



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

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

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Pages

- 1. **CHAIR**  
The Chair will call to Order the evening's proceedings.
- 2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**
- 3. **REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT**
- 4. **APPLICATIONS**
  - a. **A13/2024WL - Kordic - 3227 Grassie Road** 4  
A Minor Variance application has been applied for to permit a proposed 189.5 square metre (Type 3) Agricultural accessory building on an agriculturally zoned lot with an interior side yard setback of 3.6 metres, whereas 7.5 metres is required in Table 1-1 in the Townships Zoning Bylaw 2017-70.  
  
A second variance has been applied for to permit a proposed covered front porch within the required front yard with a setback of 6.2 metres whereas 15 metres is required.
  - b. **A14/2024WL - Blokker - 2931 South Grimsby Road 19** 21  
A Minor Variance application has been applied for to fulfill a condition of a related consent (B03/2024WL) which was conditionally approved by the Committee of Adjustment on May 29th, 2024.  
  
The consent proposed severing Part 1 (4,047 square metres/1 acre) which will continue to be used as commercially zoned lot with an existing single detached dwelling and one accessory building (55.74 square metres). The retained lands (Part 2), being 3.35 hectares (8.28 acres) would maintain the existing split zoning, being approximately 2.95 hectares (7.28 acres) zoned as Agricultural 'A' and 0.34 hectares (0.85 acres) zoned as Service Commercial 'C3'.

This minor variance is required to permit the deficient lot area and lot frontage for the retained lands as Table 12 (Part 5) of the Township's Zoning By-law, identifies a minimum lot area of 40 hectares and a minimum lot frontage of 100 metres. The retained would have approximately 13 metres of frontage along South Grimsby Road 19.

- c. A15/2024WL - Haining & Cook (Agent - Rodney Friesen) - 56 Wade Road 28

A Minor Variance application has been applied for to permit an accessory building (detached garage) on the subject property which requires two variances from the Township's Zoning By-law.

Relief is being requested to allow a total lot coverage of 113 square metres for all accessory buildings and structures whereas, Table 1-2 (Part 3) of the Township's Zoning By-law, identifies 100 square metres or 8% as the maximum lot coverage for accessory buildings and structures on a lot within a Residential Low Density 'R1C' zone. The proposed accessory building, covered porch and covered deck would total 15.5% in the property's lot coverage.

Relief is also being requested to allow an exterior side setback of 3 metres whereas, Table 1-2 identifies an accessory building or structure cannot be located closer than the main building or 6 metres to an exterior side lot line.

- d. A16/2024WL - Gestion Queylus Inc. (Agent - John Verdonk Construction Inc.) - 3651 Sixteen Road 39

A Minor Variance application has been applied for to permit an addition of 911 square metres to the existing winery building on the subject property. The addition is being proposed off of the south west portions of the existing building with a second loading dock which will result in a front yard setback of 15 metres whereas, Table 12 (Part 5) of the Township's Zoning By-Law identifies 20 metres as the minimum setback for a main building within an Agricultural 'A' zone.

Relief is also being requested to permit a second loading dock at the front of the new addition which would be located on the south side of the new addition. However, the Township's Zoning By-Law (3.12.5 Off-Street Loading Facility Requirements) identifies a loading space shall not be located within a required yard, front yard or exterior side yard. The second loading dock is being proposed within the required front yard with a front yard setback of 15 metres.

- e. B04/2024WL - William and Cathleen Vitucci - 5447 Regional Road 20 54

A consent application has been applied for to permit a surplus farm dwelling severance for the lands located at 5447 Regional Road 20. The land being severed with the dwelling and accessory building is proposed

to be 1.25 acres in size, and the retained farmland with an agricultural building will be approximately 57.5 acres in size, following the severance.

If approved, a condition will be required that the severed residential property be zoned to Rural Residential (RUR) and the retained farmland be zoned to Agricultural Purposes Only (APO), restricting any future residential use.

**5. MINUTES FOR APPROVAL**

- a. March 27, 2024 72
- b. April 24, 2024 78
- c. May 29, 2024 88

**6. NEW BUSINESS**

**7. ADJOURNMENT**

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

**DATE:** July 24, 2024  
**REPORT NO:** COA-25-2024  
**FILE NO:** A13/2024WL  
**SUBJECT:** Recommendation Report Application for Minor Variance,  
Gojko Kordic  
**LOCATION:** 3227 Grassie Road, West Lincoln  
**CONTACT:** Stephanie Pouliot, Secretary Treasurer to the Committee of  
Adjustment

**OVERVIEW:**

A Minor Variance application has been submitted by Gojko Kordic, property owner of the subject property located at 3227 Grassie Road.

A Minor Variance Application has been applied for to permit a Type 3 accessory building (189.5 square metres), being a proposed detached garage within the rear yard of the property with a reduced interior side setback to the west property line of 3.6 metres whereas, Table 1-1 (found in Part 3) of the Township's Zoning By-law 2017-70, as amended, identifies 7.5 metres as the minimum interior side setback for a Type 3 accessory building within an Agricultural 'A' zone.

This application is also seeking relief from Table 2 found in Part 3.3.1 *Allowable Projections into Required Yards* and Table 12 in Part 5 *Agricultural zones* (minimum front yard) of the Township's Zoning By-law 2017-70, to allow a covered porch within a required front yard with a setback of 6.2 metres from the front property line.

**RECOMMENDATION:**

That, the application for Minor Variance submitted by Gojko Kordic, property owner of the subject property, as outlined in Report COA-25-24, to permit a Type 3 accessory building (189.5 square metres) with a reduced interior side yard setback no less than 3.6 metres and a front yard setback no less than 6.2 metres, BE APPROVED, subject to the following conditions:

1. 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.



2. That the Applicant submit an entrance permit to the satisfaction of the Township's Public Work and Planning Departments.

**BACKGROUND & SURROUNDING LAND USES:**

3227 Grassie Road is a 0.57 hectare (1.4 Acre) lot located on the east side of Grassie Road, north of Young Street and Highway 20 (Regional Road 20) and south of Concession 7 Road, and Mud Street West (Regional Road 73).

The subject property is also located south of the Hamlet of Grassie and north west of the Hamlets of Kimbo and Hamlet of Regional Road 12.

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. There are small residential holdings to the north, south and west, with farmland abutting to the north and east. The subject property is zoned Agricultural 'A' and currently contains a dwelling with an attached garage that was constructed in 1967.

The owner is now looking to construct a detached garage with a size of 189.5 square metres and are also proposing a new driveway to provide access to the accessory building within the rear yard. The owner also is proposing a new front covered porch.

This minor variance will require two variances from the Township's Zoning By-law as follows, a reduced interior side setback to the west property line of 3.6 metres whereas, Table 1-1 (found in Part 3) of the Township's Zoning By-law 2017-70, as amended, identifies 7.5 metres as the minimum interior side setback for a Type 3 accessory building within an Agricultural 'A' zone.

Relief is also required from Table 2 found in Part 3.3.1 *Allowable Projections into Required Yards* and Table 12 in Part 5 *Agricultural zones* (minimum front yard) of the Township's Zoning By-law 2017-70, to allow a covered porch within a required yard with a setback of 6.2 metres from the front property line.

Please note, there was a clerical error on the Notice of Hearing circulated on July 4<sup>th</sup>, 2024, which stated that the building size was proposed at 641 square metres. However, the accessory building is proposed at 189.5 square metres, being 18.3 metres by 10.3 metres.

**CURRENT SITUATION:**

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

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

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

recognizes that there are a number of legally established non-agricultural land uses, and that these uses, including the residential use of the subject lands, may continue (Section 4.2(c)). The proposed detached garage is accessory to the residential use on the property.

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

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

The subject property is zoned Agricultural 'A' with a total lot size of 0.57 hectares (1.4 acres). As outlined in Table 11 in Part 5 of the Township's Zoning By-law 2017-70, as amended, permits the proposed detached private garage with a size of 189.5 square metres, as it is an accessory use to the permitted principal use (dwelling) on the property.

Aside from the requested variance pertaining to the deficient westerly interior side yard setback, the proposed Type 3 accessory building (189.5 square metres) complies with the remainder of the required setbacks identified in Table 1-1 in Part 3 and Table 12 in Part 5 of the Township's Zoning By-law 2017-70, as amended.

The detached garage is proposed 3.65 metres from the west property line, whereas Table 1-1 (found in Part 3) of the Township's Zoning By-law 2017-70, as amended, identifies 7.5 metres as the minimum interior side setback for a Type 3 accessory building within an Agricultural 'A' zone. Given that the height of the detached accessory building would be 5.9 metres, a setback of 3.65 metres still provides adequate room for maintenance of the building and separation from the neighbouring property.

In addition, this application is also seeking relief from Table 2 found in Part 3.3.1 *Allowable Projections into Required Yards* and Table 12 in Part 5 *Agricultural zones* (minimum front yard) of the Township's Zoning By-law 2017-70, to allow a covered porch within a required yard with a setback of 6.2 metres from the front property line. The proposed covered porch projects 1.8 metres further to the front lot line than the existing dwelling. The dwelling has an existing front yard setback of 8 metres which is deficient of the Township's current Zoning Bylaw, 2017-70, as amended, minimum front yard setback identified in Table 12 found in Part 5 *Agricultural Zones*.

Part 3.3.1 *Allowable Projections* permits porches (covered but unenclosed, 4.5 metres or less in height) to project into the required front yard by 1.5 metres. Therefore, the porch

would be permitted to project no closer than 6.5 metres to the front lot line provided the front yard setback is met which is identified as 15 metres found in Table 12. The proposed projection off of the existing dwelling is 1.8 metres and would provide a front yard setback of 6.2 metres. Therefore, the deficiency of 0.3 metres (the allowable projection) and the existing deficient front yard setback will be permitted and recognized by this application.

Aside from the noted variances, the proposed detached garage complies with the remainder of the applicable policies in the Township's Zoning Bylaw.

The existing dwelling with the new proposed covered porch, new detached private garage with the proposed covered area totals a lot coverage of 8.7% which complies with the maximum permitted of 10% as outlined by Table 12 Part 5 of the Township's Zoning By-law 2017-70, as amended. The proposed detached garage will also be within the required 50-metre requirement from the main building, being the residence on the property.

The location of the detached private garage given the proposed size 18.3 metres by 10.4 metres (189.5 square metres) is appropriate in the rear yard and would still provide a large setback to the rear property line.

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

It's important to note, there is a bathroom being proposed within the proposed accessory building. An accessory dwelling unit has not been identified by the owner and would not be permitted on the ground floor. Part 3.2.1 *Accessory Dwelling Units* would be applicable and additional regulations would apply. To ensure compliance with the Township's Zoning Bylaw, a condition has been included that the ground floor not be permitted to be used as an accessory dwelling unit and if a dwelling unit is desired in the future, that the Applicant receive the proper approvals from the Township's Planning and Building Department.

**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 parcels to the north and east of the property. It appears the detached garage is proposed in line with the accessory building (quonset hut) on the abutting neighbour to the west. Given the property is also surrounded by mature trees and a vegetation buffer and screening between the neighbouring residences will be provided, the proposed location in the rear yard can be considered appropriate and a desirable location for this size accessory building.

This property is 0.57 hectares and permits the proposed Type 3 accessory building in conjunction and accessory to the existing residential use on the property and will also be complying with the 10% maximum total lot coverage. Doing so, maintains the general

intent of the Township's Zoning Bylaw and as the Official Plan allows secondary uses to the principal use on the property. The detached garage in conjunction with the existing residence is permitted and an appropriate development given the existing use of the subject 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 accessory detached garage is compatible with the existing land uses and should have no adverse impacts on the surrounding area.

For these reasons, Planning Staff recommend approval of this Minor Variance Application to permit the detached Type 3 accessory building (189.5 square metres) on the property which requires the variance for the reduced interior side setback of 3.6 metres for the accessory building and to allow the proposed covered porch within the required front yard, subject to the conditions of approval as indicated.

**INTER-DEPARTMENTAL & AGENCY COMMENTS:**

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

**Public Works:** Has reviewed the application and a new driveway on Grassie Road to access the accessory building. This requires an entrance permit to confirm and approve the driveway width, proper culvert sizing and ditch reinstatement, etc. The application for the entrance permit can be found on the Township's website. This has been added as a condition of approval to satisfy the noted concern.

**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 4 for the comments received.

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

**Niagara Region:** Have reviewed the application and have no objections to the proposed variance to permit the detached garage. Staff have noted the property is located within an area designated for Archaeological Potential. As such, the Region have also recommended a Stage 1 Archaeological Assessment. Regional comments including the requested condition can be found in Attachment 4.

**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 (A13/2024WL) as outlined in Report COA-25-24, to permit a Type 3 accessory building (189.5 square metres) with a reduced interior side yard setback no less than 3.6 metres and a front yard setback no less than 6.2 metres, subject to the conditions as indicated.

**ATTACHMENTS:**

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

**Prepared & Submitted by:**



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**Stephanie Pouliot,  
Planner**

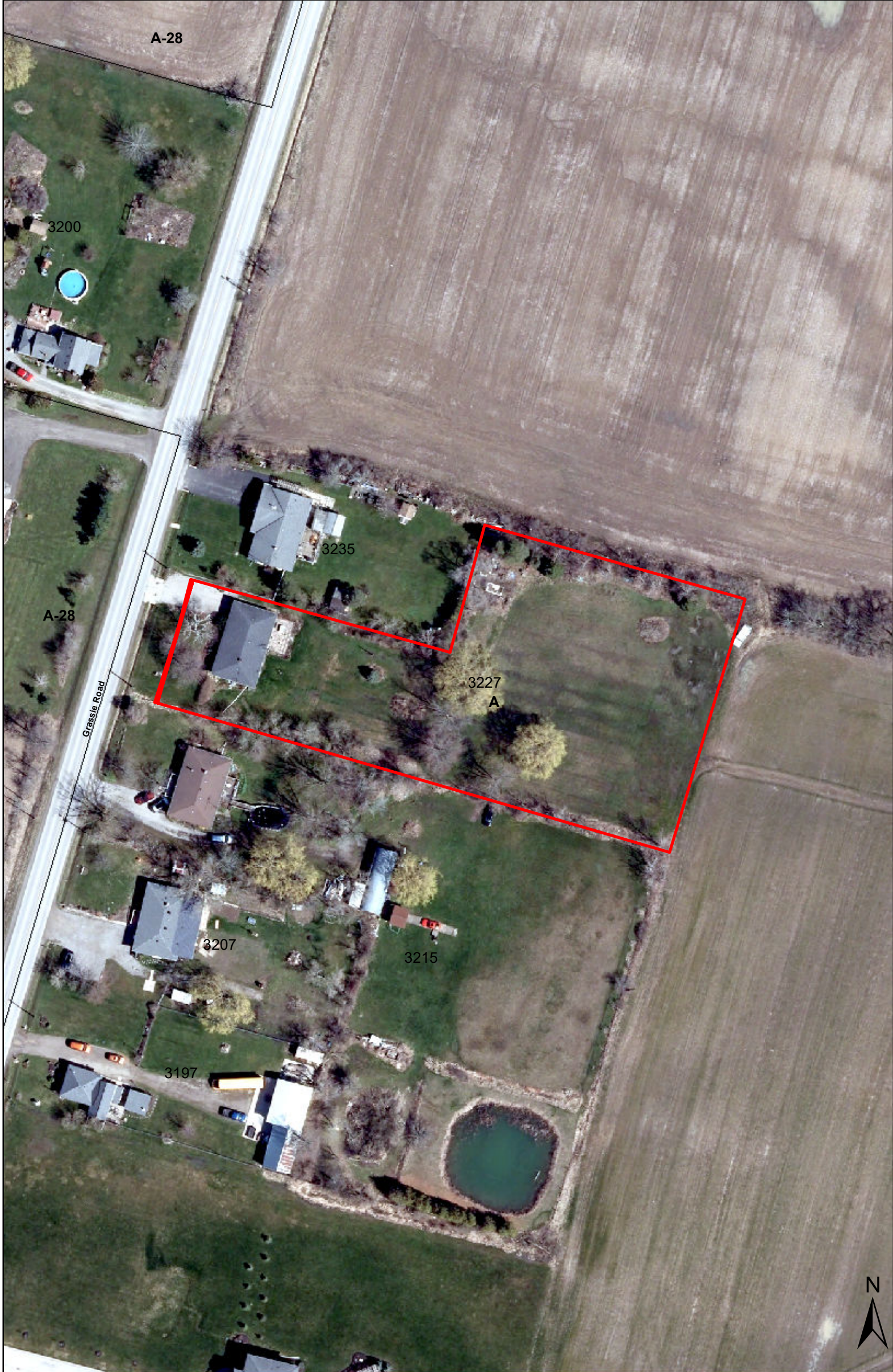
**Approved by:**



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





**Location Map**

3227 Grassie Road

**West Lincoln**

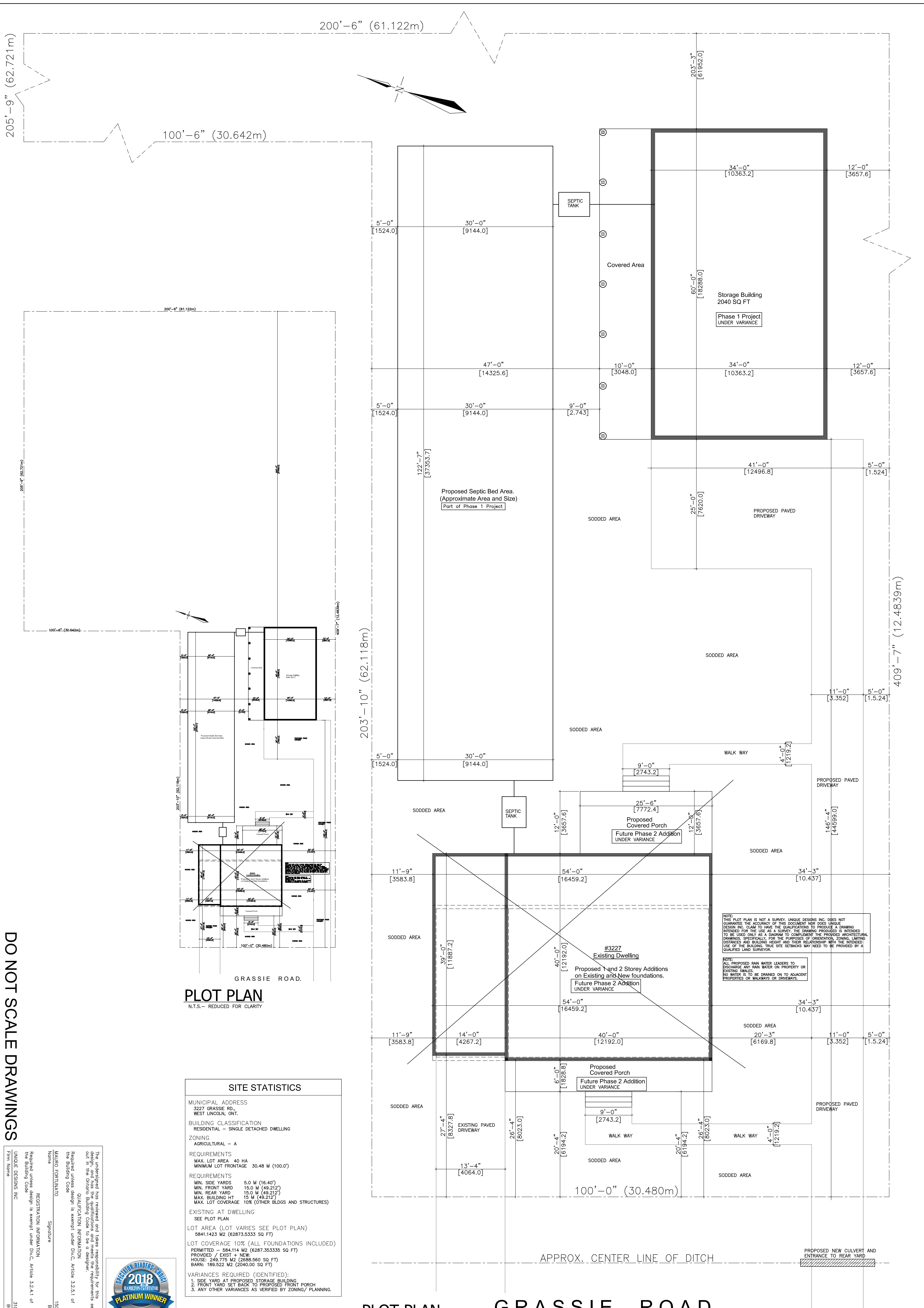
Your Future Naturally

**Legend**

- ZoneBoundary
- Subject Property

0 12.5 25 50 Meters





DO NOT SCALE DRAWINGS

**PLOT PLAN**  
N.T.S. - REDUCED FOR CLARITY

SITE STATISTICS	
MUNICIPAL ADDRESS 3227 GRASSIE RD., WEST LINCOLN, ONT.	
BUILDING CLASSIFICATION RESIDENTIAL - SINGLE DETACHED DWELLING	
ZONING AGRICULTURAL - A	
REQUIREMENTS MAX. LOT AREA 40 HA MINIMUM LOT FRONTAGE 30.48 M (100.0')	
REQUIREMENTS MIN. SIDE YARDS 5.0 M (16.40') MIN. FRONT YARD 15.0 M (49.212') MIN. REAR YARD 15.0 M (49.212') MAX. BUILDING HT. 15 M (49.212') MAX. LOT COVERAGE 10% (OTHER BLDGS AND STRUCTURES)	
EXISTING AT DWELLING SEE PLOT PLAN	
LOT AREA (LOT VARIES SEE PLOT PLAN) 5841.1423 M <sup>2</sup> (62873.5333 SQ FT)	
LOT COVERAGE 10% (ALL FOUNDATIONS INCLUDED) PERMITTED / EXIST + NEW: HOUSE: 243.776 M <sup>2</sup> (2638.560 SQ FT) BARN: 189.522 M <sup>2</sup> (2040.00 SQ FT)	
VARIANCES REQUIRED (IDENTIFIED): 1. SIDE YARD AT PROPOSED STORAGE BUILDING. 2. FRONT YARD SET BACK TO PROPOSED FRONT PORCH 3. ANY OTHER VARIANCES AS VERIFIED BY ZONING/PLANNING.	



The undersigned has reviewed and taken responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.  
Required unless design is exempt under Div. C, Article 3.2.4.1 of the Building Code.  
QUALIFICATION INFORMATION:  
Name: MAURO FORTUNATO  
Signature: [Signature]  
Registration Information:  
UNIQUE DESIGNS INC.  
31090 BURNHAMTHORPE RD. UNIT 10  
SCARBOROUGH, ONT. M1S 1V7  
31090 BURNHAMTHORPE RD. UNIT 10  
SCARBOROUGH, ONT. M1S 1V7

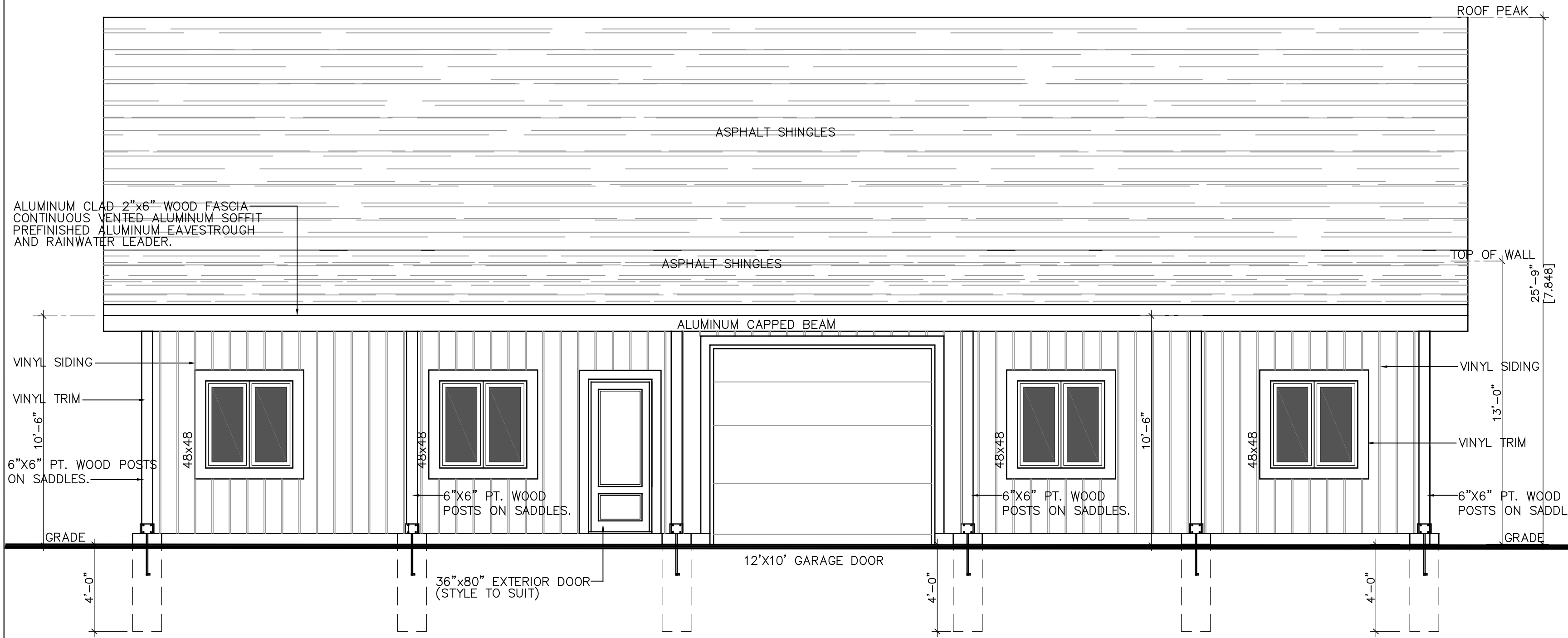
Date: 05.22.24  
Job Number: 051524  
Scale: 1/8"=1'-0"  
**A0**

**KORDIC RESIDENCE**  
3227 GRASSIE RD.,  
WEST LINCOLN, ONT.

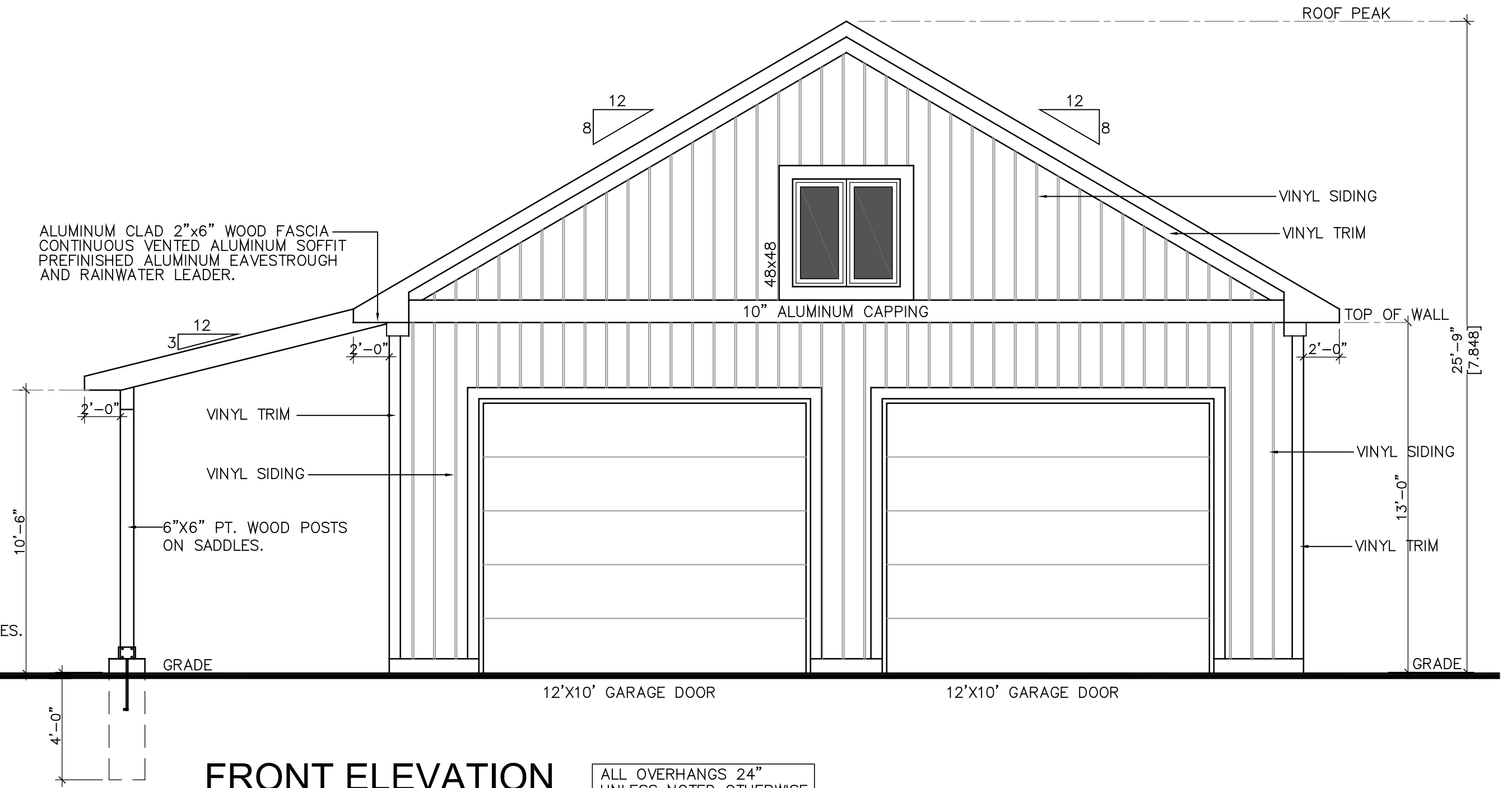
**UNIQUE DESIGNS INC.**  
DRAFTING DESIGN INC.  
PROPOSED PLOT PLAN  
PROPOSED BUILDING AND SEPTIC LAYOUT

No.	DATE	DESCRIPTION
1.	05.22.24	ISSUED FOR REVIEW #1
2.	06.14.24	ISSUED FOR VARIANCES
3.	08.27.24	ISSUED FOR PERMIT
4.		
5.		
6.		
7.		
8.		

THESE DRAWINGS ARE NOT TO BE SCALED. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT, AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK.  
THE USE OF THIS DRAWING OR PART THEREOF IS FORBIDDEN WITHOUT THE WRITTEN APPROVAL OF THE DESIGNER.



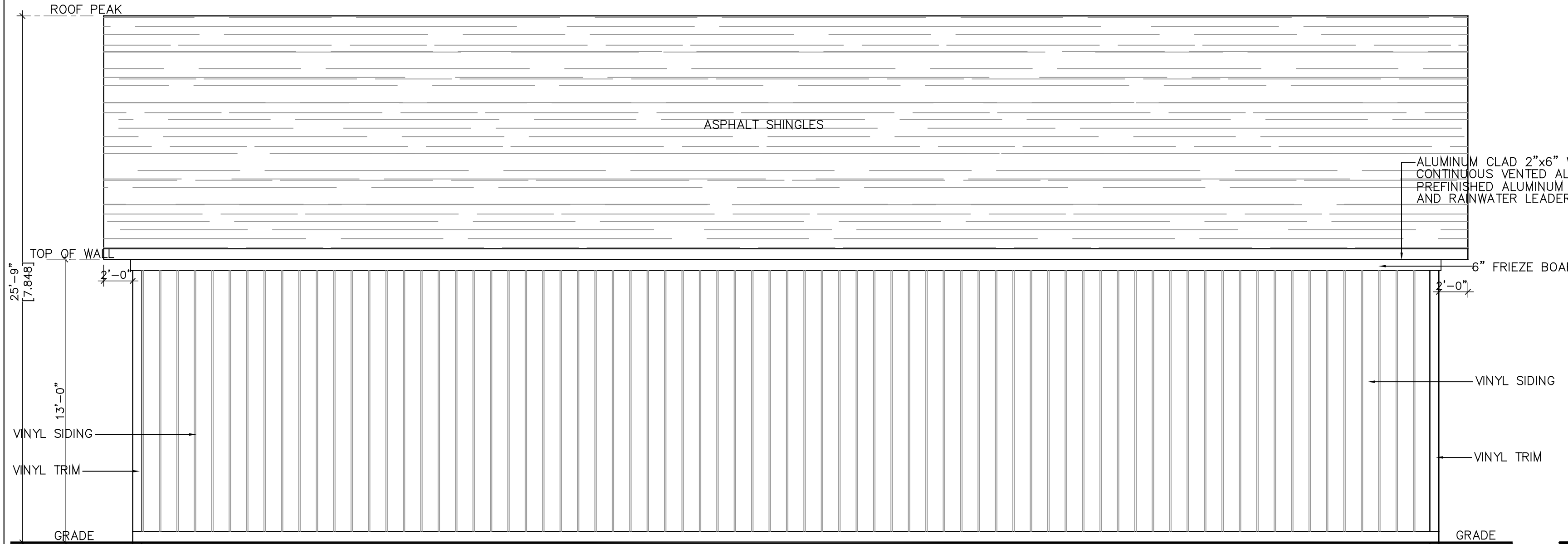
LEFT ELEVATION



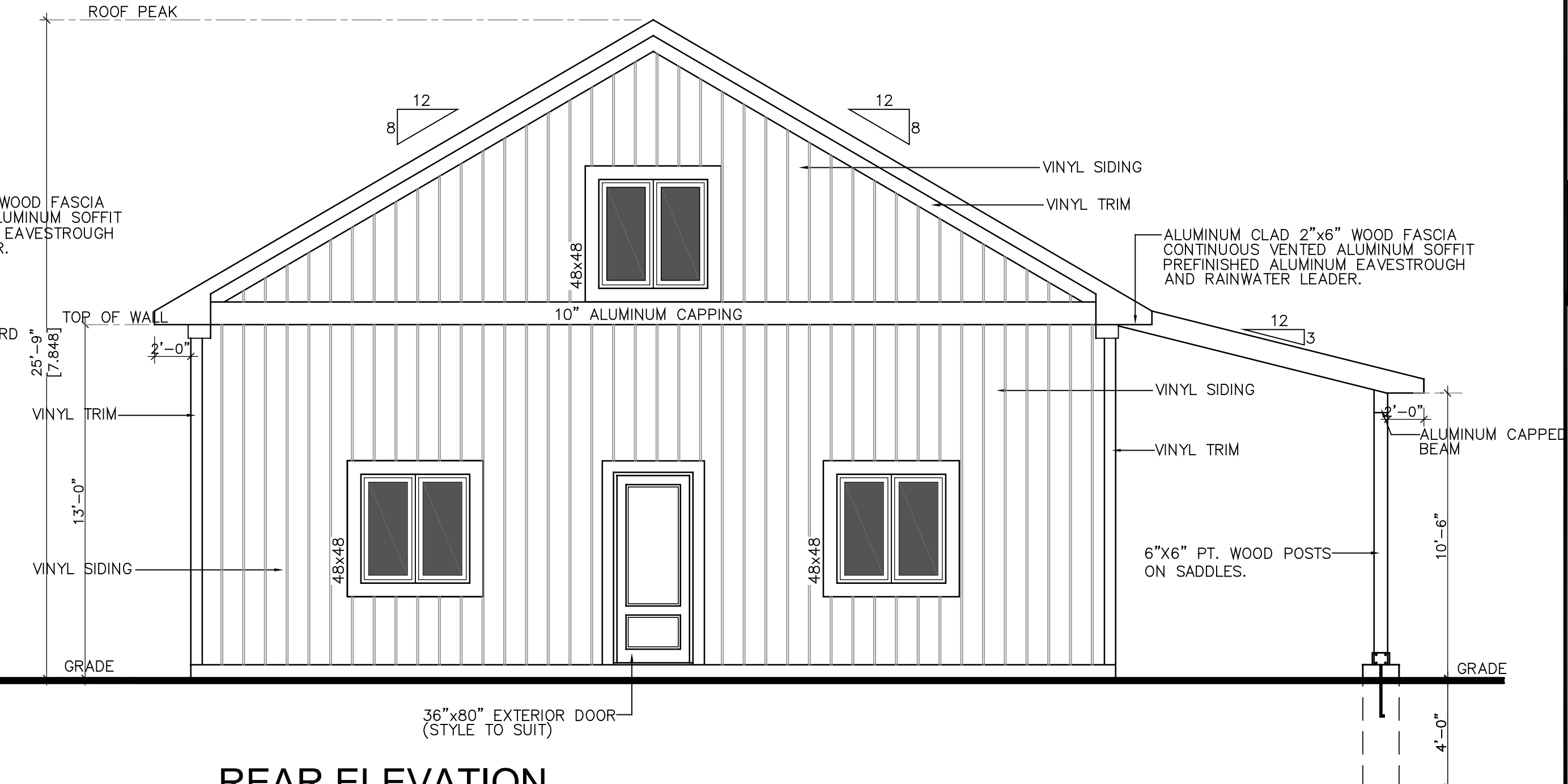
FRONT ELEVATION

ALL OVERHANGS 24" UNLESS NOTED OTHERWISE

IT SHALL BE THE RESPONSIBILITY OF THE BUILDER TO HAVE ALL GRADES AND SERVICES CHECKED AND VERIFIED GRADING AND SERVICES ENGINEERED. PROPOSED GRADE LINE AS INDICATED ARE FOR REFERENCE ONLY AND DO NOT NECESSARILY DEPICT FINISHED GRADING CONDITIONS.



RIGHT SIDE ELEVATION



REAR ELEVATION

All drawings remain the property of Designer and shall not be reproduced or reused without the owners written permission. These design documents are prepared solely for the use by the party with whom the design professional has entered into a contract and there are no representations of any kind made by the design professional to any party with whom the design professional has not entered into a contract.

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION  
 Required unless design is exempt under Div.C, Article 3.2.5.1 of the Building Code  
 MAURO FORTUNATO 15084  
 Name Signature BGIN

REGISTRATION INFORMATION  
 Required unless design is exempt under Div.C, Article 3.2.4.1 of the Building Code  
 UNIQUE DESIGNS INC 31090  
 Firm Name BGIN

DO NOT SCALE DRAWINGS

No.	DATE	DESCRIPTION
1.	05.22.24	ISSUED FOR REVIEW #1
2.	06.03.24	ISSUED FOR VARIANCE / PERMIT
3.	06.27.24	REV. OVERHANG TO 24" PER OWNER
4.	07.06.24	REV. OVERHANG TO 24" PER OWNER
5.		
6.		
7.		
8.		

THESE DRAWINGS ARE NOT TO BE SCALED. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS OF THE WORK TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK. THE USE OF THIS DRAWING OR PART THEREOF IS FORBIDDEN WITHOUT THE WRITTEN APPROVAL OF THE DESIGNER.

UNIQUE DESIGNS INC.

PROPOSED ELEVATIONS

STORAGE BUILDING



KORDIC RESIDENCE

3227 GRASSIE RD., WEST LINCOLN, ONT.

Drawn By	Scale
Date:	1/4"=1'-0"
06.25.24	
Job Number	A1
051524	







# GENERAL SPECIFICATION

## GENERAL NOTES

- ALL CONSTRUCTION TO MEET OR EXCEED ONTARIO BUILDING CODE 2012
- SITE VERIFY WHEN ADDING ON TO OR REMOVING FROM AN EXISTING BUILDING THAT ALL EXISTING OR NEW STRUCTURAL COMPONENTS ARE CAPABLE OF WITHSTANDING THE STRUCTURAL LOADS IMPOSED, AND REPORT ANY DISCREPANCIES AND/OR DEFICIENCIES TO THE DESIGNER.
- ENSURE THAT ALL CONSTRUCTION, MATERIALS, METHODS OF INSTALLATION, AND BRACING COMPLY WITH REQUIREMENTS OF ALL AUTHORITIES HAVING JURISDICTION.
- MAKE GOOD ALL DISTURBED OR DAMAGED DURING CONSTRUCTION WHETHER SHOWN ON THE DRAWINGS OR NOT.
- REPORT ANY CONTEMPLATED DEVIATIONS FROM THE APPROVED DRAWINGS OR SPECIFICATIONS TO THE DESIGNER PRIOR TO MAKING ANY CHANGES.
- PROVIDE CUTTING, PATCHING AND REMEDIAL WORK IN ORDER TO ENSURE PARTS OF THE WORK COME TOGETHER PROPERLY.
- TEMPORARY BRACING TO BE USED WHEREVER NECESSARY TO WITHSTAND ALL LOADS DURING ERECTION AND SUBSEQUENT CONSTRUCTION.

## CONCRETE FOOTINGS, FOUNDATION WALLS & SLABS

- CONCRETE FOOTINGS TO REST ON UNDISTURBED SOIL CAPABLE OF SUSSTAINING A LOAD OF 4000 LBS. PER SQUARE FOOT MINIMUM 4'-0" BELOW GRADE.
- FOOTINGS TO CONFORM TO O.B.C. SECTION 9.15.
- STEPPED FOOTINGS MAX. 2'-0" HORIZONTAL AND VERTICAL STEP 2/3 HORIZONTAL STEP TO MAX. 5'-0".
- FOUNDATION WALLS TO BE MIN. 8" THICK UNLESS OTHERWISE NOTED.
- ALL FOUNDATION WALLS TO EXTEND MIN. 6" ABOVE GRADE.
- FOR BASEMENT WINDOWS OR DOORS OVER 4'-0" WIDE REINFORCE WITH 2/10M BARS EXTENDING 12" EACH SIDE.
- HABITABLE ROOMS ON CONCRETE SLABS TO BE DAMPROOFED WITH 6 MIL POLY VAPOUR BARRIER.

## STEEL COLUMNS

- STEEL COLUMN PLATES TO BE ANCHORED TO FOOTING WITH MIN. TWO 1/2" DIA. BOLTS MIN. 4" INTO FOOTING.
- STEEL COLUMN PLATES TO BE CONNECTED TO STEEL BEAMS WITH MIN. TWO 1/2" DIA. BOLTS, OR WELD PLATES TO BEAM FLANGES.
- STEEL COLUMNS TO BE MINIMUM 3 1/2" OUTSIDE DIAMETER AND 3/16" WALL THICKNESS U/N. STEEL COLUMNS SHALL BE TREATED WITH AT LEAST ONE COAT RUST INHIBITIVE PAINT.

## WOOD FRAMING

- ALL FRAMMING LUMBER TO O.B.C. STANDARDS. ALL FRAMMING LUMBER INDICATED ON DRAWINGS TO BE S.P.F. No.2 UNLESS OTHERWISE SPECIFIED.
- BEAMS TO HAVE MIN. BEARING OF 3 1/2". LATERAL SUPPORT - WALLS SUPPORTING JOISTS, ANCHOR SILL PLATE WITH 1/2" DIA. ANCHOR BOLTS MAX. 7'-10" O.C. EMBEDDED 4" INTO MASONRY OR ANCHORED EVERY 4TH JOIST NOT RESTING ON A PLATE WITH 3/16"x 1 1/2" STEEL JOIST ANCHORS.
- LATERAL SUPPORT - WALLS PARALLEL TO JOISTS, BEND 3/16"x 1 1/2" STEEL STRAP 3" INTO MASONRY AND FIX TO 3 PARALLEL JOISTS OR FIX SILL PLATE TO 3 RIGIDLY CONNECTED FLOOR JOISTS AT 7'-10" MAX.
- ALL JOISTS TO HAVE BRIDGING OVER INTERIOR BEARING WALLS AND BEAMS.
- MIN. SILL PLATE 2"x4".
- SILL PLATES ANCHORS TO BE MIN. 1/2" DIA. BOLTS EMBEDDED 4" INTO FOUNDATION WALLS.
- MIN. 1 1/2" END BEARING REQUIRED FOR FLOOR JOISTS, CEILING JOISTS, ROOF JOISTS AND RAFTERS.
- PROVIDE METAL JOIST HANGERS FOR SUPPORT OF JOISTS FRAMING INTO SIDES OF WOOD BEAMS, HEADER AND TRIMMER JOISTS WHEN REQUIRED.

## PRE-MANUFACTURED WOOD FRAMING

- ALL FRAMMING MATERIALS AND METHODS FOR PRE-MANUFACTURED WOOD CONSTRUCTION (WOOD "I" FLOOR JOISTS) ARE TO BE INSTALLED AS PER MANUFACTURERS DETAILS AND SPECIFICATIONS.
- PRE-MANUFACTURED WOOD SUPPLIER SHALL SUBMIT SHOP DRAWINGS SHOWING LOCATION, LOADING, ALLOWABLE AND ACTUAL DESIGN STRESSES, DEFLECTION LIMITATIONS, TEMPORARY AND PERMANENT BRACINGS, CONNECTION AND BEARING DETAILS AND SHALL BEAR THE SEAL OF A PROFESSIONAL ENGINEER LICENCED AND INSURED TO PRACTICE IN THE PROVINCE OF ONTARIO.
- SHOP DRAWINGS ARE TO BE SUBMITTED TO THE DESIGNER FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

## GLUE LAMINATED WOOD BEAMS

- ALL FRAMMING MATERIALS AND METHODS FOR GLUE LAMINATED WOOD BEAMS TO BE INSTALLED AS PER MANUFACTURERS DETAILS AND SPECIFICATIONS.
- ALL BEAM TO BEAM, AND BEAM TO COLUMN CONNECTIONS SHALL BE MIN. 1/4" METAL PLATE CONNECTIONS C/W MIN. 2 - 5/8" DIA. THROUGH BOLTS AT EACH MEMBER BEING CONNECTED.
- ALL EXPOSED CONNECTIONS INCLUDING BOLTS MUST BE COATED TO RESIST CORROSION.
- SUBSTITUTION OF BEAMS FOR DIFFERENT SIZES OR MATERIALS MUST BE APPROVED BY THE DESIGNER PRIOR TO INSTALLATION.
- BEAM SUPPLIER SHALL SUBMIT SHOP DRAWINGS AND ENGINEERING CALCULATIONS FOR BEAMS SHOWN ON DRAWINGS OR FOR SUBSTITUTIONS BEING PROPOSED AND SHALL BEAR THE SEAL OF PROFESSIONAL ENGINEER LICENCED AND INSURED TO PRACTICE IN THE PROVINCE OF ONTARIO. SHOP DRAWING MUST BE SUBMITTED TO THE DESIGNER FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

## MASONRY VENEER WALLS

- MIN. 3 5/8" THICKNESS UP TO 24'-0" MAX. HEIGHT.
- MASONRY TIES TO BE GALVANIZED, CORROSION RESISTANT CORRUGATED 22ga., 7/8" WIDE SPACED 16" O.C. HORIZONTALLY, AND 24" O.C. VERTICALLY NAILED TO STUDS THROUGH THE SHEATHING.
- PROVIDE 1" AIR SPACE BETWEEN VENEER AND WALL SHEATHING.
- DRAIN BOTTOM OF WALL WITH WEEP HOLES AT MIN. 2'-0" O.C. IN STARTER COURSE MIN. 6" ABOVE FINISHED GRADE C/W 3/8" DIA. WEEP HOLES.
- PROVIDE 6 MIL POLY FLASHING UNDER STARTER COURSE UNDER WEEP HOLES AND UP WALL MIN. 6" UNDER SHEATHING PAPER.
- MAX. CORBEL OVER FOUNDATION WALL 1/2".

## ROOF CONSTRUCTION

- ALL ROOF TRUSSES MUST BE DESIGNED AND FABRICATED IN ACCORDANCE WITH O.B.C./N.B.C. PART 4.
- TRUSS SUPPLIER SHALL SUPPLY ALL NECESSARY PLANS INCLUDING PLACING DRAWING SHOWING LOCATION, LOADING, ALLOWABLE STRESSES, TEMPORARY AND PERMANENT BRACINGS AND SHALL BEAR THE SEAL OF PROFESSIONAL ENGINEER LICENCED AND INSURED TO PRACTICE IN THE PROVINCE OF ONTARIO. TRUSS DRAWINGS MUST BE SUBMITTED TO THE DESIGNER & THE CHIEF BUILDING OFFICIAL FOR APPROVAL AND TO VERIFY ALL BEAM AND LINTEL SIZES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
- HIP AND VALLEY RAFTERS TO BE 2" DEEPER THAN COMMON RAFTERS.
- ROOF EDGE SUPPORTS TO BE MIN. 2"x2" BLOCKING.
- PROVIDE 1"x4" CONTINUOUS TRUSS BRIDGING AT 7'-0" O.C. MAXIMUM.
- PROVIDE 2"x4" WALL TIES ACROSS JOINTS OR BOTTOM TRUSS CORDS AT MIN. 4'-0" O.C. FOR ROOF SLOPES 4/12 OR GREATER.

## FLASHING

- FLASHING IS REQUIRED UNDER ALL JOINTED SILLS AND OVERHEADS OF WINDOWS AND DOORS IN EXTERIOR WALLS IF DISTANCE BELOW EAVE IS MORE THAN 1/4 OF THE ROOF OVERHANG.
- CHIMNEY FLASHING IS REQUIRED AT INTERSECTION WITH ROOF. FLASH OVER A CHIMNEY SADDLE WHEN WIDTH OF CHIMNEY EXCEEDS 1'-6".
- FLASHING REQUIRED AT INTERSECTION OF ROOFS AND WALL, VALLEYS, AND OVER PARAPET WALLS.
- FLASHING BETWEEN ROOF SHINGLES AND WALL SIDING TO BE 20ga. GALV. METAL AND TO EXTEND 3" VERTICALLY & HORIZONTALLY.

## HEATING

- INSTALLATION AND DESIGN OF HEATING SYSTEM TO BE AS PER THE ONTARIO BUILDING CODE, PART 6. HEATING PLANS AND HEAT LOSS/HEAT GAIN CALCULATIONS ARE TO BE SUBMITTED TO THE LOCAL BUILDING OFFICIAL AND THE DESIGNER FOR REVIEW AND APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

## SMOKE ALARMS

- SMOKE ALARMS SHALL BE INSTALLED IN EACH DWELLING UNIT.
- SMOKE ALARMS SHALL BE LOCATED ON EACH FLOOR LEVEL NEAR THE STAIRS CONNECTING THE FLOOR LEVELS, AND SHALL BE LOCATED BETWEEN BEDROOMS AND OTHER LIVING AREAS SUCH AS IN A HALLWAY OR CORRIDOR SERVING SUCH AREAS.
- ALL SMOKE ALARMS SHALL BE INSTALLED BY PERMANENT CONNECTIONS TO AN ELECTRICAL CIRCUIT, AND WHERE MORE THAN ONE SMOKE ALARM IS REQUIRED THEY SHALL BE INSTALLED SO THAT THE ACTIVATION OF ONE ALARM WILL CAUSE ALL ALARMS WITHIN THE DWELLING UNIT TO SOUND.

## ROOF JOISTS (WHERE CEILING IS INSTALLED)

JOIST SIZE	MAXIMUM CLEAR SPAN					
	ROOF SNOW LOAD 21 PSF			ROOF SNOW LOAD 31 PSF		
	JOIST SPACING					
2X4	8'-1"	7'-4"	6'-5"	7'-1"	6'-5"	5'-7"
2X6	12'-9"	11'-6"	10'-1"	11'-1"	10'-1"	8'-9"
2X8	16'-9"	15'-2"	13'-3"	14'-7"	13'-3"	11'-7"

## ROOF RAFTERS (WHERE NO CEILING IS INSTALLED)

RAFTER SIZE	MAXIMUM CLEAR SPAN					
	ROOF SNOW LOAD 21 PSF			ROOF SNOW LOAD 31 PSF		
	RAFTER SPACING					
2X4	12" O.C.	16" O.C.	24" O.C.	12" O.C.	16" O.C.	24" O.C.
2X6	10'-2"	9'-3"	8'-1"	8'-11"	8'-1"	7'-1"
2X8	16'-0"	14'-7"	12'-9"	14'-0"	12'-9"	11'-1"
2X8	21'-1"	19'-2"	16'-9"	18'-5"	16'-9"	14'-5"

## ROOF SHEATHING

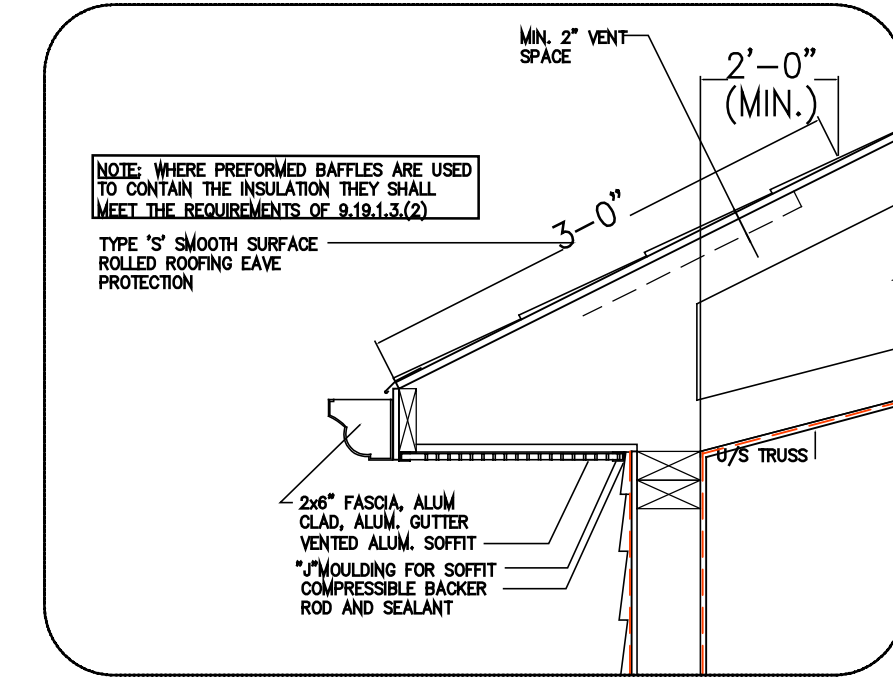
ROOF FRAMING	ROOF SHEATHING UNSUPPORTED EDGES	ROOF SHEATHING TONGUE & GROOVE, 'H'-CLIPS OR OTHER EDGE SUPPORT
12" O.C.	5/8" PLYWOOD, WAFER BD. OR 11/16" LUMBER	5/16" PLYWOOD, 3/8" WAFER BD. OR 11/16" LUMBER
16" O.C.	5/8" PLYWOOD, 7/16" WAFER BD. OR 11/16" LUMBER	5/16" PLYWOOD, 3/8" WAFER BD. OR 11/16" LUMBER
24" O.C.	1/2" PLYWOOD OR 3/4" LUMBER	3/8" PLYWOOD, 7/16" WAFER BD. OR 3/4" LUMBER

## CEILING JOISTS

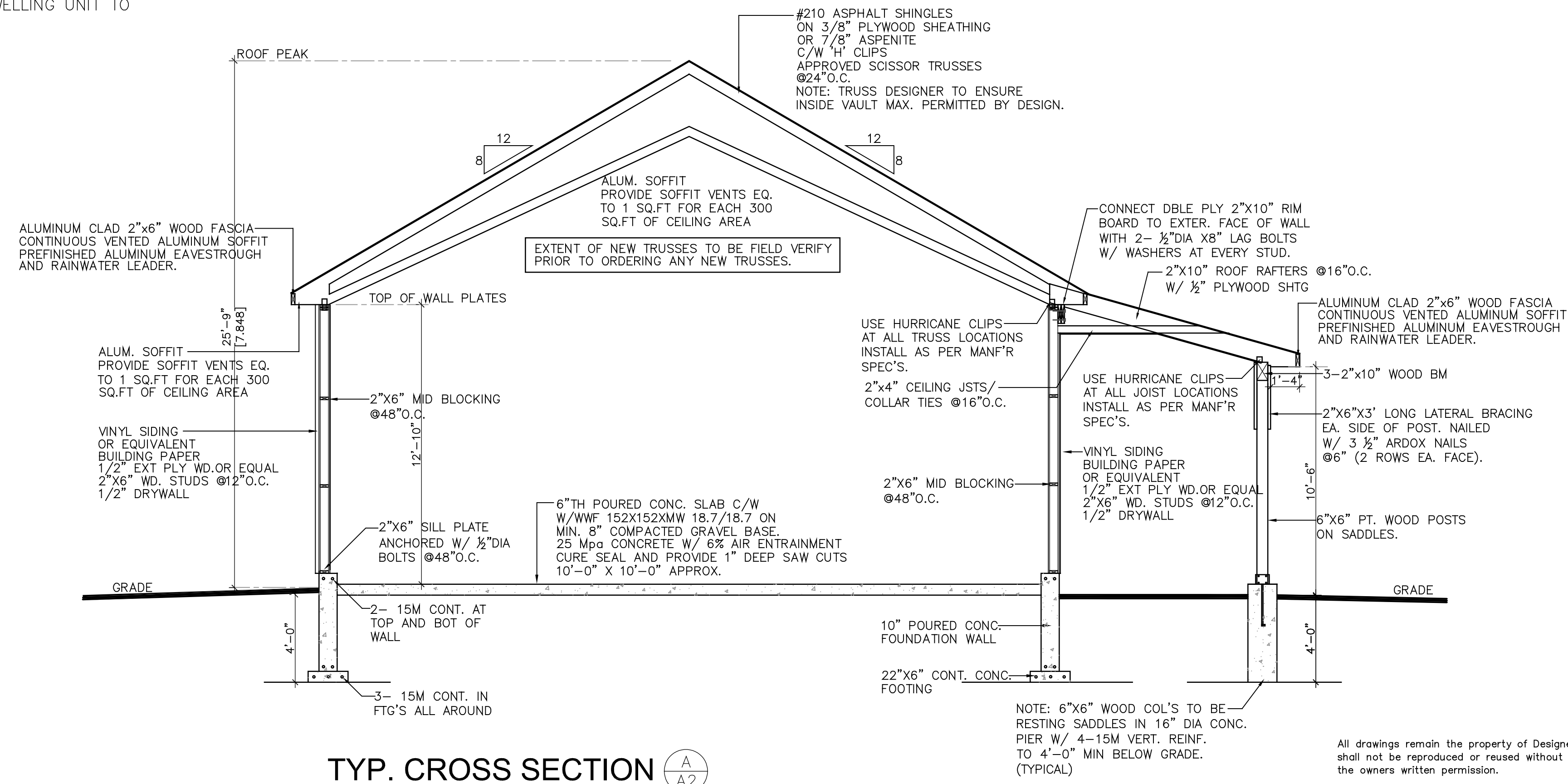
JOIST SIZE	JOIST SPACING		
	12" o.c.	16" o.c.	24" o.c.
2x4	10'-2"	9'-3"	8'-1"
2x6	16'-0"	14'-7"	12'-9"
2x8	21'-1"	19'-2"	16'-9"
2x10	26'-11"	24'-6"	21'-4"

## SUBFLOORING

FLOOR JOIST UP TO	SUBFLOORING		
	WAFER BD.	PLYWOOD	LUMBER
16" O.C.	5/8"	5/8"	11/16"
20" O.C.	5/8"	5/8"	3/4"
24" O.C.	3/4"	3/4"	3/4"



TYP. EAVES DETAIL



TYP. CROSS SECTION (A/A2)

NOTE: ALL OVERHANGS 24" UNLESS NOTED OTHERWISE

Note to Truss Manufacture.

- The Truss Manufacture will; (1) Design and specify all Girder Trusses and Beams that only carry roof loads.
- Ensure that all Roof Beams and Girder Trusses have been designed around the Architectural structural design and therefore have full bearing to the footings in the basement.
- Automatically upgrade and provide calculations for any Architecturally specified beams that will carry roof point loads.
- Design and specify all Conventional Roof Framing over and between manufactured roof trusses systems needed to complete overall roof shape.
- Provide the Local Municipality with Engineered documents for any of the above mentioned items if required.

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION  
Required unless design is exempt under Div.C, Article 3.2.5.1 of the Building Code

MAURO FORTUNATO  
Name Signature  
15084 BCN

REGISTRATION INFORMATION  
Required unless design is exempt under Div.C, Article 3.2.4.1 of the Building Code

UNIQUE DESIGNS INC  
Firm Name  
31090 BCN

No.	DATE	DESCRIPTION
1.	05.22.24	ISSUED FOR REVIEW #1
2.	06.03.24	ISSUED FOR VARIANCE/ PERMIT
3.	06.27.24	REV. OVERHANG TO 24" PER OWNER
4.	07.06.24	
5.		
6.		
7.		
8.		

THESE DRAWINGS ARE NOT TO BE SCALED. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOIST SPACING AND BRACINGS TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK.

THE USE OF THIS DRAWING OR PART THEREOF IS FORBIDDEN WITHOUT THE WRITTEN APPROVAL OF THE DESIGNER.

**UNIQUE DESIGNS INC.**

PROPOSED STORAGE BUILDING DETAILS, NOTES

**KORDIC RESIDENCE**

3227 GRASSIE RD., WEST LINCOLN, ONT.

Drawn By Scale  
1/4"=1'-0"

Date: 06.25.24

Job Number 051524

**A3**

DO NOT SCALE DRAWINGS





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# Memo

**To:** Stephanie Pouliot, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** July 16, 2024  
**Re:** File B13/2024WL – 3227 Grassie Rd

---

A review has been completed of this application for a minor variance to permit an agricultural accessory building on an agriculturally zoned lot with an interior side yard setback of 3.6m, whereas 7.5m is required in the Township's Zoning By-law 2017-70.

The proposed design identifies a new driveway on Grassie Rd to the accessory building. This would require an Entrance Permit to confirm and approve the driveway width, proper culvert sizing, ditch reinstatement, etc. The Entrance Permit application is available on the Township website.



318 Canborough St. P.O. Box 40C  
Smithville, ON  
L0R 2A0  
T: 905-957-3346  
F: 905-957-3219  
www.westlincoln.ca

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**PLANNING & DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

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

**FROM: Lyle Killins, Septic Inspection Manager**

**DATE: July 16, 2024**

**SUBJECT: A13 /2024 WL  
Gojko Kordic**

---

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,

A handwritten signature in black ink, appearing to read "Lyle Killins", is written over the typed name.

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**

July 15, 2024

File Number: PLMV202400852

Stephanie Pouliot  
Planner I; Secretary Treasurer for 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**  
**Town File Number: A13/2024WL**  
**Applicant: Gojko Kordic**  
**Location: 3227 Grassie Road**  
**Township of West Lincoln**

---

Staff of the Regional Growth Strategy and Economic Development Department has reviewed this application to permit the construction of a new accessory building (641 sq. metres) with an interior side yard setback of 3.6 metres, whereas 7.5 metres is required for the property municipally known as 3227 Grassie Road in Township of West Lincoln. Regional staff received notice of this Minor Variance request on July 4, 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.

Staff note that NOP policy 4.1.10.1 states that the NOP shall not prohibit the continued

operation of legally established uses, such as residential, commercial, employment, agricultural, and institutional uses.

The requested variance, which will facilitate the construction of a new accessory structure (storage building), 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. 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. Further, as 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 the assessment scoped.

As such, Regional staff recommends that the applicant undertake a Stage 1-2 Archaeological Assessment (at minimum) to ensure that any archaeological resources that may be present are not disturbed, which would result in delays during grading and construction activities. A copy of the assessment report(s) and the Ministry Citizenship and Multiculturalism acknowledgement are to be shared to the Niagara Region and the Township.

In addition, staff recommends that a standard archaeological warning clause be included to advise the applicant should any resources be uncovered through construction works.

Appropriate conditions are included within the attached Appendix.

### **Conclusion**

Staff of the Regional Growth Strategy and Economic Development Services Department does not object to the proposed variance subject to the satisfaction of any local requirements.

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](mailto: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  
Development Planner

cc: Pat Busnello, 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. That the following warning clause be implemented through a suitable mechanism to the Township's satisfaction such as a development agreement between the owner and the Township of West Lincoln:

*“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-managementplan/default.aspx>”*



**DATE:** July 24, 2024

**REPORT NO:** COA-26-2024

**File No:** A14/2024WL

**SUBJECT:** **Recommendation Report**  
**Minor Variance Application for Wesley and Jaclyn Blokker**  
**2931 South Grimsby Road 19**

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

**OVERVIEW:**

- A Minor Variance application has been submitted by Wesley and Jaclyn Blokker, owners of 2931 South Grimsby Road 19, to permit a deficient lot area and deficient lot frontage as a result of a conditionally approved severance, application B03/2024WL.
- The conditionally approved severed lot is zoned Service Commercial 'C3' and the retained lot has a split zoning, Service Commercial 'C3' and Agricultural 'A'.
- The first variance requested include permitting a minimum lot area of 3.35 hectares for the retained lands whereas, the Township's Zoning Bylaw requires that Agriculturally 'A' zoned lots require a minimum lot area of 40 hectares.
- The second variance requested is to permit a lot frontage for the retained lands of 13 metres, whereas the Township's Zoning Bylaw requires a lot frontage of 100 metres for an Agriculturally 'A' zoned lot and 25 metres for the Service Commercial 'C3' zone.

**RECOMMENDATION:**

That, the application for Minor Variance, submitted by Wesley and Jaclyn Blokker, owners of 2931 South Grimsby Road 19, as outlined in Report COA-26-2024, to permit a minimum lot area of 3.35 hectares for the retained lands and a minimum lot frontage of 13 metres, BE APPROVED.

**BACKGROUND:**

On May 29, 2024, the Committee of Adjustment conditionally approved consent application (B03/2024WL) to permit severing a 1 acre lot containing a dwelling zoned Service Commercial 'C3' from the remainder of the 3.35 hectare property zoned Service

Commercial 'C3' and Agricultural 'A'. A condition of the approval for the consent included the requirement for the applicants to submit a zoning bylaw amendment or minor variance application to recognize and permit any resulting zoning deficiencies. Two deficiencies have been identified including minimum lot area and minimum lot frontage for the retained lot.

The proposed minimum lot area for the retained lot is 3.35 hectares whereas the Township's Zoning Bylaw requires 40 hectares for an Agricultural 'A' zoned lot. The proposed minimum lot frontage is 13 metres whereas, the Township's Zoning Bylaw requires a minimum lot frontage of 100 metres for an Agricultural 'A' zoned lot and 25 metres for a Service Commercial 'C3' zoned lot.

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

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

### **FOR MINOR VARIANCE**

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

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

In 2022 the Niagara Official Plan was approved which added the subject lands into the Hamlet of Fulton for the future purpose of being a rural employment area. The Township through Official Plan Amendment No. 62 also added the subject lands to the Hamlet and designated them as Hamlet Settlement Area.

The future of these lands will no longer be agricultural and therefore the minimum lot area and lot frontage as a result of this severance application no longer need to reflect the requirements for an agricultural lot, but it still remains zoned agricultural.

As such, the proposed variances maintain the General Intent of the Township's Official Plan.

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

The Township's Zoning Bylaw requires a minimum lot area of 40 hectares or 100 acres for agriculturally zoned lots. As previously mentioned, the ultimate intent of these lands is to be rural employment lands. Rural employment lands do not tend to require the same amount of land and therefore smaller lot areas are acceptable. Through further planning work, it is anticipated that these lands will be rezoned to either a development zone or a rural employment zone.

Likewise, for lot frontage, a lot frontage of 100 metres is not necessary as the future intent of the remnant lands would be for rural employment uses. Additionally, the remnant lands abut an unopened and unmaintained road allowance which could be extended in the future if development occurred further north.

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

At this stage no further development, besides the proposed 1 acre lot severance, is proposed. Planning Staff completed a full review of the severance application in [Report COA-18-2024](#). Planning Staff recommended support of the application as the proposed severance met the applicable planning policies and is appropriate development for the property.

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

Although the requested variances represent a significant reduction in the required lot area and lot frontage from what is required in the Zoning Bylaw, the ultimate intent for this area is to undergo further planning review and studies to guide future rural employment land use and development.

In addition, the lot area prior to the conditional consent was 3.755 hectares, which is also significantly less than the required 40 hectares. Additionally the lot frontage prior to the severance was only 52 metres, also significantly deficient of the required 100 metres for an agriculturally zoned lot. As such, the proposed variances of 3.35 hectares for minimum lot area and 13 metres for minimum lot frontage on the retained lot 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 Township's building department.

**Public Works:** Have reviewed the application where the retained lands of the related consent (B03/2024WL) will not meet the minimum lot frontage and lot area requirements.

Public Works Staff have completed a site visit; South Grimsby 19 terminates just past the entrance to the retained lands. The road allowance continues north but is not developed to the standard of a Township road. The existing condition is satisfactory for road maintenance at this time, however any further proposed development on the retained lands (Part 2 of DWG 87413-1\_SEV) or need for another entrance to the north will require a road extension to be constructed to the Township's standards at the expense of the proponent. Please see Attachment 3.

**Septic System Inspection Manager:** Provided comments for the related Consent application (B03/2024WL), noting the documentation provided from Egger Excavating Ltd.,

indicated the existing class 2 sewage system was in compliance with Part 8 of the Ontario Building Code. Staff also completed a site inspection and have no objections.

**Niagara Peninsula Conservation Authority (NPCA):** Have noted the property is impacted by regulated watercourses. As this application is to clear conditions of a recent application, the NPCA has no objections.

**Niagara Region:** Have noted that Regional concerns were addressed through the related Consent application (B03/2024WL). Please see [Report COA-18-2024](#) for more information.

**PUBLIC COMMENTS:**

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

**CONCLUSION:**

Planning Staff have reviewed the proposed Minor Variance Application (A14/2024WL) for Wesley and Jaclyn Blokker for their property at 2931 South Grimsby Road 19, as outlined in Report COA-26-2024, and can recommend APPROVAL to permit a minimum lot area of 3.35 hectares and a minimum lot frontage of 13 metres for the remnant lot.

**ATTACHMENTS:**

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

**Prepared & Submitted by:**



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**Stephanie Pouliot,  
Planner**

**Approved by:**



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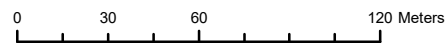
**Gerrit Boerema, RPP, MCIP  
Manager of Planning**





### Location Map

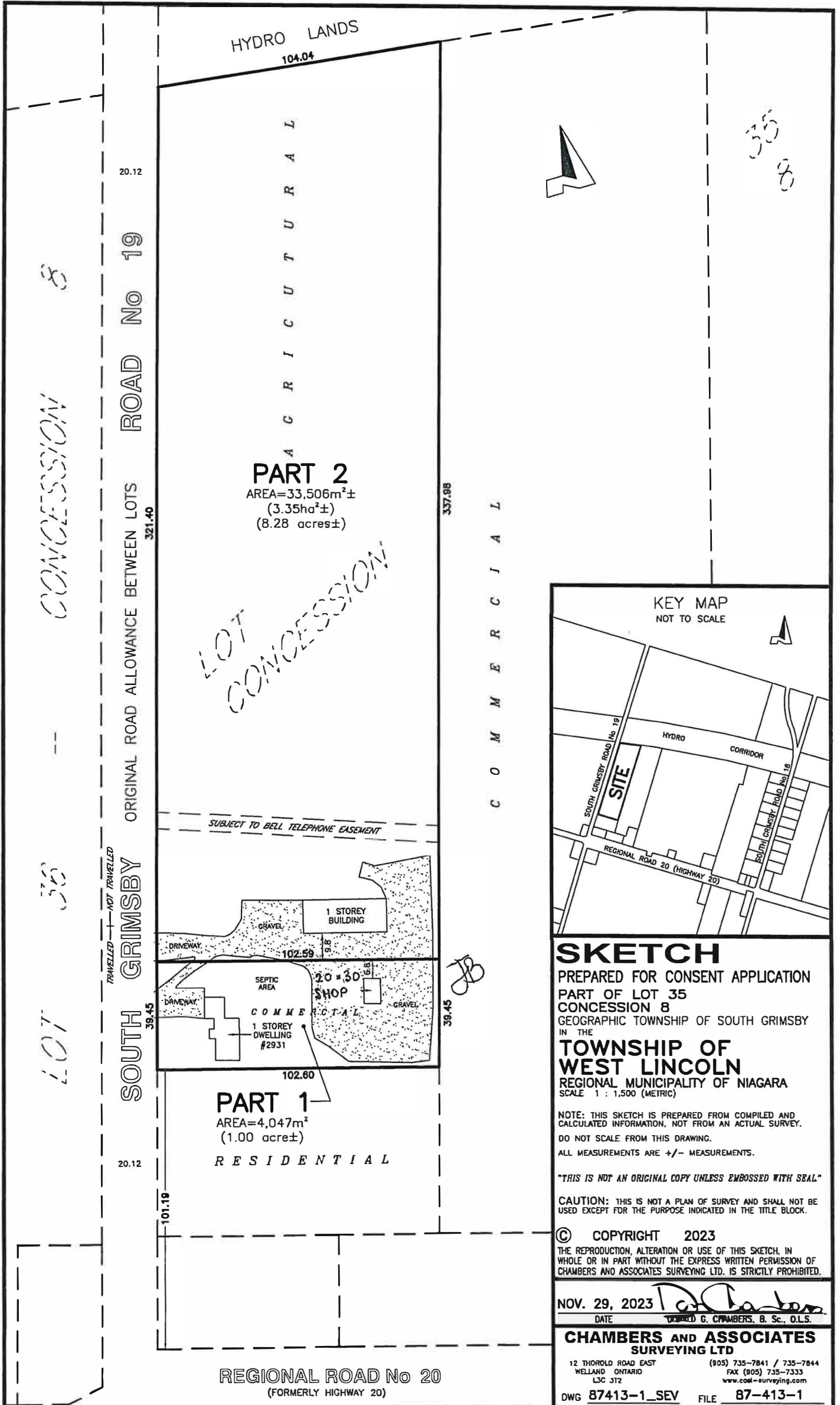
2931 South Grimsby Road 19



### Legend

- ZoneBoundary
- Subject Property







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# Memo

**To:** Stephanie Pouliot, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** July 10, 2024  
**Re:** File A14/2024WL – 2931 South Grimsby Rd 19

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A review has been completed of this minor variance application where the retained lands (Part 2 of DWG 87413-1\_SEV) of the related consent application B03/2024WL will not meet the minimum lot frontage requirements.

Public Works staff have visited the site; South Grimsby Road 19 terminates just past the entrance to the retained lands, the road allowance continues north but is not developed to the standard of a Township road.

The existing condition is satisfactory for road maintenance at this time, however any further proposed development of the retained lands or need for another entrance to the north will require a road extension to be constructed to Township standards at the expense of the proponent.

**DATE:** July 24, 2024

**REPORT NO:** COA-23-2024

**FILE NO:** A15/2024WL

**SUBJECT:** **Recommendation Report Application for Minor Variance, Haining & Cook (Rodney Friesen– Agent)**

**LOCATION:** 56 Wade Road, Smithville

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

**OVERVIEW:**

A Minor Variance application has been submitted by Rodney Friesen, on behalf of Steven Cook and Kristina Haining, property owners of 56 Wade Road.

A Minor Variance application has been applied for to permit an accessory building (detached private garage) on the subject property which requires two variances from the Township’s Zoning By-law.

Relief is being requested to allow a total lot coverage of 113 square metres for all accessory buildings and structures whereas, Table 1-2 (Part 3) of the Township’s Zoning By-law, identifies 100 square metres or 8% as the maximum lot coverage for accessory buildings and structures on a lot within a Residential Low Density ‘R1C’ zone. The proposed accessory building, covered porch and covered deck would total 15.5% in the property’s lot coverage.

In addition, relief is also being requested to allow an exterior side yard setback of 3 metres whereas, Table 1-2 identifies an accessory building or structure cannot be located closer than the main building or 6 metres to an exterior side lot line.

The Applicants have also indicated that the proposed accessory building may be converted to an Accessory Dwelling Unit in the future.

**RECOMMENDATION:**

That, the application for Minor Variance, submitted by Rodney Friesen, on behalf of Steven Cook and Kristina Haining, as outlined in Report COA-23-24, to permit an accessory building no closer than 3 metres to the exterior lot line, being closer than the main building with an accessory lot coverage no greater than 14.7%, BE APPROVED, subject to the following condition:



1. That the Applicants submit grading information to the satisfaction of the West Lincoln Public Works Department and Building Department.

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

The subject property is located at the corner of Wade Road and Georgakakos Drive, on the west side of Wade Road and on the south side of Georgakakos Drive. The property is 731.58 square metres (0.18 acres) in size and contains a single detached dwelling and an accessory shed.

Relief is being requested to allow a total lot coverage of 113 square metres for all accessory buildings and structures whereas, Table 1-2 (Part 3) of the Township's Zoning By-law, identifies 100 square metres or 8% as the maximum lot coverage for accessory buildings and structures on a lot within a Residential Low Density 'R1C' zone. The proposed accessory building, covered porch and covered deck would total 15.5% in the property's lot coverage.

In addition, relief is also being requested to allow an exterior side setback of 3 metres whereas, Table 1-2 identifies an accessory building or structure cannot be located closer than the main building or 6 metres to an exterior side lot line.

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

The surrounding land uses are designated in the Township's Official Plan as Residential Low Density to the north, east, west and south of 56 Wade Road. South east of the property is also designated Medium Density Residential. North of the noted low density residential area is also designated as Institutional including a few sites on Townline Road (Regional Road 14) and two sites abutting Colver Street and Canborough Street.

The subject lands are zoned as Residential Low Density (R1C) in the Township's Zoning By-law 2017- 70, as amended. The surrounding lands are zoned Residential Low Density (R1C) to the west and north west, north and east of the property are zoned Residential Low Density (R1B), and south of the property is also zoned Residential Low Density (R1B) and Institutional 'I'.

The Applicants had originally requested a relief to allow for a covered front porch but is no longer required as the projection is within the allowance permitted by Section 3.3 *Allowable Projections* (Table 2) of the Township's Zoning Bylaw, which identifies an unenclosed porch can project into the required front yard to a maximum of 1.5 metres into the required setback. Therefore, only two variances are required to permit the accessory building and covered rear porch from the Township's Zoning By-law, as amended.

The private garage was also initially proposed at 55.74 square metres, however the Applicants have since revised the size to comply with the maximum requirement of 50 square metres. Doing so, also slightly decreases the requested lot coverage from 15.5%

to 14.7%.

Therefore, the resulting relief is now required to allow a total lot coverage of 107.3 square metres for all accessory buildings and structures whereas, Table 1-2 (Part 3) of the Township's Zoning By-law, identifies 100 square metres or 8% as the maximum lot coverage for accessory buildings and structures on a lot within a Residential Low Density 'R1C' zone. The proposed accessory building being reduced with the covered porch and covered deck now totals 14.7% in the property's lot coverage.

Additionally, it's important to note the lot coverage pertaining to all the buildings including the dwelling on the property (Part 6, Table 14) complies with the maximum identified in Table 14, being under the maximum of 45% in the Residential Low Density 'R1C' zone. The proposed accessory building, covered porch and covered deck with the existing dwelling totals 27.3% in the property's total lot coverage.

The Applicants have indicated the intent for a future accessory building as shown on the site plan for a potential accessory dwelling unit, but this minor variance application has not requested relief pertaining to a potential accessory dwelling unit. As such, the below analysis is specific to the accessory detached garage and the applicable policies.

#### **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 within the Urban Boundary within the *Settlement area* of Smithville in the Township's Official Plan (OP).

Section 6 *Urban Settlement Area* identifies the objectives and regulations applicable for Smithville. Specifically, Section 6.1.2 of the Township's Official Plan (OP) states objectives of Smithville's urban settlement areas which are protecting and enhancing the character and image of the urban settlement area, to promote higher density residential development, and mixed use development /redevelopment in appropriate locations in Smithville.

Additionally, Policy 6.1.2(d) also encourages high quality design which is compatible with the character and image of the adjacent buildings. There are similar-sized accessory buildings in the surrounding area as the Township's Zoning Bylaw Table 1-2 limits residential zones to a maximum floor area of 50 square metres for an accessory building aside from Residential Low Density 'R1A' and Rural Residential 'RuR' zones which are permitted up to 120 square metres. Therefore, the proposed accessory building is more compatible and aligned with other detached private garages in the surrounding area, as such Planning Staff do not anticipate any adverse impacts with the proposed detached garage.

In addition, Policy 6.2.1 *Permitted Uses* notes that all low density residential development shall be compatible with adjacent properties. Given the front of the private garage will be facing Wade Road, it is consistent with the character of the existing neighbourhood.

There is currently no detached garage with a separate entrance off of Georgakakos Drive, therefore facing the garage consistent with the existing land uses including the residence on the property which faces Wade Road is more compatible with the surrounding area.

Given the proposed detached garage is a permitted accessory use to the existing residence on the property and has been revised to be more compatible with the surrounding accessory uses within this residential low density area, Planning Staff can consider the proposal in alignment with the Township's Official Plan (OP).

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

The subject property is zoned Residential Low Density 'R1C' with a total lot size of 731.58 square metres (0.18 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 detached private garage to the existing dwelling on the property.

Aside from the following variances, the proposed detached garage complies with the remainder of Table 1-2 (Part of 3 of the Zoning Bylaw). As previously mentioned, the size of the garage was reduced to comply with the maximum of 50 square metres.

Additionally, with the subject property being a corner lot with frontage on Wade Road and Georgakakos Drive, the proposed garage is within the required exterior side yard and located closer to the exterior side lot line than the main building. 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 no less than 3 metres and the existing dwelling has an exterior side yard setback of 5.46 metres. Therefore, the accessory building would be approximately 2.5 metres closer to the exterior side lot line than permitted by the Zoning Bylaw.

Furthermore, Part 3.12.7 *Private Garages* is also applicable for this application. It's important to note, the front of the private garage is facing Wade Road which complies with Section 3.12.7 which identifies the front of a *private garage* shall be located no closer than 6 metres to a public street.

In addition, Part 3.12.7f) identifies that a *private garage* shall be no closer to an *exterior side lot line* than a main exterior side wall of the *dwelling* on the same *lot*. Therefore, the requested relief to allow the accessory building closer to the exterior side lot line also applies to this applicable section of the Zoning Bylaw. Aside from the noted relief, the

proposed accessory building (detached private garage) complies with Part 3.12.7 *Private Garages*.

The applicants have also indicated that the accessory building could be used as an accessory dwelling unit in the future. Under the Township's current zoning regulations, accessory dwelling units are not permitted on the ground floor. The Township has initiated changes to the zoning bylaw which would permit ground floor accessory dwelling units in Smithville, if approved.

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 a detached private garage to a maximum of 50 square metres is permitted as an accessory use to the principal dwelling on the property. The subject property is allowed one *private garage* (either detached or attached), given the existing residence does not currently have a garage, the proposed detached garage would be permitted subject to receiving approval for the requested variances.

As previously noted, there are currently no separate entrances off of Georgakakos Drive, therefore facing the garage consistent with the dwelling which faces Wade Road and will be utilizing the existing driveway is more compatible with the surrounding area. There is also an existing fence along the property line abutting Georgakakos Drive which will provide a screening buffer to the proposed accessory building.

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 low density residential uses.

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

This proposal can be considered minor in nature as the general intent of both the Township's Official Plan and Zoning Bylaw are being maintained.

Of the two requested variances, the lot coverage for accessory buildings and structures on the lot totals only 107.3 square metres (following the noted revision) which can be considered a minor alteration in this case from the required maximum of 100 square metres. The difference being approximately 7.3 square metres, as such this is a minor alteration to enable a permitted accessory use on the property.

Given the nature of this application and that key objectives are being maintained by the proposal, Planning Staff can recommend approval of this minor variance application to permit an accessory building no closer than 3 metres to the exterior lot line, being closer than the main building with an accessory lot coverage of no greater than 14.7%.

**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 requested a grading information to confirm the existing and proposed site grading. Please see attached 4.

**Septic System Inspection Manager:** Has reviewed the application and offers no objections as the property is on municipal services.

**Niagara Peninsula Conservation Authority (NPCA):** There are no regulated environmental features on the property, as such the NPCA has no objections to permit the detached accessory building on the subject property.

**Niagara Region:** Have no objections or comments regarding the application to permit the proposed accessory building on the property.

**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 (A15/2024WL) as outlined in Report COA-23-24, to permit an accessory building no closer than 3 metres to the exterior lot line, being closer than the main building with an accessory lot coverage of no greater than 14.7%, subject to the condition as indicated.

**ATTACHMENTS:**

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

**Prepared & Submitted by:**



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**Stephanie Pouliot,  
Planner**

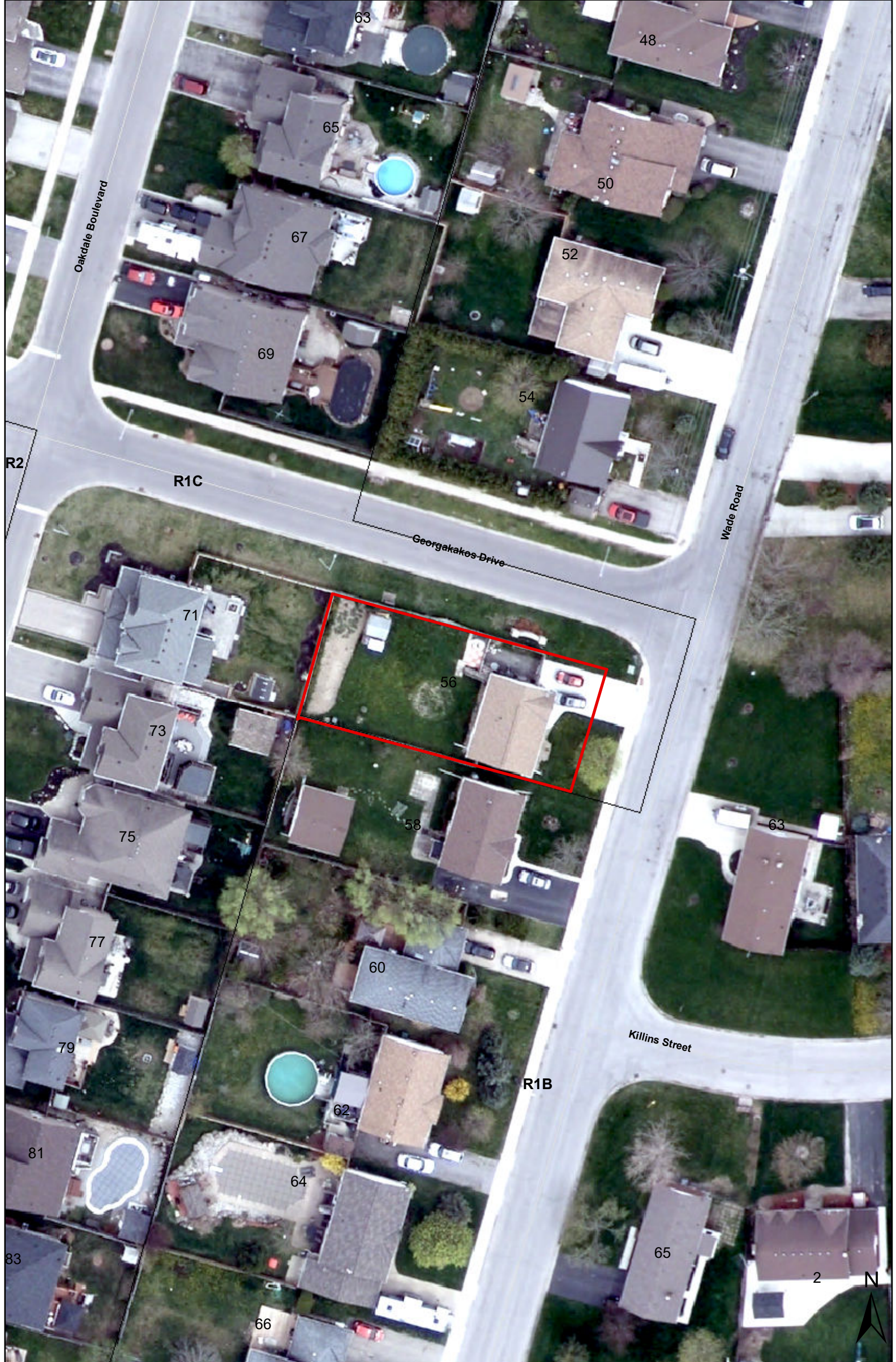
**Approved by:**



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





### Location Map

56 Wade Road

# West Lincoln

Your Future Naturally

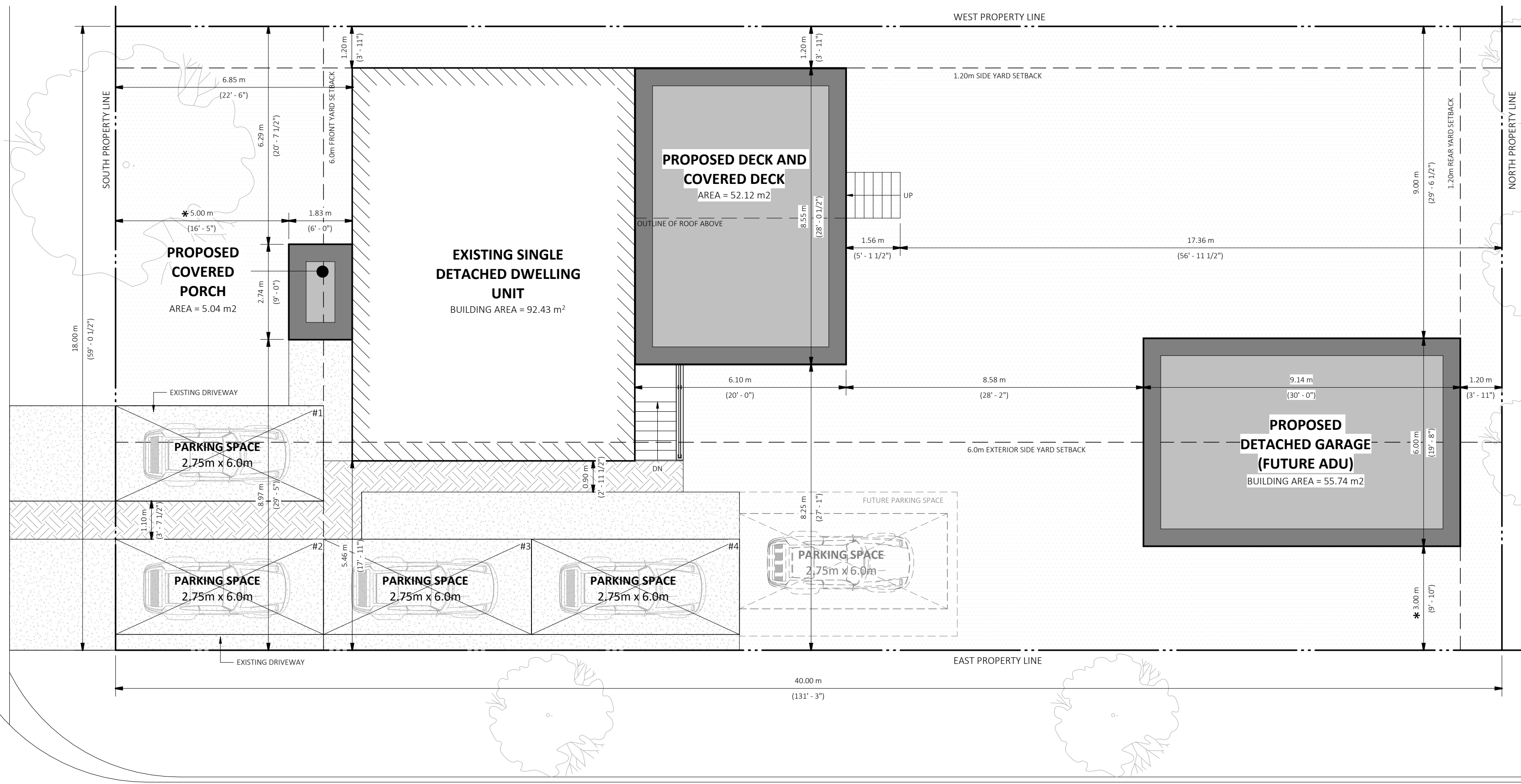
#### Legend

- Zone Boundary
- Subject Property

0 5 10 20 Meters



WADE ROAD



GEORGAKAKOS DRIVE

**PROPERTY STATISTICS**

56 WADE ROAD, SMITHVILLE

ZONING LABEL: R1C

AREA:	ZONE REQUIRED:	PROVIDED:
LOT AREA	180.00 sq. m. (MIN.)	720.0 sq. m.
BUILDING AREAS		205.33 sq. m.
ACCESSORY BUILDING AREA		112.90 sq. m.
ADU (DETACHED) AREA		55.74 sq. m.
TOTAL COVERAGE	45% (MAX.)	28.47 %
ACCESSORY BUILDING COVERAGE	8% (MAX.)	* 15.63 %
LANDSCAPE AREA		58.54 %
HARDSCAPE AREA		13.90 %
SETBACKS (FRONT COVERED PORCH):	ZONE REQUIRED:	PROVIDED:
FRONT YARD SETBACK (SOUTH)	6.00 m	* 5.00 m
SIDE YARD SETBACK (EAST)	5.46 m	8.97 m
SIDE YARD SETBACK (WEST)	1.20 m	6.29 m
SETBACKS (REAR COVERED DECK):	ZONE REQUIRED:	PROVIDED:
REAR YARD SETBACK (NORTH)	1.20 m	17.36 m
SIDE YARD SETBACK (EAST)	5.46 m	8.25 m
SIDE YARD SETBACK (WEST)	1.20 m	1.20 m
SETBACKS (DETACHED GARAGE):	ZONE REQUIRED:	PROVIDED:
FRONT YARD SETBACK (SOUTH)	7.50 m	8.58 m
REAR YARD SETBACK (NORTH)	1.20 m	1.20 m
SIDE YARD SETBACK (EAST)	6.00 m	* 3.00 m
SIDE YARD SETBACK (WEST)	1.20 m	10.71 m
FRONTAGE:	ZONE REQUIRED:	PROVIDED:
FRONT LOT FRONTAGE	18.0 m (MIN.)	18.0 m
BUILDING DIMENSIONS:	ZONE REQUIRED:	PROVIDED:
BUILDING HEIGHT	5.0 m (MAX.)	5.0 m

NOTE: (\*) REQUIRES A MINOR VARIANCE APPLICATION

**SITE PLAN NOTES**

- ALL CITY OWNED TREES ADJACENT TO PROPERTY ARE TO BE PROTECTED TO CITY STANDARDS THROUGHOUT THE CONSTRUCTION OF THE BASEMENT UNIT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE CONSTRUCTION MATERIALS, DEBRIS OR EQUIPMENT WILL NOT BE LOCATED WITHIN THE DRIPLINE OF ANY OF THESE TREES.
- ALL REQUIRED SETBACKS TO BE VERIFIED WITH GOVERNING AUTHORITIES PRIOR TO CONSTRUCTION.
- ALL NEW CONCRETE SIDEWALKS AND PADS TO BE (5"/125mm) THICK POURED IN PLACE CONCRETE ON MINIMUM (6"/150mm) COMPACTED GRANULAR 'A' BASE. PROVIDE SAWCUTS AND BROOM FINISH.
- ALL PARKING STALL MARKINGS SHALL BE PAINTED YELLOW UNLESS NOTED OTHERWISE.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO INFORM THEMSELVES OF THE EXACT LOCATION OF, AND ASSUME ALL LIABILITY FOR DAMAGE TO, ALL POLE LINES, CONDUITS, WATERMANS, SEWERS, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES BEFORE COMMENCING THE WORK. SUCH UTILITIES AND STRUCTURES ARE NOT SHOWN ON THE DRAWINGS AND IF SHOWN THE ACCURACY OF THEIR POSITION IS NOT GUARANTEED.
- STANDARD PARKING STALLS TO BE 2.6m x 5.5m

**LANDSCAPE PLAN LEGEND**

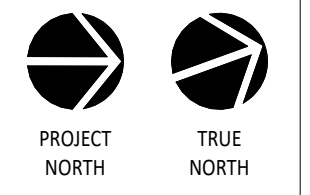
- LANDSCAPE AREA (EXISTING)
- PAVED AREA (EXISTING)
- EXISTING TREE
- PROPOSED FENCE
- FIRE DEPARTMENT CONNECTION (FIRE HYDRANT)

THIS DRAWING IS THE PROPERTY OF FINE LINE DRAFTING AND DESIGN INC. & CANNOT BE MODIFIED AND/OR REPRODUCED WITHOUT THE PERMISSION OF FINE LINE DRAFTING AND DESIGN INC.

THE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE AND REPORT AND DISCREPANCIES TO THE DRAFTSPERSON, BEFORE PROCEEDING WITH THE WORK.

DRAWINGS ARE NOT TO BE SCALED.

No.	CHRONOLOGY	DATE
1	PRELIM DRAWING SET TO CLIENT	2024.06.04
2	ISSUED FOR MINOR VARIANCE	2024.06.21



No.	REVISIONS	DATE
REV1	PLANNING DEPARTMENT REVISIONS	2024.07.04

**FINE LINE DRAFTING & DESIGN INC.**

RODNEY FRIESEN  
519-871-4299  
rodneym@finelinedraftingdesign.ca  
finelinedraftingdesign.ca

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Rodney Friesen  
Personal BCIN: 114065  
Firm BCIN: 126303

CLIENT  
**STEVEN & KRISTINA COOK**

PROJECT NAME  
**COOK RESIDENCE RENO**  
56 WADE ROAD, SMITHVILLE,  
ONTARIO LOR 2A0

DRAWING TITLE  
**SITE PLAN**

DATE	2024.07.04	SHEET NO.	<b>SP.1</b>
SCALE	As indicated		
PROJECT NO.	2024-043		





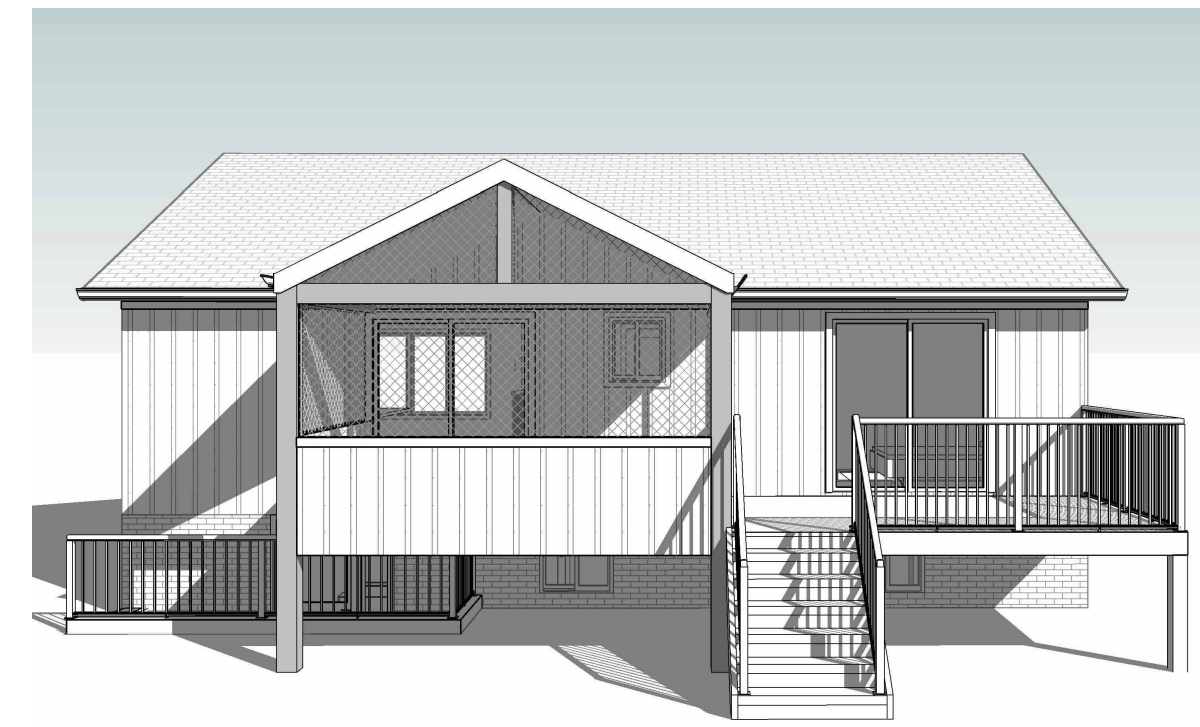
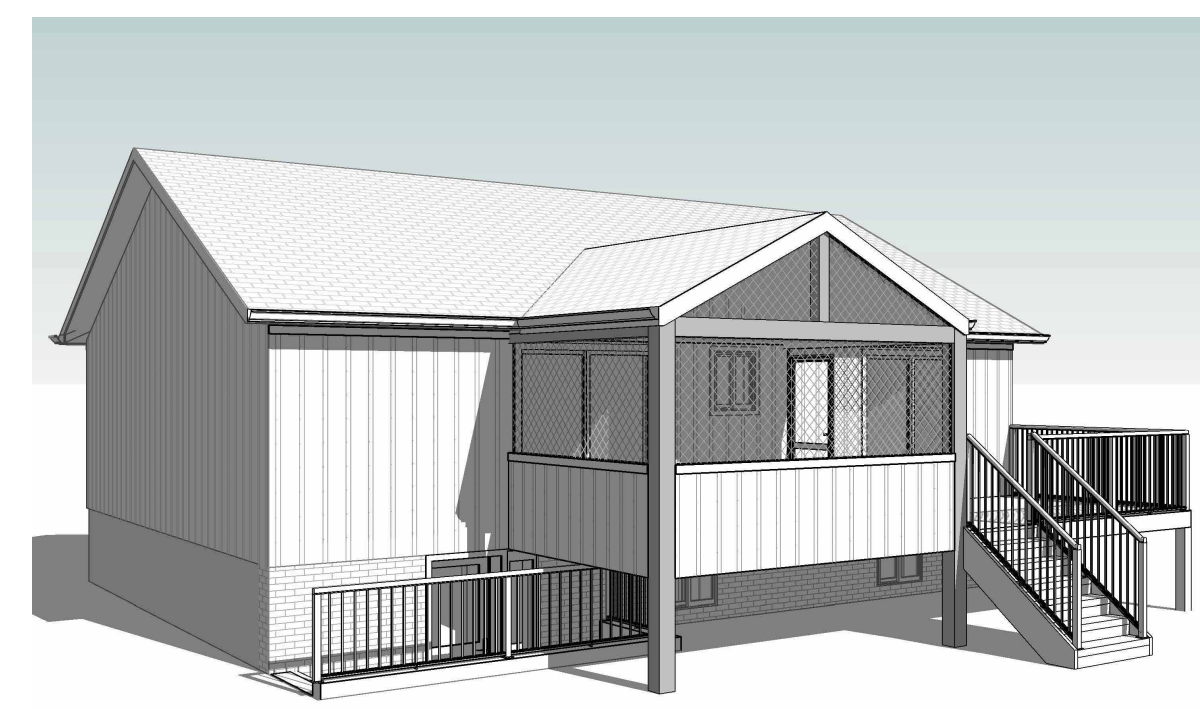
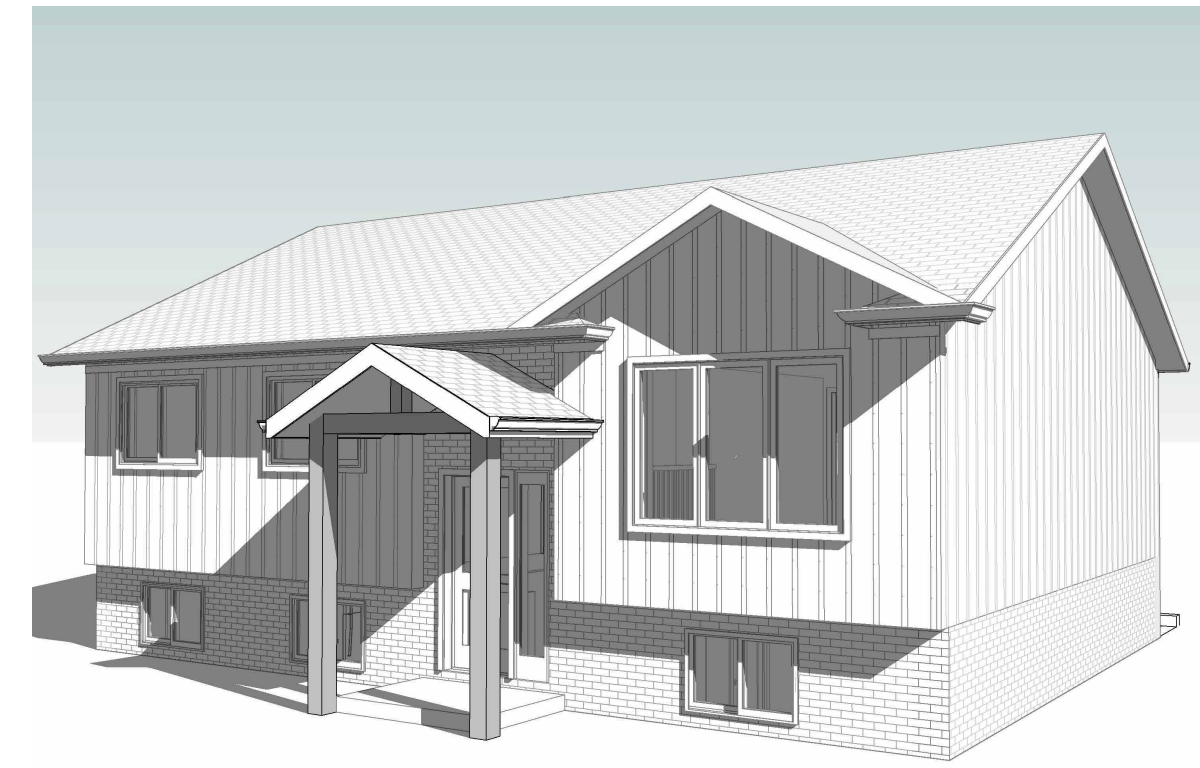
**1 FRONT (EAST) ELEVATION**  
A2.1 1/4" = 1'-0"



**2 REAR (WEST) ELEVATION**  
A2.1 1/4" = 1'-0"



**3 RIGHT (NORTH) ELEVATION**  
A2.1 1/4" = 1'-0"



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DRAWINGS ARE NOT TO BE SCALED.

No.	CHRONOLOGY	DATE
1	PRELIM DRAWING SET TO CLIENT	2024.06.04

No.	REVISIONS	DATE

**FINE LINE DRAFTING & DESIGN INC.**  
RODNEY FRIESEN  
519-871-4299  
rodneymf@finelinedraftingdesign.ca  
finelinedraftingdesign.ca

**PRELIMINARY SET**  
NOT TO BE USED FOR PERMIT OR CONSTRUCTION

CLIENT  
**STEVEN & KRISTINA COOK**

PROJECT NAME  
**COOK RESIDENCE RENO**  
56 WADE ROAD, SMITHVILLE,  
ONTARIO L0R 2A0

DRAWING TITLE  
**ELEVATIONS**

DATE	2024.06.04	SHEET NO.	<b>A1.1</b>
SCALE	1/4" = 1'-0"		
PROJECT NO.	2024-043		

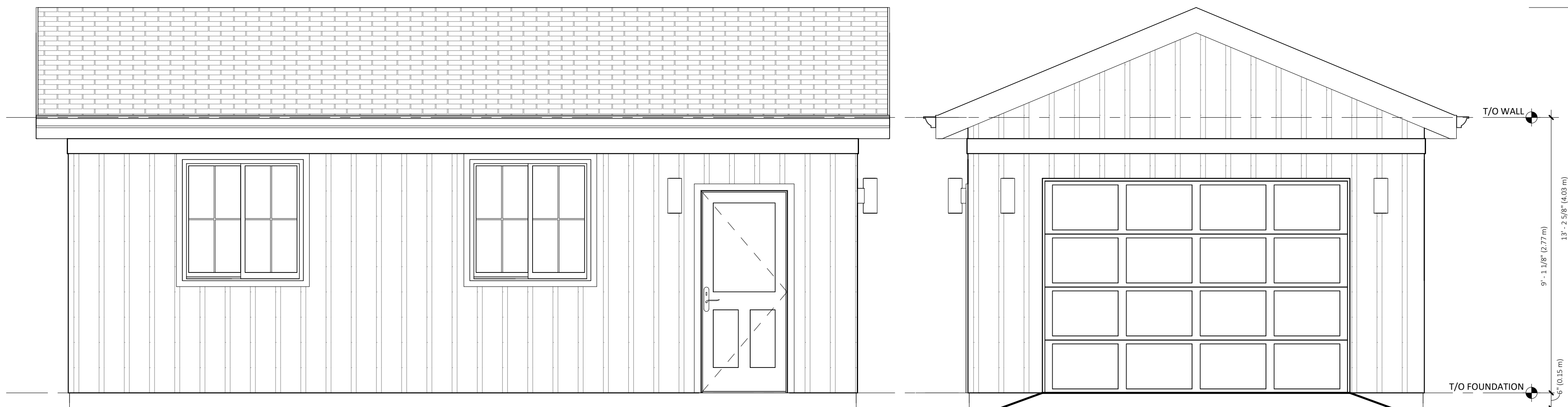


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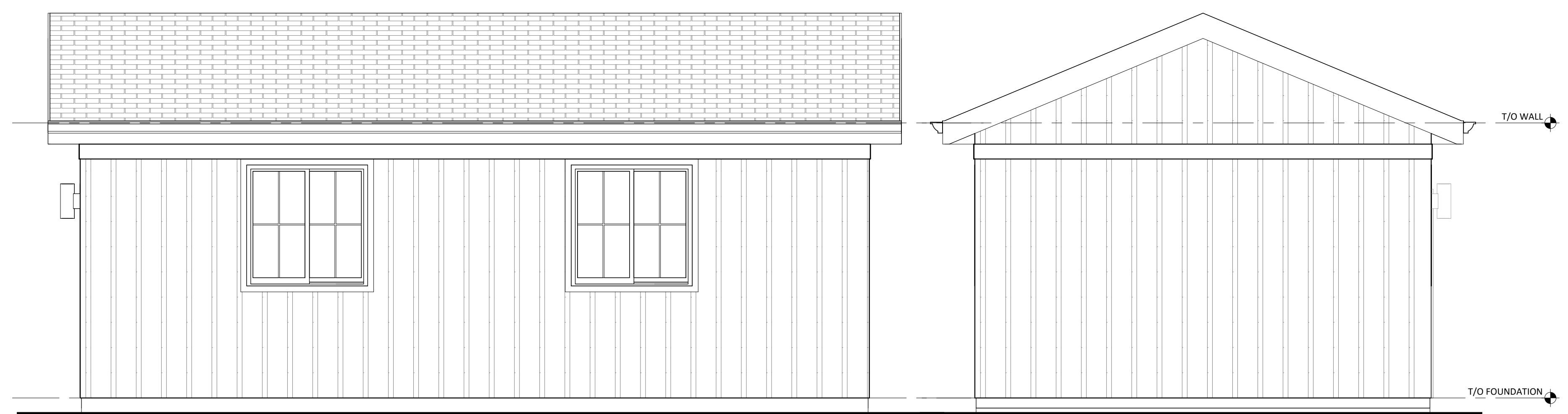
DRAWINGS ARE NOT TO BE SCALED.

No.	CHRONOLOGY	DATE
1	PRELIM DRAWING SET TO CLIENT	2024.06.04



**1 WEST (LEFT) ELEVATION**  
D2 3/8" = 1'-0"

**2 SOUTH (FRONT) ELEVATION**  
D2 3/8" = 1'-0"



**3 EAST (RIGHT) ELEVATION**  
D2 3/8" = 1'-0"

**4 NORTH (REAR) ELEVATION**  
D2 3/8" = 1'-0"

No.	REVISIONS	DATE

**FINE LINE** DRAFTING & DESIGN INC.  
RODNEY FRIESEN  
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rodneym@finelinedraftingdesign.ca  
finelinedraftingdesign.ca

**PRELIMINARY SET**  
NOT TO BE USED FOR PERMIT OR CONSTRUCTION

CLIENT  
**STEVEN & KRISTINA COOK**

PROJECT NAME  
**COOK RESIDENCE RENO**  
56 WADE ROAD, SMITHVILLE,  
ONTARIO L0R 2A0

DRAWING TITLE  
**ELEVATIONS**

DATE	2024.06.04	SHEET NO.	<b>A1.2</b>
SCALE	1/4" = 1'-0"		
PROJECT NO.	2024-043		

2024-07-04 10:48:42 AM



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# Memo

**To:** Stephanie Pouliot, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** July 10, 2024  
**Re:** File A15/2024WL – 56 Wade Rd

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A review has been completed of this minor variance application to permit an accessory building on the subject property.

Public Works staff note that grading information would be required to confirm the existing and proposed site grading.

**DATE:** July 24, 2024

**REPORT NO:** COA-22-2024

**FILE NO:** A16/2024WL

**SUBJECT:** **Recommendation Report Application for Minor Variance, Gestion Queylus Inc. (John Verdonk Construction Inc., Agent)**

**LOCATION:** 3651 Sixteen Road, West Lincoln

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

**OVERVIEW:**

A Minor Variance application has been submitted by John Verdonk, on behalf of the property owners, Chevalier de Gestion (Domaine Queylus) Gestion Queylus Inc. of 3651 Sixteen Road.

A Minor Variance application has been applied for to permit an addition of 911 square metres to the existing winery building on the subject property. The addition is being proposed off of the south west portions of the existing building with a second loading dock which will result in a front yard setback of 15 metres whereas, Table 12 (Part 5) of the Township’s Zoning Bylaw identifies 20 metres as the minimum setback for a main building within an Agricultural ‘A’ zone.

Relief is also being requested to permit a second loading dock at the front of the new addition which would be located on the south side of the new addition whereas, Part 3.12.5 *Off-Street Loading Facility Requirements* of the Township’s Zoning By-Law, identifies a loading space shall not be located within a required yard, front yard or exterior side yard. The second loading dock is being proposed within the required front yard with a front yard setback of 15 metres.

**RECOMMENDATION:**

That, the application for Minor Variance, submitted by John Verdonk, on behalf of the property owner, Gestion Queylus Inc., as outlined in Report COA-22-24, to permit an addition of 911 square metres to the existing winery building on the subject property with a second loading dock in the required front yard with a setback no less than 15 metres to the front lot line, BE APPROVED, subject to the following condition:



1. That the applicant amend the existing site plan agreement, including the provision of a restoration area, to the satisfaction of the Township's Planning Department.

**BACKGROUND & SURROUNDING LAND USES:**

3651 Sixteen Road is approximately 8.6 hectares (21.3 acres) in size and is located on the north side of Sixteen Road, east of Moote Road, west of Victoria Avenue (Regional Road 24), and north of Highway 20 (Regional Road 20). The subject lands are also located east of the Hamlet of Silverdale.

A Minor Variance application has been applied for to permit an addition of 911 square metres to the existing winery building on the subject property. The addition is being proposed off of the south west portions of the existing building with a second loading dock which will result in a front yard setback of 15 metres whereas, Table 12 (Part 5) of the Township's Zoning By-Law identifies 20 metres as the minimum setback for a main building within an Agricultural 'A' zone.

Relief is also being requested to permit a second loading dock at the front of the new addition. However, the Township's Zoning By-Law (3.12.5 Off-Street Loading Facility Requirements) identifies a loading space shall not be located within a required yard, front yard or exterior side yard. The second loading dock is being proposed within the required front yard with a front yard setback of 15 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 subject property has an existing winery known as *Domaine Queylus*. Grapes are planted on a portion of the property and there is a single detached dwelling used as a home occupation in relation to the winery. There is also an existing winery building which is where the proposed addition and second loading dock will be located.

The subject property is zoned Agricultural 'A' with a site specific provision A-97 which permits in addition to the parent Agricultural zone, a home occupation within a portion of the existing dwelling (including a winery that processes grapes grown on the *lot* and may also include locally grown grapes, and a *retail store* for the sale of wine).

The subject property is 8.6 hectares and is the location of a local winery. The proposed addition will help the growing needs of their business and will provide more storage space for barrel, bottle and other storage needs in relation to the winery.

The subject building was constructed and converted to the winery use and went through a Zoning By-law Amendment Application (1601-015-13) to permit a commercial wine sales establishment as part of the winery operation in 2013. The rezoning application rezoned the lands from at the time to an Agricultural 'A2-523' zone with a site specific provision to permit the *Domaine Queylus Winery Store*. This was from the previous Zoning Bylaw 1979-14, as amended, when the Township's current Zoning Bylaw 2017-70 was amended, the zone changed to an Agricultural 'A-97' with the noted site specific provision in relation to the winery. It appears site plan (File No. PD-111-2021) was

applied for in 2021 for a previous addition to the existing winery building, however it appears that the site plan still needs to be finalized and will be completed through the included condition of approval.

The surrounding lands are actively farmed with a number of small rural residential properties. The proposed addition will be assisting and improving the efficiency of the existing vineyard and winery operation and is encouraged and supported within the Good General Agricultural Lands designation and site specific Agricultural 'A-97' zoning.

**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 proposed addition to the existing winery building is supported by Section 4 *Agricultural Land Use Policies* of the Township's Official Plan (OP), specifically 4.2.1 and 4.4.2 found in *Good General Agriculture Areas*. The OP specifically notes new or expanding agricultural, small scale commercial-agricultural value-added ancillary uses are permitted on the same property. The main objective of the *Good General Agricultural area* is preserving and protecting these prime Agricultural lands and keeping compatible with the surrounding land uses which is the case.

The proposed variance would not be hindering or having a negative impact on the surrounding agricultural activities as the area proposed for the addition is not actively farmed and it would be maintaining the existing cluster. The OP promotes and encourages the development of a viable and sustainable agricultural uses over the long-term in West Lincoln.

As the *Good General Agricultural lands* are being protected and not altering, the proposed location for the addition is suitable and appropriate. 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. The proposed addition location also avoids an environmental area to the rear and west of the building.

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 'A' with a site specific provision A-97 which permits the uses of the parent Agricultural zone and through the site specific zoning permit the winery and associated home occupation within a portion of the existing dwelling. The site specific includes a winery that processes grapes grown on the *lot* and may also include locally grown grapes, and a *retail store* for the sale of wine.

The addition to the existing winery building is permitted to the principal Agricultural uses on the property, being the vineyard, winery with the associated home occupation, and the lands actively farmed on the property. The addition of 911 square metres will assist the growing winery operation as more space is required to continue to efficiently operate and meet the changing needs of the operation. Following the proposed addition the front yard setback would be deficient of the 20 metres required by the Township's Zoning Bylaw 2017-70, as amended. Therefore, the reason behind this minor variance application is to allow a 15-metre front yard setback.

Aside from the noted variances, the proposed addition is permitted in conjunction with the existing winery and vineyard, and complies with the remainder of the zoning regulations outlined in Table 12 in Part 5 of the Township's Zoning Bylaw, 2017-70, as amended.

However, Part 3.12.5 *Off-Street Loading Facility Requirements* of the Township's Zoning Bylaw identifies a loading space shall not be located within a required yard, front yard or exterior side yard. A second loading dock is being proposed at the front of the new addition which would be located on the south side of the new addition within the required front yard, with a front yard setback of 15 metres.

Given the existing site, there is limited options to locate the loading space on the north side of the building. Locating the loading dock on the south side of the new addition aligns with the existing driveway which will also be utilized for access and will provide adequate truck turn around space on the site.

The resulting front yard setback still provides an adequate front yard. Table 12 found in Part 5 of the Township's Zoning By-law identifies a minimum front yard setback of 15 metres for a dwelling on the property and 20 metres for other *main buildings* which is the case with the existing winery building.

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

**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 addition will be accommodating the needs of the existing winery operation and improving the efficiency and allowing the operation to expand to meet their changing needs.

The Applicants have noted that there is no space on the north side of the building to locate the addition and there is no other useable space on any other side of the existing building, limiting the addition and second dock to be within the required front yard. The existing site has constraints which limits where the addition and proposed second docking space can be located on the property. As mentioned below in the Agency

comments section, the Niagara Peninsula Conservation Authority (NPCA) regulates a portion of the lands north of the existing building and the existing has a setback of approximately 15 metres from the associated floodplain buffer which would not provide enough space to expand with the proposed addition. There is also an existing driveway that provides access to the existing loading dock and operation which will be utilized to access the second loading space.

Given the predominant agricultural land uses in this area and that an addition to the existing main building is permitted, the proposed addition of 911 square metres and second loading space can be considered appropriate to accommodate the growing needs of the winery operation.

For these reasons, Planning Staff consider the proposed minor variances to permit the addition and second docking space to be 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 addition is permitted to the existing winery building and will still be providing an adequate setback to the public road (Sixteen Road).

The requested variance is required to support the expansion of the agriculture operation on the property and is appropriate under this circumstance. The requested variance will not increase concerns or anticipated to have a negative impact on the surrounding area. Directly abutting the subject lands is Spring Creek Quail Farms who have already expressed support for the Applicants' intent to expand their operation.

The addition (911 square metres) is required to assist and adapting to the growing needs of the winery and is aligned with supporting local agricultural operations and encouraging sustainable agricultural growth in West Lincoln.

Given the above analysis, Planning Staff can consider this application minor in nature and recommend approval of this Minor Variance Application to permit an addition of 911 square metres to the existing winery building on the subject property with a second loading dock in the required front yard to assist and improve the operations' current and potential future needs.

**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 note that the site is within the Fifteen Mile municipal drain but the proposed addition would not affect the assessment to the



drain. Staff have no further comment to provide at this stage but will be reviewing and providing comments during the Site Plan application.

**Septic System Inspection Manager:** At the time of writing this report, comments have yet to be received from the Septic System Inspector.

**Niagara Peninsula Conservation Authority (NPCA):** Have noted the proposed addition is located outside of the NPCA's regulated buffer and as such, have no objections with the application.

**Niagara Region:** Have no objections to the proposed variances to facilitate an addition the existing winery building with a second loading dock located in the front yard, subject to the following conditions which can also be found in the Regional comments, please see Attachment 3.

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. That the following warning clause be implemented through a suitable mechanism to the Township's satisfaction such as a development agreement between the owner and the Township of West Lincoln:

*"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-managementplan/default.aspx>"*

3. That a Restoration Plan be prepared to the satisfaction of the Niagara Region. The Plan should incorporate dense plantings of native trees, shrubs, and/or groundcover between the area proposed for development and/or site alteration and the watercourse. The removal of invasive species should also be incorporated, as appropriate.

4. That the Owner agrees to implement the approved Restoration Plan through a suitable mechanism to the Township's satisfaction such as a development agreement between the owner and the Township of West Lincoln.

The Committee can add the above conditions if they see appropriate. These conditions can also be included in the site plan agreement which a condition of approval of this application.

#### **PUBLIC COMMENTS:**

At the time of writing this report, one public comment has been received from the abutting neighbour in support of the minor variance application. Spring Creek Quail Farms abuts the property and have advised of their support of the proposed expansion. Mr. Oosterhoff noted how Domaine Queylus are great neighbours and do an excellent job of being respectful and thoughtful towards the West Lincoln farming community. The comment can be found in

Attachment 4.

**CONCLUSION:**

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance Application (A16/2024WL) as outlined in Report COA-22-24, to permit an addition of 911 square metres to the existing winery building on the subject property with a second loading dock in the required front yard with a setback no less than 15 metres to the front lot line.

**ATTACHMENTS:**

1. Location Map
2. Site Plan
3. Agency Comments
4. Public Comment

**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

3651 Sixteen Road

# West Lincoln

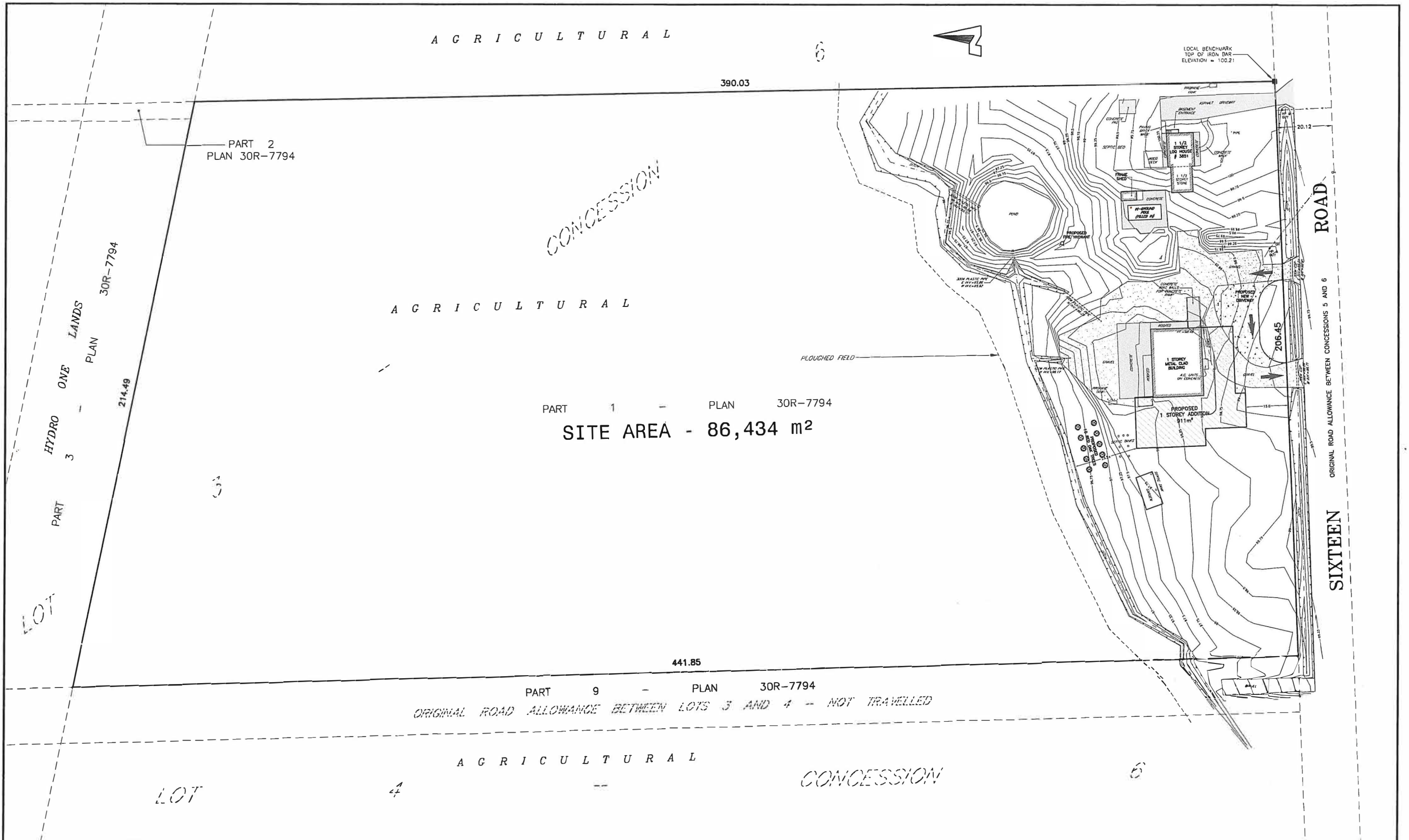
Your Future Naturally

#### Legend

-  ZoneBoundary
-  Subject Property







PART 1 - PLAN 30R-7794  
 SITE AREA - 86,434 m<sup>2</sup>

PART 9 - PLAN 30R-7794  
 ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 3 AND 4 - NOT TRAVELLED

BUILDING STATISTICS						
BUILDING	Building size (m <sup>2</sup> )	Building height	Front yard setback (south)	Rear yard setback (north)	Side yard setback (east)	Side yard setback (west)
1 1/2 storey log & stone dwelling	189 m <sup>2</sup>	6.9 m	30.16	350.95	17.65	167.61
frame shed	18 m <sup>2</sup>	3.6 m	51.61	335.84	38.31	165.26
1 storey metal clad building	449 m <sup>2</sup>	7.6 m	30.26	354.39	87.56	94.64
PROPOSED 1 STOREY ADDITION	911 m <sup>2</sup>	7.6 m	15.00	354.30	87.40	75.9

**3651 SIXTEEN ROAD**

**LOT STATISTICS**

LOT AREA	- 86,434 m <sup>2</sup>	= 100%
BUILDING AREA	- 1,567 m <sup>2</sup>	= 1.8%
GRAVEL AREA	- 2,183 m <sup>2</sup>	= 2.5%
PAVED AREA	- 305 m <sup>2</sup>	= 0.4%
LANDSCAPED AREA	- 18,304 m <sup>2</sup>	= 21.2%
CULTIVATED FIELD	- 64,075 m <sup>2</sup>	= 74.1%

**SKETCH**  
 PREPARED FOR SITEPLAN APPLICATION  
 PART OF LOT 3, CONCESSION 6  
 GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH  
 IN THE  
**TOWNSHIP OF WEST LINCOLN**  
 REGIONAL MUNICIPALITY OF NIAGARA  
 SCALE 1 : 600

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

**BENCHMARK**  
 ELEVATIONS HEREON ARE NOT GEODETIC AND ARE REFERRED TO THE TOP OF AN IRON BAR LOCATED AT THE SOUTH-EAST CORNER OF THE SUBJECT PROPERTY. ELEVATION - 100.21 METRES (ASSUMED).

**LEGEND**

•	EXISTING FLOOR FINISHED FLOOR
•	HYDRO POLE AND GUY WIRE
•	CORRUGATED STEEL PIPE
•	OVERHEAD HYDRO LINE
•	PROPOSED FIRELANE

FIELD WORK COMPLETION DATE: MAY 25, 2021

REVISIONS		
Rev #	REVISION	Date
0	Submitted to client for review	28 May/21
1	Revised to show fire hydrant and oak trees	14 June/21
2	Added existing water truck connection	8 July/21
3	Revised proposed addition	2 July/24

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Drawn By: O. H. T.    94141-6    94141-6\_SP rev.3    File No. 94-141-6



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# Memo

**To:** Stephanie Pouliot, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** July 15, 2024  
**Re:** File A16/2024WL – 3651 Sixteen Rd

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A review has been completed of this minor variance application relating to a proposed addition to the existing winery building. Public Works staff note that the site is within the Fifteen Mile municipal drain but the proposed addition would not affect the assessment to the drain. Staff have no further comment to provide at this stage but would review and provide comment on the Site Plan application.



**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**

July 15, 2024

File Number: PLMV202400853  
Stephanie Pouliot  
Planner I; 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: A16/2024WL**  
**Applicant: Gestion Queylus Inc.**  
**Agent: John Verdonk Construction Inc.**  
**Location: 3651 Sixteen Road;**

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Staff of the Regional Growth Strategy and Economic Development Department has reviewed this application to permit the construction of an addition (911 sq. metres) to the existing winery with a second loading dock located in the front yard with a setback of 15 metres whereas a 20 metre minimum setback is required for the property municipally known as 3651 Sixteen Road in Township of West Lincoln. Regional staff received notice of this Minor Variance request on July 4, 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.

Staff note that NOP Policy 4.1.2.3 states that in prime agricultural areas, all types, sizes



and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted.

Staff note that NOP policy 4.1.10.1 states that the NOP shall not prohibit the continued operation of legally established uses, such as residential, commercial, employment, agricultural, and institutional uses.

The requested variance, which will facilitate the construction of an addition to the existing winery operation, 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. In addition, staff notes that there are several registered archaeological sites to the northeast and south of the proposed development. 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. Further, as 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 the assessment scoped.

As such, Regional staff recommends that the applicant undertake a Stage 1-2 Archaeological Assessment (at minimum) to ensure that any archaeological resources that may be present are not disturbed, which would result in delays during grading and construction activities. A copy of the assessment report(s) and the Ministry Citizenship and Multiculturalism acknowledgement are to be shared to the Niagara Region and the Township.

In addition, staff recommends that 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 Other Wetland and a watercourse. The property is also 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 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.

The proposed building addition is within 120 metres of the features; however, Growth Plan policies allow for expansions to existing buildings within the VPZ area, provided that the expansion is limited in scope and kept within close proximity to the existing structure. As such, no EIS is required.

Staff had participated in a previous site visit (April 20, 2021) and noted that the VPZ area was not sufficiently planted with natural self-sustaining vegetation. As such, staff request a Restoration Plan is submitted for Regional review as a Condition of Approval that illustrates the location of additional native trees, shrubs, and/or groundcover between the area proposed for development and/or site alteration and the watercourse.

The Township is encouraged to utilize the tools at their disposal (e.g., development agreements) in order to ensure the recommendations of the Restoration Plan are implemented.

## **Conclusion**

Staff of the Regional Growth Strategy and Economic Development Department does not object to the proposed variances to facilitate an addition to the existing winery with a second loading dock located in the front yard, subject to conditions in the Appendix and to the satisfaction of any local requirements.

Please send copies of the staff report and notice of the Township's decision on these applications. 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, Manager of Development Planning, Niagara Region  
Rachel Daniels, Planning Ecologist, 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. That the following warning clause be implemented through a suitable mechanism to the Township's satisfaction such as a development agreement between the owner and the Township of West Lincoln:  
  

*"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-managementplan/default.aspx>"*
  
3. That a Restoration Plan be prepared to the satisfaction of the Niagara Region. The Plan should incorporate dense plantings of native trees, shrubs, and/or groundcover between the area proposed for development and/or site alteration and the watercourse. The removal of invasive species should also be incorporated, as appropriate.
  
4. That the Owner agrees to implement the approved Restoration Plan through a suitable mechanism to the Township's satisfaction such as a development agreement between the owner and the Township of West Lincoln.



## Stephanie Pouliot

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**From:** Aaron Oosterhoff <[REDACTED]>  
**Sent:** July 9, 2024 2:54 PM  
**To:** Stephanie Pouliot  
**Subject:** A16/2024WL

Good afternoon Stephanie,

I would like to submit comments in support of this minor variance application at Domaine Queylus.

Domaine Queylus are great neighbours and do an excellent job of being respectful and thoughtful towards the farming community they are part of. We are in full support of this expansion and minor variance application as we believe that it aligns with the purpose of promotion of agriculture and good stewardship in West Lincoln.

Kind regards,  
Aaron Oosterhoff  
Spring Creek Quail Farms

**Aaron Oosterhoff**  
Spring Creek Quail Farms [REDACTED]  
[REDACTED]

*"Crack a new egg!"*

*We're on a mission to spice up your egg life! Check out our story [here](#)*

**springcreek**  
QUAIL FARMS

**DATE:** July 24, 2024

**REPORT NO:** COA-24-2024

**SUBJECT:** **Recommendation Report – Application for Consent – 5447 Regional Road 20, William and Cathleen Vitucci (B04/2024WL)**

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

**OVERVIEW:**

- A consent application has been submitted by William and Cathleen Vitucci, property owner of 5447 Regional Road 20.
- The Consent application is being requested to permit a Surplus Farm Dwelling Severance for the lands located at 5447 Regional Road 20. The land being severed with the residence and an accessory building is proposed to be 1.25 acres in size (0.50 hectares)
- 5447 Regional Road 20 has a total lot size of approximately 23.74 hectares (58.66 acres), following the severance, the remnant farmland will be approximately 23.02 hectares (57.05 acres) in size.
- If approved, a condition will be required that the severed residential lands be zoned to Rural Residential and the retained farmland be zoned to Agricultural Purposes Only (APO), restricting any future residential use. The owner does not have any interest in abutting lands and therefore merging the lands onto an abutting property is not possible.
- This application has been reviewed against Provincial, Regional, and Township Policy and the application has been deemed to meet these criteria.
- Planning Staff recommend the approval of this application, with the appropriate conditions.

**RECOMMENDATION:**

THAT, the application for Consent made by William and Cathy Vitucci as outlined in Report COA-024-24, to permit a surplus farm dwelling severance at 5447 Regional Road 20, BE APPROVED, subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park land dedication, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
3. That upon conditional approval of the Consent Application, the agricultural portion of the property is rezoned to Agricultural Purposes Only (APO) to preclude its use for residential purposes and the severed lands be rezoned to Rural Residential (RuR) and any zoning deficiencies be addressed.
4. That the applicant submits the required cash-in-lieu of parkland dedication fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
5. That the owner dedicates a 2.5 metre road widening, to the Regional Municipality of Niagara along the frontage of Regional Road 20 prior to the issuance of a building permit, to the satisfaction of the Niagara Region Planning and Development Services Department. All costs for providing the necessary survey plan and all related documents are the responsibility of the applicant.
6. That the applicant provide documentation indicating compliance with Part 8 (Sewage Systems) of the Ontario Building Code, to the satisfaction of the Township's Septic Inspector and Building Department.
7. 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, for use in the issuance of the Certificate of Consent.
8. That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.
9. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
10. That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

**BACKGROUND:**

A consent application has been submitted by William and Cathy Vitucci for the property located at 5447 Regional Road 20. This application proposes to sever a residential holding of 1.25 acres (0.50 hectares) from the subject property as part of a surplus farm dwelling severance and retain the remaining 57.5 acres (23.2 hectares) of agricultural land for continued farming.

The subject lands are legally described as Concession 4 Part Lot 12 RP30R4717; PT Part 1, in the former Township of Gainsborough, now in the Township of West Lincoln, municipally known as 5447 Regional Road 20. The subject lands are located to the north and east of Regional Road 20. (See attachment 1)

The submitted supporting documents indicate that the Vitucci's own approximately 491



acres and rent 597 acres of farmland for cash crop production. The applicants have indicated that the property to which this property is surplus to and that is in identical ownership is known as 1740 Silverdale Road with 46 acres of farmland and a single detached dwelling.

The applicants attended a pre-consultation with Township staff, the Region and the NPCA in December 2023, Following the meeting the applicants were provided with comments from the Township, Region and the NPCA. Within the Regional comments they asked if the applicants could provide a justification letter written by the owner and their agent providing the reasons why the accessory building were to remain on the future rural residential lot (and therefore exceed the size outlined in the Niagara Official Plan) Since that meeting the application has been revised and made the request to sever a smaller residential parcel so they would not have to prepare a Planning Justification Brief for the Region. The proposed severed lot size was reduced from 0.67 hectares to 0.5 hectares.

**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**

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. In accordance with Policy 2.3.4.1 c) of the PPS, lot creation in prime agricultural areas is discouraged and may only be permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and, the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

Evidence has been provided that William and Cathy Vitucci are bonafide farmers and thus, qualify for a surplus farm severance, provided that the farmer owns two farms with dwellings that are in the same name as the subject property. Cathy and William purchased the subject property with 58 acres of land on January 26<sup>th</sup> 2023, there are 8 other farm properties with a total of 491 acres of farmland that are in the name of 'William and Cathleen Vitucci'. Cath and William purchased the property with the single detached dwelling, shop and agricultural barn. The farm dwelling was constructed in 1900 and there was a renovation completed in 1994.

In order to conform to Provincial Policy, the retained agricultural lands will need to be rezoned to Agricultural Purposes Only (APO) prohibiting future residential uses. Rezoning the agricultural lands to APO will be added as a condition to ensure the application conforms to Provincial Policy. The severed residential dwelling will also need to be rezoned to Rural Residential (RuR) to recognize the existing residential use. The proposed residential lot is just over one acre which is the minimum size needed to accommodate the existing dwelling, driveway and septic system.

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. Section 4 of the Growth Plan provides policy direction related to protecting natural features and areas and the diverse agricultural land base throughout the Greater Golden Horseshoe. In relation to the proposed severance application Section 4.2.6 (Agricultural Systems) of the P2G applies.

Section 4.2.6 of the Growth Plan provides policies respecting the Province's Agricultural System. In particular, Policy 4.2.6.5 identifies that the retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged. The proposed severance does not affect the continued agricultural use of the severed lands. It is a requirement for the severed agricultural lands to be rezoned to Agricultural Purposes Only ('APO'). This will ensure the retained lands are not used for residential purposes in perpetuity.

Ensuring as much land remains agricultural as possible is in alignment with the Places to Grow Plan.

### **Niagara Official Plan**

The subject property is designated as Prime Agricultural Area in the Niagara Official Plan. The Niagara Official Plan (NOP) provides general policy direction for planning in the Niagara Region. The NOP allows for severances in the agricultural area where the Severance occurs as a result of a farm consolidation.

Section 4.1.4.2 in the Niagara Official Plan states that Proposed residential lots being considered under Sections 4.1.5 and 4.1.6 for a consent within the agricultural land base must meet the following conditions:

- a) the size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and long-term operation of a private sewage disposal system as determined by Provincial and Regional requirements;
- b) any new lot has an adequate groundwater or other water supply, in compliance with Provincial requirements;
- c) any new lot has sufficient frontage on an existing publicly maintained road;
- d) where possible, joint use should be made of the existing road access to the farm operation;
- e) road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections; and
- f) proposed lots shall be located and configured to minimize impacts on surrounding farming operations.

Section 4.1.4.3 in the Niagara Official Plan states that all proposed development and uses will include sustainable on-site private water supply and private sewage disposal systems subject to applicable Provincial and Regional regulations and associated approvals.

Based on staff's review, the consent application meets the policy of the Region's Official Plan.

### **Township of West Lincoln Official Plan**

The subject property is designated as Good General Agriculture in the Townships Official Plan. The Township Official Plan allows for surplus farm severances in the Good General Agricultural area where it can meet the following criteria;

- i. The residence is surplus to a farm operator (bona-fide farmer); and
- ii. That the residence subject to the application for consent is at least 10 years of age, as of the date of application; and,
- iii. It is the intention to utilize the existing dwelling and the Council and/or Building Inspector will not issue a demolition permit or 184building permit for a new residence unless the existing residence has been occupied for a reasonable length of time, or has, after transfer, been partially destroyed by fire or other natural disaster; and,
- iv. Where a barn exists in the immediate vicinity to the surplus residence on the lands that are subject to the consent, the Committee may require the demolition of the barn; and,
- v. That the area to be severed and the remnant parcel shall comply with the provisions of the Zoning By-law. In greater detail, the retained agricultural lands shall have a minimum of 10 hectares being actively used for the growing of crops, the raising of livestock or the raising of other animals for food, fur or fibre; and,
- vi. That the consent complies with the Minimum Distance Separation Formula I; and,
- vii. The separated residential parcel has a lot size of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support the residence and the private services required to serve that residence, as determined through a septic evaluation. Under no circumstances shall a severed residential lot be greater than 1.0 hectares. The created lot must be of regular shape (i.e. rectangular or square) whenever possible; and,
- viii. The remnant farmland shall be rezoned Agricultural Purposes Only (APO) in perpetuity or be merged on title with an abutting piece of Agricultural lands, provided the lands are not already zoned Agricultural Purposes Only (APO); and,
- ix. Where there are two or more dwellings legally existing on one lot, and neither was built for the purpose of a permanent farm help house, only one surplus farm severance shall be permitted in compliance with this policy; and,
- x. Farm Help houses are not eligible for surplus farm dwelling severances.

The application meets the required criteria. The applicants are bona-fide farmers, who demonstrates a continuing commitment to their farm operation. The condition of approval to rezone the farmland also protects and preserves the area for continuous agricultural purposes which maintains and promotes the general intent and purpose of Section 4 of the Township's OP.

William and Cathy Vitucci are bonafide farmers, which can be seen form the list of land submitted with their application. This list shows the land they own and rent for farming



purposes. The applicants have indicated that 1740 Silverdale Road is their main farm which will qualify them for a severance. This property is currently in the name of William and Cathleen Vitucci which is the same name in which the subject lands are under, which will qualify them for a severance.

A requirement in the Official Plan is that the severed residential lots are 0.4 hectares in size, unless additional lands are needed for servicing, then a maximum of 1 hectare is applied. The proposed lot to be severed for residential purposes is 1.25 acres in size (0.50 hectares) which is slightly over the permitted size. This lot size includes the residence, the existing septic bed and an existing accessory building on the property. Planning Staff recognize that the lot would have to be this large to accommodate all buildings proposed to remain with the dwelling. Furthermore, the proposed lot size would also provide adequate space for the replacement of private services, if required in the future by the applicants or subsequent owners.

There is an existing 235 square metre agricultural barn that is proposed to remain on the retained agricultural land to store farming equipment and materials. The applicants have informed staff that there is an agreement with the business to the east of the subject lands also known as Neil McCollum Ltd. to use their driveway to have access to the barn.

Alternative access to the Agricultural parcel can be through the three existing entrances off of Regional Road 20 on the western portion of the retained lands. Section 3.12.2 h) iii) states that Three (3) driveways for lots having a front lot line and/or exterior side lot line of 100 metres or more in total length measured along the street line(s). As this exterior side lot line is 412 metres they are required to have the three entrances.

Chris Crown, from Crown Acres Excavating and Farming has provided a letter (Attachment 3 to this report) which states that the existing septic system at 5447 Regional Road 20 is a Class 4 trench bed system in good working condition at the time of evaluation in April 2024, The septic bed has goof surface drainage around it and is good elevation. The west side of the existing septic bed is proposed to be approximately 6 metres from the proposed property line.

For these reasons, Planning Staff consider the proposed Surplus Farm Dwelling Severance to be consistent with the Township's Official Plan, subject to the conditions of approval as indicated.

### **Township of West Lincoln Zoning Bylaw**

The subject property is currently zoned Agricultural 'A' in the Township's Zoning Bylaw. Following this consent application, the two parcels will have to go through a Zoning Bylaw application as a condition of this consent. This application will recognize the severed parcel with the existing dwelling and accessory buildings to be rezoned from 'A' Agricultural to 'RUR' Rural Residential with a site specific exception. The site specific exception will recognize a reduced lot frontage of approximately 4.45 metres (before the regional road widening) where 15 metres is required.

The retained farmland will also be rezoned from 'A' Agricultural to 'APO' Agricultural Purposes Only with a site specific exception as well. The Agricultural Purposes Only zone allows for accessory buildings or structures that are accessory to the agricultural operation. Currently the agricultural barn is used for hay storage. The agricultural barn will fall under Table 1-1 as a Type 3 accessory building, the existing barn meets all zoning provisions for an accessory building.

**INTER-DEPARTMENTAL & AGENCY COMMENTS:**

Notification was mailed to all applicable agencies and departments on July 4th 2024.

The Township's Septic Inspector has not yet provided comments for this application

The Township's Public Works Department has indicated that they have no comments or objections to this proposed application.

Regional Planning and Development Services provided comments at the Pre-Consultation meeting that was held on December 21<sup>st</sup> 2023, as well as comments for this application submitted on July 15<sup>th</sup> 2024 with both stated that the southern frontage along Regional Road 20 would require a road widening of 2.5 metres to satisfy the Niagara Official Plan policy width of 35.0 metres across the newly created parcel.

The Niagara Peninsula Conservation Authority (NPCA) have stated that their technical staff have reviewed the consent application and have indicated that there are no flooding concerns with the subject property, and as such have no objection to the proposed application.

**PUBLIC COMMENTS:**

Circulation by way of mail was given to property owners within a 120m radius of the subject property on July 4th 2024. A Yellow sign was posted on the property a minimum of 14 days before the hearing. Staff have not received any public comments at the time of writing this report.

**CONCLUSION:**

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed consent application (B04/2024WL) as outlined in Report COA-024-24, submitted by William and Cathy Vitucci, property owner at 5447 Regional Road 20 to permit a surplus farm dwelling severance, subject to the conditions of approval as indicated.

**ATTACHMENTS:**

1. Severance Sketch
2. List of Farm Properties
3. Septic Evaluation Letter
4. Agency Comment

**Prepared & Submitted by:**

**Approved by:**



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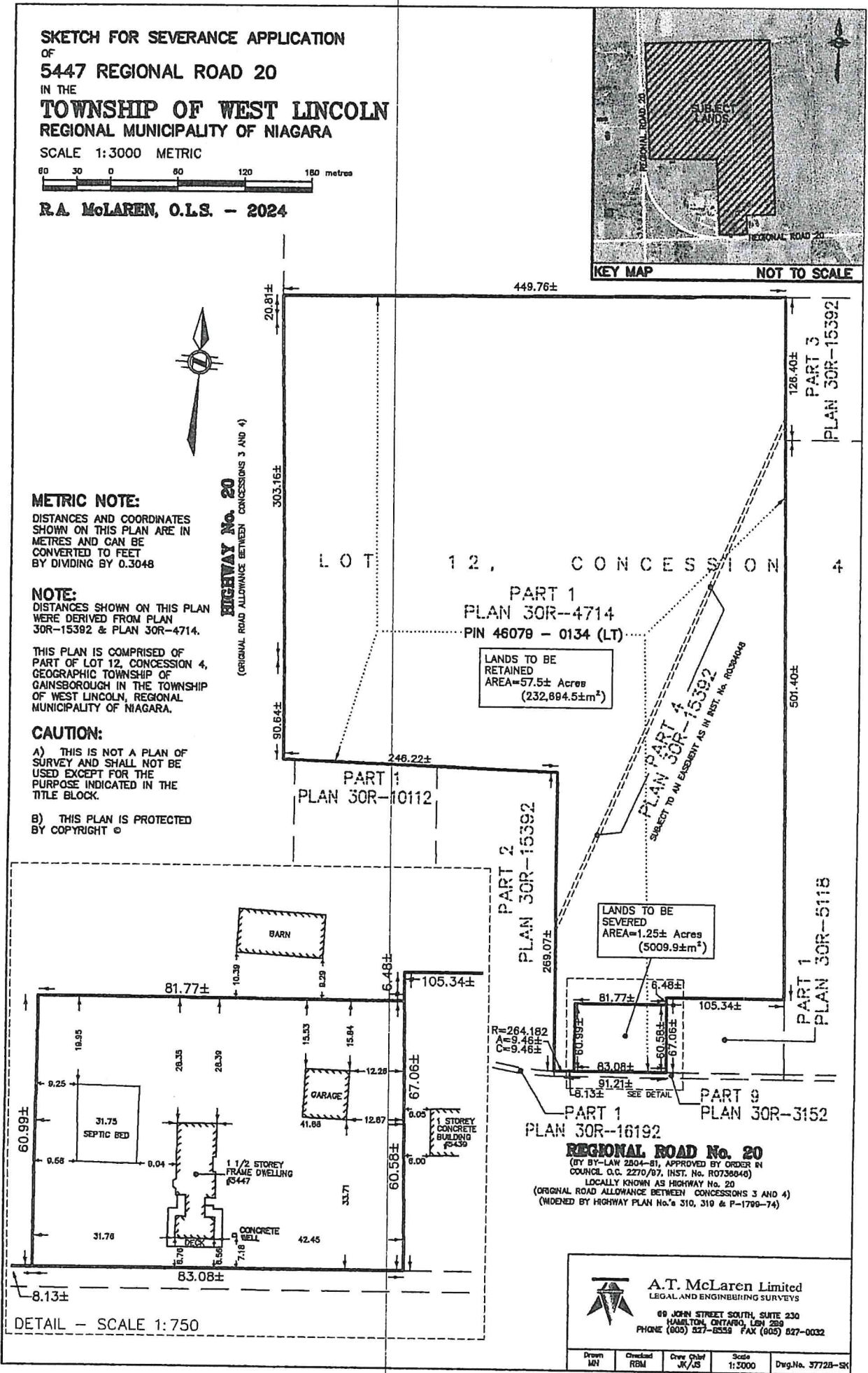
**Madyson Etzl**  
**Senior Planner**



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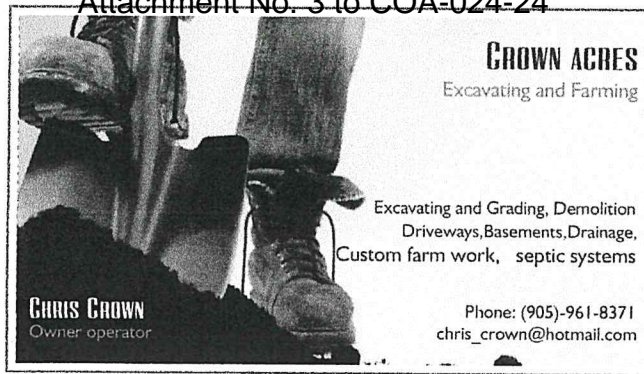
**Gerrit Boerema, RPP, MCIP**  
**Manager of Planning**





Details of Owned Real Estate Location	Title in Name of	Details	Date of Purchase	Acres
	William & Cathleen Vitucci	64 acres 2 barns and Turbine easement	30-Sep-02	64
	William & Cathleen Vitucci	48 acres	10-May-04	48
	William & Cathleen Vitucci	78 acres, Land Pad Lease	2019-Nov	78
	William & Cathleen Vitucci	46 acres and single detached dwelling	Oct, 2014	46
	William & Cathleen Vitucci	98 acres & Land Pad Lease	01-Apr-00	98
	William & Cathleen Vitucci	2 acres single detached dwelling and shop & Turbine easement	05-Feb-05	2
	William & Cathleen Vitucci	96 Acres New Pole Barn 60x108, 30x 70,	31-Jan-14	96
	William & Cathleen Vitucci	1 acre & single detached dwelling & Turbine easement	16-Jun-16	1
	William & Cathleen Vitucci	58 acres & Single detached dwelling and shop	26-Jan-23	58
<b>Total</b>				<b>491</b>

Rented Land Location	Land Owner	Acres
Canborough Rd Wellandport		30
Young St Smithville		75
Dutch Lane		30
Book Rd St, Anns		34
Canborough Rd Wellandport		30
Canborough Rd Wellandport		25
Caistor Gainsborough Townline		50
Caistor Gainsborough Townline		33
Vaughan Rd		85
Vaughan Rd		25
Conc 4		14
Hwy 20 Smithville		20
Heaslip Rd		146
		<b>597</b>



SEPTIC EVALUATION FOR SEVERANCE

April 23, 2024

VITUCCI FARMS

5447 HWY #20 BISMARCK

The existing septic system at 5447 Hwy #20 Bismark is a Class 4 trench bed system in good working condition at time of evaluation. the septic system is located on the west side of the existing house. the septic tank is a 2 compartment tank ( concrete ) in good working condition at time of evaluation and at proper operating level. There are approx. 10 runs to tile bed at 18.6m each. The septic bed has good surface drainage around it and is good elevation. The west side of the septic will be approximately 6 meters from proposed property line.

Chris Crown

Crown Acres

Bcin 112692





**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**

July 15, 2024

Revised: July 17, 2024

File Number: PLCS202400850

Stephanie Pouliot  
Planner I; Secretary for 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: Consent**  
**Township File Number: B04/2024WL**  
**Applicant: Cathy and William Vitucci**  
**Location: 5447 Regional Road 20 –**  
**Township of West Lincoln**

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Staff of the Regional Growth Strategy and Economic Development Department has reviewed this application to permit a surplus farm dwelling severance for the property municipally known as 5447 Regional Road 20, in the Township of West Lincoln. If approved, a condition will be required that the severed holding be zoned to Rural Residential (RUR) and the remnant farmland be zoned to Agricultural Purposes Only (APO). Regional staff received notice of this application on July 4, 2024.

**Provincial and Regional Policies**

The subject land is located within the Prime Agricultural Area under the Provincial Policy Statement (PPS), and is designated as Prime Agricultural Area in the Niagara Official Plan (NOP). Policy 4.1.1 of the NOP states that within the prime agricultural area, lot creation is discouraged and may only be permitted in accordance with the policies in Sections 4.1.4, 4.1.5 and 4.1.6 of the NOP.

Staff notes that NOP Policy 4.1.6.1 states that “In prime agricultural areas outside of specialty crop areas, consents to convey may be permitted only in those circumstances set out in the following provisions [among others] and the general consent provisions of Policy 4.1.4.2: (c) the consent is for a residence surplus to a farming operation as

outlined in Policy 4.1.6.2”.

Policy 4.1.6.2 of the Niagara Official Plan states that “the severance of a residence surplus to a farming operation may be permitted under the following circumstances:

- (a) The lot contains a habitable residence, which existed as of June 16, 2006, that is rendered surplus as a result of farm consolidation;
- (b) The size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and private sewage disposal system as determined by Provincial and Regional requirements to a maximum of one hectare;
  - i. Proposals that exceed one hectare may be considered subject to an amendment to this plan; and
- (c) To reduce fragmentation of the agricultural land base the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be zoned to preclude its use for residential purposes.

Regional staff requested at the pre-consultation meeting that a Planning Justification Brief be provided to showcase that the applicant is a bona fide farmer. Staff acknowledge in the full planning package circulated that the applicant provided details of their owned real estate and rented land, which consists of over 1,000 acres of lands under production (grain and oil seed) as part of their farming operation.

Staff acknowledge that the size of the proposed surplus farm dwelling lot of 0.5 hectares, which exceeds the above requirement, incorporates an existing accessory building in addition to the dwelling and septic system.

Staff note the consent would be conditional on the retained farm parcel being rezoned to Agricultural Purposes Only (APO) to preclude its use for residential purposes.

The Committee should be satisfied that the lot as proposed is deemed necessary to support private on-site servicing; additionally, the Committee should refer to Township staff’s comments in this regard.

### **Archaeological Potential**

Staff note that the property is mapped within an area of archaeological potential on Schedule K of the NOP. The Provincial Policy Statement (“PPS”) and NOP state that that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. NOP Policy 6.4.2.6 states that where a site proposed for development is located within an area of archaeological

potential, a Stage 1-2 Archaeological Assessment by a licensed archaeologist is required.

As there is no development and/or site alteration proposed through this application, staff offers no archaeological assessment requirements. The owner is advised that any future Planning Act application for the property may require an archaeological assessment.

### **Regional Road**

The subject property has frontage along Regional Road 20. This section of road is identified as having a substandard road allowance. The designated road allowance is 35 metres as identified in the NOP. As such, the applicant is required to gratuitously grant the following 2.5 metre widening across the frontage to the Region (see attached sketch).

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Should the applicant have any questions, please direct them to contact the individuals listed below:

Jordan Hadler, Law Clerk, 905-980-6000 extension 3271.  
E-mail: [jordan.hadler@niagararegion.ca](mailto:jordan.hadler@niagararegion.ca)  
(Inquiries -specific to the transfer of property to the Region)

Normans Taurins, Manager, Surveys & Property Information, 905-980-6000 extension 3325, E-mail: [normans.taurins@niagararegion.ca](mailto:normans.taurins@niagararegion.ca)  
(Inquiries -specific to the reference plan)

A condition of consent has been included in the Appendix to address this requirement.

### **Regional Entrance / Construction Permits**

Prior to any construction / works taking place within the Regional road allowance, a Regional Construction, Encroachment, and Entrance Permit must be obtained from the Transportation Services Division, Public Works Department.

### **Regional Sign Permits**

Please note that the placement of any sign, notice or advertising device within 20



metres of the centreline of Regional Road 20 will require a Regional Sign permit.

Permit applications can be made through the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

## Conclusion

Staff of the Regional Growth Strategy and Economic Development Services Department does not object to the request for a consent of a dwelling surplus to the farming operation, subject to the Township's satisfaction and the conditions outlined in the Appendix (Agricultural Purposes Only zoning amendment and road widening). In this regard, the Committee should be satisfied that the lot size as proposed is necessary to support private on-site services.

Please send copies of the staff report and notice of the Township's decision on these applications. 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, Manager of Development Planning, Niagara Region  
Phillipe Biba, Development Approvals Technician, Niagara Region  
Jordan Hadler, Law Clerk, Niagara Region  
Normans Taurins, Manager, Surveys & Property Information, Niagara Region

## **Appendix**

1. That the owner dedicates a 2.5 metre road widening, to the Regional Municipality of Niagara along the frontage of Regional Road 20 prior to the issuance of a building permit, to the satisfaction of the Niagara Region Planning & Development Services Department. All costs for providing the necessary survey plan and all related documents are the responsibility of the applicant.
2. That the retained lands be rezoned to Agricultural Purposes Only (APO)

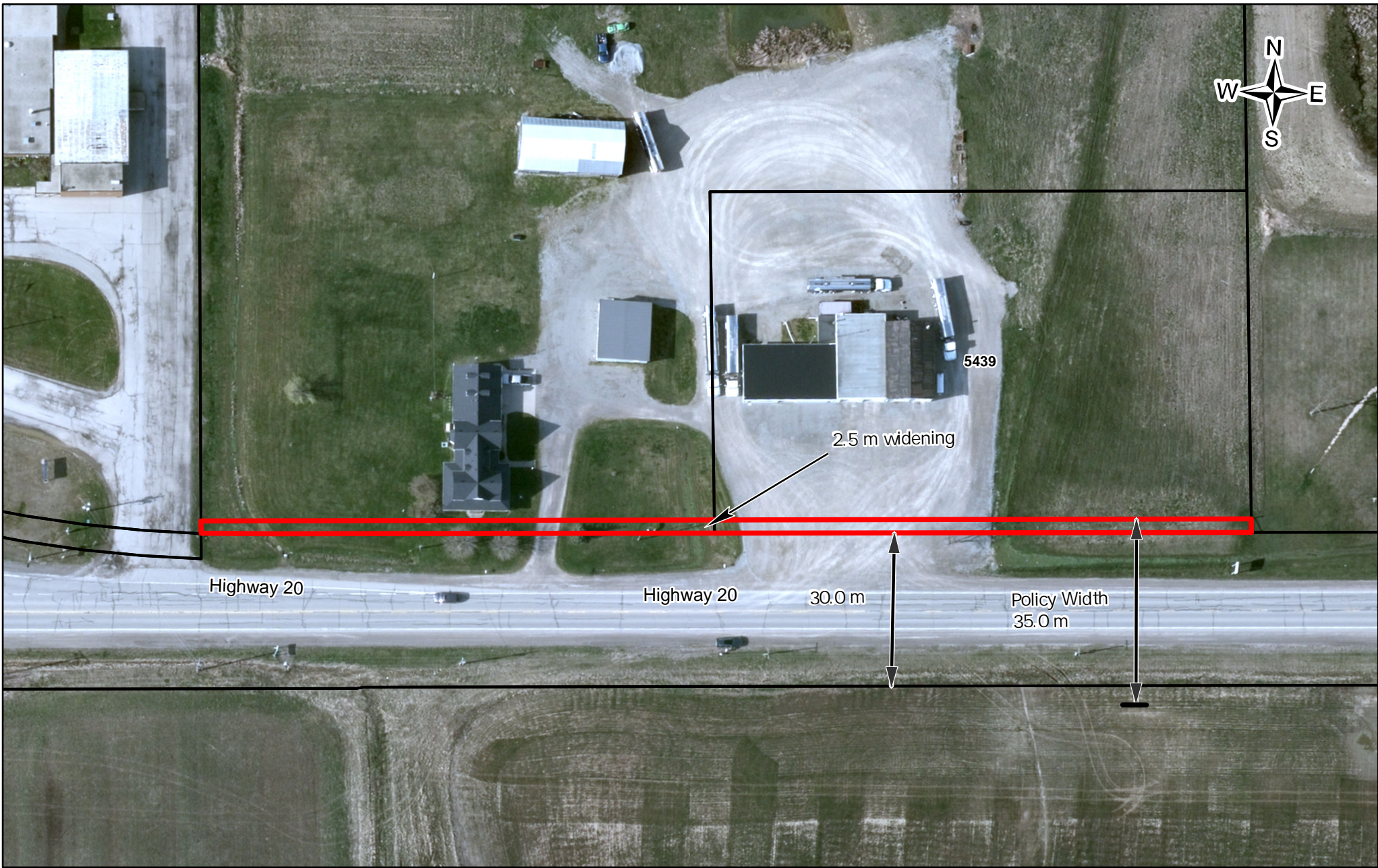
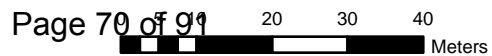


ILLUSTRATION SHOWING APPROXIMATE LOCATION OF PROPOSED WIDENING  
 NO. 5439 & 5447 HWY 20  
 TOWNSHIP OF WEST LINCOLN

- DENOTES TERANET MAPPING
- DENOTES PROPOSED WIDENING

**DISCLAIMER**  
 This map was compiled from various sources and is current as of 2022.  
 The Region of Niagara makes no representations or warranties whatsoever, either expressed or implied,  
 as to the accuracy, completeness, reliability, and currency or otherwise of the information shown on this map.  
 © 2022 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17. Airphoto (Spring 2020)

**CAUTION:**  
 - This is not a Plan of Survey  
 - The proposed widened limits have been compiled from office records and the shown measurements are approximate.  
 - The final extent of the widening will be established through field survey by an Ontario Land Surveyor.





## Stephanie Pouliot

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**From:** Meghan Birbeck <[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)>  
**Sent:** July 12, 2024 10:27 AM  
**To:** Stephanie Pouliot  
**Subject:** RE: NPCA follow up comments - Notice of Hearing and Full Package -Wednesday July 24th CofA Hearing

Good morning Stephanie,

As a follow up to yesterday's email – please see the NPCA's additional comments below regarding West Lincoln's July 24th COA Hearing.

Please see the NPCA's initial reply:

- B04/2024WL - Vitucci - 5447 Regional Road 20
  - o Technical staff have reviewed the consent application and have indicated that there are no flooding concerns with the subject property.
  - o As such, the NPCA has no objection and will not require a review fee.
  - o The subject property is still impacted by regulated watercourses
- A13/2024WL - Kordic - 3227 Grassie Road
  - o Technical staff have reviewed the minor variance application and have indicated that there are no flooding concerns with the subject property.
  - o As such, the NPCA has no objection and will not require a review fee.
- A16/2024WL - Gestion Queylus Inc. - 3651 Sixteen Road
  - o Technical staff have reviewed the minor variance application and have indicated that there are wetlands concerns where the addition is being proposed on the subject property.
  - o Additionally, with proposed addition is outside of the buffer of the watercourse on the subject property.
  - o As such, the NPCA has no objection and will not require a review fee.

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](http://www.npca.ca)

[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)

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**From:** Stephanie Pouliot <[spouliot@westlincoln.ca](mailto:spouliot@westlincoln.ca)>

**Sent:** Thursday, July 4, 2024 4:29 PM

**To:** [Pat.busnello@niagararegion.ca](mailto:Pat.busnello@niagararegion.ca); [devtplanningapplications@niagararegion.ca](mailto:devtplanningapplications@niagararegion.ca); [susan.dunsmore@niagararegion.ca](mailto:susan.dunsmore@niagararegion.ca); [Connor.Wilson@niagararegion.ca](mailto:Connor.Wilson@niagararegion.ca); Meghan Birbeck <[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)>; Mike DiPaola <[mdipaola@westlincoln.ca](mailto:mdipaola@westlincoln.ca)>; Jennifer Bernard <[jbernard@westlincoln.ca](mailto:jbernard@westlincoln.ca)>; John Schonewille <[jschonewille@westlincoln.ca](mailto:jschonewille@westlincoln.ca)>; Lyle Killins



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

**March 27, 2024, 7:00p.m.**

Present Members:

Peter Forsberg (Chair)  
Kim Willis (Sitting member)  
Peggy Cook (Sitting member)

Staff:

Gerrit Boerema  
Stephanie Pouliot

Public:

Andrew Frandsen –Agent  
Nancy and Mark Horton-Owners  
Stan Vyn –Agent  
Melanie and Michael Felvus –Owners  
Alisa Vandervelde  
Dave Vandervelde  
Mitchell Vandervelde  
Dave Johnston  
Steve Reid

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**1. CHAIR**

The Chair will call to Order the evening's proceedings at **7:00 pm**

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

There were none at this time.

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

Secretary–Treasurer, Ms. Pouliot noted that Minor Variance A05/2024WL (Buitenwerf) has been deferred at this time to include additional variances not captured in the Minor Variance application.

#### **4. APPLICATIONS**

##### **a. B02/2024WL - Corey and Shayna Buitenwerf (Agent - Andrew Frandsen)**

###### **Property Address: 7 Wade Road**

Manager of Planning, Mr. Boerema provided the presentation overview.

Chair Forsberg, asked if the agent would like to address the Committee?

Agent, Mr. Frandsen had nothing more to add.

Public member, Dave Johnston took oath. (Dave Johnston from 6 Wade Road).

Mr. Johnston, first wanted to point out additional variances that will be required, front and back variances were not in the first notice received. With the accumulative of variances would this be better as a rezoning? Concern with the size of the driveway, what if there is a large vehicle and parking on the street blocks sightline of the intersection. It is a school zone and there is lots of pedestrian traffic.

Public member, Dave Vandervelde took oath. (Dave Vandervelde from 34 Wallis Avenue).

Public Member, Mr. Vandervelde mentioned that I live directly next door. Would like to see the dwelling moved. The background would be right beside my master bedroom. I already have 3 properties abutting my property –this would be the fourth and 1 metre off my property. Zoning size having to ask for the variance, size of the driveway. Tight parking on the street, the road gets plugged up with on-street parking.

Chair, Forsberg noted there are winter parking restrictions, those would have to be enforced. Understanding the concern, there is enforcement abilities in this town. We do have min. setback distances; we can address this issue?

Manager of Planning, Mr. Boerema noted the closest setback is 1.52 metres, the house is offset slightly 1.5 metres is the minimum setback permitted for the interior side. The variance is being asked for the front and rear. The property line they are creating would effect the remnant parcel with the new property line. Not sure if the Committee could improve anything as there is no reduction to the setback to the east property line abutting Wallis Avenue. There will be an additional meeting to discuss the variances. Planning we like to look at the big picture and if it is something we can support and we still think they are minor. In terms of parking requirements, garage and driveway meet the minimum to be considered a proper space. On-street where permitted is shared in the area and for visitors, more of a privilege. Not concerned by parking. Sightlines, Public Works is comfortable and there will be an entrance permit required. Wade road is also a dead end.

Chair, Forsberg asked if there is room for planting cedars or something to provide privacy between the two properties?

Public member, Mr. Vandervelde added, there is a row of hedges, not on my property, not sure where the property lines but it's proposed one metre away

Secretary-Treasurer, Ms. Pouliot added that the Public Works Department has a policy that the driveway be no closer than 11 metres to the intersection so the driveway has been proposed to comply with Public Works.

Member Cook, asked if the listed conditions are standard?

Manager of Planning, Mr. Boerema responded, yes these are typical conditions. I have also pulled up the sketch, maybe the agent can speak to it? When we look at the property, no windows noticed during site visit on the existing house at 34 Wallis Avenue. Surveyor would have completed accurately so around 3.3 metres to the neighbour 's property. The closest point to the neighbour is the attached private garage, unlikely there would be privacy concerns with this part of the garage, there are also no windows proposed on that side of the garage.

Member Willis, asked to Manager of Planning, Mr. Boerema, are we voting on the consent if we vote does that mean they can build a house?

Manager of Planning, Mr. Boerema responded yes, that's correct. There are two variances required to permit a future dwelling which is included as a condition of consent.

Public member, Mr. Vandervelde noted concern for damage to construction.

Chair, Forsberg noted that on the construction side to permit the new dwelling would be more appropriate with the next application pertaining to the variances.

Chair Forsberg, noted its time for a vote, need a motion.

Member Cook, motioned to approve the application with the 10 conditions, considering both agency comments and public concerns.

Member Willis seconded.

**Carried .**

**Secretary Ms. Pouliot noted the last day for filing an appeal for Consent is 20 days from the mailing date, being 20 days from tomorrow which will expire on Tuesday, April 16<sup>th</sup>, 2024. Documentation will follow.**



**b. A04/2024WL - Mark and Nancy Horton**  
**Property Address: 4131 Vaughan Road**

Manager of Planning, Mr. Boerema provided the presentation overview.

Chair Forsberg, asked a question to Mr. Boerema. With the Niagara Region's conditions with regard to the warning archeological clause and ceasing immediately would the warning clause be appropriate to include?

Manager of Planning, Mr. Boerema responded that the warning clause is sufficient, from historical imagery most of this property has been significantly disturbed. We have supported the warning clause in the past.

Chair, Forsberg, if I was the property owner, don't you think it would be normal just to stop work if anything were found?

Manager of Planning, Mr. Boerema, would be required to stop none the less. Would be appropriate to add the second condition (warning clause) to bring attention to the concern.

Chair Forsberg, don't want to be onerous on the owner and a financial stain at the forefront.

Member Cook, asked if this will satisfy the Region?

Manager of Planning, Mr. Boerema responded that staff can speak with the Region. We are transparent and circulate the notice of decision to them, if not satisfied they could reach out. In the past, the Committee has not required the assessment.

Chair Forsberg, asked if the applicant wishes to address the Committee?

Owner Mrs. Horton, noted no, thank you Chair.

Member Willis, had no comments or questions on the application.

Chair Forsberg, noted its time for a vote, need a motion, would include the condition discussed (warning clause).

Member Willis, motioned to approve the minor variance application with condition 2 (warning clause) included by the region to cover any potential archeological concerns.

Member Cook, seconded. **Carried** .

**Secretary Ms. Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date, being 20 days from today therefore, the appeal period will expire on Monday, April 15<sup>th</sup>, 2024. Documentation will follow.**

**c. A06/2024WL - Melanie and Michael Felvus - Stan Vyn (Vyn Building Services Ltd)**

**Property Address: 2995 Grassie Road**

Manager of Planning, Mr. Boerema provided the presentation overview.

Chair Forsberg, asked if the agent or owner wish to address Committee

Agent, Mr. Vyn noted no, thank you.

Chair Forsberg asked if the sitting members have any questions or comments on the application?

Both sitting members, Member Cook and Member Willis had no comments or questions.

Chair Forsberg, notes its time to vote, need a motion, would include the condition discussed (warning clause).

Member Willis, noted agreeance, the applicants are not digging a basement.

Member Cook, also noted agreeance and how this will be appeasing the Region's concerns.

Chair Forsberg, asked if the Applicants have any issue with the warning clause?

No issue with the warning clause.

Chair Forsberg, noted its time for a vote.

Member Cook, motioned to approve the application as recommended with condition 2 (warning clause) to cover any archeological potential concerns.

Member Willis, seconded. **Carried** .

**Secretary Ms. Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date, being 20 days from today therefore, the appeal period will expire on Monday, April 15<sup>th</sup>, 2024. Documentation will follow.**

**5. MINUTES FOR APPROVAL**

**January 24<sup>th</sup>, 2024 Minutes (tabled from February 28<sup>th</sup>, 2024 Committee of Adjustment Meeting)**

Secretary –Treasurer, Ms. Pouliot noted that it is time for a vote on the January 24<sup>th</sup> set of minutes.

Member Willis, motioned

Member Forsberg, seconded. **Carried** .

## **6. NEW BUSINESS**

Township staff brought forward the new training for the Committee of Adjustment members.

Secretary-Treasurer, Ms. Pouliot noted the training includes a summary of the module with a quiz, a video and an interactive test. We will work through these modules independently and at the end of each Committee of Adjustment hearing we will talk about one module and any questions with the training. We will start this next month and work through the modules as we go or you can complete the training at your own pace.

No other new business was brought forward.

## **7. ADJOURNMENT**

That, this Committee does now adjourn at the hour of **7:51pm.**

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

**Wednesday, April 24, 2024 at 7:00 p.m.  
318 Canborough Street, Smithville, Ontario**

Present Members:

Deb Coon-Petersen (Chair)  
Bonnie Baarda (Sitting member)  
Peggy Cook (Sitting member)

Staff:

Gerrit Boerema  
Stephanie Pouliot

Public:

Judy Tuck  
Katelyn Gillis  
Ed John  
Harold Olij  
Martha VanderWier  
Janet Joyner  
Phil Schilstra  
Steve Schilstra  
Mae Durming  
Linda MacInnes  
April Arthur  
John Arthur  
Andrew Frandsen  
Marie Horne  
Dan Gosselin  
Dave VanderVelde  
Mark Giavedoni (Via Zoom)

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**1. CHAIR**

The Chair will call to Order the evening's proceedings at **7:00pm.**

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

There were none.

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

There were no requests at this time.

**4. APPLICATIONS**

**[a. A05/2024WL - Corey and Shayna Buitenwerf \(Agent - Andrew Frandsen\)](#)**



### Property Address: 7 Wade Road

Manager of Planning, Mr. Boerema provided the presentation overview.

Chair Coon-Petersen asked if the agent who is present would like to speak to the application?

Agent, Mr. Frandsen nothing more to add with what Gerrit has presented.

Member Baarda asked if we are voting on them together or separately?

Manager of Planning, Mr. Boerema noted the Committee has the ability to grant 3 of the variances for example.

No questions or comments from sitting members.

Public member, John Arthur (11 Wade Road) took oath.

Public member, Mr. Arthur mentioned his main concern is with the water, the property is low and there needs to be consideration of where the water will drain if they raise the property. Ontario Act, if the land owner causes a nuisance, by allowing surface water to flow naturally will go to the board if they can get a water survey done. Seems like a lot of variances from when I remember building on my property.

Chair Coon-Petersen asked Manager of Planning, Mr. Boerema if he has any comment?

Manager of Planning, Mr. Boerema, noted the condition of consent to enter into a development agreement will be providing a grading plan and a servicing plan (water, sewer and storm water management). It will have to meet the Township's standards, the Township would not approve the development agreement until catch basin and swales are appropriate. Grading plan is required for the building permit, the building department CBO would have to approve and as part of his mandate, he would have to ensure the drainage concerns are addressed.

Chair Coon-Petersen to Public Member Mr. Arthur, does this alleviate your concerns?

Public Member, Mr. Arthur noted there are already drainage concerns. This is why I think an actual study should be done before a variance that's my opinion.

Manager of Planning, Mr. Boerema noted the development agreement is a condition of consent. Changing to the zoning is related to the variance, take them into consideration for the consent. These are two separate issues but staff will ensure drainage and storm

management will be addressed, and will inform the CBO regarding the concern if the conditions of consent are fulfilled and if the variances are granted.

Chair Coon-Petersen, asked if this member could come into the office and speak with the planning department? This way he is informed on what's possibility going to happen in the future.

Manager of Planning, Mr. Boerema responded that yes, all public if he would like to leave his contact information and we are more than happy to show the plans and rely the plans back to Public works and the agent on file. Don't want to cause any drainage concerns.

Public Member, Mr. Arthur added this will be taking up most of the property with a house and will drain to other people's properties.

Chair Coon-Petersen, mentioned how working with the Township is an option and you will be able to see what is being proposed.

Public Member, Mr. Arthur also added it won't affect my house but Dave's house beside mine, and the property lower than his.

Chair Coon-Petersen, mentioned, please leave your name on the side table to get more information.

Public member, April Arthur (11 Wade Road) took oath.

Public member, Mrs. Arthur asked if lots of properties have minor variances, how many have 4 variances?

Manager of Planning, Mr. Boerema clarified that many properties would be deficient of the current zoning setbacks. Some of those houses were built in accordance with the zoning at the time. We can complete more analysis, just because there are 4 variances doesn't mean infill lots don't necessary apply. You will see with the next application before us- existing situation. 4 tests of a minor variance, based on this application and surrounding community does meet the 4 tests of a minor variance. 4 may seems like a large number but have to look at the existing specifics. We have analyzed the 4 tests of a minor variance and staff believe they do meet the 4 tests.

Chair Coon-Petersen, mentioned being apart of this committee for many years I can testify variances is not a large number.

Public member, Mrs. Arthur noted it's a small property and with the existing community, maybe if the property were a bit bigger it would be more suitable. This is why the Town put bylaws in place and they should be accounted for.

Public member, Mr. Arthur asked where was the existing front yard for 7 Wade Road? Chair Coon-Petersen asked Manager of Planning, Mr. Boerema, do you know?

Manager of Planning, Mr. Boerema added I don't know the history of this one but would be an original MPlan.

Public member, Mr. Arthur added, I can answer the front yard was on Wallis and complied I would know as their rear yard is next to my pool.

No questions or comments from sitting members on public input /to public members.

Chair Coon-Petersen, noted that it is time for a vote.

Member Cook, motioned to approve the application.

Member Baarda, seconded. **Carried** .

**Secretary Ms. Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date, being 20 days from today. Therefore, the appeal period will expire on Monday, May 13<sup>th</sup>, 2024. Documentation will follow.**

**[b.A21/2022WL - Schilstra Brothers Inc. \(Agent - Katelyn Gillis\)](#)**

**Property Address: 113 Griffin Street, Smithville, ON L0R 2A0**

Manager of Planning, Mr. Boerema provided the presentation overview.

Agent, Katelyn Gillis took oath.

Agent, Ms. Gillis added we would like to thank Gerrit for the presentation and would like to speak to the merit of this application. This is for revitalization of Smithville's downtown. The applicants have seared the course, new found glory and recognizes the existing character in the downtown. We are aware of the concerns around easement. We support staff's recommendation subject to the site and access and the legal opinion. The nature of the variances are comment challenges with infill development. We are trying to preserve the downtown heritage. Bring forward merit and life to the rental housing in the downtown. Mr. Harold Olij has been retained by the Schilstras regarding the easement. We are happy to answer questions.

No comments or questions for Agent, Ms. Gillis from sitting members.

Chair Coon-Petersen noted that the Committee have read all your comments. We are all aware of concerns regarding the application, would anyone like to speak to this? One at a time? Does Ms. Horne want to comment?

Ms. Horne's lawyer is in attendance via zoom Mark Giavedoni. Mr. Giavedoni took affirmation.

Public member, Mr. Giavedoni mentioned this application is premature at least, the main concern is the impact on the existing property rights of Ms. Horne at 111 Griffin Street. The variances themselves may not be minor in nature, traffic, parking and Ms. Horne and future owners will have significant impacts on the day to day. Ms. Horne has a legal right to the laneway, parking maintenance, patio and shed. If these variances be approved, it will directly impact how she intends and plans to use the property. This is not being minor with the intent of the OP and Zoning Bylaw. The use themselves are permitted but challenges to how they fit into the existing community is the problem. The laneway is a narrow path. The parking area is too small, the residence who will be living there and the commercial users who have no dedicated parking. In support and nice to see a historical property, however this development will cause disagreement among the new residences and the existing residences.

Chair Coon-Petersen asked if anyone else would like to add to Mr. Giavedoni's comments. If you would like to address something different, but please don't repeat Mr. Giavedoni.

Public member, Ms. Horne took oath.

Public member, Ms. Horne mentioned not being in favour of this project since 2019. Actively provided Brian Treble with my information, I have all three deeds with me and have given them to Brian but it doesn't mean anything. Bill of sale states that the ownership (3 generations ownership), legal codes have been there as a driveway with no interruption. Boundary to the back, doesn't have access to the back, that would be the owner of lot 34. There have been 3 generations of owners since 1957 (67 years) it has been used this way. On Page 6 of the report, the emergency access is my driveway as it legally is, I don't know how this will work. On Page 9 of the report, my driveway is called a right of way. When I first met Phil, he told me to get off the lands and I did not deny but needed more proof. Walked into a situation, third developers with this property since I've been there. This was the nail in the coffin. I was told to take my shed and patio down and I did as I perceived I was doing something wrong, when I wasn't. I'm available for any questions as I can answer them. I did not restrict any of them, their rights for the Schilstras to maintain their building in the meantime. Already spent \$30,000 on repairing the side of my building, plus \$6000 to go towards major structural problems.

Harold Olij took oath and pulled up MPLAN survey on screen.

Public member, Mr. Olij noted would like to speak to the easement and that my clients have an easement describe in an instrument registered 107 Griffin Road. Mr. Thomas is



the solicitor, each of these three properties (107 Griffin, Ms. Horne at 111 Griffin, 113 Griffin) MPLAN 1980. The deed on the screen is from 1930, shows the right of way that benefits the property over the alleyway and north of the property and 40 feet to the rear of the alleyway between lot 34 and lot 35. This was the original alleyway. 40 feet beyond that for purposes of giving masonic temple access to the rear of the property. Property of Ms. Horne does have a benefit of a right of way – rear of her lot. Simply put, legal descriptions together hereto over the alleyway. Legal description was registered in 1958 but always was referred as right of way. Lot 33 is shaped of a horse shoe, subject to the easement. Position of the letter of 107 Griffin was received late in the day, not recognizing the easement. However, the right of way entitles all parties to the right of way. Acknowledges a right of way, portion of M92 – lot 34 and lot 35 reference, the right of way and dotted lines to the rear of the property. Ms. Horne over the alleyway which is a right to access but cannot obstruct access on the easement. Hopefully this is helpful in explaining the existing right of way.

Member Cook asked Mr. Olij, reading up on a right of way, isn't it common sense of being a right of way, right of way, no right to obstruct?

Public member, Mr. Olij mentioned that it should be kept clear.

Member Cook noted similar properties in downtown with narrow driveways, parking in the rear yard. With Wayne Schilstra's lot, there is a little store there and the driveways there are very narrow. Would not be able to block as access needs to be maintained.

Public member, Mr. Olij mentioned back then there were horses and buggies. The easement is a right of way which means a right to pass over.

Member Baarda asked so to clarify does any one of these owners have more right over the easement? First dibs sort of speak.

Public member, Mr. Olij clarified lot 33 owns the underlining land but with the easement, there is benefit of a right of way that it has the right to maintain it but the rights of the owner of the property are subject to the right of way.

Chair Coon-Petersen asked Mr. Giavedoni would like to add anything?

Public member, Mr. Giavedoni added this was very helpful to see. Two points complicating the matter, I don't agree on the legal rights by the right of way. Ms. Horne and previous owners have been using it a certain way since the 50's. This is a complicated layer over these property rights. Variances applying to lot 35. This is a premature application; the property rights need to be figured out before the application is considered minor.

Public member Judy tuck took oath.

Public member Ms. Tuck added one thing when you have an easement to get into your easement wherever it ends, you are allowed to stay there and park. I've had an easement on my property and they had to verify. Need to look farther into the legal right. How does this impact taxes?

Chair Coon-Petersen noted that's a regional responsibly and done through the Region. Mr. Boerema, anything else to add?

Manager of Planning, Mr. Boerema asked Ms. Tuck, do you mean how to tax it?

Public member Ms. Tuck added where are the proper papers here, confusion regarding the property where the easement is. How did you originally tax the people? You measure out the piece of property. Must have some kind of record.

Manager of Planning, Mr. Boerema, there is no dispute over 107 Griffin ownership of those lands. The discussion of this table is what is the extent of the right of all the owners of this strip of land. Taxes are done regionally and locally through MPAC assessment.

Public member Ms. Tuck asked if whether four variances as we see with this one and the last one, is it common to have that many variances?

Chair Coon-Petersen added yes, I have been doing this for many years, four variances are not uncommon at all.

Public member Ms. Tuck added it is a tiny spot to make a heritage building apartments and commercial stores, how it this heritage? Traffic, already impossible to merge on to the street. Back of the property? The next building beside the lodge. Where will parking go and all this traffic? More traffic with the school (old st. martin lands). Traffic zoning is a big issue here.

Chair Coon-Petersen noted that the building has heritage but it is not a designated property in West Lincoln. We can't call it heritage as it is not a legal thing, has to go through serval processes and it has not been deemed a heritage building. The Region does have parking on Highway 20 (parkette in town). You can go to the Region and express concern and have a conversation with them. Each application and property when they would like to make a change would go to the planning department have their discussions, look at each individual property, not as a whole. Town has an Official Plan, you can make an appointment to see the OP. Gerrit, you can aspect that phone call.

Public member Janet Joyner took oath.

Public member Ms. Joyner thanked the chair and committee members. I have read everything. Took note of all the material received. I was a past member of the CofA and I always went to the site to get the full understanding. So in its entirety, there is lots of smoke to look through to find the daylight, lots of money have been spent on lawyers and consulting firms all in front of you. Would like to comment on the staff report. On Page 2, background section notes other abutting owners, why weren't they also needed for discussions? After all she has dealt with. Her name not being in that section. Was shocked. Never met Marie Horne and sympathize with her. If you read my letter and comments and who I am, I still live here. Second item with the staff report, to allow the right of way to become a double traffic lane, requests two directional traffic, do not agree with staff approving 3.1 metres as that is too narrow and not wide enough. Traffic study shows f150 truck can get down the driveway where will people walk? To conclude, I do not support this application. The use at the time of purchase and with a change in the future. Planning is here to advise you but I would recommend you defer this application so more clarification can come from this right of way and the uses. The very fact that it will be used for an apartment and commercial units will give the impression of ownership of that access. There are three different land owners who have rights but apparently visibly it will appear to get to the rear of the applicants' for parking they have sole access. I believe this should be deferred thank you for your time.

Public member Linda MacInnes took oath.

Public member Ms. MacInnes noted would like to ask a couple of questions? Permit goes through? Business and the parking in the back and those renting an apartment. One of the questions going to be what about a small car? Will the owner be asking future tenants what size car they have? Second question, if it is a shared driveway will Ms. Horne be receiving a parking space?

Chair Coon-Petersen added we don't have any control over what goes on with a landlord and tenant. Aware of the situation going on. We have read everything. Have been given everything. We are aware of everything.

Member Baarda added we are aware and go on a site visit for every file in front of us, they are required of us, we would have no business to sit at the table without conducting a site visit. We have all been on the site.

Public member, Ms. Horne added it's quite a disaster, I'm surprised you didn't trip. Would like to point out the adjoining easement partner and the letter sent this afternoon. I came to this town to start a business and live in peace. At a third meeting, we had pulled out a map and discussed the parking issues with the clients. I paid for these

deeds. First threat was the owner of Royal LePage who came into the shop and they wanted to put a dumpster there. My building owns a portion I don't care how little I go into that easement, it is intertwined. The lodge does not have any of it. Don't be bias. I highly recommend the staff report is immature. Senior editor is also very young.

Chair Coon-Petersen stopped Ms. Horne, we do not comment on other people.

Public member, Ms. Horne added I own everything that sits where it is. There was also an incident in 2021, where a movie production needed a place to go and they rented the lodge and I remember a guy backing into the alleyway and yet no vehicles have gone down there historically. I asked him, what are you doing, you're not parking here. They also placed a portable bathroom for everyone on the movie shoot to use.

Chair Coon-Petersen added, I know you have concerns but I can't speak to someone backing in.

Public member, Ms. Horne added they don't own it.

Chair Coon-Petersen noted, we are not here to discuss parking or large trucks. Or that someone didn't know where to park. Time is of the essence specifically relating to this application, not relating to a truck driver.

Public member, Ms. Horne, mentioned I'm just elaborating on what could happen.

Member Baarda to Manager of Planning, Mr. Boerema and Mr. Olij, does right of way mean and equal ownership?

Public member, Mr. Olij thanked the committee member for the question. A right of way is a right to use someone's land. Ms. Horne and applicants' have a specific right. Less than ownership. Legal right, not just a provision.

Member Baarda, Madam Chair I'm clear now, thank you.

Member Cook, Mr. Boerema can you remind of the conditions for this application?

Manager of Planning, Mr. Boerema, clarified that there is one condition for a site plan application and to enter into an agreement with the Township. The applicants have already applied for that application but could not proceed until the variances were dealt with.

Member Baarda, had no further questions

Member Cook also had no more questions.



Chair Coon-Petersen, noted that it is time for a vote.

Member Baarda, motioned to approve the application in agreeance with the Township's recommendation with the one condition.

Member Cook, seconded. **Carried** .

**Secretary Ms. Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date, being 20 days from today. Therefore, the appeal period will expire on Monday, May 13<sup>th</sup>, 2024. Documentation will follow.**

## **5. MINUTES FOR APPROVAL**

### **February 28th, 2024 - Committee of Adjustment Hearing Minutes**

Member Baarda, motioned to approve the February meeting.

Member Cook, seconded. **Carried** .

## **6. NEW BUSINESS**

Committee members brought forward a quick item with the Committee of Adjustment Training and asked when we should review questions with the training.

Secretary Ms. Pouliot noted she will send the link to the Committee of Adjustment training again to committee members.

Committee members were wondering if we can meet with all of the members to go over the training and how we should be running.

Manager of Planning, Mr. Boerema mentioned we should take more time to discuss together any questions.

Member Baarda noted we should hold off until everyone has completed the training. Better than just by going one at a time. All five of us should be together when we do this.

Chair, Coon-Petersen mentioned how about earl fall maybe as summer is busy for all of use. Maybe we could loosely schedule this meeting for the fall.

Member Cook also brought forward previous discussions regarding the Committee's compensation and noted, we need to submit a letter in October for next year's budget for a raise to be considered.

## **7. ADJOURNMENT**

That, this Committee does now adjourn at the hour of **9:00 pm.**

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

**May 29, 2024, 7:00p.m.**

Present Members:

Peter Forsberg (Chair)  
Kim Willis (Sitting member)  
Peggy Cook (Sitting member)

Staff:

Susan Smyth  
Stephanie Pouliot  
Gerrit Boerema

Public: Jeremy Brown

Carmen and Mark Lunt  
Cody Boone  
Jaclyn and Wes Blokker  
Jim & John Vuckoci  
Chris Attema

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**1. CHAIR**

The Chair will call to Order the evening's proceedings.  
The meeting was called into Order at 7:01 pm.

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

There were none.

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

There are no requests at this time.

4.a) [A07/2024WL - Dakota Boone](#)

Property Address: 5627 Canborough Road

Manager Mr. Boerema provided the presentation overview.

Chair asked if the owner/applicant would like to add anything?

Mr. Boone had nothing more to add.

Chair Forsberg asked if the members have any questions?

Member Cook asked whether the regional archeological assessment was just a clause or an assessment as a condition?

Manager, Mr. Boerema responded yes that's how it is worded, 99% of the Region according to Schedule K mapping. If anything is found they have to reach out to the ministry.

Chair Forsberg clarified so it is included as a caution, not condition?

Manager, Mr. Boerema responded yes, that's correct.

Member Willis, had no questions or comments to add.

No public members present.

Chair Forsberg noted that it is time for a vote.

Member Cook, motioned

Member Willis, seconded. **Carried .**

**Secretary Ms. Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date, being 20 days from today. Therefore, the appeal period will expire on Monday, May 17<sup>th</sup>, 2024. Documentation will follow.**

b. [A08/2024WL - Mark and Carmen Lunt \(Jeremy Brown - Agent\)](#)

Property Address: 2599 South Grimsby Road 16

Manager Mr. Boerema provided the presentation overview. Noted conditions that will need to be met prior to the issuance of a building permit.

Chair asked if the owner/agent would like to add anything?

Agent, Mr. Brown noted they do not have anything more to add, good with their ruling.

Member Cook, mentioned if the owner is good with working with the town, I have no questions or comments.

Member Willis, also agreed with Member Cook.

Chair Forsberg noted that it is time for a vote.

Member Willis, motioned to approve the application with the 5 conditions included

Member Cook, seconded **Carried** .

**Secretary Ms. Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date, being 20 days from today. Therefore, the appeal period will expire on Monday, May 17<sup>th</sup>, 2024. Documentation will follow.**

c.[A09/2024WL - Johnny V. Poultry \(Chris Attema - Agent\)](#)

Property Address: 8697 Highway 20

Senior Planner, Mrs. Smyth provided the presentation overview.

Chair Forsberg, asked if the owner/applicant would like to add anything?

Agent, Mr. Attema, had nothing more to add at this time but available to answer any questions.

Chair Forsberg asked if the sitting members have any questions for the agent?

Member Willis, noted no questions.

Member Cook also had no questions.

Chair Forsberg noted that it is time for a vote.

Member Cook, motioned with the one condition

Member Willis, seconded. **Carried** .

**Secretary Ms. Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date, being 20 days from today. Therefore, the appeal period will expire on Monday, May 17<sup>th</sup>, 2024. Documentation will follow.**

d.[B03/2024WL - Wesley and Jaclyn Blokker](#)

Property Address: 2931 South Grimsby Road 19

Senior Planner, Mrs. Smyth provided the presentation overview.

Chair Forsberg, asked if the owner/applicant would like to add anything?

Owner, Mr. Blokker noted not at this time.

Sitting members, Member Cook and Willis had no questions or comments.



Chair Forsberg, clarified that the appendix from the Region regarding archeological caution rather than condition.

Chair Forsberg noted that it is time for a vote.

Member Willis, motioned to approve the application with all 8 conditions included

Member Cook, seconded. Carried .

**Secretary Ms. Pouliot noted the last day for filing an appeal for CONSENT is 20 days from the mailing date, which will be tomorrow May 30<sup>th</sup> therefore, the appeal period will expire on Tuesday, June 18<sup>th</sup>, 2024. Documentation will follow.**

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

There are no minutes for approval at this time.

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

There was no new business brought forward by members of the committee or staff.

#### **7. ADJOURNMENT**

That, this Committee does now adjourn at the hour of 7:39 pm.

\_\_\_\_\_  
PETER FORSBERG,  
CHAIR

\_\_\_\_\_  
STEPHANIE POULIOT,  
SECRETARY-TREASURER