to the Ministry Citizenship and Multiculturalism with a copy of their acknowledgement of the report(s) shared to the Niagara Region and the Township.

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

Natural Heritage

The subject property is impacted by the Region's Natural Environment System (NES), consisting of the Lower Twenty Mile Creek Provincially Significant Wetland Complex (PSW), Other Wetland, an NES Linkage corridor and a permanent/intermittent stream. The property is also partly mapped as part of the Provincial Natural Heritage System (PNHS). As such, these features are considered Key Natural Heritage Features (KNHF) and/or Key Hydrologic Features (KHF).

NOP policy 3.1.5.7.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of a KNHF/KHF. Further, NOP policies require that a minimum 30 m Vegetation Protection Zone (VPZ) as

measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation. Development or site alteration is generally not permitted within a KNHF/KHF or its VPZ.

Staff note that the proposed works are located outside the linkage and outside the above-noted setback. Staff therefore offer no objection.

Regional Road

The subject property has frontage along Regional Road 20. This section of road has a substandard road allowance. The designated road allowance is 35.0 metres as identified in the Niagara Official Plan. The applicant should be aware that at future planning applications an irregular road widening of approximately 1.03 metres - 0.73 metres (to be determined by field survey to achieve the recommended width) will be required.

The applicant should also be aware that the following permits are required in relation to the Regional Road allowance.

- Any work within the Regional Road allowance requires a Regional Construction Encroachment and Entrance Permit prior to any construction within Regional Road Allowance.
- Any sign within 20 metres of the centreline of the Regional Road requires a Regional

Sign Permit

The Regional permits can be found using the following link:
<https://www.niagararegion.ca/living/roads/permits/default.aspx>.

Please note restoration in the Regional Road allowance is to be to Regional standards:
<https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>

Waste Collection

Waste Collection to remain as existing

Conclusion

Staff of the Regional Growth Strategy and Economic Development Services Department does not object to the request for a reduction of 50 metres (21.8%) in the MDS II setback, subject to the applicant submitting a Stage 1 Archaeological Assessment (at minimum) and their associated MCM Acknowledgement letter(s), and to the satisfaction of any local requirements.

PLMV202400562
May 21, 2024

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

Kind regards,



Connor Wilson
Planner, Development

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

Appendix

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

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

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

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

Stephanie Pouliot

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: May 17, 2024 3:25 PM
To: Stephanie Pouliot
Subject: RE: Notice of Hearing and Full Package -Wednesday May 29th CofA Hearing

Good afternoon Stephanie,

Thank you so much for circulating the NPCA the COA materials for the May 29th Hearing.

Please see NPCA comments below:

- Minor variance A09/2024WL –Johnny V. Poultry Inc. for the property located at 8697 Highway 20 – ARN 260203001132601
 - o The subject property is impacted by the Lower Twenty Mile Creek Wetland Complex and associated buffer and an unmapped floodplain.
 - o Technical staff have had a review of the provided materials and indicate that the proposed location of the proposed barn and manure building is suspected to be within the unmapped floodplain.
 - o NPCA policy 6.2.3 would support the proposed barn and manure building in the floodplain.
 - o As such, the NPCA can support the proposed minor variance for the barn and manure building.
 - o Please note that the NPCA would require a work permit for the proposed development.

Best,
Meghan



Meghan Birbeck (MS)

Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)

3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

905.788.3135 Ext 278

www.npca.ca

mbirbeck@npca.ca

From: Stephanie Pouliot <spouliot@westlincoln.ca>

Sent: Wednesday, May 8, 2024 10:33 AM

DATE: May 29, 2024

REPORT NO: COA-18-2024

SUBJECT: **B03/2024WL – Recommendation Report – Application for Consent – Wesley and Jacklyn Blokker (Owners) for 2931 South Grimsby Road 19**

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

OVERVIEW:

- A Consent application has been applied to sever Part 1 (severed lands), being 4,047 square metres (0.4 hectares/1 acre) and continue to be used as a commercial lot with an existing single detached dwelling and one accessory building (55.74 square metres).
- Following the severance, Part 2 (retained lands), would be 33,506 square metres (3.35 hectares/8.28 acres) and proposed to maintain the existing split zoning, being approximately 30,066 square metres (2.95 hectares/7.28 acres) zoned as Agricultural ‘A’ and 3,439.83 square metres (0.34 hectares/0.85 acres) zoned as Service Commercial ‘C3’ zoning.
- The subject lands were added to the expansion settlement boundary area for the Hamlet of Fulton under Official Plan (OPA 62) in July 2022 for the purposes of rural employment park purposes.
- This area is subject to a Secondary Plan which will be underway shortly.

RECOMMENDATION:

That, the application for Consent, submitted by Wesley and Jacklyn Blokker (Owner), as outlined in Report COA-18-2024, to permit the severance of a 0.4 hectare/1 acre lot and maintain the commercial use and to retain a 2.95 hectare/7.28 acres lot with dual zoning for agricultural uses and commercial uses, BE APPROVED, subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality

including servicing connections if required, remitting the cash-in-lieu of park land dedication fee of 2% of the appraised value confirmed through an appraisal report prepared by a qualified appraiser, property maintenance, compliance with Zoning By-law provisions for structures, and any related requirements, financial or otherwise.

3. That the applicant complete an Environmental Assessment Study (ESA- Phase 1) to confirm compatibility with the commercial and residential use on Part 1.
4. That a zoning bylaw amendment or minor variance be applied for to address zoning deficiencies including lot area and frontage or if required South Grimsby Road 19 road allowance be extended to satisfy the Township's Public Works road standards, at the applicants costs.
5. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
6. That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.
7. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
8. That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

BACKGROUND:

The subject lands is located on the east side of South Grimsby Road 19 north of Regional Road 20 (Highway 20) in the Hamlet of Fulton.

The subject lands are currently 37,553 square metres (3.75 hectares/9.28 acres) and contains an existing single detached dwelling and two accessory buildings/structures. If approved, the severed lands (Part 1) being 4,047 square metres (0.4 hectares/1 acre) will maintain the existing single detached dwelling and one accessory building (55.74 square metres) and the commercial use will continue on the lands. The retained lands (Part 2) being 33,506 square metres (3.35 hectares/8.28 acres) will continue utilizing the existing split zoning, with ± 30,066 square metres (2.95 hectares/7.28 acres) zoned as Agricultural 'A' and ±3,439.83 square metres (0.34 hectares/0.85 acres) zoned as Service Commercial 'C3' zoning and maintain the existing accessory building (work shop).

The lands are surrounded by agricultural uses with scattered rural residential uses and service commercial uses along Regional Road 20.

As per the Official Plan Amendment 62, the subject lands are designated as 'Hamlet Settlement Area' and subject to a Secondary Plan to examine opportunities to designate the as Rural Employment and ensure that development is compatible with the agricultural surrounding the Fulton hamlet area.

The Township Zoning By-law 2017-70, as amended, has dual zoning of the lands with Service Commercial – C3 for the southerly section of the lands closest to Regional Road 20 and the balance of the lands as Agricultural – A.

CURRENT SITUATION:

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

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

Provincial Policy Statement

Land use planning decisions must be consistent with the Provincial Policy Statement (PPS), which ensures appropriate development while protecting resources of provincial interest, public health, and the quality of the natural and built environment. Land use will be managed to accommodate appropriate development to meet the full range of current and future needs. Efficient land use and development patterns will contribute to achieving equitable outcomes for all.

The 2020 PPS is still in effect and used for the assessment of this application. According to Section 1.1.4, the rural settlement areas, rural lands, prime agricultural areas, natural heritage features areas, are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. Furthermore, policy 1.1.4.1 states that a healthy, integrated and viable rural areas should be supported by:

- (a) building upon rural character, and leveraging rural amenities and assets; and
- (f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources

Policy 1.1.4.2 in rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

Consistent with the policies of the PPS, the application for consent will offer an opportunity for integrating the limited economic growth in the settlement area of Fulton with the small scale commercial uses which is attractive to businesses local to the area with mix of the low density residential and larger agricultural uses.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The Place to Grow – Growth Plan for the Greater Golden Horseshoe (Growth Plan) builds on the PPS that supports the achievement of complete communities, a thriving economy, a clean and healthy environment and social equality. The Growth Plan guides how and where to grow communities, how to support growth while protecting what is valuable, such as the agricultural lands.

Section 2.2.1 provides policies that focus on where to grow and how to manage growth

and settlement areas are to provide the opportunities for development.

Section 2.2.5 provides policies related to employment and municipalities should designate and preserve lands within settlement areas located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities. Furthermore, municipalities, will designate all employment areas in official plans and protect them for appropriate employment uses over the long-term. Consequently, the need to complete the Secondary Plan for the expansion area of the hamlet of Fulton is necessary to be consistent with the policies geared to protect areas for employment opportunities.

Planning Staff considers the application for consent able to maintain the employment uses while continuing to protect the active agricultural use on the subject lands until the Secondary Plan process is completed. This will lend time for the Township to complete the Secondary Plan and determine the optimal long term land use for the area including the subject lands and the appropriate land uses that will meet the growing needs of the Township, particularly for rural employment. For these reasons, Planning Staff considers the application to be consistent with the Growth Plan.

Niagara Official Plan

The Niagara Official Plan (NOP) provides a framework for growth and development within the Niagara Region. The NOP regulations are consistent with Provincial policies; including the PPS and Growth Plan as noted above.

Section 2 speaks to the growing Region and opportunities for growth that ensures amenities to serve the needs of the rural residents and area businesses are adequate and without compromise to the character of the area.

Policy 2.2.3.3 states that development in rural settlements should be planned to:

(a) encourage residential infill development that builds on the rural character and characteristics of the surrounding area

(b) ensure there is adequate amenities to serve the needs of rural residents, area businesses and the surrounding nearby agricultural community

Policy 2.2.3.4 states that portion of rural employment is to be planned within rural settlements to support the surrounding agricultural community and ensure that adequate lands are available for rural employment within rural settlement boundaries to satisfy long-term needs and support the rural economy.

Section 8.13.4 is the site specific policy that added land to the Fulton rural settlement to accommodate forecasted rural employment growth and while the Secondary Plan is being initiated, these lands should be protected for future employment purposes.

Planning Staff considers the application for consent to conform to the Regional Official Plan as it can provide for an opportunity for a smaller lot that allows for residential and

commercial uses while protecting for future development and diversification of employment in the hamlet of Fulton.

Township of West Lincoln Official Plan

According to Section 7 of the Township's Official Plan, the subject lands are designated as 'Hamlet Settlement Area' and such areas predominantly are characterized with single detached dwellings (low density rural residential lots), surrounded by agricultural lands, with other uses such as churches, parks and open space, and commercial or light industrial uses such as a builders' supply yard, feed mill, public garage, farm implement dealer or other similar uses deemed necessary to serve the surrounding residential and agricultural area.

While the Hamlet Settlement Area designation places a protection of residential uses, it is important to note that the sole reason for these lands being added to the hamlet of Fulton was for future employment land uses, which typically do not support a mix with residential land uses. A Secondary Planning process has been initiated to begin this review.

According to Section 18.13, policies for land severances applicable to the application include:

- (b) Any lot or remnant parcel created must have adequate frontage on a public road that is maintained year-round and is of an adequate standard of construction to provide access for the intended use.
- (d) Access to a Provincial Highway, a Regional road or a local road shall be in accordance with the access provisions of the appropriate road authority.
- (f) Consent will be granted only when it has been established that for all parcels involved, soil and drainage conditions are suitable to permit the proper siting of a building, to obtain a sufficient and potable water supply where applicable and permit the installation of an adequate means of sewage disposal. Consents requiring installation of septic tank systems, or other private sewage disposal systems will meet appropriate standards of the Ontario Building Code.
- (i) No land severance shall be permitted unless adequate lot grading and drainage can be addressed. Further, no land severance shall be permitted unless drainage can be properly outlet from the area, without impacting neighbouring properties, to the satisfaction of the Township.

Additionally, Section 18.15 for areas designated as Hamlet Settlement Areas, consent for conveyance will be granted in accordance with the following policies.

- (a) The minimum lot size for lots created in a Hamlet designation shall be approximately 1.0 hectare as required to satisfy the Township Building Department and Part 8 of the Ontario Building Code for long term operation of a waste disposal system, unless a hydrological assessment determines that a smaller lot size will be adequate to accommodate private water and sewage treatment facilities.

Planning Staff considers the application for consent to conform to the Township's Official

Plan as the subject lands are located in the boundaries of the hamlet and has lot frontage on a local public road. If there is a requirement for an extension of South Grimsby Road 19 for proper access to the retained lands (Part 2), the road will be required to meet the Township’s Public Works standards. Alternatively, a minor variance may be needed to address deficient frontage along the side road. Regarding the compatibility of the lands uses and the adjacency to the existing and proposed commercial uses, an Environmental Site Assessment (ESA) Phase 1 study will be required to confirm there is no risk of contamination or to public health and safety and nuisance impacts (e.g., odour, noise) for the sensitive residential uses.

The application and accompanied survey sketch provided the minimum lot area of 0.4 hectares (1 acres) for the severed lands (Part 1), and the private servicing information as noted in the letter dated March 22, 2024 from Egger Excavating Ltd. and confirmation from Mr. Lyle Killins, the existing system complies with Section 8.9.12 General Requirements of the building Code. Depending on the future development plans for the severed lands (Part 1) additional information on a new class 4 septic system will be required. The retained lands (Part 2), will require the lot grading plan and private servicing information on the proposed water and sanitary services with any future building permit applications.

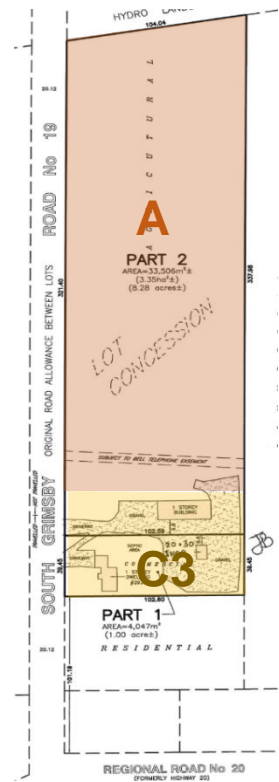
Planning Staff is satisfied that the application for consent conforms to the Township’s Official Plan subject to providing the ESA Phase 1 study report for Part 1 and confirmation of the road extension of South Grimsby Road 19 for meeting the minimum lot frontage for Part 2.

Township of West Lincoln Zoning By-law

The Township’s Zoning By-law 2017-70, as amended, has dual zoning on the subject lands with with Service Commercial – C3 for the southerly section of the lands closest to Regional Road 20 and the balance of the lands as Agricultural – A.

The C3 zone permits uses such as but not limited to contractors yards, garden centre, motor vehicle dealership/repair/service station, office, personal service shop, pet care establishment, retail store, restaurant. The severed lands (Part 1) currently has the existing dwelling and a small accessory building. Part 2 contains the larger work shop for excavating services are operating and this will be maintained.

The retained lands (Part 1) has a portion of the area zoned as C3 which consists of the existing shop and will remain with the balance of the lands continuing to be zoned as Agricultural – A. A portion of the northern section of the lands closets to the Bell easement is actively farmed by others and intended to until the Secondary Plan process is complete to determine the best use of the lands for employment uses. The Applicant indicated future plans for a residential dwelling unit and the C3 zone does



not permit residential uses although the A zone allows for one single detached dwelling. Planning Staff recommends further discussions with the Applicant to determine the appropriateness and the potential location of a dwelling such that it will not negatively implicate the potential future employment uses that is intended for the expansion settlement area of Fulton. Fundamentally there are two zoning deficiencies that will need to be addressed through a minor variance for the retained lands (Part 2) one of which is the minimum lot area and the minimal lot frontage for an agricultural lot.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Public Works

If required, the road extension would be built to Township standards at the expense of the proponent.

Building Department – Septic Inspection Manager

Upon visual observation, the sewage system as presently exists complies with Part 8 of the Ontario Building Code requirements.

Region of Niagara

As the proposed severance does not propose any new construction or site disturbance, an archaeological assessment is not warranted at this time. Staff note that any future proposal may be subject to a Stage 1 Archaeological Assessment.

The proposed consent would create a separate lot with the existing residential dwelling adjacent to the existing contractor's yard. To address land use compatibility, staff determined through discussion with Township staff that board on board fencing and a warning clause would be a suitable noise mitigation measure in this instance.

A Phase 1 Environmental Site Assessment ("ESA"), along with any subsequent required remediation work, was recommended for the proposed lot.

PUBLIC COMMENTS:

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

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed consent application (B0/2024WL) as outlined in Report COA-18-24, submitted by Wesley and Jacklyn Blokker, property owners of 2931 South Grimsby Road 19 Caistor to permit the severance of Part 1 which contains the existing single detached dwelling unit and accessory structure with the Service Commercial C3 zoning. Additionally to permit the retained lands (Part 2) which contains the existing accessory building located in the C3 zone to maintain and the balance to be zoned as Agricultural – A.

ATTACHMENTS:

1. Attachment 1 – Survey Sketch
2. Attachment 2 – Agency Comments

Prepared & Submitted by:

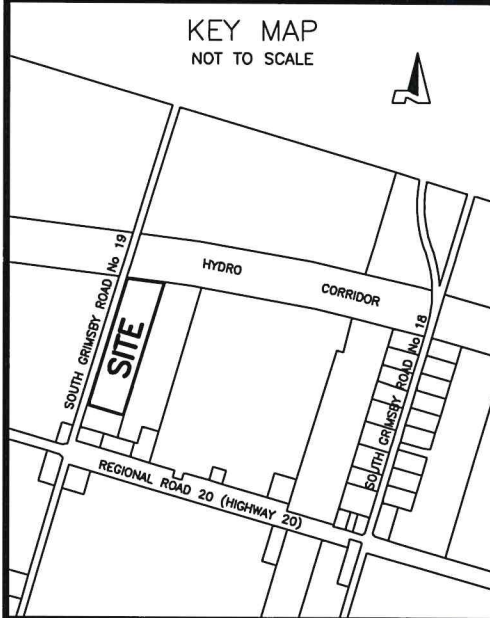
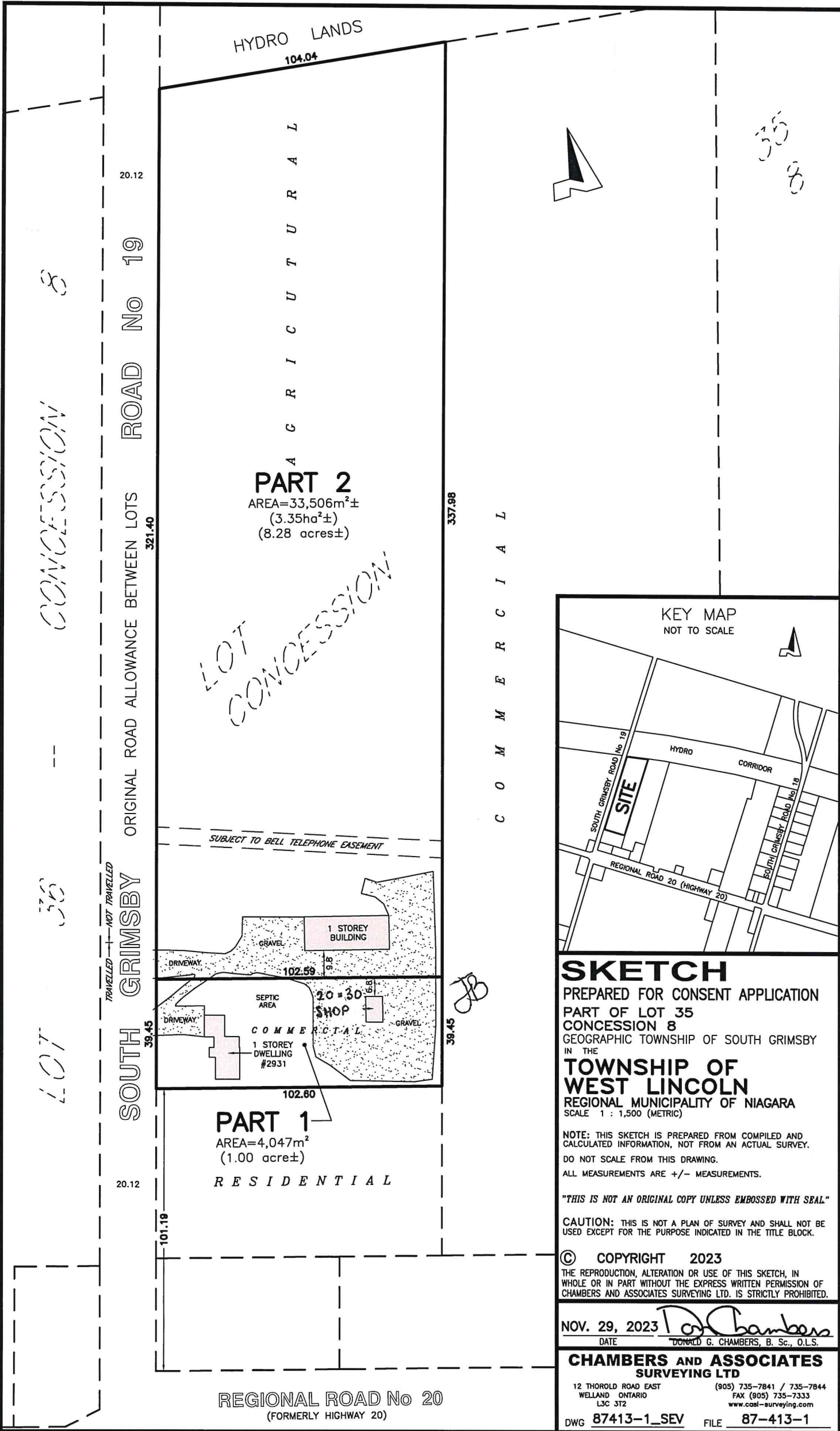


Susan Smyth, CPT
Senior Planner

Approved by:



Gerrit Boerema, RPP, MCIP
Manager of Planning



SKETCH

PREPARED FOR CONSENT APPLICATION
 PART OF LOT 35
 CONCESSION 8
 GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY
 IN THE
TOWNSHIP OF WEST LINCOLN
 REGIONAL MUNICIPALITY OF NIAGARA
 SCALE 1 : 1,500 (METRIC)

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY.
 DO NOT SCALE FROM THIS DRAWING.
 ALL MEASUREMENTS ARE +/- MEASUREMENTS.

"THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH SEAL"

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NOV. 29, 2023 *Donald G. Chambers*
 DATE DONALD G. CHAMBERS, B. Sc., O.L.S.

CHAMBERS AND ASSOCIATES SURVEYING LTD

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DWG 87413-1_SEV FILE 87-413-1



Growth Strategy and Economic Development

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

Via Email Only

May 21, 2024

File Number: PLCS202400559

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

Dear Ms. Pouliot:

Re: Regional and Provincial Comments
Application Type: Consent
Township File Number: B03/2024WL
Applicant: Wesley and Jaclyn Blokker
Location: 2931 South Grimsby Road 19
Township of West Lincoln

Staff of the Regional Growth Strategy and Economic Development Department has reviewed this application for the property municipally known as 2931 South Grimsby Road 19 to sever a 0.4 hectare (1-acre) commercial lot with an existing single detached dwelling and accessory building. A remnant parcel (Part 2) with an area of 3.35 hectares (8.28 ac.) is to be retained for commercial (contractor's yard) and agricultural use. Regional staff received notice of this application on May 8, 2024.

A pre-consultation meeting that initially proposed two severances was held on July 6, 2023, with the applicant, Township, and Region in attendance. A subsequent meeting was held with the Township and Regional staff on March 19, 2024, to discuss the concept and confirm submission requirements. Staff also note that requirements for the application were discussed between Township and Regional staff on April 10, 2024.

The following comments are provided to assist the Township of West Lincoln with their review of this application.

Provincial and Regional Policies

The subject property is located within a Rural Settlement Area under the Provincial Policy Statement, 2020 ("PPS") and A Place to Grow: Growth Plan for the Greater

Golden Horseshoe, 2020 Consolidation (“Growth Plan”). The property is designated as ‘Rural Settlement’ in the Niagara Official Plan, 2022 (“NOP”).

NOP policy 2.2.3.2 states that rural settlements (identified on Schedule B of the NOP) shall be the focus of development outside of urban area boundaries. Furthermore, the NOP states that a portion of rural employment is to be planned within rural settlements to support the surrounding agricultural community. Local Area Municipalities should ensure that adequate lands are available for rural employment within rural settlement boundaries to satisfy long-term needs and support the rural economy.

In accordance with Site Specific Policy 8.13.4 of the NOP, the area in which this property is located has been added to the Fulton rural settlement to accommodate forecasted rural employment growth and is to be designated in the Township’s Official Plan for rural employment land uses. The Committee should refer to Township Planning staff’s comment with respect to local planning requirements in this regard.

In addition, NOP policy 2.2.3.5 states that Rural settlements are to be serviced by sustainable private water and wastewater treatment systems. The Township is responsible for reviewing private servicing and should be satisfied that there are no servicing constraints associated with the proposed development.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

During the pre-consultation meeting held on July 6, 2023, Regional staff required that a Stage 1 Archaeological Assessment be completed, based on the proposed development concept at that time, as the site exhibits the potential for the discovery of archaeological resources.

As the proposed severance does not propose any new construction or site disturbance, an archaeological assessment is not warranted at this time. Staff note that any future proposal may be subject to a Stage 1 Archaeological Assessment.

Staff has, however, included a standard archaeological warning clause in the Appendix to advise the applicant should any archaeological resources be encountered during any future construction activities and/or site disturbance.

Land Use Compatibility

The PPS and NOP state that sensitive land uses (including residential) shall be planned

and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants.

The proposed consent would create a separate lot with the existing residential dwelling adjacent to the existing contractor's yard. To address land use compatibility, staff determined through discussion with Township staff that board on board fencing and a warning clause would be a suitable noise mitigation measure in this instance.

Conditions addressing these requirements have been included in the Appendix.

Site Condition

During the pre-consultation meeting, a Phase 1 Environmental Site Assessment ("ESA"), along with any subsequent required remediation work, was recommended for the proposed lot. The ESA work will aid in determining if a Record of Site Condition ("RSC") is required under O.Reg. 153/04 and/or if site remediation is required. A Phase 1 ESA was, however, not provided with the submission.

A condition addressing this requirement has been included in the Appendix.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner brings waste and recycling to the curbside on the designated pick-up day, and that the following limits are met:

- Waste Collection is to remain as existing.

Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Regional staff note that the proposed new lot does not appear to have road access across the entirety of its frontage. Regional staff will have to ensure that any road extension to access this lot is able to accommodate waste collection vehicles.

Conclusion

Staff of the Regional Growth Strategy and Economic Development Services Department does not object to the proposed consent subject to the Township's satisfaction and the conditions outlined in the Appendix.

PLCS202400559

May 21, 2024

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

Kind regards,

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

Connor Wilson
Planner, Development

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning
Susan Dunsmore, P. Eng, Acting Director, Infrastructure Planning &
Development Engineering

Appendix

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

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

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

2. That the owner agrees to construct a noise fence along the north and east property line of the severed lot. The noise fence can be constructed of any wood, metal or masonry construction with a minimum surface density of 20 kilograms per square metre free of holes or gaps within or below its extent.
3. That the owner agrees to include the following warning clauses in all Agreements of Purchase and Sale or Lease or Occupancy:

“Purchasers/tenants are advised that sound levels due to the adjacent commercial property may occasionally interfere with some activities of the dwelling unit occupants as the sound level may exceed the Municipality’s and the Ministry of Environment, Conservation and Parks’ noise criteria.”

4. That a Phase 1 Environmental Site Assessment (“ESA”), and any subsequent assessment(s), if required, prepared by a Qualified Person (QP) in accordance with the Environmental Protection Act and associated regulations as amended be submitted to Niagara Region. A third-party reliance letter from a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition. If the QP determines that the site does not meet current criteria and site condition standards as outlined by the Ministry of the Environment, Conservation and Parks for residential uses, the owner must file a Record of Site Condition on the MECP’s Brownfield Environmental Site Registry prior to clearing this condition.

Memo

To: Stephanie Pouliot, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: May 21, 2024
Re: File B03/2024WL – 2931 South Grimsby Rd 19

A review has been completed of this application for consent. Public Works staff attended a pre-consultation meeting on July 6, 2023 where a severance of the single detached dwelling from the commercial property was reviewed. At that time staff provided the following comment:

The lot created for the business would need to have proper frontage on South Grimsby Rd 19, the proponent noted there is an existing entrance for the business to the road. Public Works staff would need to complete a site visit to determine if what is existing is sufficient or if a road extension is required. The road extension would be built to Township standards at the expense of the proponent. If the proponent is considering this option, Public Works staff can complete the site visit prior to submitting the consent application so they can make an informed decision. Please notify Public Works through the Planning Department and we can complete this assessment.

To date, Public Works staff have not been contacted to attend the site and confirm if a road extension or any road improvements would be required.

PLANNING & DEVELOPMENT DEPARTMENT

MEMORANDUM

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

FROM: Lyle Killins, Septic Inspection Manager

DATE: May 17, 2024

SUBJECT: B03/2024 WL

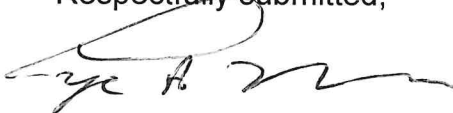
Dear Stephanie,

Please be advised that Egger Excavating Ltd. provided documentation indicating the existing class 4 sewage system presently servicing the single family dwelling was in compliance with Part 8 Ontario Building Code requirement.

In addition, a site inspection was completed by myself. Thus, no objection to the application as proposed.

We trust the preceding serves as required; however, should additional information and/or clarification be required, please contact this office at 905-957-3346.

Respectfully submitted,



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