



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

Wednesday, June 26, 2024, 7:00 p.m.  
Township Administration Building  
318 Canborough Street, Smithville, Ontario

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Pages

- 1. CHAIR
- 2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST
- 3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT
- 4. APPLICATIONS

- a. A10/2024WL - Moraal (Darren Draaistra - Agent)  
Property Address: 3583 Regional Road 12 (Grimsby Road)

3

A Minor Variance application has been applied for to permit an accessory dwelling unit (ADU) on the ground floor of a proposed accessory building and located closer to the exterior lot line than the primary dwelling. Three variances are being requested through this minor variance application.

Relief is being requested from 3.2.1 Accessory Dwelling Units Policy a) which identifies the permitted location for an ADU within an accessory building to be above the ground floor. Additionally, relief from 3.2.1 is also required to permit the existing driveway access for the ADU as Policy g) identifies that access to the required parking for the accessory dwelling unit shall be provided from the same driveway that provides access to the main dwelling.

In addition, relief is also being requested from Table 1-2 (found in Part 3 of the Township's Zoning Bylaw) to permit the proposed accessory building with frontage on Mud Street East, within a required exterior side yard. Table 1-2 does not permit an accessory building or structure closer to the exterior side lot line than the main building, which in this case with the dwelling having frontage on Grimsby Road has an exterior side yard setback of approximately 52 metres whereas, the proposed detached

garage would be approximately 25 metres to the exterior side lot line.

- b. A11/2024WL - McKay & Topolovec  
Property Address: 88 Anastasia Boulevard

17

A Minor Variance application has been applied for to permit a driveway width of 8.77 metres, being 47% of the total lot frontage, whereas, Section 3.12.2 Driveways and Parking Aisles, Table 3 identifies the maximum driveway width permitted for a dwelling with a private garage to be the width of the garage plus 0.5 metres or 60% of the lot frontage whichever is greater, to a maximum of 6 metres. The existing driveway width is 7 metres.

- c. A12/2024WL - DeBoer  
Property Address: 6025 Silver Street (Bismark Road/ Regional Road 65)

28

A Minor Variance application has been applied for to permit a Type 3 accessory building (50 feet by 80 feet machinery shed) to be built in front of an existing hog barn on the subject lands whereas, Table 1-1 found in Part 3 of the Township's Zoning By-law 2017-70, as amended, identifies an accessory building cannot be located closer to the front lot line than the main building or within the required front yard. The shed is being proposed 30 metres in front of the existing hog barn which is situated approximately 505 metres from the front lot line. The shed would have a front yard setback of approximately 460 metres.

**5. MINUTES FOR APPROVAL**

**6. NEW BUSINESS**

**7. ADJOURNMENT**

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

**DATE:** June 26, 2024

**REPORT NO:** COA-20-2024

**FILE NO:** A10/2024WL

**SUBJECT:** **Recommendation Report Application for Minor Variance, Moraal (A. Draaistra Contracting Inc., Darren Draaistra – Agent)**

**LOCATION:** 3583 Grimsby Road (Regional Road 12), West Lincoln

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

**OVERVIEW:**

A Minor Variance application has been submitted by Darren Draaistra, on behalf of the property owners, Deborah and Engelbert Moraal of 3583 Grimsby Road (Regional Road 12).

A Minor Variance application has been applied for to permit an accessory dwelling unit (ADU) on the ground floor of a proposed accessory building and located closer to the exterior lot line than the primary dwelling. Three variances are being requested through this minor variance application.

Relief from 3.2.1 *Accessory Dwelling Units* Policy a) which identifies the permitted location for an ADU within an accessory building to be above the ground floor. In addition, relief from 3.2.1 is also required to permit the existing driveway access for the ADU as Policy g) identifies that access to the required parking for the accessory dwelling unit shall be provided from the same driveway that provides access to the main dwelling.

Additionally, relief is also required from Table 1-2 (found in Part 3 of the Township's Zoning Bylaw) to permit the proposed accessory building with frontage on Mud Street East, within a required exterior side yard. Table 1-2 does not permit an accessory building or structure closer to the exterior side lot line than the main building. Which is the case as the existing dwelling fronts on Grimsby Road with an exterior side yard setback of approximately 52 metres and the proposed accessory building would be approximately 27.5 metres to the exterior side lot line.

**RECOMMENDATION:**

That, the application for Minor Variance, submitted by Darren Draaistra, on behalf of the property owners, Deborah and Engelbert Moraal, as outlined in Report COA-20-24, to permit an accessory dwelling unit on the ground floor of a proposed accessory

building and located closer to the exterior lot line than the primary dwelling, BE APPROVED, subject to the following conditions:

1. That the Applicants submit a detailed report from a licensed sewage system inspector and/or Engineer indicating compliance with Part 8 (Sewage Systems) Ontario Building Code to the satisfaction of the West Lincoln Building Department.
2. The Applicants submit to the Township an assessment prepared in accordance with the MOECC D-4 guidelines, or successors thereto, to establish that there will be no risk to the public health and safety associated with the additional accessory dwelling unit due to its proximity to the waste management facility and that appropriate mitigation and monitoring measures will be undertaken.

### **BACKGROUND & SURROUNDING LAND USES:**

The subject property has a lot size of 0.42 hectares (1.04 acres) located on the east side of Grimsby Road (Regional Road 12) and on south side of Mud Street East, with frontage on both public roads. The subject lands are also located within the Hamlet of Grimsby Centre which is also east of the Hamlet of Grassie, north east of the Hamlet of Kimbo, and north of Highway 20 (Regional Road 20).

A Minor Variance application has been submitted by Darren Draaistra, on behalf of the property owners, Deborah and Engelbert Moraal of 3583 Grimsby Road (Regional Road 12).

A Minor Variance application has been submitted to permit an accessory dwelling unit (ADU) on the ground floor of a proposed accessory building and to have it located closer to the exterior lot line than the primary dwelling.

Relief is being requested from 3.2.1 *Accessory Dwelling Units Policy a)* which identifies the permitted location for an ADU within an accessory building to be above the ground floor. Additionally, relief from 3.2.1 is also required to permit the existing driveway access for the ADU as Policy g) identifies that access to the required parking for the accessory dwelling unit shall be provided from the same driveway that provides access to the main dwelling.

Another variance is required from Table 1-2 (found in Part 3 of the Township's Zoning Bylaw) to permit the proposed accessory building with frontage on Mud Street East, within a required exterior side yard. Table 1-2 does not permit an accessory building or structure closer to the exterior side lot line than the main building, which in this case with the dwelling having frontage on Grimsby Road has an exterior side yard setback of approximately 52 metres whereas, the proposed accessory building would be approximately 27.5 metres to the exterior side lot line. Therefore, there are three variances being requested through this minor variance application.

The majority of the surrounding land uses are designated in the Township's Official Plan

as *Hamlet Settlement Area* and *Good General Agricultural Lands*.

The applicants have indicated the request for ground floor living space will be used as a retirement home and requires suitable accessibility (as noted in the justification letter, Attachment 3).

**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 *Hamlet Settlement Area* in the Township's Official Plan, specifically located in the Hamlet of Grimsby Centre. Lands within the Hamlet Settlement Area Designation (Section 7 of the OP) are intended for residential and associated commercial, institutional, and recreational uses.

The predominant use of land within Hamlets are single-detached dwellings, with other uses necessary to serve the Hamlet as well as the surrounding agricultural area and rural community. One of the main objectives of this designation is to provide an alternate place for residential uses to be accommodated outside the Urban Area of Smithville and the Agricultural Area. The proposed accessory dwelling unit is permitted in conjunction with the existing residence and is an encouraged accessory use within *Hamlet Settlement Areas*.

Section 17 *Affordable Housing* Policy 17.1.3(a) also recognizes and supports accessory dwelling units that are secondary and subordinate to the main dwelling on the property. This is the case as the living space for the accessory dwelling unit is less than 100 square metres in comparison to the existing dwelling which is approximately 139 square metres (see Site Plan, Attachment 2).

Given the proposed dwelling unit is a permitted accessory use to the existing residence on the property, will be designed to be compatible with the surrounding residential uses, and will be supporting residential growth which is encouraged within a hamlet settlement area, Planning Staff can consider the proposal in alignment with the Township's Official Plan (OP).

It is important to note that the Official Plan does not support the severance of this unit if approved. Due to the lot size and the area needed for servicing, this unit would not be eligible for severance under the current policy.

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

The subject property is zoned Residential Low Density 'R1A' with a total lot size of 0.42 hectares (1.04 acres). As outlined in Part 6 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 dwelling unit to the existing dwelling on the property.

Aside from the following variances, the accessory dwelling unit complies with the remainder of Table 1-2 (Part of 3 of the Zoning Bylaw).

Relief is being requested from 3.2.1 *Accessory Dwelling Units* Policy a) which identifies the permitted location for an ADU within an accessory building to be above the ground floor. The dwelling unit is being proposed on the ground floor. As previously noted, the living space will be used for older adults and requires suitable accessibility. The main purpose and intent of the zoning bylaw regulations is to ensure that the accessory dwelling unit remains secondary and subordinate to the principle dwelling. This is typically done by requiring that the unit be on the second floor of a detached garage. In this case, the proposed accessory dwelling unit is within a hamlet surrounded by other low density residential uses. From a compatibility standpoint, the ground floor unit may be less intrusive to neighbouring residences than a second floor unit.

In addition, Section 3.2.1 (Policy g) also identifies that the required access to the required parking for the accessory dwelling unit shall be provided from the same driveway that provides access to the main dwelling whereas, this proposal is requesting relief to permit the existing driveway off of Mud Street East for access to the ADU.

Additionally, with the existing dwelling having frontage on Grimsby Road with an exterior side yard setback of approximately 52 metres, another variance is required to permit the proposed accessory building with frontage on Mud Street East, within a required exterior side yard. As outlined, by Table 1-2 (found in Part 3 of the Township's Zoning Bylaw), an accessory building or structure is not permitted to be closer to the exterior side lot line than the main building, which is the case as the proposed accessory building would have an exterior side yard setback of approximately 27.5 metres.

It's also important to note, the accessory building is positioned an appropriate distance from the public street, Table 14 (Part 6) permits a single detached dwelling 7.5 metres and the proposed would provide a front yard of approximately 27.5 metres and in line with the existing dwellings along Mud Street East.

Additionally, the interior side setback of 4 metres (west interior side yard) and 3.5 metres (east interior side yard) are also appropriate setbacks to the surrounding land uses. As outlined by Table 1-2 (Part 3) accessory structures or buildings are permitted a minimum setback of 1.2 metres to the interior lot lines. Given a dwelling unit is being proposed within the accessory building, a larger setback than the minimum is preferred in this case.

The subject property is also located within 500 metres of the Niagara Region Concession Road 7 landfill site and within the Holding zone H-7. This zone requires that prior to development taking place, the applications prepare and submit an assessment in accordance with the MOECC D-4 guidelines to establish that there will be no risk to the public health and safety associated with the development of the land use to its proximity to the waste management facility and that appropriate mitigation and

monitoring measures will be undertaken. This has been added as a condition to the minor variance decision.

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

**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 the accessory dwelling unit is permitted and positioned aligned with the existing residences along Mud Street East, including the two dwellings abutting the property. There is an existing driveway that will be utilized to access the dwelling unit. The preliminary drawings were an example of how the unit will be designed in a way which compliments the residential character of the neighbourhood. With the unit situated on the ground floor, there would also be less overlook into abutting residential properties as the subject lands are within a hamlet.

For these reasons, Planning Staff do not anticipate adverse impacts on the surrounding area and believe the proposal is desirable and appropriate given the existing use of the property and surrounding residential uses.

**Is the proposal minor in nature? Yes**

The applicants have indicated the request for ground floor living is to accommodate suitable accessibility as a retirement living space which can be considered a minor alteration from the zoning by-law to suit the applicants' future aging needs. As the dwelling unit is still maintaining the intent of the Township's OP and Zoning By-law, being that the accessory dwelling unit is secondary to and subordinate in size to the primary dwelling, and encouraging residential growth and affordable housing within a settlement area, this proposal can be considered minor in nature.

**INTER-DEPARTMENTAL & AGENCY COMMENTS:**

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

**Public Works:** Has reviewed the application and has no objections or comments to be provide.

**Septic System Inspection Manager:** Has reviewed the application and offers the following comments. Please be advised that the application as submitted does not provide the required information regarding the existing sewage system. Also, the potential for an increased daily sewage effluent from the proposed dwelling unit would potentially impact the functional capability of a sewage system. As such, a detailed report from a licensed sewage system inspector and/or Engineer must be provided to the satisfaction of the West Lincoln Building Department indicating compliance with Part 8 (Sewage Systems) Ontario Building Code. This has been included as a condition of approval.

**Niagara Peninsula Conservation Authority (NPCA):** At the time of writing this report, no comments have been received from the NPCA.

**Niagara Region:** Have no objections to the requested variances to permit the ADU on the ground floor of the proposed accessory building. However, given the property is located within an area designated for Archaeological Potential the Region has also recommended a Stage 1-2 Archaeological Assessment.

Planning Staff consider the proposed location for the accessory building and dwelling unit within previously disturbed lands and as such, the Archaeological Potential warning clause (as noted below) and included in the Regional comments is considered sufficient in lieu of a Stage 1. Regional comments can be found in Attachment 3.

*“If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service 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”*

The Committee can add the Stage 1 Archaeological Assessment, if they see it appropriate.

**PUBLIC COMMENTS:**

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

**CONCLUSION:**

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance Application (A10/2024WL) as outlined in Report COA-20-24, to permit an accessory dwelling unit on the ground floor of a proposed accessory building and located closer to the exterior lot line than the primary dwelling.

**ATTACHMENTS:**

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

**Prepared & Submitted by:**



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**Stephanie Pouliot,  
Planner**

**Approved by:**



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





### Location Map

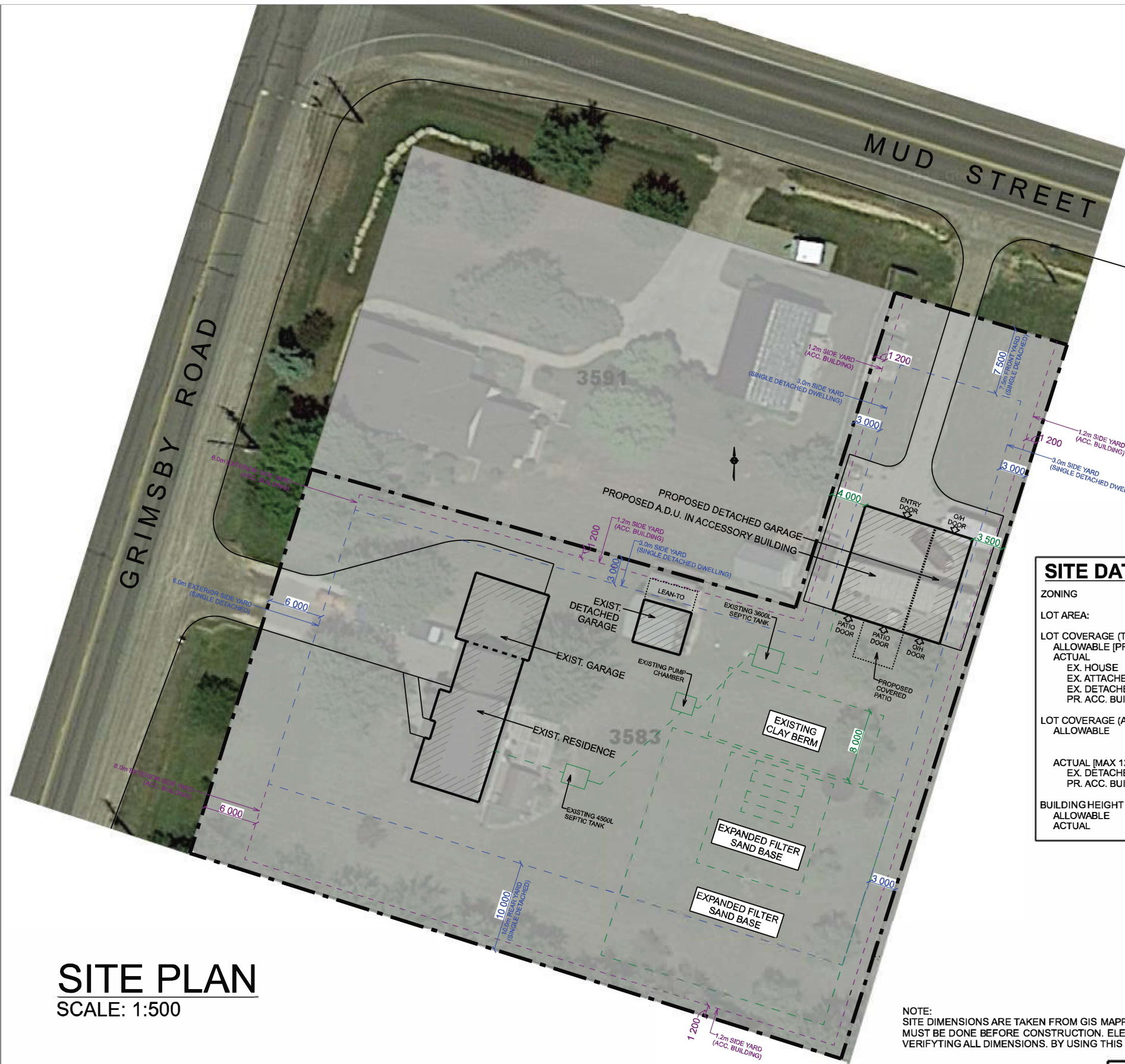
3583 Grimsby Road (Regional Road 12)



#### Legend

- Zone Boundary
- Subject Property






SITE DATA	
ZONING	R1A
LOT AREA:	4,214.32 m <sup>2</sup>
LOT COVERAGE (TOTAL)	
ALLOWABLE [PRIVATELY SERVED]	20%
ACTUAL	9.12%
EX. HOUSE	138.56 m <sup>2</sup>
EX. ATTACHED GARAGE	48.53 m <sup>2</sup>
EX. DETACHED GARAGE	44.97 m <sup>2</sup>
PR. ACC. BUILDING w/ ADU	152.36 m <sup>2</sup>
LOT COVERAGE (ACC. BLD)	
ALLOWABLE	8% or 200 m <sup>2</sup> [337.15m <sup>2</sup> , MAX 200 m <sup>2</sup> ]
ACTUAL [MAX 120m <sup>2</sup> /BUILDING]	4.7%, 197.33 m <sup>2</sup>
EX. DETACHED GARAGE	44.97 m <sup>2</sup>
PR. ACC. BUILDING w/ ADU	152.36 m <sup>2</sup>
BUILDING HEIGHT (ACCBLD)	
ALLOWABLE	5m [16'-4"]
ACTUAL	< 5m

**SITE PLAN**  
SCALE: 1:500

NOTE:  
SITE DIMENSIONS ARE TAKEN FROM GIS MAPPING. THESE DIMENSIONS HAVE NOT BEEN VERIFIED IN ANY WAY. SITE VERIFICATION OF PROPERTY LINES MUST BE DONE BEFORE CONSTRUCTION. ELEVATE HOME DESIGN INC. IS NOT RESPONSIBLE FOR ANY CONSTRUCTION THAT OCCURS WITHOUT VERIFYING ALL DIMENSIONS. BY USING THIS DRAWING THE OWNER ASSUMES ALL RESPONSIBILITY FOR THE ACCURACY OF THIS DRAWING.

THESE DRAWINGS ARE COPYRIGHT PROTECTED AND MAY NOT BE COPIED OR REPRODUCED IN WHOLE OR IN PART WITHOUT EXPRESS WRITTEN CONSENT OF ELEVATE HOME DESIGN INC. ALL DIMENSIONS TO BE VERIFIED BY ON SITE CONTRACTOR AND ANY DISCREPANCIES TO BE REPORTED IMMEDIATELY TO THE ELEVATE HOME DESIGN INC. ALL CONSTRUCTION IS TO CONFORM TO THE ONTARIO BUILDING CODE, AS AMENDED, REGARDLESS OF DRAWING DETAILS.

 BEATTY LINE N • FERGUS • ON WWW.ELEVATEHOMEDSIGN.CA ROB@ELEVATEHOMEDSIGN.CA • 519-731-4246	<b>ACC. BUILDING w/ ADU</b> EVERRENE MORAAAL 3583 GRIMSBY ROAD GRASSIE, ON	<b>SITE PLAN</b>	
		PROJECT NO: 24-016 STARTING DATE: Feb 5, 2024 LAST REVISION DATE: Feb 26, 2024 DRAWN BY:	<b>A1</b>
		SCALE: 1:500	



3583 Grimsby Road,  
Grassie, ON

April 8th, 2024

R1A Zoning

### **West Lincoln - Committee of Adjustment**

At 3583 Grimsby road, we are proposing an Accessory Building with an ADU. We are asking for relief from the by-law on the following.

We are seeking relief from West Lincoln by-law Section 3.2.1 Accessory Dwelling units that states an ADU is only allowed above the ground floor. [(3) 3.2.1. (a) shall be above the ground floor.] The proposed ADU will be used for a retirement home and requires suitable accessibility. This means that having the dwelling portion located in a 2<sup>nd</sup> storey would provide access and egress issues for older occupants. We are asking for an allowance to build an ADU on the ground floor attached to the new accessory building.

We are also seeking relief from the minimum setback of the front lot line. As shown on the site plan attached you can see the unique shaped lot. With the lot having frontage on Grimsby Road and Mud Street, we are proposing the accessory building be frontage on Mud Street. This makes sense for the layout of the property, as there is a separate access from Mud Street. This would position the ADU in front of the existing dwellings frontage on Mud street. Positioning the proposed ADU ahead of the single family dwelling does not visually devalue the streetscape. The positioning of the ADU is also being governed by a septic system for the house, which is placed directly behind the principal single family dwelling. Looking at the Zoning by-law we are still over and above the 7.5m setback for a residential dwelling in this zone.

Lastly, we are seeking relief from the by-law for building height. The by-law has a maximum building height of 5 meters. We are seeking a 5.4 meter building height. We are going to build 10ft walls, with a 4/12 pitch. Again, this does not disrupt the street view, rather it integrates well with the surrounding area.

Thank you for your time and consideration on the matters addressed.

**Darren Draaistra - Agent**  
**A.Draaistra Contracting Inc.**  
**289-455-8310**

**Jesse Blokhuis - Contractor/Builder**  
**Ontario Outbuilding**  
**905-746-5874**



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[www.westlincoln.ca](http://www.westlincoln.ca)

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**BUILDING DEPARTMENT  
MEMO**

**DATE:** June 26<sup>th</sup>, 2024  
**TO:** Planning Department (Committee of Adjustment)  
Stephanie Pouliot– Secretary Treasurer  
**FROM:** Lyle Killins, Septic Inspector  
**SUBJECT:** File A-10/2024WL  
Moraal

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Dear Ms. Pouliot,

Please be advised the submitted application, pertinent files and supporting documentation have been reviewed relating to this file.

Please be advised that the application as submitted does not provide the required information regarding the existing sewage system. Also, the potential for an increased daily sewage effluent from the proposed dwelling unit would potentially impact the functional capability of a sewage system; Thus, a detailed report from a licensed sewage system inspector and/or Engineer must be provided to the satisfaction of the West Lincoln Building Department indicating compliance with Part 8 (Sewage Systems) Ontario Building Code.

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

Respectfully submitted,

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



**Growth Strategy and Economic Development**

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

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

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**Via Email Only**

June 20, 2024

File Number: PLMV202400735

Stephanie Pouliot  
Planner I / 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: Minor Variance**  
**Township File Number: A10/2024WL**  
**Applicant: Engelbert and Deborah Moraal**  
**Location: 3583 Grimsby Road (Regional Road 12)**  
**Municipality Name: West Lincoln**

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Staff of the Regional Growth Strategy and Economic Development Department reviewed this Minor Variance application to seek permission for locating an Additional Dwelling Unit (ADU) at the ground floor, to permit the existing driveway access for the ADU, and to permit the proposed accessory building with frontage on Mud Street East, within a required exterior side yard. The application is also seeking relief that the accessory building is closer to the exterior side lot line than the main building for the property municipally known as 3583 Grimsby Road (Regional Road 12) in the Township of West Lincoln. Regional staff received notice of this Minor Variance request on June 12, 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 property is located within a Rural Settlement Area in accordance with the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden

Horseshoe. The Niagara Official Plan, 2022 (NOP) designates the property as being within the Rural Settlement of Grimsby Centre. Policy 2.2.3.1 of the NOP states that a limited amount of development will occur outside of urban areas to achieve the population and employment forecasts for the Region and local area municipalities as set out in Table 2-1. In addition, the NOP states that Rural settlements are the focus of development outside of urban area boundaries and should be planned to encourage residential infill development that builds on the rural character and characteristics of the surrounding area and ensure there is adequate amenities to serve the needs of rural residents, area businesses and the surrounding nearby agricultural community.

Regional staff is not opposed to the requested variance, which will facilitate the construction of a garage with an ADU at the ground floor, subject to the following comments and local requirements.

### **Archaeological Potential**

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

The subject lands are mapped within an area of archaeological potential on Schedule K of the NOP and within 300 metres of a registered archaeological site. In accordance with Policy 6.4.2.6 of the NOP, a Stage 1-2 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. 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 strongly recommend in this instance that a Stage 1-2 Archaeological Assessment, a Ministry Acknowledgement letter and a standard archaeological warning clause be included to advise the applicant should any resources be uncovered through construction works. Staff advise caution as it's at the sole risk of the applicant / owner if archaeological resources are uncovered during construction.

Appropriate conditions are included within the attached Appendix.

### **Conclusion**

Staff of the Regional Growth Strategy and Economic Development Department does not object to the request for minor variances to permit the construction of a garage with an ADU located at the ground floor, subject to the Township's satisfaction and the inclusion

of the conditions in the attached Appendix to address archaeological resource interests.

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

Kind regards,



Connor Wilson  
Development Planner

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

## Appendix

1. That the Applicant submits the required Stage 1-2 Archaeological Assessment, prepared by a licensed archaeologist and acknowledgement letter from Ministry of Citizenship and Multiculturalism (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
2. The following warning clause shall be required as a condition of approval to be included in the development agreement:

“If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service 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.

<https://www.niagararegion.ca/projects/archaeological-management-plan/default.aspx>”



**DATE:** June 26, 2024

**REPORT NO:** COA-19-2024

**SUBJECT:** **Recommendation Report**  
**Application for Minor Variance, Jeanette McKay and Anton Topolovec**

**File No. A11/2024WL**

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

**OVERVIEW:**

- A minor variance application has been submitted by Jeanette McKay and Anton Topolovec for the property municipally known as 88 Anastasia Boulevard.
- 88 Anastasia Boulevard has a total lot size of approximately 646 sq. metres and is zoned Residential Low Density 'R1C'. The subject property contains one single detached dwelling on a corner lot.
- The Minor Variance application has been applied for to permit a driveway expansion of 1.77 meters to an existing 7-meter driveway entrance, for a total width of 8.77 metres, whereas Table 3 of the Townships Zoning Bylaw 2017-70, as amended, identified 60% of the frontage, to a maximum of 6 metres as the maximum driveway width for residential uses.
- The proposed driveway width will still under the 60% of the lot frontage with a total driveway width of 8.77. The total lot frontage for the corner lot is 18.2 metres and the proposed driveway width would be a total of 53% of the lot frontage.
- The applicants have stated that the additional width is to accommodate additional vehicle parking in the driveway for when all family members are home and to comply with the Township's on-street parking by-law.
- Any alterations that do not meet the current zoning bylaw regulations require approval through a minor variance, and is therefore the reason behind this application. An entrance alteration permit will be additionally required.
- After reviewing the four tests of a minor variance planning staff recommend approval of the requested variance.

**RECOMMENDATION:**

**That, the application for Minor Variance, submitted by Jeanette McKay and Anton Topolovec, as outlined in Report COA-##-2024, to permit a driveway expansion of 1.77 metres, to a 7 metre existing width for a total width of 8.77 metres, whereas Table 3 of the Township's Zoning Bylaw 2017-70, as amended, identifies 6 metres as the maximum driveway width for residential uses, BE APPROVED, subject to one condition:**

- 1. That an entrance permit be applied for and approved for the proposed driveway works, and that the boulevard tree be re-instated or replaced, if required.**

**BACKGROUND:**

The subject lands being 88 Anastasia Boulevard are located on a corner lot on the west side of Anastasia Boulevard. The property is approximately 646 sq. metres and contains a single detached dwelling. The subject property is zoned 'R1C' Residential Low Density in the current zoning bylaw.

The applicant is proposing a driveway expansion of 1.77 metres to an existing 7 metre driveway, for a total width of 8.77 metres, whereas Table 3 of the Township's Zoning Bylaw 2017-70, as amended, identifies 60% of the lot frontage to a maximum of 6 metres as the maximum permitted driveway width for residential uses. As the proposed expansion further exceeds the current zoning requirement of 6 metres, the applicants have applied for a minor variance to permit relief from the required maximum driveway width.

The applicant has stated that the additional driveway width is requested for a number of reasons, which include number of vehicles per person residing in the house and the need to comply with the Townships on-street parking by-law.

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 within the Wade Road Secondary Plan Area in the Township's Official Plan.

Section 6 of the Township's Official Plan Outlines Low Density Residential Policies stating that the intent of these residential neighbourhoods are to be protected from significant redevelopment while at the same time permitting ongoing evolution and rejuvenation.

The proposed driveway widening is for a sole residential purpose and will improve the parking situation for the residents living in the home. This variance will also allow for compatibility with the Township's On-Street Parking by-law by allowing the vehicles to be off the road for the winter months when there is winter road maintenance occurring. Further, as this is a corner lot with a wider than typical frontage, there still remains adequate greenspace and natural cover within the front and side yard. This creates benefits including more area for rainwater infiltration and less water flowing into the Township's stormwater management system. As such, this minor variance meets the

general intent of the Township's Official Plan

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

**Yes**

The subject property is zoned 'R1C' Residential Low Density. The Low Density Residential zone permits a Single Detached Dwelling and their associated accessory buildings.

Table 3 in section 3.12.2 of the Township's Zoning Bylaw 2017-70, as amended, recognizes the maximum width of a driveway for residential uses within a settlement area with a private garage is 6 metres. The applicants are proposing a driveway expansion of 1.77 metres to an existing 7 metre driveway entrance, for a total width of 8.77 metres. As the proposed driveway does not comply with the maximum requirement of 6 metres, a minor variance application is required to permit the exceeding provision of 1.77 metres. The additional driveway width is required to accommodate vehicle parking in the driveway.

The bylaw also recognizes that no driveway width shall not exceed 60% of the lot frontage. The proposed total driveway width is 8.77 metres, and calculated against the 18.3 metre lot frontage, the existing driveway is occupying about 47% of the total width of the front yard. The main reason for the zoning bylaw limitations on driveway width is to provide an appropriate balance between parking area and greenspace within a front yard in an urban area. As the proposed driveway complies with these additional regulations, the proposed provision still maintains the purpose of the zoning bylaw.

Additionally, there're are limits on the width of driveways to ensure that there is still some availability of on-street parking. If driveways are too wide, in some circumstances, that would eliminate on-street parking. Based on the proposed driveway widening, there does not appear to be any removal of on-street parking spaces. As such, the proposed Minor Variance application meets the general intent of the Township's Zoning Bylaw.

Planning staff note that there is an existing tree within the boulevard and that the Townships Zoning Bylaw requires a minimum setback of 1.5 metres from the proposed driveway to the existing tree. The applicants state that the existing tree to the proposed driveway extension is 1.48 metres. The application was circulated to the Township's Public Works Department who have previously commented on this proposal and have noted that the existing tree is an established tree that is in good shape, planning staff would prefer it to stay in its place. A condition has been added to the minor variance recommendation regarding the tree.

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

The subject property, being located at 88 Anastasia Boulevard contains a single detached dwelling. The existing driveway has a total width of 7 metres. The applicants are proposing to add 1.77 metres to the existing 7 metre driveway for a total of 8.77 metres, the proposed widening is being requested to allow for more parking spaces for the residents of the dwelling and to ultimately be compatible with the Townships on-street parking provisions.

There appears to be a Township owned tree located in the boulevard in front of this property. The proposed widening does not appear to affect the location of this tree, however, might be within 1.5 metres of the tree. Staff believe that the tree is in good condition, and would like it to remain in its place if possible. If not possible, a new tree would be required as part of the entrance permit application process.

**Is the proposal minor in nature? Yes**

The proposed driveway expansion of 1.77 metres to the existing 7 metre driveway entrance is a minor provision to improve the residential parking situation and allowing all residents who live in the dwelling to have a parking space, and maintain compliance with the Townships Parking Bylaw. Although the requested variance creates further non-complying situation it is required to prevent on-street parking in the area. Staff further evaluated the proposed expansion against the 60% of the lot coverage outlined in Table 3, and can confirm that the driveway width will be 52% of the total lot frontage which is still in compliance with that provision.

**INTER-DEPARTMENTAL & AGENCY COMMENTS:**

Notification was mailed to all applicable agencies, departments on June 12<sup>th</sup> 2024. Planning Staff received comments from the NPCA and the Niagara Region which stated that they had no objections to the proposed application.

The Townships Public Works Department has provided comments as Attachment 4 to this report which state that the proposed driveway would need to remain at least 1.5 metres from the edge of the planting area, and that the applicants shall apply for a Entrance Boulevard Construction Permit prior to construction.

**PUBLIC COMMENTS:**

Notification was mailed to all applicable agencies, departments and members of the public within 60 metres of the subject property on June 12<sup>th</sup> 2024. No comments have been received thus far.

**CONCLUSION:**

A Minor Variance Application has been submitted by Jeanette McKay and Anton Topolovec for the property located at 88 Anastasia Boulevard. The minor variance is to permit a driveway expansion exceeds the required 6 metre maximum driveway width for residential properties.

Planning staff have reviewed this application against the four tests of a Minor Variance and against the applicable planning policies and recommend support for the driveway expansion with a total entrance width not exceeding 8.77 metres.

**ATTACHMENTS:**

1. Location Map
2. Site Sketch

- 3. Applicants Letter
- 4. Agency comments

**Prepared & Submitted by:**

**Approved by:**



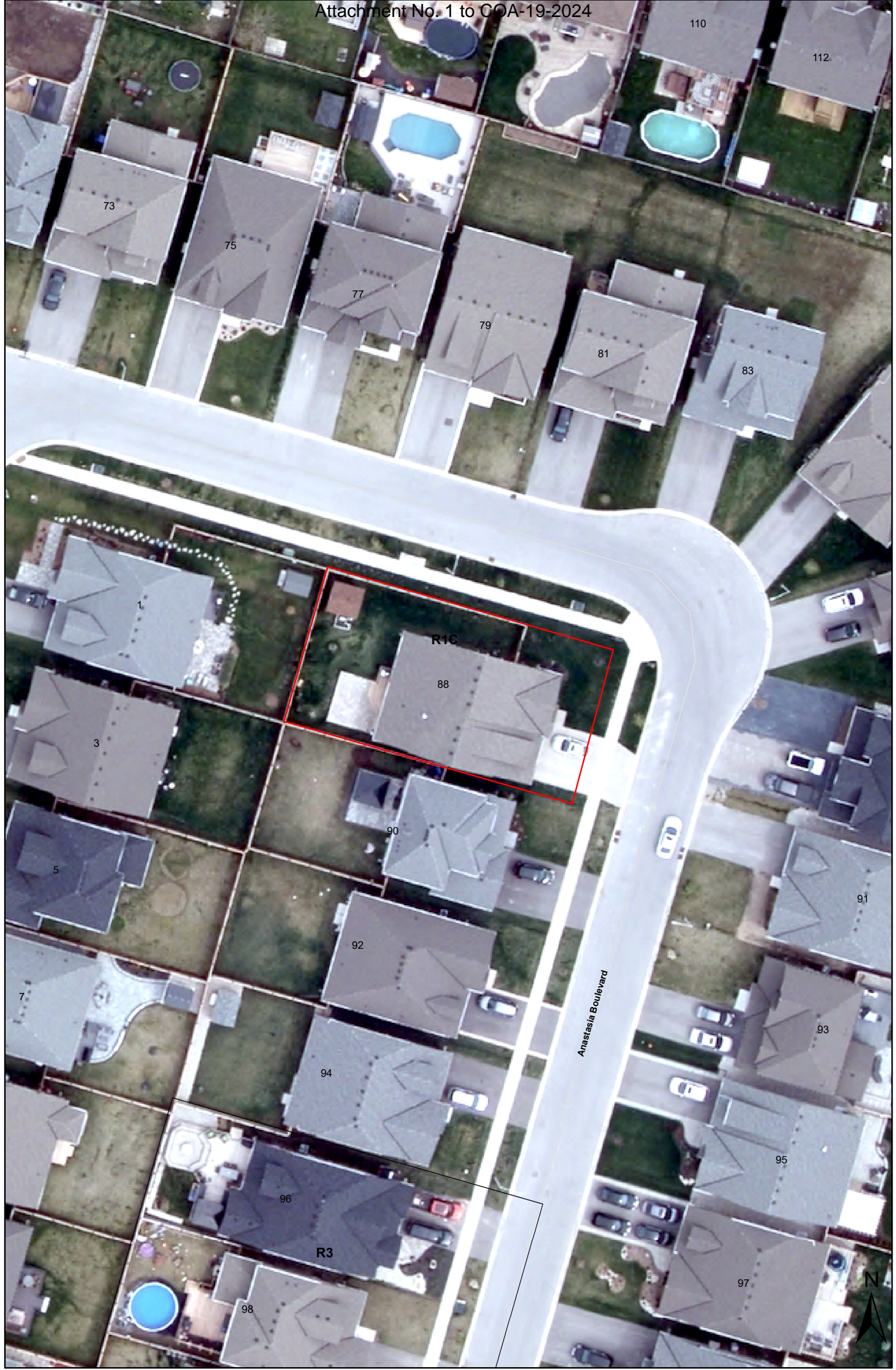
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**Madyson Ettl**  
**Senior Planner**



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



**Location Map**  
88 Anastasia Boulevard

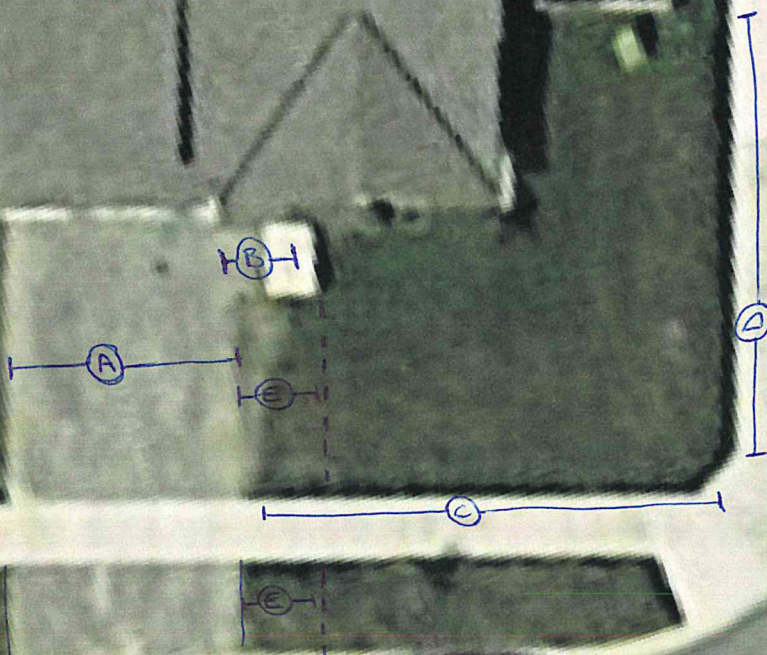
**Legend**

- Zone Boundary
- Subject Property





88 Anastasia Blvd



Ⓔ WIDTH OF EXISTING LAWN = 11.8 M  
 Ⓓ LENGTH DOWN SIDE OF HOUSE = 12.2 M.

88 Anastasia Blvd

Anastasia Blvd

Ⓐ - WIDTH OF EXISTING DRIVEWAY = 7 M.  
 Ⓑ WIDTH OF SMALL WALKWAY/STAIRS = 1.77 M.

Ⓔ WIDTH WE ARE REQUESTING TO WIDEN DRIVEWAY TO DOTTED LINES. = 1.77 M.



**ASTRO**  
DESIGN CENTRE

JEANETTE AND HER SON) ARE FINALLY MOVING INTO OUR WE BOUGHT  
TOGETHER. SHE WILL BE BRINGING HER VEHICLE (WHICH WILL SHORTLY  
BE GIVEN TO HER SON) BUT WAS PURCHASED A NEW ONE FOR HERSELF.  
ADDITIONALLY, I OWN A FULL SIZED PICK UP TRUCK AND DRIVE A FULL  
SIZED WORK TRUCK WHICH I REQUIRE TO TAKE HOME, ONLY 1  
VEHICLE OF THE 4 CAN FIT IN THE GARAGE (DOUBLE GARAGE) AND WITH  
NO OVERNIGHT STREET PARKING ALLOWED.

TO BE ALLOWED TO WIDEN OUR DRIVEWAY BY JUST SIX FEET WOULD  
MAKE A WORLD OF DIFFERENCE. THANK YOU.







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# Memo

**To:** Stephanie Pouliot, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** June 19, 2024  
**Re:** File A11/2024WL – 88 Anastasia Blvd

---

A review has been completed of this application to permit a driveway widening to 8.77m.

Public Works staff can confirm the boulevard area in front of this property is not a legal on-street parking spot as it is too close to the inside curve of the road so there would be no impact to on-street parking on Anastasia Blvd if the driveway apron were widened.

There is however a boulevard tree in front of this property and the driveway would need to remain at least 1.5m from the edge of the planting area. The preference is not to remove an established and healthy tree. The proponent would need to apply for an Entrance Boulevard Construction Permit, the application is available on the Township's website.

## Stephanie Pouliot

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**From:** Wilson, Connor <Connor.Wilson@niagararegion.ca>  
**Sent:** June 20, 2024 4:07 PM  
**To:** Stephanie Pouliot  
**Cc:** Development Planning Applications  
**Subject:** RE: Notice of Hearing and Full Package -Wednesday June 26th CofA Hearing

Good evening Stephanie

Please advise, Regional staff offer no comments with regards to 88 Anastasia Boulevard.

Staff will be providing comments shortly for 3583 Regional Road 12.

Lastly, staff note that the applicant has not provided payment for 6025 Silver Street. As such, Regional staff will be withholding our comments.

Let me know if you have any questions or concerns. I will be out of office Friday.

Thank you,



**Connor Wilson**  
Development Planner

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

**P:** (905) 980-6000 ext. 3399

**W:** [www.niagararegion.ca](http://www.niagararegion.ca)

**E:** [connor.wilson@niagararegion.ca](mailto:connor.wilson@niagararegion.ca)

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**From:** Stephanie Pouliot <spouliot@westlincoln.ca>  
**Sent:** Wednesday, June 12, 2024 10:23 AM  
**To:** Busnello, Pat <pat.busnello@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Wilson, Connor <Connor.Wilson@niagararegion.ca>; mbirbeck@npca.ca; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@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 June 26th CofA Hearing

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

Good morning,

Please find attached the notice of hearing and full package for the below applications going forward at the June 26th Committee of Adjustment hearing.

- Minor variance A10/2024WL –Moraal (Darren Draaistra –Agent) for the property located at 3583 Regional Road 12 (Grimsby Road)
- Minor variance A11/2024WL –McKay & Topolovec for the property located at 88 Anastasia Boulevard

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](mailto:spouliot@westlincoln.ca)  
Web: [www.westlincoln.ca](http://www.westlincoln.ca)

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**DATE:** June 26, 2024

**REPORT NO:** COA-21-2024

**FILE NO:** A12/2024WL

**SUBJECT:** **Recommendation Report Application for Minor Variance, James Deboer**

**LOCATION:** 6025 Silver Street (Bismark Road/Regional Road 65), West Lincoln

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

**OVERVIEW:**

A Minor Variance application has been submitted by Michael Deboer, on behalf of the property owners, James and Betty Deboer of 6025 Silver Street (Bismark Road/Regional Road 65).

A Minor Variance application has been applied for to permit a Type 3 accessory building (15 metres by 24 metres machinery shed) to be built in front of an existing hog barn on the subject lands whereas, Table 1-1 found in Part 3 of the Township's Zoning By-law 2017-70, as amended, identifies an accessory building cannot be located closer to the front lot line than the main building or within the required front yard. The shed is being proposed 30 metres in front of the existing hog barn which is situated approximately 505 metres from the front lot line. The shed would have a front yard setback of approximately 460 metres.

**RECOMMENDATION:**

That, the application for Minor Variance, submitted by Michael Deboer, on behalf of the property owners, James and Betty Deboer, as outlined in Report COA-21-24, to permit a Type 3 accessory building (machinery shed) on the subject property with a front yard setback no less than 460 metres, BE APPROVED.

**BACKGROUND & SURROUNDING LAND USES:**

6025 Silver Street is approximately 41 hectares (100 acres) in lot size and is located on the north side of Silver Street (Bismark Road/Regional Road 65), south of Concession 4 Road, east of Port Davidson Road, and west of Highway 20 (Regional Road 20). The subject lands are also located west of the Hamlet of Bismark. The property contains a hog barn that was built in 2018 and required a minor variance A26/2017WL for a reduction of MDS II setback to neighbouring residences.

A Minor Variance application has been submitted by Michael Deboer, on behalf of the property owners, James and Betty Deboer to permit a Type 3 accessory building (371.6 square metre machinery shed) to be built in front of an existing hog barn on the subject lands whereas, Table 1-1 (found in Part 3) of the Township's Zoning By-law 2017-70, as amended, identifies an accessory building cannot be located closer to the front lot line than the main building or within the required front yard.

The shed is being proposed 30 metres in front of the existing hog barn which is situated approximately 505 metres from the front lot line. The shed would have a front yard setback of approximately 460 metres.

The majority of the surrounding land uses are designated in the Township's Official Plan as *Good General Agricultural Lands* and *Natural Heritage System* including the subject property. The present natural heritage system features on the property include a Core Natural Heritage Corridor consisting of Provincially Significant Wetlands, Regionally Significant Life Science (ANSI), and Significant Woodlands, and both an Environmental Protection area and Environmental Conservation area.

The subject property is zoned Agricultural Purposes Only 'APO', with portions of the rear yard zoned as Environmental Conservation 'EC' and Environmental Protection 'EP'. There is an existing hog barn on the property which was constructed in 2018. The proposed accessory shed will be located on the agricultural lands along with the existing hog barn, which protects the ecological integrity of the environmental features present on the subject lands.

Planning Staff attended a site visit of the property on Thursday June, 13<sup>th</sup> 2024. The existing hog barn is positioned 505 metres off of Silver Street. There is a row of mature trees along the eastern property line which provides a vegetation buffer (screening) from Silver Street and the surrounding residences.

The surrounding lands are actively farmed with a number of small rural residential properties. The proposed machinery shed will be assisting and improving the efficiency of the existing hog farm operation. There are many agricultural barns in the surrounding area with similar-sized accessory buildings, therefore the proposed machinery shed would be compatible with the existing land uses in proximity to the subject lands.

**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 predominantly designated as Good General Agricultural Lands in the Township's Official Plan (OP) with a small portion of the property within the Natural Heritage System. The proposed machinery shed is supported by Section 4 Agricultural Land Use Policies of the Township's Official Plan (OP), specifically by policies 4.4.1 and 4.4.2 found in Good General Agriculture Areas. The main objective is

preserving and protecting the Agricultural area which is not being hindered or affected by the proposed variance for a reduced front yard setback. In addition, the intent is promoting and developing viable Agricultural lands and operations over the long-term in West Lincoln.

The machinery shed is compatible with the surrounding Agricultural community. The accessory building is proposed within 30 metres of the existing hog barn respects the intent of maintaining existing farm clusters and protecting the Good General Agricultural lands. This location limits the impact on the lands actively farmed which is desirable given the land is accorded the second highest level of protection and preservation by the OP.

Additionally, the present Natural Heritage System features located within the rear of the property will not be impacted by the proposed shed in front of the existing hog barn, rather it positions the proposed accessory building farther from the regulated features. As such, the development will be respecting the general intent of Section 10 by maintaining an appropriate setback to the present environmental features and protecting the ecological integrity of the subject lands.

For these reasons, Planning Staff considers this proposal to be consistent with the general intent and fundamental objectives of the Township's OP.

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

The subject lands are zoned Agricultural Purposes Only 'APO', Environmental Conservation 'EC', and Environmental Protection 'EP'. The machinery shed is a permitted accessory use to the principal Agricultural uses on the property being the existing hog barn and the lands actively farmed. The shed will assist the farming operation by allowing farm equipment and storage on the property.

Aside from the noted variance, the proposed machinery shed is a permitted accessory use in conjunction with the existing hog barn and complies with the remainder of the zoning regulations outlined in Table 1-1 in Part 3 of the Township's Zoning Bylaw, 2017-70, as amended. Planning Staff can support the resulting front yard set of approximately 460 metres being a substantial setback from the public road (Silver Street/Bismark Road) and surrounding residences.

For these reasons, Planning Staff can consider the proposed application consistent with the general purpose of the Township's Zoning By-law.

Planning Staff would also like to note, this zoning provision is being considered under an ongoing zoning bylaw housekeeping amendment, although no public meeting or decision has yet occurred.

**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 and residences in proximity to the property. The proposed machinery shed will be accommodating the needs of the existing hog operation and improving the farming practices on the subject lands.

There are similar-sized accessory buildings in the surrounding agricultural area as well as other livestock barns including the existing hog barn on the subject property. Given the predominant agricultural land uses in this area and that accessory buildings are permitted in conjunction with a principal use, the proposed machinery shed is appropriate to accommodate the farming needs on the property to assist the hog barn operation. There is also an existing driveway that accesses the existing hog barn which will be utilized for the proposed shed.

The applicant has also indicated the primary reason for the proposed location of the shed is for proper ventilation of the existing hog barn, as well as limiting the impact on the farmed land. Additional fill would also be required if positioned beside or behind the existing barn.

For these reasons, Planning Staff consider the proposed machinery shed appropriate development and a desirable use of the agricultural lands.

### **Is the proposal minor in nature? Yes**

Planning Staff consider this proposal to be minor in nature as the general intent of the Township's Official Plan and Zoning By-law provisions are being maintained. The proposed shed is permitted as an accessory use. The proposed accessory building is compatible with the existing land uses (including similar-sized machinery sheds in near proximity to the subject lands, and should have no adverse impacts on the surrounding area, being positioned approximately 460 metres off the front property line.

The requested variance is required to support the agriculture operation on the subject property and is appropriate under this circumstance. The requested variance will not increase concerns or have a negative impact on the surrounding area. There is also a row of mature trees along the eastern property line that provides a vegetation buffer from the public road (Silver Street) and the surrounding area. The machinery shed is required to assist the hog operation and will be supporting local agricultural operations and encouraging sustainable agricultural growth in West Lincoln.

Given the above analysis, Planning Staff can consider this application is minor in nature and recommend approval of this Minor Variance Application to permit the Type 3 accessory building (371.6 square metres machinery shed) on the subject property to improve and accommodate the current and potential future farming needs of the hog operation.

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

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

from the building department.

**Public Works:** Has reviewed the application and has no objections or comments to be provide.

**Septic System Inspection Manager:** Has reviewed the application as submitted and has no objections.

**Niagara Peninsula Conservation Authority (NPCA):** At the time of writing this report, no comments have been received from the NPCA.

**Niagara Region:** Have no objections to the request for permission to place the accessory building in front of the main building. 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 3 for more information.

Regional Staff have also provided the following comments to advise the applicant, if any future development or site alteration application may require an EIS or similar environmental study. That the Region's Woodland Conservation By-law will be applicable, irrespective of the outcome of this application. Any questions related to the By-law should be directed to the Region's Forester. NOP policy 3.1.18 protects the status of natural heritage features, including woodlands, even if they have been disturbed or removed. Unauthorized removals of such features may necessitate a requirement for restoration.

**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 (A12/2024WL) as outlined in Report COA-XX-24, to permit a Type 3 accessory building with a total ground floor area no greater than 371.6 square metres in front of the existing hog barn with a front yard setback of approximately 460 metres.

**ATTACHMENTS:**

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

**Prepared & Submitted by:**

**Approved by:**





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**Stephanie Pouliot,  
Planner**



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



### Location Map

6025 Silver Street/Bismark/Regional Road 65

# West Lincoln

Your Future Naturally

#### Legend

- Zone Boundary
- Subject Property



**GENERAL NOTES:**

- THIS BUILDING IS DESIGNATED AGRICULTURAL, LOW HUMAN OCCUPANCY
- ALL WORK SHALL COMPLY WITH (LATEST EDITIONS):
  - A) THE ONTARIO BUILDING CODE (O.B.C.)
  - B) NATIONAL FARM BUILDING CODE (N.F.B.C.)
  - C) NATIONAL BUILDING CODE (N.B.C.)
  - D) OSHA REGULATIONS
  - E) LOCAL REGULATIONS
- THESE DRAWINGS ARE FOR STRUCTURAL DESIGN ONLY. INTERIOR FINISHING AND EQUIPMENT TO BE COORDINATED BY SUPPLIER WITH APPROVAL FROM THE OWNER. ALL INTERIOR WORKS TO BE DESIGNED BY SUPPLIER.
- IF DRAWINGS ARE NOT REFLECTIVE OF EXISTING CONDITIONS DESIGNLOGIX IS TO BE NOTIFIED. NO CHANGES SHALL BE MADE WITHOUT THE ENGINEER'S APPROVAL.
- CONTRACTOR SHALL MAKE ADEQUATE PROVISIONS FOR TEMPORARY BRACING/SHORING. CONSTRUCTION LOADS SHALL NOT EXCEED THE DESIGN LOADS.
- THIS DRAWING SET IS THE PROPERTY OF DESIGNLOGIX ENGINEERING AND MAY NOT BE DUPLICATED OR SHARED IN ANY FORM WITHOUT WRITTEN CONSENT FROM DESIGNLOGIX ENGINEERING
- PROVIDE STAMPED PRECAST SLATS/WALLS AND TRUSS SHOP DRAWING FOR REVIEW

**GENERAL REVIEW:**

- THE ENGINEER SHALL BE CONTACTED BY THE OWNER OR CONTRACTOR TO PERFORM SITE REVIEW OF CONSTRUCTION IN ACCORDANCE WITH O.B.C. 1.2.2.2 (C)
- ENGINEER TO BE CONTACTED (24 HOURS PRIOR) FOR:
  - A) FOOTING REVIEW: ONCE EXCAVATION IS COMPLETE AND FORMWORK FOR FOOTING IS COMPLETE
  - B) CONCRETE REVIEW: ONCE REBAR HAS BEEN TIED FOR CONCRETE COMPONENTS
  - C) FRAMING REVIEW: PRIOR TO COMMENCEMENT OF INTERIOR FINISHES AND CLADDING
  - D) FINAL REVIEW: UPON COMPLETION OF ALL STRUCTURAL COMPONENTS AND INTERIOR FINISHING

**EXCAVATION AND BACKFILL:**

- FOUNDATIONS HAVE BEEN DESIGNED BASED ON THE ASSUMPTION OF 3000 psf ALLOWABLE BEARING CAPACITY
- ALL UNDERSIDE OF FOOTINGS TO BE 48" BELOW GRADE
- IF SOFT SOILS ARE ENCOUNTERED DURING EXCAVATION NOTIFY ENGINEER BEFORE PROCEEDING WITH CONSTRUCTION. ENGINEER TO BE NOTIFIED FOR (BUT NOT LIMITED TO) CONCERNS REGARDING DRAINAGE, SLOPE STABILITY AND SOIL BEARING CAPACITY
- GRANULAR FILL UNDER FOOTINGS SHALL BE FREE-DRAINING CLEAN GRANULAR "B" MATERIAL OR BETTER AND IS TO BE COMPACTED TO 100% STANDARD PROCTOR DENSITY AT OPTIMUM MOISTURE
- CUT AND CAP OR REROUTE ALL FIELD TILES EXPOSED DURING EXCAVATING
- PROVIDED DEWATERING FACILITIES TO REMOVE AND MAINTAIN WATER LEVEL BELOW FOOTINGS FOR ANY WATER SOURCE ENCOUNTERED DURING CONSTRUCTION
- BACKFILL SHALL BE FREE DRAINING CLEAN GRANULAR FILL. SLOPE GRADE TO DRAIN AWAY FROM BUILDING

**CONCRETE:**

- SUPPLY AND PLACE CONCRETE AS FOLLOWS:
  - FOUNDATIONS - 20MPa (3625 psi), MAX W/C RATIO OF 0.55, AIR CONTENT 5% TO 8%
  - FOUNDATION WALLS - 25MPa (3625 psi), MAX W/C RATIO OF 0.50, AIR CONTENT 5% TO 8%
  - CONCRETE FLOORS - 30MPa (4351 psi), MAX W/C RATIO OF 0.45, NO AIR CONTENT REQUIRED U.N.O.
  - PIT WALLS & FLOORS (SUBJECT TO ACID ATTACK) - 32MPa HS (OR APPROVED EQUIVALENT) CEMENT MAX W/C RATIO OF 0.45, AIR CONTENT 5% TO 8%
- CONCRETE CODES - CONFORM TO CSA-A23.1 (LATEST EDITION)
- CONCRETE SLABS TO BE SAW CUT TO 1/4 OF SLAB DEPTH SPACED AT 30 TIMES THE SLAB DEPTH. SAW CUTS TO BE COMPLETED WITHIN 24 HOURS OF SLAB PLACEMENT
- MINIMUM CORNER REINFORCING SHALL BE 24"x24" (600mmx600mm) L-BARS.
- ALL REINFORCEMENT SHALL CONFORM TO CSA G30.3, G30.5 & G30.18 (LATEST EDITION) WITH A YIELD STRENGTH OF 400MPa (58 ksi) FOR DEFORMED BARS OR 448MPa (65 ksi) FOR WELDED WIRE MESH
- MINIMUM COVER ON REINFORCING ON FORMED CONCRETE EXPOSED TO EARTH SHALL BE 2" (50mm) ALL OTHER COMPONENTS SHALL NOT BE LESS THEN 2" (50mm)
- REINFORCING REBAR SPLICES SHALL BE 18" MIN U.N.O.
- ADEQUATE PROTECTION FROM FREEZING MUST BE PROVIDED TO POURED CONCRETE DURING COLD WEATHER PLACEMENT
- WALLS SHALL NOT BE BACKFILLED UNLESS BRACED AT THE TOP TO THE SATISFACTION OF THE ENGINEER. BACKFILL SHALL BE APPROVED MATERIAL COMPACTED TO 95% S.P.D. UNLESS OTHERWISE NOTED
- REINFORCING IS TO BE GENERALLY PLACED IN ACCORDANCE WITH REINFORCING STEEL INSTITUTE OF CANADA "MANUAL OF STANDARD PRACTICE". ALL SPLICES SHALL BE CLASS "B" IN ACCORDANCE WITH THE FOLLOWING TABLE:

CONCRETE	SPLICE LENGTH: mm (")			
	25MPa	30MPa	32MPa	35MPa
10M	400 (16")	400 (16")	400 (16")	400 (16")
	600 (24")	600 (24")	500 (20")	500 (20")
15M	800 (32")	700 (28")	700 (28")	700 (28")
	1200 (48")	1100 (44")	1100 (44")	1100 (44")

**STEEL NOTES:**

- ALL STEEL SHALL BE DESIGNED, FABRICATED AND ERECTED IN CONFORMANCE TO CAN/CSA-S16 AND O.B.C. LATEST EDITIONS
- ALL STEEL MEMBERS TO BE NEW MEMBERS
- ALL ROLLED STRUCTURAL STEEL MEMBERS SHALL CONFORM TO CSA-G40 20-04/G40 21-04-M300W EXCEPT WIDE FLANGE SECTIONS WHICH SHALL CONFORM TO CSA-G40 20-04/G40 21-04-M350W.
- WELDING SHALL CONFORM TO CSA W59-03 LATEST EDITION. ELECTRODES SHALL BE E70XX OR BETTER
- BOLTS FOR STRUCTURAL STEEL CONNECTIONS SHALL CONFORM TO ASTM A325
- ALL BOLTED CONNECTIONS SHALL BE BEARING TYPE U.N.O.
- ALL CONNECTIONS SHALL BE INSPECTED AS PER CAN/CSA S16-09

**WOOD NOTES:**

- LUMBER SHALL BE #1 OR #2 SPF OR BETTER U.N.O.
- STUD WALLS SHALL BE ANCHORED TO FOUNDATION WITH 1/2"x8" ANCHORS AT 48" C/C SPACING AND WITHIN 6" OF END OF WALL OR CORNER.
- WIND BRACING TO BE PROVIDED AS DETAILED IN STRUCTURAL DRAWINGS
- CONTRACTOR SHALL ENSURE ANY TEMPORARY BRACING OF WALLS AND TRUSSES ARE ADEQUATE
- STUDS SHALL BE SECURED TO PLATES WITH (3/8) 1/4" NAILS
- ALL FASTENERS INTO P.T. LUMBER TO BE STAINLESS OR HOT DIPPED GALVANIZED
- STRUCTURAL WOOD ELEMENTS SHALL BE FABRICATED AND ERECTED IN ACCORDANCE WITH CAN/CSA 086-01 (LATEST EDITION)
- PLYWOOD SHEATHING SHALL CONFORM TO CSA STANDARD 0121-M1978 "DOUGLAS FIR PLYWOOD" AND 0151-M1978 "CANADIAN SOFT WOOD PLYWOOD"
- O.S.B. SHALL CONFORM TO CSA STANDARD CAN3-0437 1-M85 "WAFERBOARD AND STRANDBOARD"
- LVL TO BE 2250FB-1.5E GRADE OR BETTER

**TRUSS NOTES:**

- TRUSSES SHALL BE DESIGNED IN ACCORDANCE WITH THE O.B.C AND CERTIFIED BY A PROFESSIONAL ENGINEER
- UNBALANCED LOAD CONDITIONS SHALL BE ACCOUNTED FOR
- TRUSS DESIGNER TO ACCOUNT FOR INCREASED SNOW LOADS DUE TO ROOF VALLEYS AND SNOW SHADOWS
- TRUSS SHOP DRAWINGS SHALL BE PROVIDED TO ENGINEER FOR REVIEW PRIOR TO FABRICATION
- REFER TO DESIGN LOAD TABLE FOR DESIGN LOADS FOR THIS PROJECT
- DIAGONAL BRACING MUST BE PROVIDED ON ALL WEB MEMBERS THAT REQUIRE LATERAL BRACING. DIAGONAL BRACING SHALL BE LOCATED AT EACH END OF THE TRUSS ASSEMBLY AND SPACED AS NOTED ON STRUCTURAL DRAWINGS. X-BRACING SHALL BE PROVIDED AT 50'-0" INTERVALS UNLESS NOTED OTHERWISE. (SEE DIAGRAMS BELOW)

**CLADDING NOTES:**

- CLADDING TO BE MINIMUM 29 GAUGE WITH RIBS SPACED AT 6"-8"
- CLADDING TO BE FASTENED ON RIBS AT 6" CENTERS WITH HEX-HEAD ROOFING SCREWS

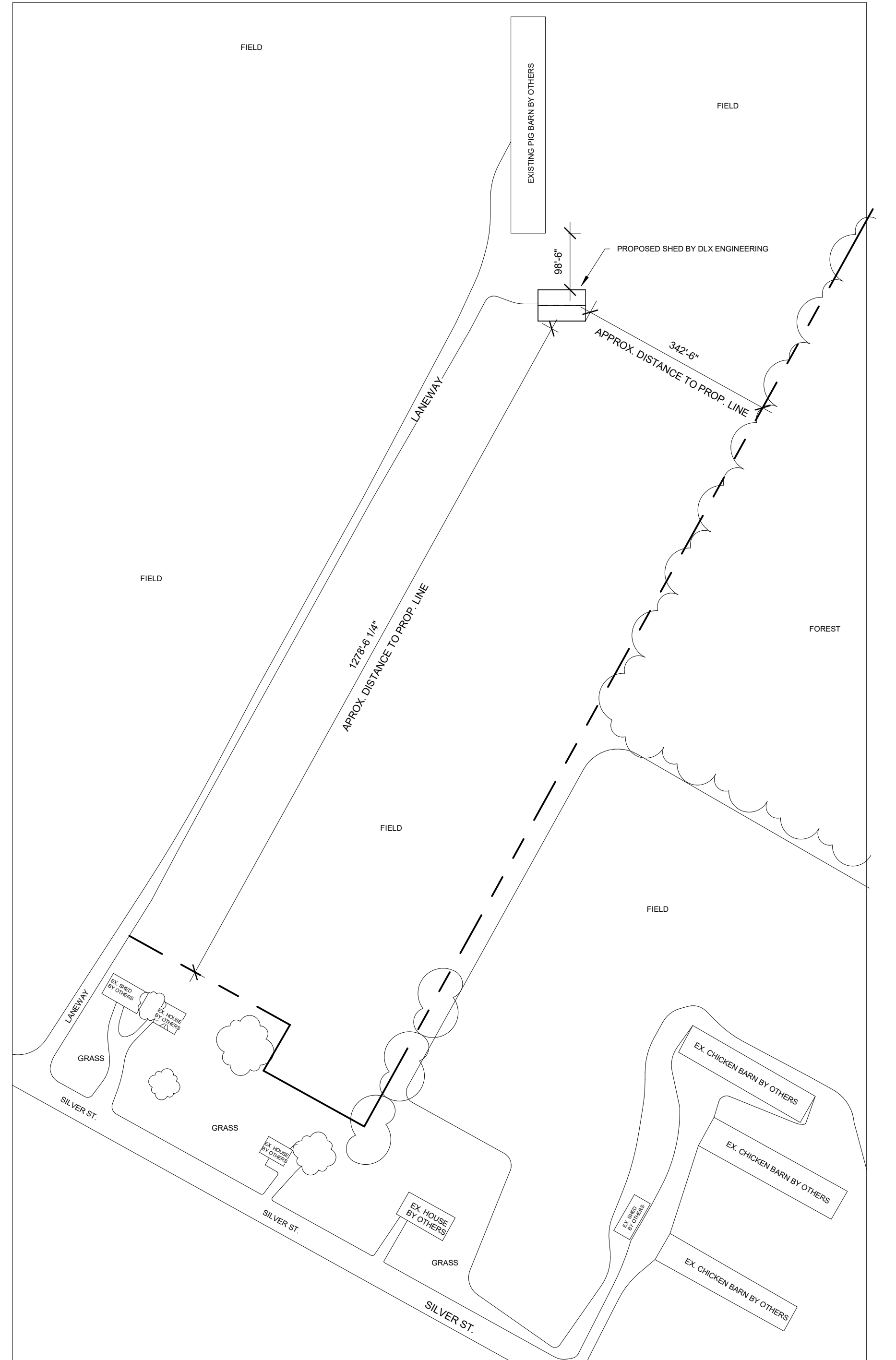
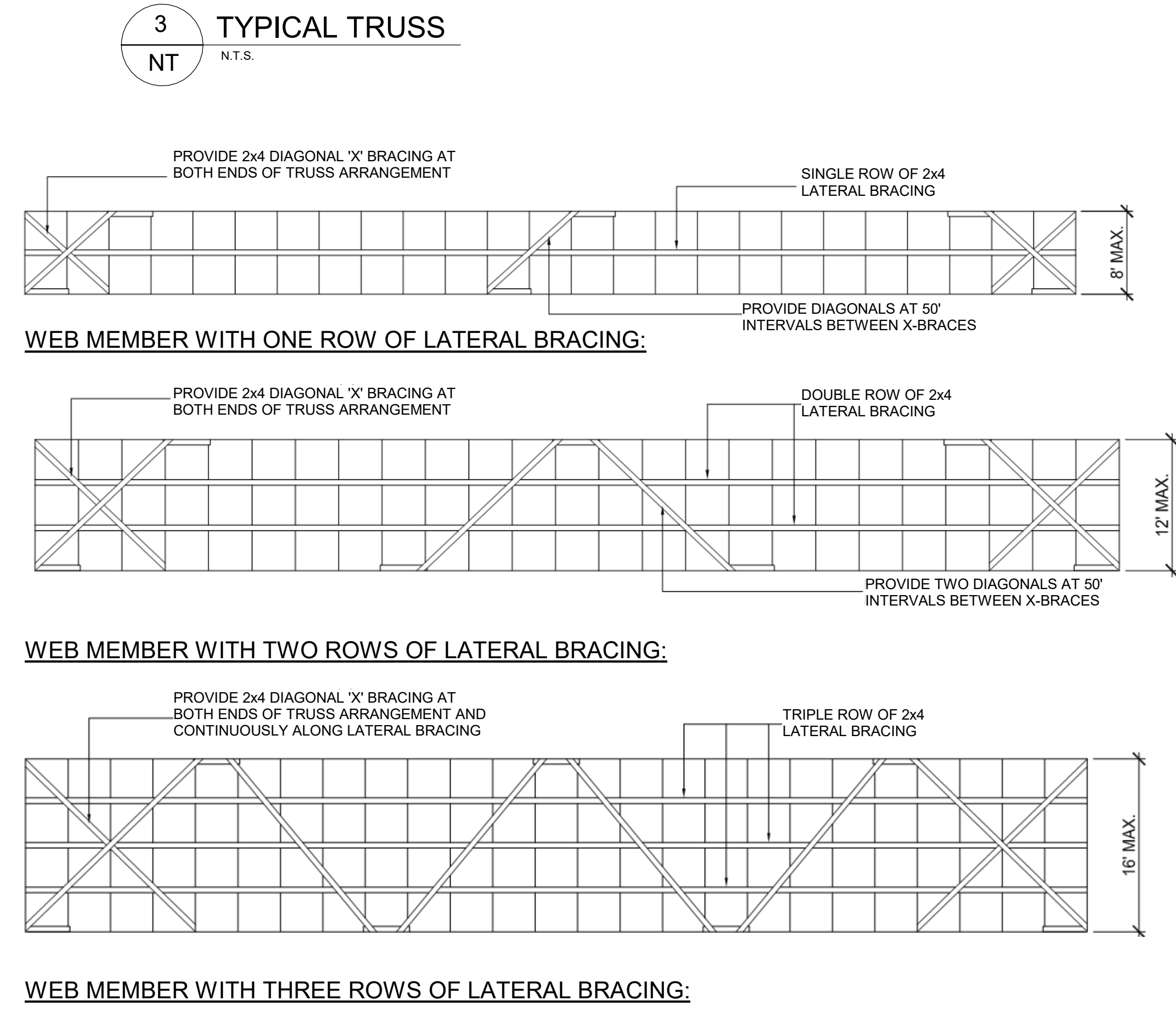
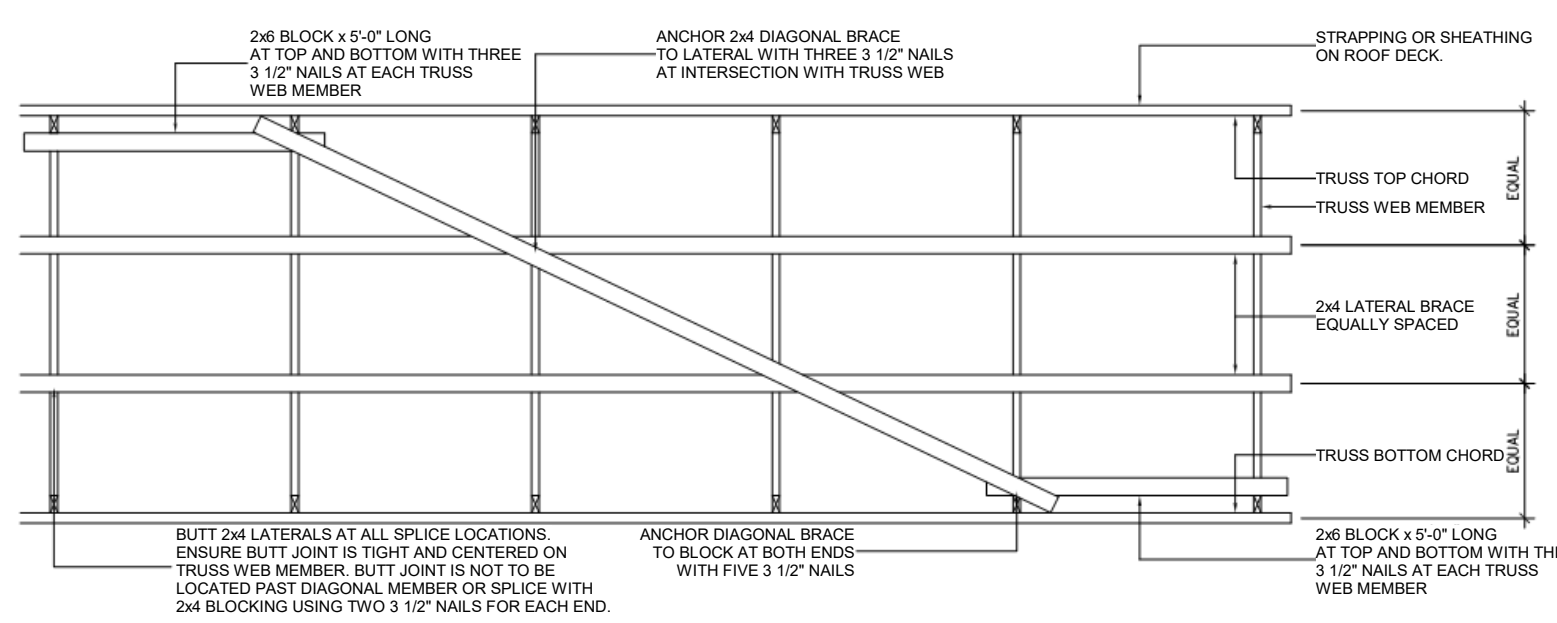
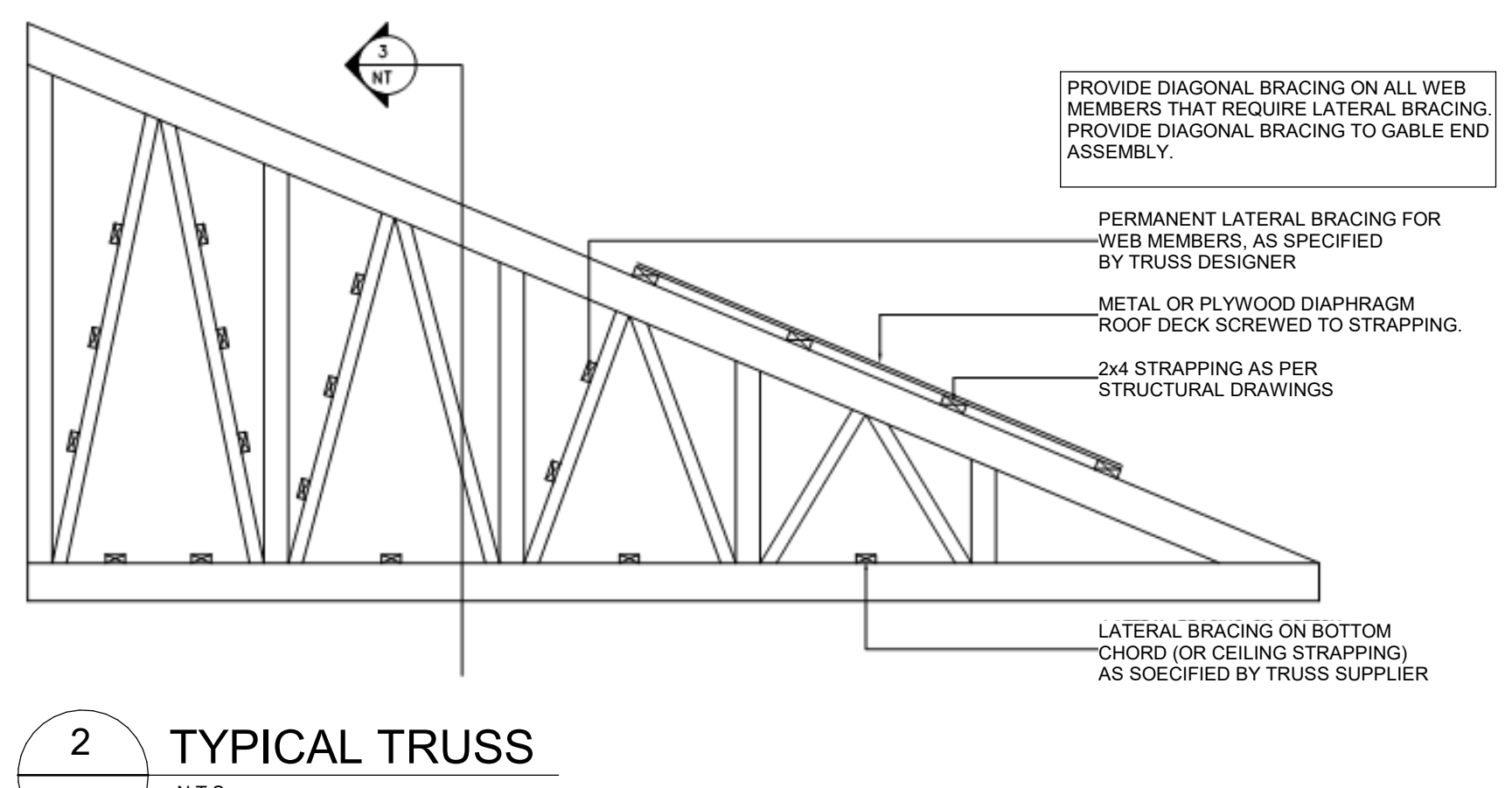
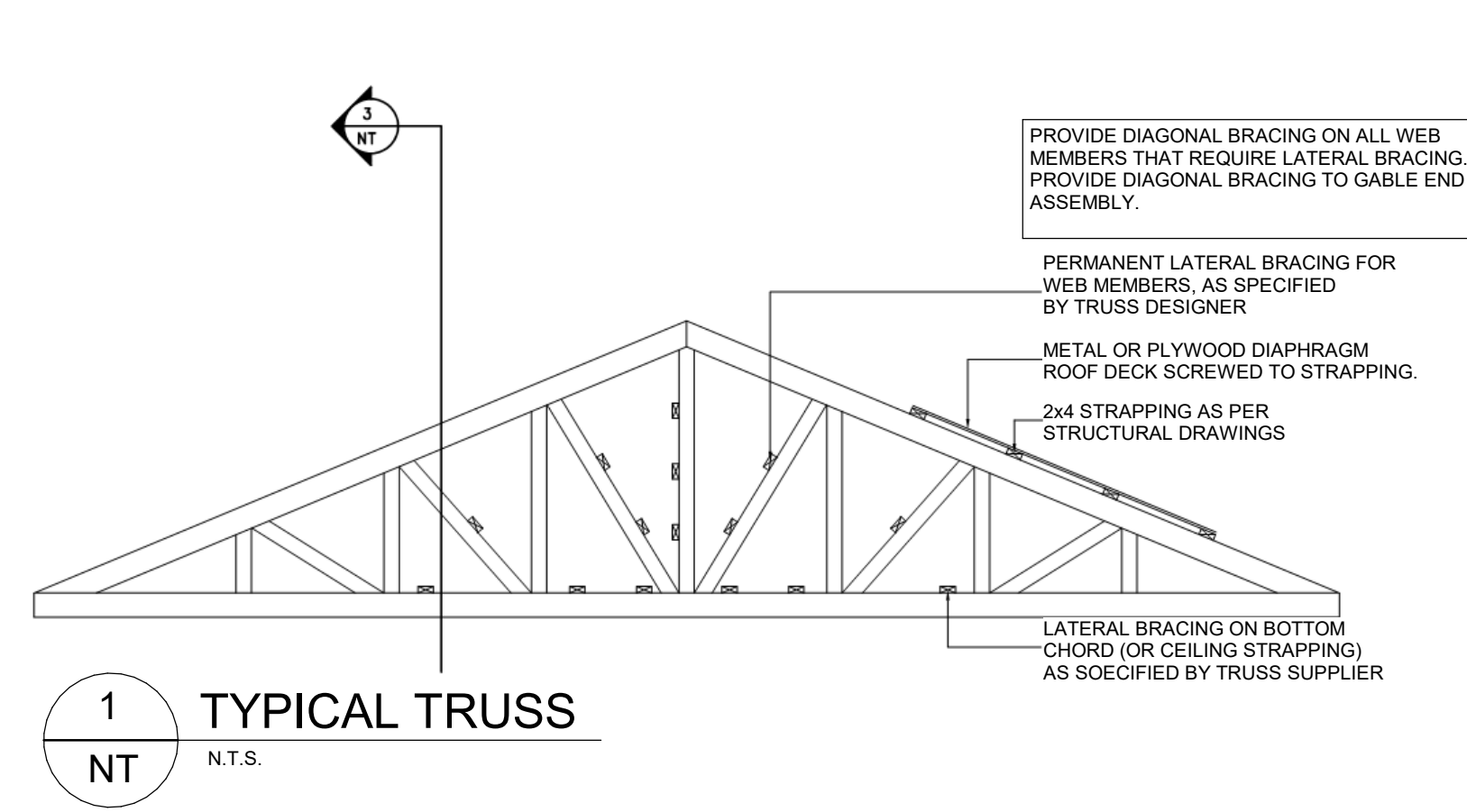
**DESIGN LOADS:**

SNOW DESIGN PARAMETERS Ss=1.50kPa (31.3 psf), Sr=0.40kPa (8.4 psf) (SMITHVILLE, ONT)

ROOF SNOW LOAD ULS=1.07kPa (22.4 psf), SLS=1.21kPa (25.2 psf)

ROOF DEAD LOAD 0.53kPa (11psf) SEE TRUSS DRAWINGS

WIND LOADS 1/10 - 0.33kPa (6.9 psf)



		<b>ABBREVIATIONS</b> @ AT @w COMPLETE WITH Ø DIAMETER FDN FOUNDATION E.W. EACH WAY EX. EXISTING HORIZ. HORIZONTAL LVL LAMINATED VENEER LUMBER MAX. MAXIMUM MIN. MINIMUM OBC ONTARIO BUILDING CODE @c CENTRE TO CENTRE O.H. OVERHEAD P.F. PAD FOOTING P.T. PRESSURE TREATED T.D. TRAVEL DISTANCE T&G TONGUE & GROOVE T/O TOP OF TYP. TYPICAL U.S. UNDERSIDE VERT. VERTICAL W. WITH W.W. WELDED WIRE MESH	<b>LEGEND</b> W WALL TAG WN WINDOW TAG D DOOR TAG 0.0' ELEVATION MARKER - PLAN 200' ELEVATION MARKER - SECTION TRAVEL DISTANCE	<b>PROJECT STATUS:</b> NO: DATE: STATUS: 1 MAY 31, 2024 FOR APPROVAL 2 JUNE 03, 2024 FOR CONSTRUCTION 3 JUNE 06, 2024 FOR CONSTRUCTION 4 JUNE 18, 2024 FOR PERMIT	CONTRACTOR NAME & ADDRESS: <b>BRUSTONE CONSTRUCTION</b> 073084 SIDEROAD 24-25, GRAND VALLEY, ONTARIO	PROJECT NAME & ADDRESS: <b>MIKE DEBOER SHED</b> 6025 SILVER STREET, ST. ANNES, ONTARIO	Date: JUNE 06, 2024 Scale: As indicated Sheet No: <b>NT</b>
				PROJECT NORTH: TRUE NORTH: Project #: DLX24-411 Drawn by: E.S. Checked by: N.H.	DRAWING TITLE: <b>DESIGN NOTES</b>		

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# Niagara Region

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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

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### Via Email Only

June 20, 2024

File Number: PLMV202400734

Stephanie Pouliot

Planner 1

Secretary-Treasurer of the 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: Minor Variance**

**Township File Number: A12/2024WL**

**Applicant: James Deboer**

**Location: 6025 Silver Street (6025 Bismark Road, Regional Road 65)**

**Municipality Name: West Lincoln**

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Staff of the Regional Growth Strategy and Economic Development Department reviewed this application to permit the construction of a new accessory building (50 ft x 80 ft machinery shed) to be built in front of an existing hog barn for the property municipally known as 6025 Bismark Road (Silver Street) in the Township of West Lincoln. The variance application is requesting permission to place the accessory structure 30 metres in front of the existing hog barn. Regional staff received notice of this Minor Variance request on June 12, 2024.

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

### Provincial and Regional Policies

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

related uses, and on-farm diversified uses. Agricultural uses include associated on-farm buildings and structures as defined by the PPS and NOP. As such, the requested variance, which will facilitate the construction of a new accessory structure (machinery shed), does not conflict with Provincial and Regional policies and plans subject to the following comments and local requirements.

### **Archaeological Potential**

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

The subject lands are mapped within an area of archaeological potential on Schedule K of the NOP. Staff also note that there are registered archaeological sites 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 typically required for any proposed development within an area of archaeological potential requiring approval under the Planning Act. In this instance, however, and based on the nature of the application staff provides the following archaeological advisory clause for the owner:

*“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 local 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.*

Staff nevertheless suggest that the owner consider completing an archaeological assessment as it is at their sole risk that construction activities would need to cease should any archaeological resources be encountered.

### **Natural Heritage**

The subject property is impacted by the Region’s Natural Environment System (NES), consisting of the St Anns Slough Forest Provincially Significant Wetland Complex (PSW), the West Bismark Slough Forest Area of Natural and Scientific Interest (ANSI), Significant Woodland and Other Wetland. 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).

Niagara Official Plan (NOP) policy 3.1.5.7.1 typically requires the completion of an

June 20, 2024

Environmental Impact Study (EIS) when development or site alteration is proposed within 120 metres of a KNHF/KHF. Further, NOP policies require that a minimum 30 metre 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 (if applicable).

Staff note NOP policy 3.1.5.8.1 states that the following applies within the PNHS, regardless of whether the site is in a KNHF, KHF, VPZ or adjacent lands:

- New development or site alteration within a PNHS shall demonstrate that the disturbed area will not exceed 25% of the total developable area, the impervious surface will not exceed 10%, and at least 30% of the total developable area will remain or be returned to natural self-sustaining vegetation.

However, NOP policy 3.1.9.8.2 states that EIS requirements can be scoped if the proposed development is minor and is not anticipated to have a negative impact on the NES. Given that the proposal is an expansion of an existing use and there is existing intervening development closer to the features, staff are satisfied that the Minor Variance and proposed work will not have a negative impact on the NES, provided that Best Management Practices are implemented during construction, including Erosion and Sediment Control (ESC) fencing. As such, staff offer no objection to the variance from an environmental perspective.

Staff wish to advise the applicant:

- that any future development or site alteration application may require an EIS or similar environmental study.
- that the Region's Woodland Conservation By-law will be applicable, irrespective of the outcome of this application. Any questions related to the By-law should be directed to the Region's Forester ([Daniel.root@niagararegion.ca](mailto:Daniel.root@niagararegion.ca))
- NOP policy 3.1.18 protects the status of natural heritage features, including woodlands, even if they have been disturbed or removed. Unauthorized removals of such features may necessitate a requirement for restoration.

## Conclusion

Staff of the Regional Growth Strategy and Economic Development Department does not object to the request for permission to place the accessory structure in front of the main building (hog barn), subject to the satisfaction of any local requirements.

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

Kind regards,

PLMV202400734

June 20, 2024

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

Connor Wilson  
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning  
Adam Boudens, Senior Environmental Planner