



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

Wednesday, September 25, 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. A19/2024WL - Vanmil for 1 Tara Place 3  
A Minor Variance application has been applied for to permit a proposed accessory building (40.88 square metres) to be located closer to the exterior side lot line than the main dwelling. The accessory building is proposed to be located within the required exterior side yard with a setback of 1 metre, whereas the existing dwelling has an exterior setback of 2 metres.
  - b. A20/2024WL –Feddema (Cav Construction Inc, Cody Van Soelen –Agent) for 7125 Young Street 15  
A Minor Variance application has been applied for to permit the construction of a new single detached dwelling on the property with an attached private garage requiring two variances from the Township’s Zoning By-Law. Relief is required to allow a proposed garage width of 12.2 metres whereas, Part 3.12.7(h) Private Garages of the Township’s Zoning By-Law identifies the maximum garage width permitted for an attached private garage as 50% of the total width of the dwelling or 9.2 metres, whichever is less.  
  
Additionally, relief is also being requested to allow a garage door height of 4.6 metres whereas, Part 3.12.7(g) Private Garages of the Township’s Zoning By-Law identifies 2.6 metres as the maximum height permitted for a garage door to an attached private garage.

- c. A21/2024WL –Krol for 4040 Concession 4 Road  
 A Minor Variance application has been applied for to permit a proposed detached private garage (9.14 metres by 15.24 metres) on the subject property. Relief is being requested from Table 1-1 (found in Part 3 of the Township’s Zoning By-Law 2017-70, as amended) which identifies 50 metres as the maximum distance permitted for an accessory building or structure from a main building within an Agricultural ‘A’ zone. The proposed storage building (139.3 square metres) would be approximately 131.4 metres from the existing dwelling.

The Applicants are proposing to construct a new single detached dwelling on the property in the near future and will be demolishing the existing residence on the lot. Once construction of the single detached dwelling is completed, the proposed storage building will be slightly closer to the front lot than the main front wall of the dwelling. Therefore, relief is also being requested from Table 1-1 (Part 3) to permit the proposed storage building approximately 9.14 metres closer to the front lot line than the main building, being the future single detached dwelling.

- d. B08/2024WL –TeBrake (Niagara Planning Consultants, Jeremy Brown - Agent) for 1985 Hodgkins Road  
 A Consent application has been applied for to permit a surplus farm dwelling severance for the lands located at 1985 Hodgkins Road. The land being severed with the dwelling is proposed to be 0.613 hectares (1.51 acres) shown as Parcel 1 on the attached sketch and Parcel 2, being the remnant farmland will be approximately 21.1 hectares (52.14 acres) following the severance.

If approved, a condition will be required that the severed holding be zoned to Rural Residential and the remnant farmland be zoned to Agricultural Purposes Only (APO), restricting any future residential use or merging the lands onto an abutting property.

**5. MINUTES FOR APPROVAL**

**6. NEW BUSINESS**

**7. ADJOURNMENT**

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

**DATE:** September 25, 2024

**REPORT NO:** COA-32-2024

**SUBJECT:** **Recommendation Report – Application for Minor Variance-**

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

**OVERVIEW:**

- A Minor Variance application has been submitted by Richard and Rebecca Vanmil for the property municipally known as 1 Tara Place.
- 1 Tara Place has a total lot size of 0.15 acres (611 square metres) and is zoned Residential Low Density ‘R1B’. The subject property contains one single detached dwelling on a corner lot.
- The Minor Variance application has been applied for to permit a 40.8 square metre residential accessory building to be located within the required exterior side yard, with a side yard setback of 1 metre whereas the existing single detached dwelling is located 2 metres from the exterior side lot line.
- Table 1-2 of the Townships Zoning By-law states that an accessory building in a Residential Low Density Zone shall not be located closer to the exterior side lot line than the main building.
- A second variance identified by Township staff is also required as Section 3.12.7 states that a private garage shall not be located closer than 6 meters to a public street. The applicants are proposing the private garage to be located 1 metre from the property line.
- The proposed accessory building will be used for vehicle storage space and a driveway area for additional parking.
- An entrance alteration permit will be additionally required.
- After reviewing the four tests of a minor variance, planning staff recommend denial of the requested variance for the reduction to the exterior side yard setback, but recommend approval of a reduced setback for a proposed garage to a public street of 2 metres setback, whereas 6 metres is required.

**RECOMMENDATION:**

**That, the application for Minor Variance, submitted by Richard and Rebecca Vanmil,**

**as outlined in Report COA-32-2024, to permit an accessory building (private garage) to be located within the exterior side yard with a setback of 1 metre, BE DENIED, AND recommend APPROVAL of an amended setback for a proposed garage to a public street of a 2 metres, whereas 6 metres is required.**

**BACKGROUND:**

The subject lands, being 1 Tara Place are located on a corner lot on the north side of Rock Street, West of Tara Place. The property is approximately 0.15 acres (611 square metres) in size and contains a single detached dwelling. The subject property is zoned 'R1B' Residential Low Density in the Townships Current Zoning Bylaw.

The applicants are proposing a 40.8 square metre (20 ft by 22 ft) residential accessory building for the storage of personal vehicles. The building is proposed to be located with an exterior side yard setback of 1 metre whereas the existing dwelling has a side yard setback of 2 metres. Table 1-2 of the Townships Zoning By-law states that an accessory building in a Residential Low Density Zone shall not be located closer to the exterior side lot line than the main building. The applicants have indicated that they would like to reduce the 2 metre setback to maximize amenity space in their backyard. The applicants are also seeking additional parking space for family vehicles with the additional entrance off of Tara Place.

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? No**

The subject property is designated as Low Density Residential in the Townships Official Plan. Section 6 of the Official Plan outlines policies stating that the intent of these residential neighbourhoods are to be protected from significant redevelopment while at the same time permitting ongoing evolution and rejuvenation.

The proposed 40.8 square metre accessory building (private garage) is for personal storage of vehicles as well as more driveway parking space. As the building is being proposed as a detached garage, it additionally requires a 6 metres setback from the property line. This is to accommodate room for a vehicle on private property and not to have vehicle parking solely on the publicly owned boulevard. As such, Planning staff do not believe that it is appropriate to allow a detached garage so close to the exterior side property line, as vehicles would need to park entirely on the boulevard. Staff are recommending that the detached garage maintains the required exterior side yard setback providing for at least 2 metres of parking on private property.

**Does the proposal maintain the general intent and purpose of the Zoning Bylaw? No**

The subject property is designated as 'R1B' Residential Low Density in the Townships Zoning By-law 2017-70. Accessory buildings are permitted in the Low Density Residential Zone. Other than being deficient by 1 metre for the minimum exterior side yard setback provision for an accessory building in an R1B zone, the building meets all other zoning provisions outlined in the table below.

R1B Zoning Provisions		
Max Ground Floor Area	50 m <sup>2</sup>	40.8 m <sup>2</sup>
Max Number of Acc. Building	2	2
Permitted Yards	Interior Side/Rear Yards	Rear Yard
Front Yard Setback	No closer than main building	No closer than main building
Exterior Side Yard Setback	No closer than main building	Variance Required
Interior Side Yard Setback	1.2 metres	13 metres
Rear Yard Setback	1.2 metres	1.8 metres
Maximum Height	5 metres	3.9 metres
Lot Coverage	8% of lot area	6.6% lot area
Setback from Main Building	1.5 metres	4 metres
Setback for Private Garage	6 metres from street line	1 metre

Planning staff note that the proposed accessory building would have been able to be pushed back to be in line with the exterior side wall of the dwelling, however in doing so, it would take up more of the amenity space in the backyard and they have requested to have some amenity space left to utilize.

The proposed garage also has zoning provisions that fall within Section 3.12.7 Private Garages in the Township’s Zoning By-law. Section 3.12.7 f) states that the front of a private garage in a Residential zone shall be located no closer than 6 metres to a public street line. The purpose of this by-law is to ensure any future development of sidewalks in the area could be constructed and to ensure vehicles are parked on the owner’s property and not solely on the Townships boulevard. This provision would locate the garage doors of the proposed detached garage 6 metres behind the eastern lot line taking up more of the properties amenity space. However, Planning staff support a variance to allow the setback for a private garage to be located 2 metres from the exterior side lot line whereas 6 metres is required.

Planning staff also note there is an existing tree within the boulevard between the proposed accessory building and the road located to the east of the subject property known as Tara Place. The applicants have stated that the existing tree is located where the proposed driveway will be located. The application was circulated to the Township’s Public Works Department who have previously commented on this proposal and have noted that there is an existing healthy tree that looks like it will be located in the proposed driveway location. If the boulevard tree would need to be removed due to the size of this tree, two trees would need to be provided as a replacement. The proponent would be responsible for the cost of the tree removal and would need to provide the Township with a cash deposit of \$1,400 (\$750/tree) for the planting of two trees at a future date in locations selected by Township staff. An entrance permit would also be required to review the driveway location for approval.

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

The subject property, being 1 Tara Place contains a single detached dwelling. The applicants are proposing to add a 40.8 square metre accessory building to the east side of the property with an additional driveway access off Tara Place Road. This accessory building will be used for personal storage.

Within this area of Smithville, it is surrounded by single detached dwellings and their associated accessory buildings, therefore staff feel that this is appropriate development of the land.

There appears to be a Township owned tree located in the boulevard between the proposed accessory building and Tara Place Road. The newly proposed driveway for the accessory building will be located in the same place as the existing tree.

Public Works staff have visited the site and note that there is a healthy, mature boulevard tree where the driveway would need to be located. If the proponent chooses to move forward, the tree would need to be removed and due to the size of this tree, two trees would need to be provided as a replacement. The proponent would be responsible for the cost of the tree removal and would need to provide the Township with a cash deposit of \$1,400 (\$750/tree) for the planting of two trees at a future date.

**Is the proposal minor in nature? No**

The accessory building is proposed to be located closer to the exterior side lot line than the main dwelling. The garage is proposed to be located with an exterior side yard setback of 1 metre whereas the east wall of the existing dwelling is located with an exterior side yard setback of 2 metres.

The second variance that has been identified by staff is a proposed 1 metre setback to a public street line whereas the Townships Zoning by-law states that a 6 metre setback is required. Planning staff recommend allowing a reduction to the required setback to 2 metres from the exterior property line. Planning Staff believe that this will provide for a portion of vehicle parking on private property and can consider that minor in nature.

**INTER-DEPARTMENTAL & AGENCY COMMENTS:**

Notification was mailed to all applicable agencies, departments on September 9<sup>th</sup> 2024.

Planning Staff received comments from the NPCA on September 16<sup>th</sup> stating the subject property does not contain, and is not impacted by NPCA regulated features and therefore has no objections to the application.

The Niagara Region have provided comments which state they have no objections to the proposed application.

The Townships Public Works Department has provided comments which state Public Works staff have visited the site and note that there is a healthy, mature boulevard tree where the driveway would need to be located. If the proponent chooses to move forward, the tree would need to be removed and due to the size of this tree, two trees would need to be provided as a replacement. The proponent would be responsible for the cost of the tree removal and would need to provide the Township with a cash deposit of \$1400 (\$750/tree) for the planting of two trees at a future date. These comments are provided in Attachment 3 to this report.

**PUBLIC COMMENTS:**

Notification was mailed to all applicable agencies, departments and members of the public within 60 metres of the subject property on September 9<sup>th</sup> 2024. Staff have received one public comment from the neighbour located at 7 Tara place with full support of the Minor Variance application.

**CONCLUSION:**

A Minor Variance Application has been submitted by Richard and Rebecca Vanmil for the property located at 1 Tara Place. The minor variance is to permit a proposed accessory building to be constructed in the exterior side yard with a side yard setback of 1 metre whereas 2 meters is the required minimum as this is the setback to the existing dwelling. The Table 1-2 of the Townships Zoning By-law states that an accessory building in a Residential Low Density Zone shall not be located closer to the exterior side lot line than the main building. After reviewing the four tests of a minor variance, planning staff recommend denial of the requested variance but can recommend approval of an amended setback for a proposed garage to a public street of a 2 metres setback, whereas 6 metres is required.

**ATTACHMENTS:**

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

**Prepared & Submitted by:**

**Approved by:**

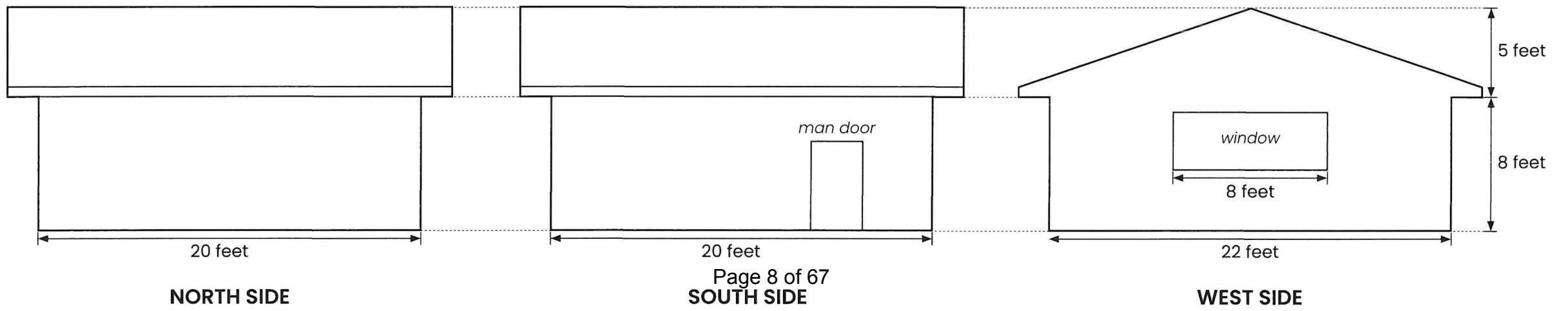


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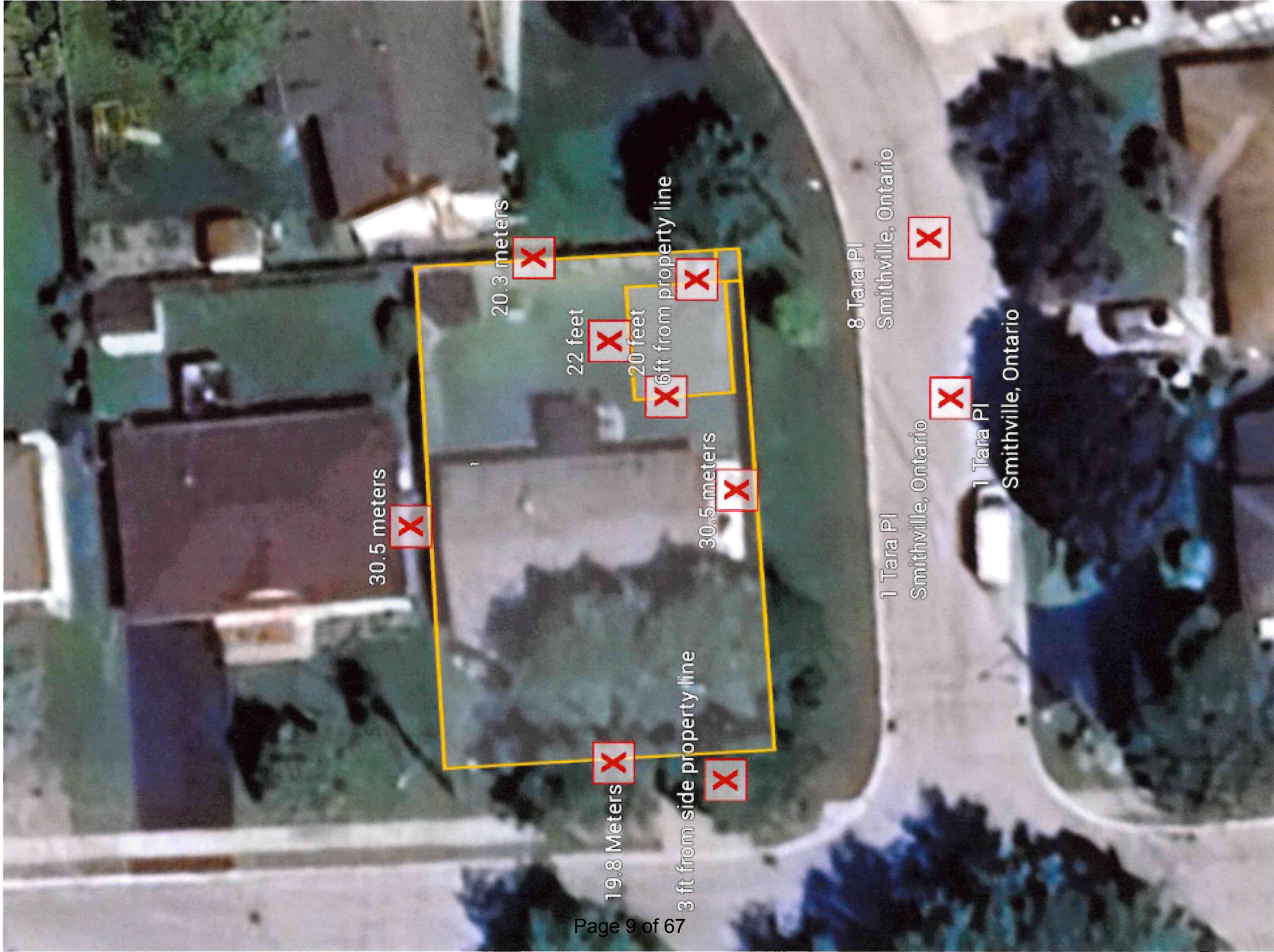
**Madyson Etzl**  
**Senior Planner**

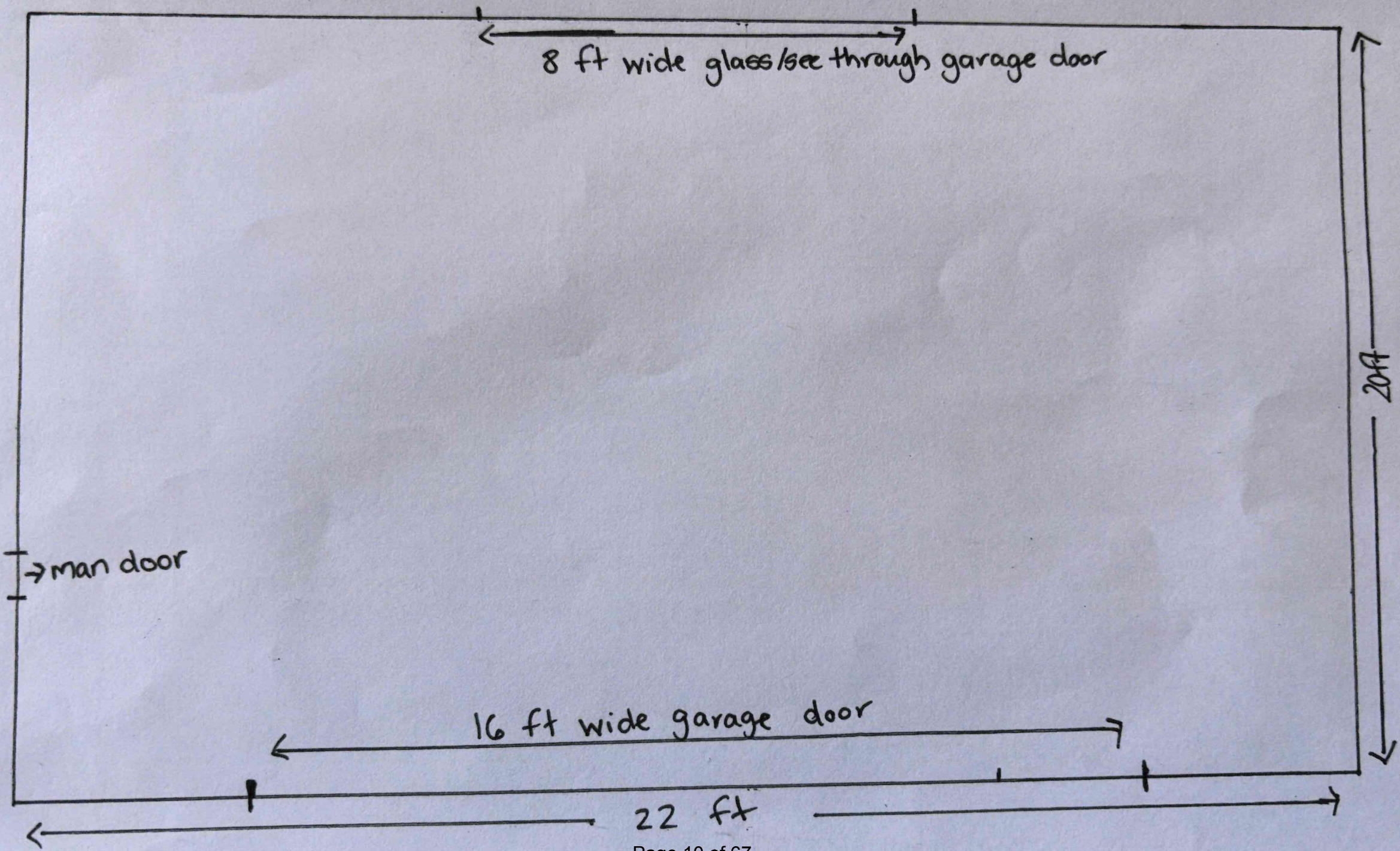
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**Gerrit Boerema, RPP, MCIP**  
**Manager of Planning**









## Stephanie Pouliot

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**From:** Michele Wilson <[REDACTED]>  
**Sent:** September 13, 2024 4:58 PM  
**To:** Stephanie Pouliot  
**Subject:** Committee of Adjustment || A19/2024WL - Vanmil

Hello,

I'm the owner of [REDACTED]. I have no issues with the variance my neighbours are requesting.

If you have any questions, please let me know.

Michele Wilson  
[REDACTED]

[Outlook for Android](#)

**Stephanie Pouliot**

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**From:** Tom And Jo McLachlan <[REDACTED]>  
**Sent:** September 21, 2024 9:22 AM  
**To:** Stephanie Pouliot  
**Subject:** A19/2024WL - Richard & Rebecca Vanmil

We, Tom & Joanne McLachlan of [REDACTED] have no issues with the proposed minor variance request for 1 Tara Place.

We were out of the country until Sept. 20th so we couldn't send in our comment by Sept. 16th.  
Sent from my iPad



3350 Merrittville Hwy. Unit 9  
Thorold Ontario L2V 4Y6  
905.788.3135 | info@npca.ca | npca.ca

September 16, 2024

NPCA File No.: PLMV202401194

VIA EMAIL ONLY

Committee of Adjustment  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

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

**Subject: Application for Minor Variance, A19/2024WL**  
Richard and Rebecca Vanmil  
1 Tara Place  
Township of West Lincoln  
**ARN 260203001510900**

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To the Committee of Adjustment,

Further to your request for comments for the consent for the above noted property, the Niagara Peninsula Conservation Authority (NPCA) can offer the following.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under Ontario Regulation 155/06 of the Conservation Authorities Act. The NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (NPCA policies) provides direction for managing NPCA regulated features.

The NPCA has reviewed the NPCA mapping of **ARN 260203001510900** and notes that the subject property does not contain, and is not impacted by NPCA Regulated Features. Therefore, the NPCA would have no objection to the Minor Variance, A19/2024WL.

I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter.

Yours truly,

A handwritten signature in black ink, appearing to read "Paige P.", written over a light blue circular stamp.

Paige Pearson  
Watershed Planner  
(905) 788-3135, ext. 205  
ppearson@npca.ca

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# Memo

**To:** Stephanie Pouliot, Planner  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** September 17, 2024  
**Re:** File A19/2024WL – 1 Tara Place

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A review has been completed of this application to permit an accessory building requiring a minor variance for an exterior side yard setback. It is understood that the accessory building will be a garage and the proponent is proposing a driveway out to Tara Place.

Public Works staff have visited the site and note that there is a healthy, mature boulevard tree where the driveway would need to be located. If the proponent chooses to move forward, the tree would need to be removed and due to the size of this tree, two trees would need to be provided as a replacement. The proponent would be responsible for the cost of the tree removal and would need to provide the Township with a cash deposit of \$1400 (\$750/tree) for the planting of two trees at a future date.

**DATE:** September 25, 2024

**REPORT NO:** COA-33-2024

**FILE NO:** A20/2024WL

**SUBJECT:** Recommendation Report Application for Minor Variance, 7125 Young Street - Peter Feddema (Cav Construction Inc., Cody Van Soelen -Agent)

**LOCATION:** 7125 Young Street, West Lincoln

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

**OVERVIEW:**

A Minor Variance application has been submitted by Cody Van Soelen on behalf of the property owner Peter Feddema, of the subject property located at 7125 Young Street.

A Minor Variance application has been applied for to permit the construction of a new single detached dwelling on the property with an attached *private garage* requiring two variances from the Township’s Zoning By-Law. Relief is required to allow a proposed *garage width* of 12.2 metres whereas, Part 3.12.7(h) *Private Garages* of the Township’s Zoning By-Law identifies the maximum garage width permitted for an attached private garage as 50% of the total width of the dwelling or 9.2 metres, whichever is less.

This application is also seeking relief from Part 3.12.7(g) to allow a garage door *height* of 4.6 metres whereas, the Township’s Zoning By-Law identifies 2.6 metres as the maximum *height* permitted for a garage door to an attached *private garage*.

**RECOMMENDATION:**

That, the application for Minor Variance submitted by Cody Van Soelen on behalf of the property owner, Peter Feddema of the subject property, as outlined in Report COA-XX-24, to permit an attached *private garage* with a garage width of 12.2 metres and garage door height of 4.6 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 new single detached dwelling be shifted east to maintain the 50-metre maximum setback to the accessory building (implement shed) to comply with Table

- 1-1 (Part 3) of the Township's Zoning Bylaw.
3. That the owner provides Minimum Distance Separation (MDS) information from surrounding livestock operations prior to the issuance of a building permit; and,
4. That the existing dwelling be demolished to the satisfaction of the Township's Building and Planning Departments.

**BACKGROUND & SURROUNDING LAND USES:**

7125 Young Street is 20.75 hectares (51.28 acres) in size and is located on the north side of Young Street and on the south side of Concession 7 Road. The subject lands are situated east of Grimsby Road (Regional Road 12), west of South Grimsby Road 7, and north of Highway 20 (Regional Road 20).

The subject property is also located north east of the Hamlet of Regional Road 12 and the Hamlet of Kimbo and south east of the Hamlet of Grimsby Centre. The lands are also north west of the Settlement Area of Smithville.

The majority of the surrounding land uses are designated in the Township's Official Plan as *Good General Agricultural Lands* and *Natural Heritage System* including the subject property. The present *Natural Heritage* features include a fish habitat, Provincially Significant Wetlands, Significant Woodlands, an Environmental Conservation area, and an Environmental Protection area, all forming a Core Natural Heritage Corridor which spans over the majority on the subject lands.

The surrounding lands are actively farmed with a number of small rural residential properties and small agricultural holdings. There are small residential holdings to the east, south and west, with farmland abutting to the west and east. The subject property is zoned Agricultural 'A' and Environmental Protection 'EP'. The lands currently contain a dwelling, two storage barns, a shed and a chicken barn with two accessory silos.

The owner is now looking to construct a new single detached dwelling to replace the existing dwelling. The dwelling is proposed to be 323.67 square metres including the proposed attached *private garage* (150.5 square metres). The applicants are also proposing a covered front porch. There is also an existing driveway which provides access to the existing chicken barn on the property which will be utilized to access the new proposed dwelling.

This minor variance application is being applied for as the attached *private garage* requires two variances from Part 3.12.7 *Private Garages* of the Township's Zoning By-law, 2017-70, as amended. The first relief is to permit a proposed garage width of 12.2 metres whereas, Part 3.12.7(h) *Private Garages* of the Township's Zoning By-Law identifies the maximum *garage width* permitted for an attached *private garage* as 50% of the total width of the dwelling or 9.2 metres, whichever is less.

Additionally, relief is being requested from Part 3.12.7(g) to allow a garage door *height* of 4.6 metres whereas, the Township's Zoning By-Law identifies 2.6 metres as the maximum *height* permitted for a garage door to an attached *private garage*.



**CURRENT SITUATION:**

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* and *Natural Heritage System* in the Township's Official Plan (OP). The Official Plan policy of the *Good General Agricultural* designation promotes small scale secondary uses and agricultural-related uses that are compatible and do not hinder the surrounding agricultural operations.

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. *Good General Agricultural* lands are accorded the second highest level of protection and preservation. This proposal will not be hindering the surrounding Agricultural lands nor operations with the requested variances pertaining to the attached *private garage*.

The proposed single detached dwelling, the existing chicken barn and lands actively farmed on the property are all considered permitted principal uses.

A portion of the lands are also designated within the Township's *Natural Heritage System*. Section 10 *Natural Environment* of the Township's Official Plan states that priority will be given to maintain a healthy natural environmental for present and future generations and where possible, encourage environmental stewardship and restoration. The main objective of the *Natural Heritage System* is maintaining, restoring and where possible, enhancing the long term ecological health, integrity and biodiversity of the system within West Lincoln.

As previously noted, there are present *Natural Heritage* features on the property. However, there is no concern regarding the ecological health or integrity of these features, as the site proposed for this development is while outside the *Natural Heritage System* boundary and will not impact the present environmental features on the property. As such, the intent of Section 10 is being maintained and the property's ecological integrity is being protected.

For these reasons, Staff consider the proposal consistent with the intent and general purpose of Sections 4 and 10 of the Township's Official Plan, which is protecting and preserving the long-term agricultural use within West Lincoln as well as, enhancing where possible, the long term ecological health, integrity and biodiversity of the *Natural Heritage System* within West Lincoln. As such, this proposal is in alignment with the general intent and purpose of the Township's OP policies.

Furthermore, it's important to note, the lands are also located within an area of potential for mineral aggregate resources. The purpose of these areas are to protect mineral aggregate resources for long-term use and existing extractive resources from incompatible land uses.

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

The majority of the subject property is zoned Agricultural 'A' with approximately 16.5 acres of the rear yard zoned as Environmental Protection 'EP'. The property has a total lot size of 20.75 hectares (51.28 acres). As outlined in Table 11 ( Part 5) of the Township's Zoning By-law 2017-70, as amended, one single detached dwelling is permitted within an Agricultural 'A' zone as well as, accessory uses in conjunction with a principal use.

As only one single detached dwelling is permitted within the Agricultural 'A' zone, the applicants will be required to demolish the existing dwelling through a conditional building permit. A condition of approval has been included to satisfy the noted concern and ensure compliance with the Township's Zoning Bylaw.

Aside from the variances required for the attached *private garage*, the proposed single detached dwelling complies with the remainder of the required setbacks identified by Table 12 in Part 5 of the Township's Zoning By-law 2017-70, with exception that the new house is required to be within 50 metres of the existing accessory building.

The new dwelling is proposed 55 metres from an existing implement shed (accessory storage barn) on the property whereas, Table 1-1 (Part 3) of the Township's Zoning By-law 2017-70, as amended, identifies 50 metres as the maximum distance permitted between an accessory buildings and structures from a main building within an Agricultural 'A' zone. As such, a condition has been included to ensure the new dwelling complies with the zoning bylaw.

In addition, the applicants are proposing a covered porch with a front yard setback of 33.5 metres which complies with the 15-metre minimum front yard setback required for the dwelling as outlined in Table 12 found in Part 5 Agricultural Zones. As double the required setback is being proposed, there are no concerns with the covered front porch.

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

Furthermore, as a new dwelling is being proposed, information on the surrounding livestock barns is required within 750 metres of the subject lands. *Minimum Distance Separation (MDS)* is required through the building permit stage, as documentation has not been provided, a condition of approval has been included to satisfy the noted concern.

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

Administrative 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 proposed location for the new single detached dwelling is only removing a small portion of active farmland from the property. The active agricultural operations on the property are still being maintained. For these reasons, Administrative Staff can consider

this proposal desirable for the appropriate development and use of the land.

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

Administrative 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 single detached dwelling is compatible with the existing land uses and should have no adverse impacts on the surrounding area.

The applicants have indicated the need for a larger *garage width* is required as the attached *private garage* will be used to store farm equipment and associated agricultural storage. With the *private garage* being used for items associated with the farm, the request for an increase *height* for the garage doors is required for larger equipment and tractors which will not fit through a smaller door which would comply with the zoning provision.

For these reasons, Staff recommend approval of this Minor Variance Application to permit an attached *private garage* with a *garage width* of 12.2 metres and garage door *height* of 4.6 metres, subject to the conditions of approval as indicated.

**INTER-DEPARTMENTAL & AGENCY COMMENTS:**

**Building Department:** At the time of writing this report, there has been no comments received from the Building Department. However, please note that if the existing dwelling is to remain while constructing the new dwelling, a conditional permit through the Building Department will be required. Please contact the Township's Building Department for more information.

**Public Works:** Has reviewed the application and it appears the existing driveway is being utilized to access the new dwelling, therefore, no entrance permit is required. As such, Public Works has no objections.

**Septic System Inspection Manager:** Has reviewed the application as submitted and as there were no documentation provided regarding the proposed 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):** Has reviewed the application and noted that the subject property contains the following NPCA regulated features; a Provincially Significant Wetland, potentially unevaluated wetlands, and a floodplain hazard. The following proposed development is not impacted by the identified NPCA regulated features as such, the NPCA has no objections to the proposed Minor Variance. Please see Attachment 4.

**Niagara Region:** Have reviewed the application and have no objections as the proposal does not conflict with Provincial and Regional policies. Regional Staff have noted that the property is located within an area designated for Archaeological Potential. As such, the

Region has recommended a Stage 1-2 Archaeological Assessment as a condition of approval. Regional comments including the requested condition can be found in Attachment 4. The standard warning clause has also been included for the owner's information, as provided below.

*"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C (Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>)."*

**PUBLIC COMMENTS:**

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

**CONCLUSION:**

Based on the above analysis, Administrative Staff recommend APPROVAL of the proposed Minor Variance Application (A20/2024WL) as outlined in Report COA-XX-24, to permit an attached *private garage* with a *garage width* of 12.2 metres and *garage door height* of 4.6 metres.

**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:**

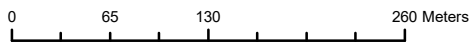


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**Gerrit Boerema, RPP, MCIP  
Manager of Planning**



**Location Map**  
7125 Young Street

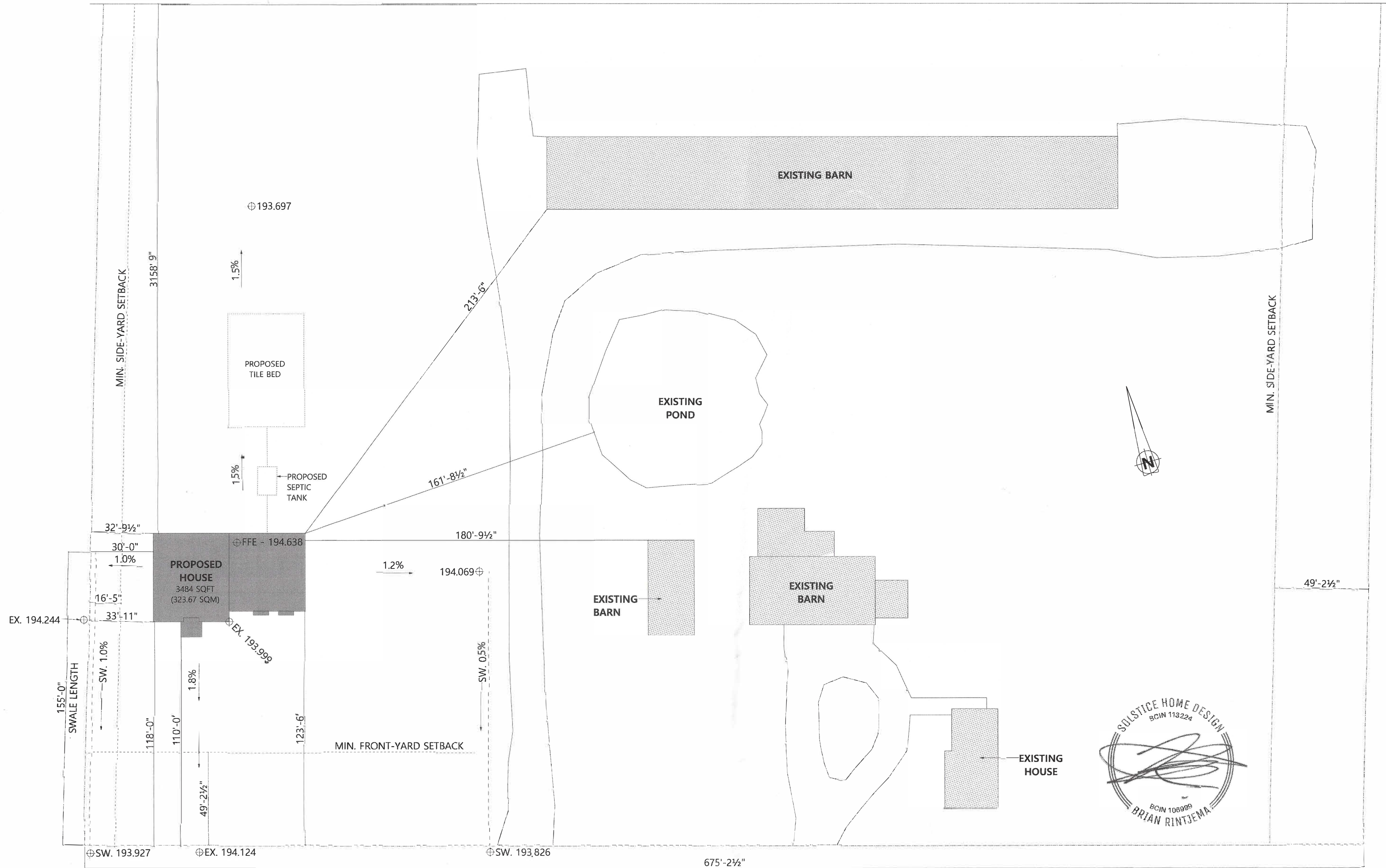


**West Lincoln**

Your Future Naturally  
Page 21 of 67

**Legend**

- Zone Boundary
- Subject Property



**SITE PLAN**

SCALE: 1" = 25'-0"

**ADDRESS:**  
7125 Yonge St. Smithville, ON L0R 2A0  
**ZONING:** A - Agricultural

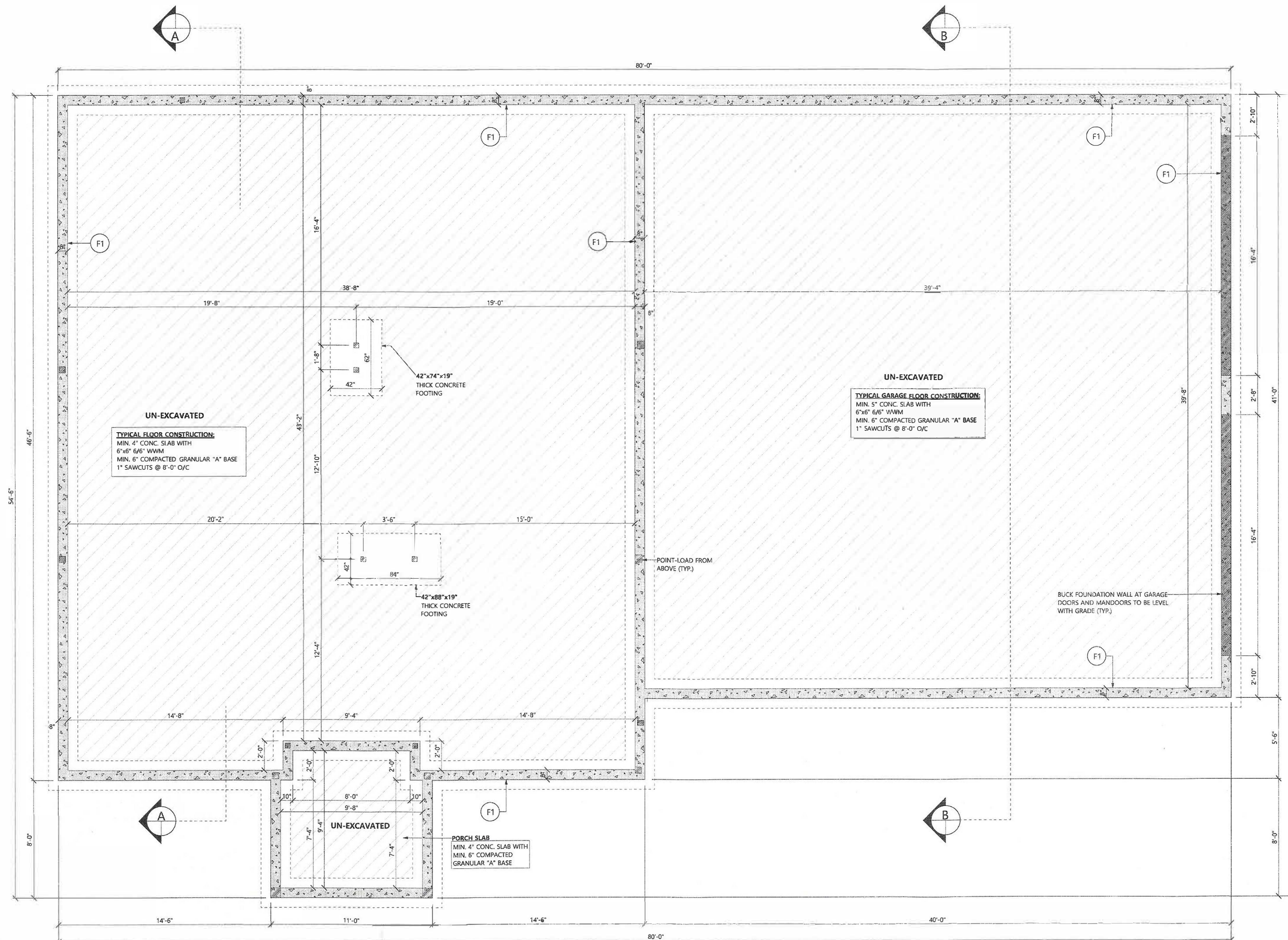
**EXISTING LOT COVERAGE**  
TOTAL LOT AREA: 207982.22m<sup>2</sup>  
EXISTING BUILDING AREA: 1650.33m<sup>2</sup>  
EXISTING LOT COVERAGE: 0.79%

**PROPOSED LOT COVERAGE**  
TOTAL LOT AREA: 207982.22M<sup>2</sup>  
TOTAL PROPOSED LOT COVERAGE: 1974M<sup>2</sup>  
**0.95% PROPOSED COVERAGE**

**FEDDEMA RESIDENCE**  
NEW SINGLE FAMILY RESIDENTIAL

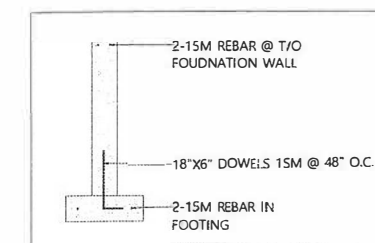
7125 Yonge St. Smithville, ON L0R 2A0





**FOUNDATION PLAN**

SCALE: 1/4" = 1'-0"



**D1 DETAIL**  
SCALE: NTS

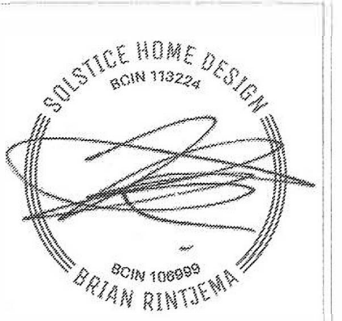
ALL CONTRACTORS TO VERIFY ALL DIMENSIONS ON SITE & TO REPORT ALL ERRORS AND/OR OMISSIONS TO THE DESIGNER. ALL CONTRACTORS MUST COMPLY WITH ALL CODES, BYLAWS & OTHER AUTHORITIES HAVING JURISDICTION OVER THE WORK.

ALL DIMENSIONS AND CONDITIONS TO BE VERIFIED ON SITE. FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALE. DO NOT SCALE DRAWINGS

**S**

**SOLSTICE**  
HOME DESIGN

2 Holcomb Ter,  
Waterdown, ON L8B 1Z8  
(289) 680-7480  
brian.rintjema@gmail.com



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 design the work shown on the attached documents.

Qualification Information  
Brian Rintjema  
Name Signature 106999 BCIN

Registration Information  
Brian's Drafting Service 113224  
Firm BCIN

**FEDDEMA**  
**RESIDENCE**  
7125 Yonge St.  
Smithville, ON L0R 2A0

PAGE TITLE:

**FOUNDATION PLAN**

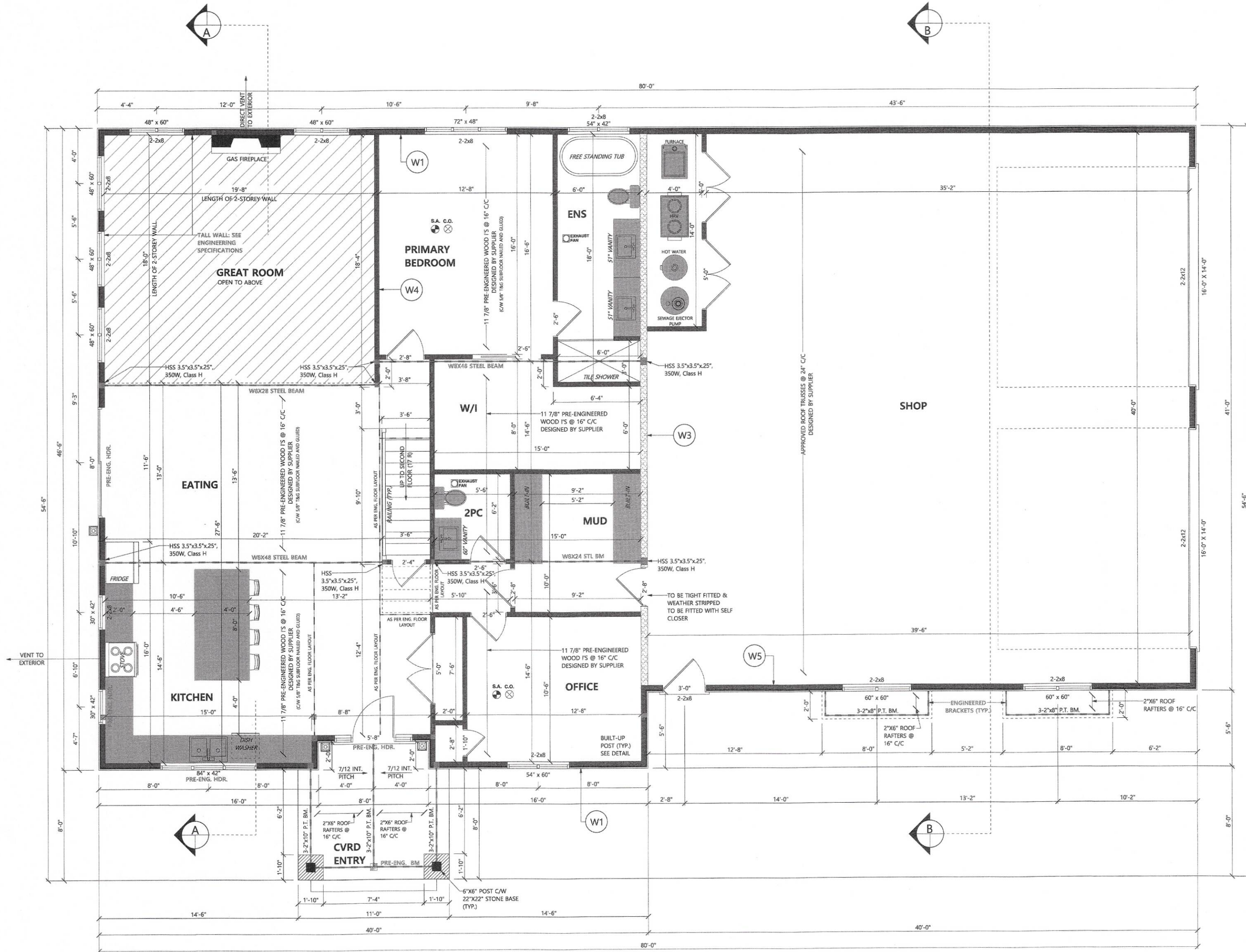
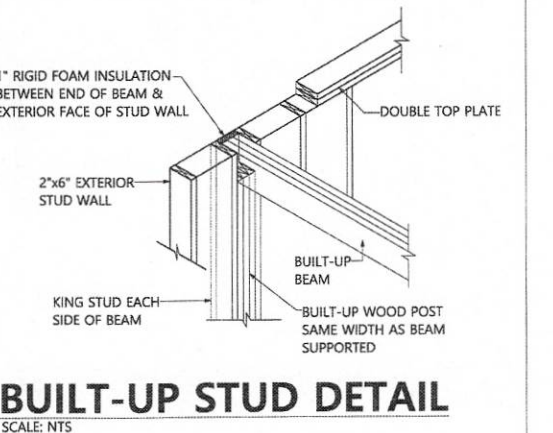
PLOT FORMAT SIZE: 24 X 36  
DRAWN BY: Brian Rintjema  
DATE: APRIL 30, 2024  
SCALE: As Noted

SHEET NO.

**1**

**LEGEND**

- SMOKE ALARMS:**  
TO CONFORM TO ARTICLE 9.10.19 OF THE O.B.C.  
LOCATION: (9.10.19.3)  
TO BE LOCATED IN EACH SLEEPING ROOM  
TO BE LOCATED IN THE HALLWAY ATTACHED  
TO SLEEPING ROOMS  
TO BE ON EACH STOREY INCLUDING BASEMENT
- POWER SUPPLY: (9.10.19.4)**  
TO BE INSTALLED WITH PERMANENT CONNECTIONS  
TO AN ELECTRICAL CIRCUIT  
TO BE PROVIDED WITH A BATTERY AS AN  
ALTERNATIVE POWER SOURCE
- INTERCONNECTION: (9.10.19.5)**  
ALL SMOKE ALARMS SHALL BE WIRED SO THAT  
ONE ALARM WILL CAUSE ALL ALARMS TO SOUND
- EXHAUST FANS:**  
TO CONFORM TO ARTICLE 9.32.3.5 OF THE O.B.C.  
LOCATION: (9.32.3.5.(2))  
AN EXHAUST AIR INTAKE SHALL BE INSTALLED IN  
EACH KITCHEN, BATHROOM AND WATER CLOSET  
ROOM
- ALTERNATIVE: (9.32.3.5.(3))**  
SUPPLEMENTAL EXHAUST REQUIRED IN THIS  
ARTICLE MAY BE PROVIDED BY MEANS OF A HRV  
INSTALLED IN ACCORDANCE WITH ARTICLE  
9.32.3.11.
- CARBON MONOXIDE ALARMS:**  
TO CONFORM TO ARTICLE 6.2.12.2 OF THE O.B.C.  
LOCATION: (6.2.12.2.(3))  
SHALL BE INSTALLED ADJACENT TO EACH  
SLEEPING AREA IN EVERY SUITE OF RESIDENTIAL  
OCCUPANCY THAT IS ADJACENT TO A STORAGE  
GARAGE
- GIRDER TRUSS:**  
TO CONFORM TO TRUSS DESIGN ATTACHED  
ALL TRUSS DESIGNS TO BE SUPPLIED BY OTHERS
- EXTERIOR LIGHT:**  
TO CONFORM TO ARTICLE 9.34.2.1 OF THE O.B.C.  
ELECTRICAL PLAN TO BE COMPLETED  
BY A CERTIFIED PROFESSIONAL
- LOCATION: (9.34.2.1.(1))**  
AN EXTERIOR LIGHTING OUTLET WITH FIXTURE  
CONTROLLED BY A WALL SWITCH LOCATED  
WITHIN THE BUILDING SHALL BE PROVIDED  
AT EVERY ENTRANCE TO BUILDINGS OF  
RESIDENTIAL OCCUPANCY.
- STAIRS:**  
TO CONFORM TO ARTICLE 9.8 OF THE O.B.C.  
SEE STAIR NOTES ON SPECIFICATION PAGE  
FOR DETAILS.
- PRE-ENGINEERED LVL:**  
ALL PRE-ENG. LVLS TO BE DESIGNED AND  
SIZED ACCORDING TO APPROVED THIRD PARTY  
CALCULATIONS
- GARAGE MAN DOOR:**  
TO CONFORM TO ARTICLE 9.10.13.15 OF THE O.B.C.  
SPECIFICATIONS:  
TO BE TIGHT FITTED & WEATHER STRIPPED  
TO BE FITTED WITH SELF CLOSER
- COOKTOP CLEARANCES:**  
TO CONFORM TO ARTICLE 9.10.22.2 OF THE O.B.C.  
SPECIFICATIONS:  
30" MIN. CLEARANCE BETWEEN  
COMBUSTIBLE FRAMING FINISHES AND  
CABINETRY INSTALLED DIRECTLY ABOVE THE  
COOKTOP (9.10.22.2.(1))  
24" MIN. CLEARANCE BETWEEN  
NON-COMBUSTIBLE FRAMING FINISHES  
AND CABINETRY INSTALLED DIRECTLY  
ABOVE THE COOKTOP
- VENTILATION:**  
TO BE VENTED WITH NON-COMBUSTIBLE  
DUCT TO EXTERIOR



**MAIN FLOOR PLAN**  
SCALE: 1/4" = 1'-0"  
HEATED FLOOR AREA: 1844 SQFT (171.31 SQM)  
SHOP AREA: 1640 SQFT (152.36 SQM)  
COVERED AREA: 104 SQFT (9.66 SQM)  
TOTAL UNDER ROOF: 3484 SQFT (323.67 SQM)

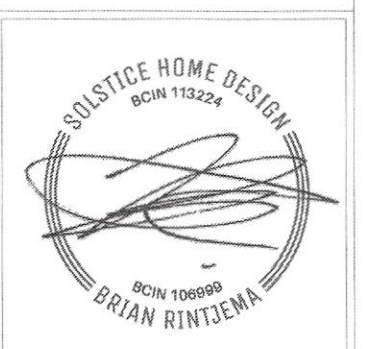
- W1** TYPICAL 2x6 SIDING EXTERIOR WALL:  
VINYL SIDING (HORIZONTAL)  
AIR BARRIER MEMBRANE  
7/16" SHEATHING  
2x6 STUDS @ 16" O.C.  
R22 BATT INSULATION  
VAPOUR BARRIER  
1/2" DRYWALL  
TAPED & SANDED
- W3** TYPICAL 2x6 INTERIOR GARAGE WALL:  
5/8" TYPE 'X' FRERATED DRYWALL  
TAPED & SANDED  
6 mil POLY V.B.  
2x6 STUDS @ 16" O.C.  
1/2" DRYWALL  
TAPED & SANDED
- W4** TYPICAL INTERIOR WALL:  
1/2" DRYWALL  
TAPED & SANDED  
2x4 STUDS @ 16" O.C.
- W5** TYPICAL 2x6 SIDING GARAGE WALL:  
BOARD & BATTEN  
AIR BARRIER MEMBRANE  
7/16" SHEATHING  
2x6 STUDS @ 16" O.C.  
SOLID BRIDGING @ 48" C/C

WOOD LINTEL SCHEDULE (SPF)			
CONDITION/LOAD	WALL	SPAN	
		2(X2X8)	2(X2X10)
ROOF	HIP END	EXT. 6'-7"	8'-1"
	GABLE END	INT. 5'-4"	6'-7"
ROOF + CEILING	+1 STOREY	EXT. 5'-5"	6'-8"
	+2 STOREY	INT. 3'-11"	4'-9"
+3 STOREY	EXT. 4'-8"	5'-8"	
	INT. 3'-2"	3'-10"	

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**SOLSTICE HOME DESIGN**  
2 Holcomb Ter,  
Waterdown, ON L8B 1Z8  
(289) 680-7480  
brian.rintjema@gmail.com



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Brian Rintjema 106999  
Name Signature BCIN

Registration Information  
Brian's Drafting Service 113224  
Firm BCIN

**FEDDEMA RESIDENCE**  
7125 Yonge St.  
Smithville, ON L0R 2A0

PAGE TITLE:  
**MAIN FLOOR PLAN**

PLOT FORMAT SIZE: 24 X 36  
DRAWN BY: Brian Rintjema

DATE: APRIL 30, 2024  
SCALE: As Noted

SHEET NO.





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 7125 Yonge St.  
 Smithville, ON L0R 2A0

PAGE TITLE:

**SECOND FLOOR PLAN**

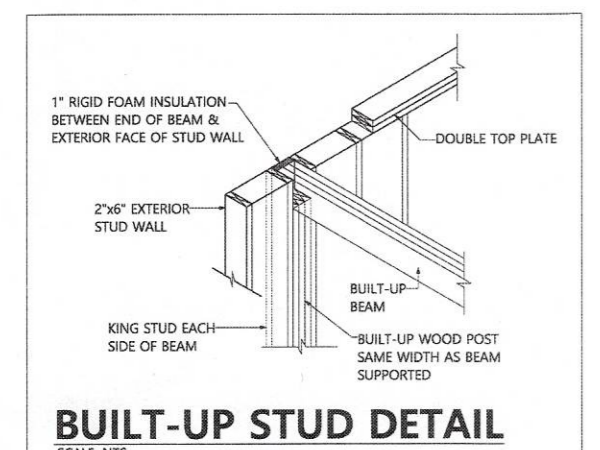
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 DATE: APRIL 30, 2024 SCALE: As Noted

SHEET NO.

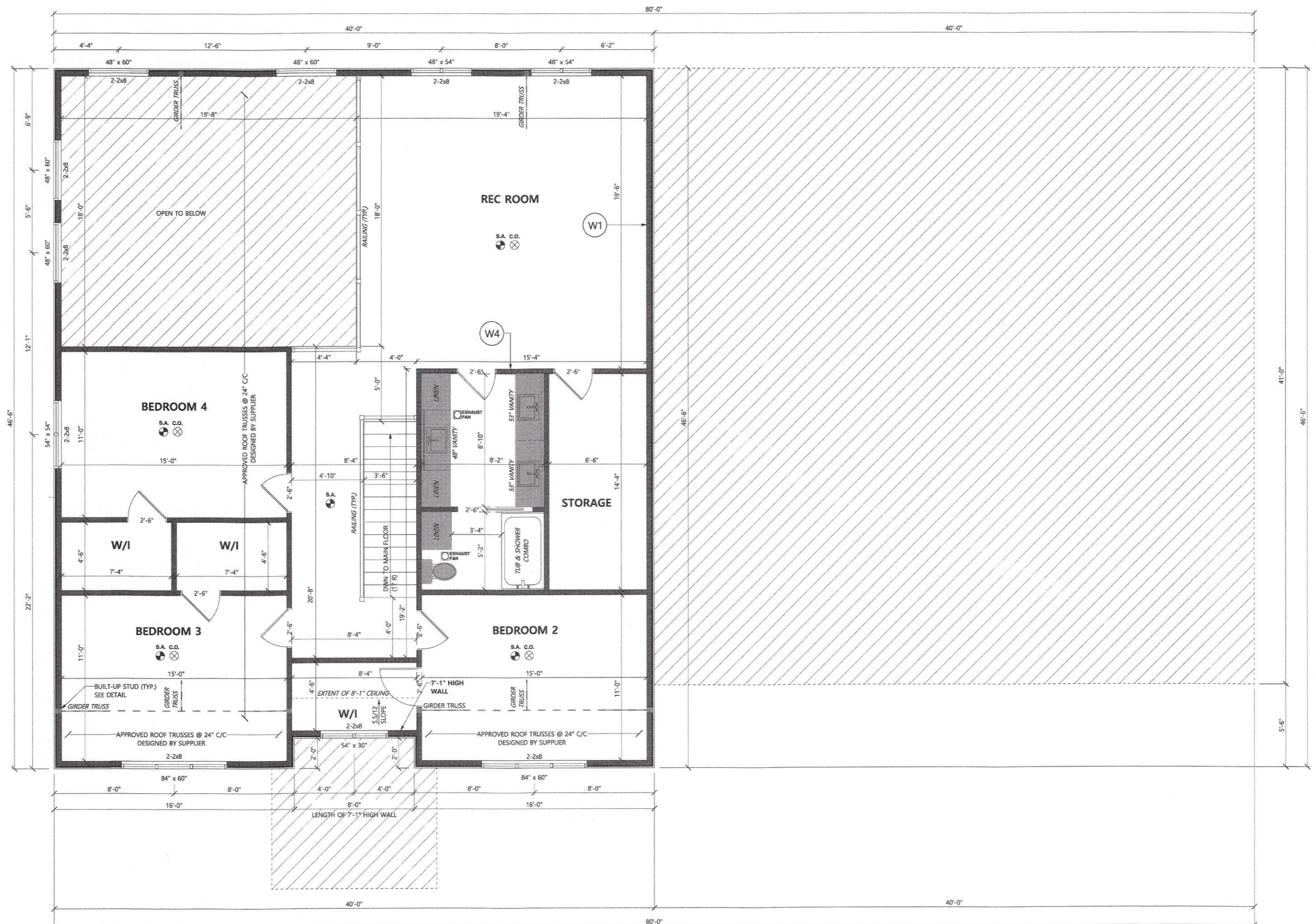
**3**

**LEGEND**

- SMOKE ALARMS:**  
 TO CONFORM TO ARTICLE 9.10.19 OF THE O.B.C.  
**LOCATION: (9.10.19.3)**  
 TO BE LOCATED IN EACH SLEEPING ROOM  
 TO BE LOCATED IN THE HALLWAY ATTACHED TO SLEEPING ROOMS  
 TO BE ON EACH STOREY INCLUDING BASEMENT
- POWER SUPPLY: (9.10.19.4)**  
 TO BE INSTALLED WITH PERMANENT CONNECTIONS TO AN ELECTRICAL CIRCUIT  
 TO BE PROVIDED WITH A BATTERY AS AN ALTERNATIVE POWER SOURCE
- INTERCONNECTION: (9.10.19.5)**  
 ALL SMOKE ALARMS SHALL BE WIRED SO THAT ONE ALARM WILL CAUSE ALL ALARMS TO SOUND
- EXHAUST FANS:**  
 TO CONFORM TO ARTICLE 9.32.3.5 OF THE O.B.C.  
**LOCATION: (9.32.3.5.2)**  
 AN EXHAUST AIR INTAKE SHALL BE INSTALLED IN EACH KITCHEN, BATHROOM AND WATER CLOSET ROOM
- ALTERNATIVE: (9.32.3.5.3)**  
 SUPPLEMENTAL EXHAUST REQUIRED IN THIS ARTICLE MAY BE PROVIDED BY MEANS OF A HRV INSTALLED IN ACCORDANCE WITH ARTICLE 9.32.3.11.
- CARBON MONOXIDE ALARMS:**  
 TO CONFORM TO ARTICLE 6.2.12.2 OF THE O.B.C.  
**LOCATION: (6.2.12.2.3)**  
 SHALL BE INSTALLED ADJACENT TO EACH SLEEPING AREA IN EVERY SUITE OF RESIDENTIAL OCCUPANCY THAT IS ADJACENT TO A STORAGE GARAGE
- GIRDER TRUSS:**  
 TO CONFORM TO TRUSS DESIGN ATTACHED ALL TRUSS DESIGNS TO BE SUPPLIED BY OTHERS
- STAIRS:**  
 TO CONFORM TO ARTICLE 9.8 OF THE O.B.C.  
 SEE STAIR NOTES ON SPECIFICATION PAGE FOR DETAILS.



WOOD LINTEL SCHEDULE (SPF)		
CONDITION/LOAD	WALL	SPAN
ROOF	EXT.	6'-7" 8'-1"
	INT.	5'-4" 6'-7"
	EXT.	15'-1" 18'-10"
	INT.	12'-8" 16'-3"
+1 STOREY	EXT.	5'-5" 6'-8"
	INT.	3'-11" 4'-9"
ROOF + CEILING	EXT.	5'-0" 6'-1"
	INT.	3'-5" 4'-2"
+3 STOREY	EXT.	4'-8" 5'-8"
	INT.	3'-2" 3'-10"



**SECOND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"  
 HEATED FLOOR AREA: 1430 SQFT (132.85 SQM)

- W1** TYPICAL 2x6 SIDING EXTERIOR WALL:  
 VINYL SIDING (HORIZONTAL)  
 AIR BARRIER MEMBRANE  
 7/16" SHIMATHING  
 2"x6" STUDS @ 16" O.C.  
 R22 BATT INSULATION  
 VAPOUR BARRIER  
 1/2" DRYWALL  
 TAPED & SANDED
- W4** TYPICAL INTERIOR WALL:  
 1/2" DRYWALL  
 TAPED & SANDED  
 2x4 STUDS @ 16" O.C.  
 1/2" DRYWALL  
 TAPED & SANDED

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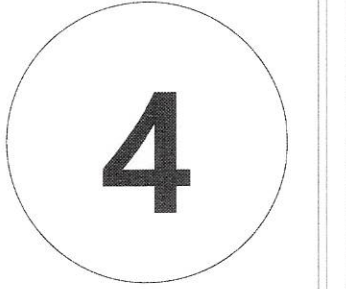
**FEDDEMA RESIDENCE**  
 7125 Yonge St.  
 Smithville, ON L0R 2A0

PAGE TITLE:

**ROOF PLAN**

PLOT FORMAT SIZE: 24 X 36 DRAWN BY: Brian Rintjema  
 DATE: APRIL 30, 2024 SCALE: As Noted

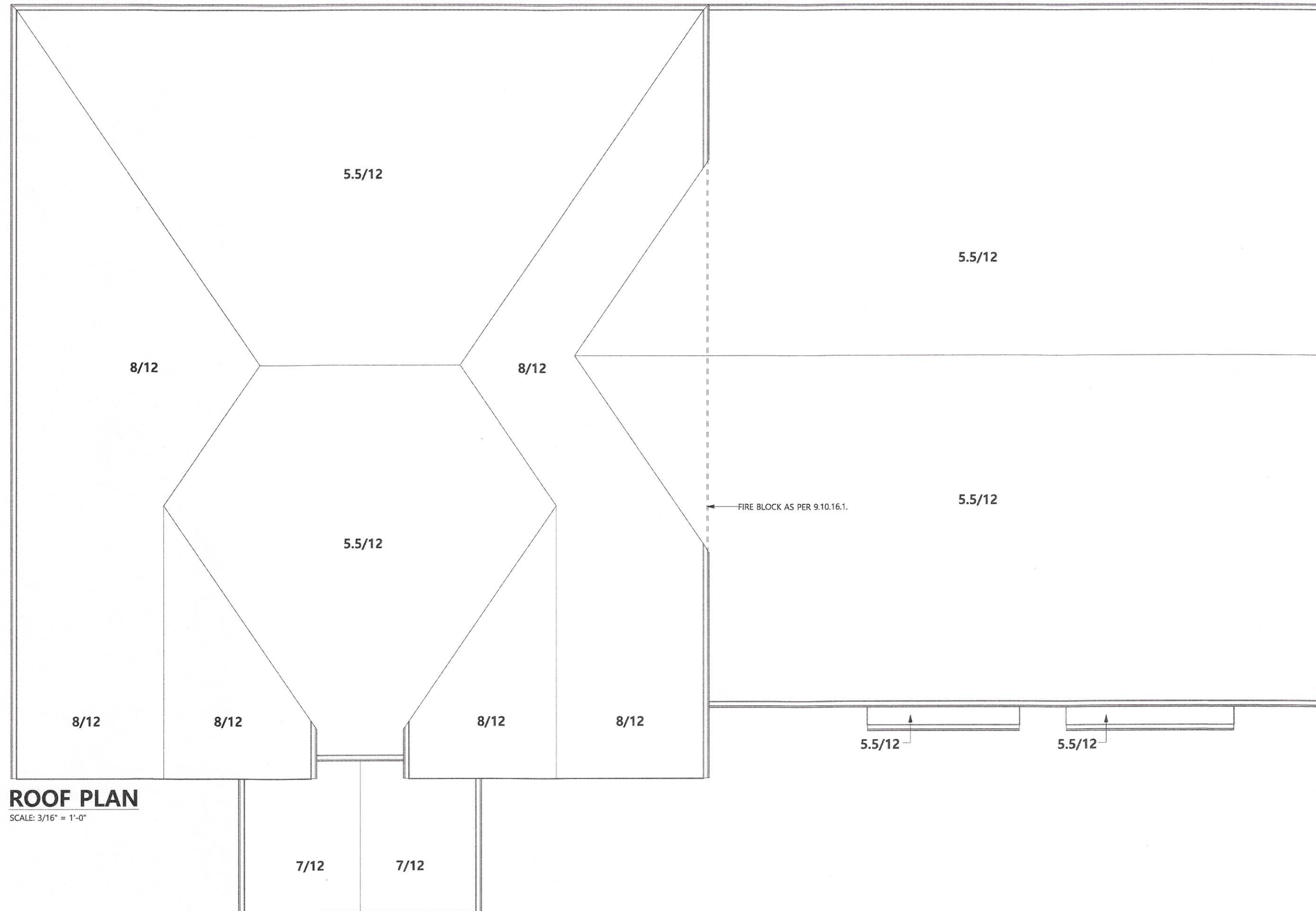
SHEET NO.



**TRUSS NOTE:**

TRUSS MANUFACTURER TO PROVIDE TRUSS LAYOUT AND COMPONENT DETAILS TO THE DESIGNER PRIOR TO FABRICATION. CONTRACTOR MUST VERIFY WITH THE DESIGNER THAT THE STRUCTURE AND TRUSS LAYOUT HAS BEEN COORDINATED AND REVIEWED BY THE DESIGNER PRIOR TO COMMENCEMENT OF THE WOOD FRAMING WORK.

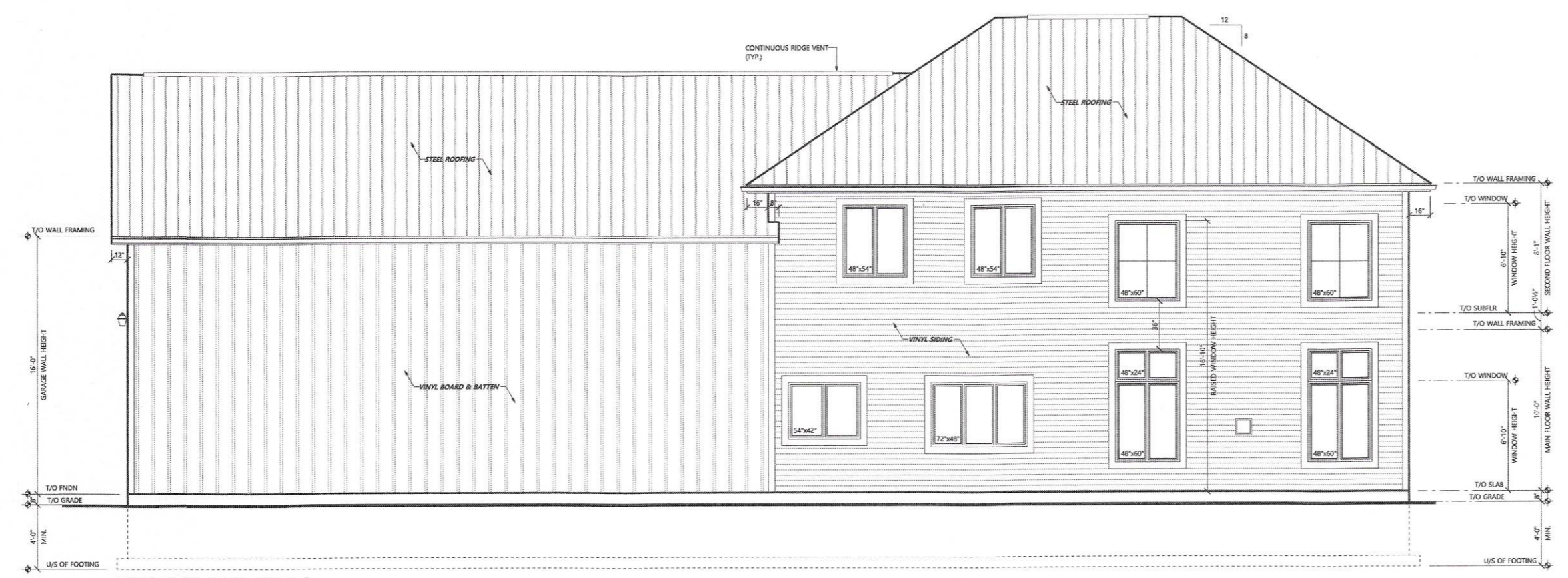
THE DESIGNER HAS ENGINEERED THE DESIGN OF THE SUPERSTRUCTURE SUPPORTING ALL ENGINEERED TRUSSES. GRAVITY LOADING TRANSFERRED BY THE ROOF TRUSS SYSTEM HAS BEEN CONSIDERED BY THE DESIGNER AS REQUIRED IN OBC SECTION 9.4. IT IS THE RESPONSIBILITY OF THE ROOF TRUSS DESIGNER/SUPPLIER TO PROVIDE THE ENGINEERING FOR ALL PROPRIETARY TRUSS COMPONENTS - I.E. CHORDS, LATERAL WEB & CHORD BRACING FOR BUCKLING AND ANY RELATED LATERAL RESTRAINTS NEEDED THAT COULD BE TRANSFERRED BY THE RESULTANT FORCES WITHIN THE TRUSS MEMBERS. ENGINEERING AND SPECIFICATIONS FOR TRUSSES TO BE ON SITE AT TIME OF FRAMING INSPECTION.



**ROOF PLAN**  
 SCALE: 3/16" = 1'-0"



**FRONT ELEVATION**  
SCALE 3/16" = 1'-0"



**REAR ELEVATION**  
SCALE 3/16" = 1'-0"



**LEFT ELEVATION**  
SCALE 3/16" = 1'-0"



**RIGHT ELEVATION**  
SCALE 3/16" = 1'-0"

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**S**  
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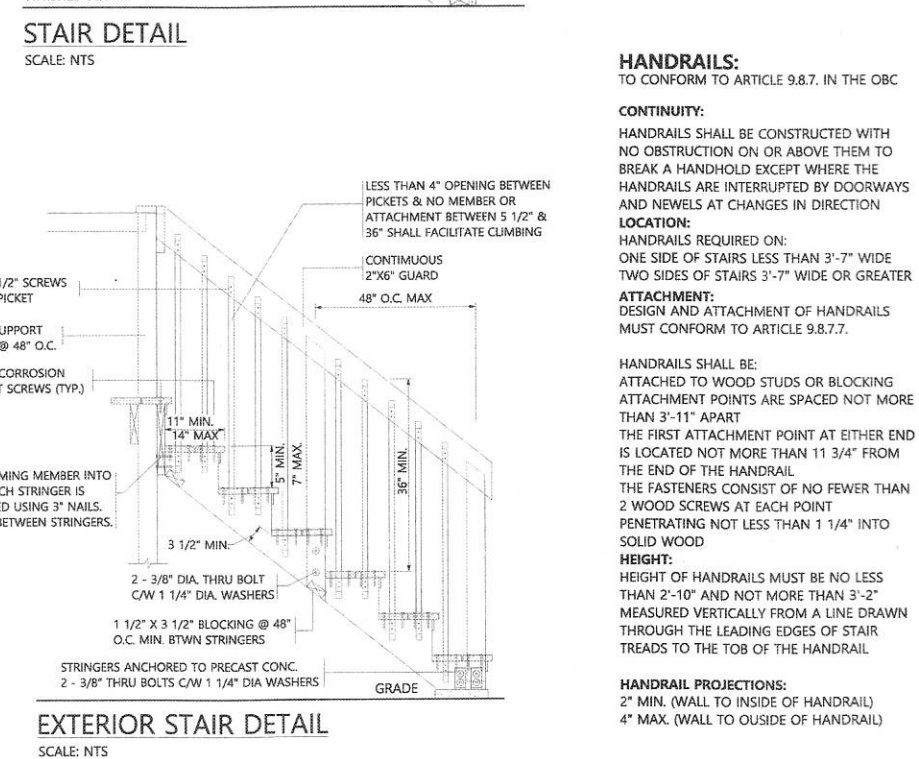
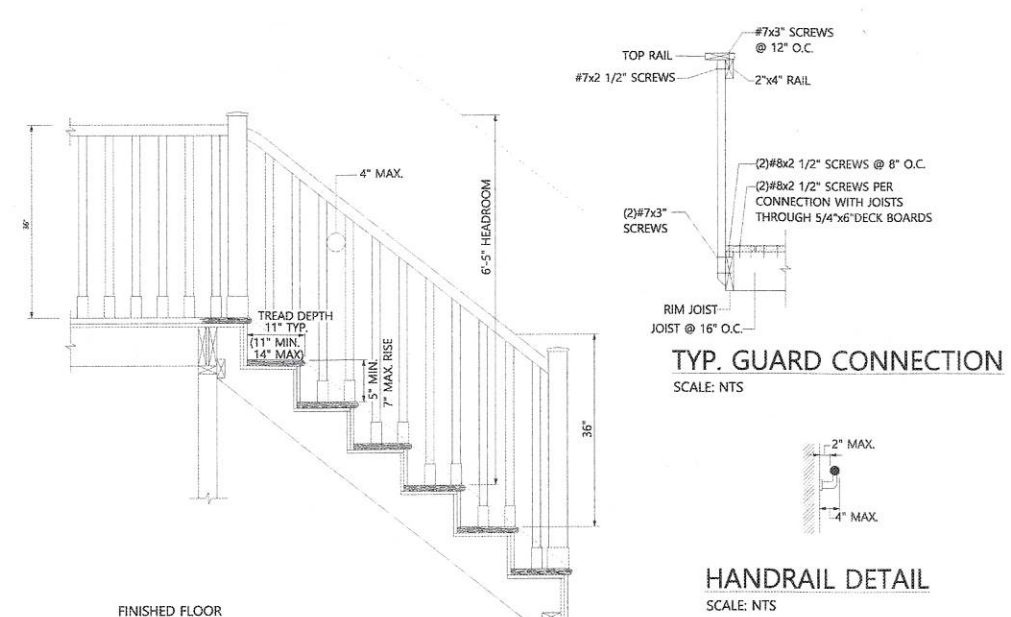
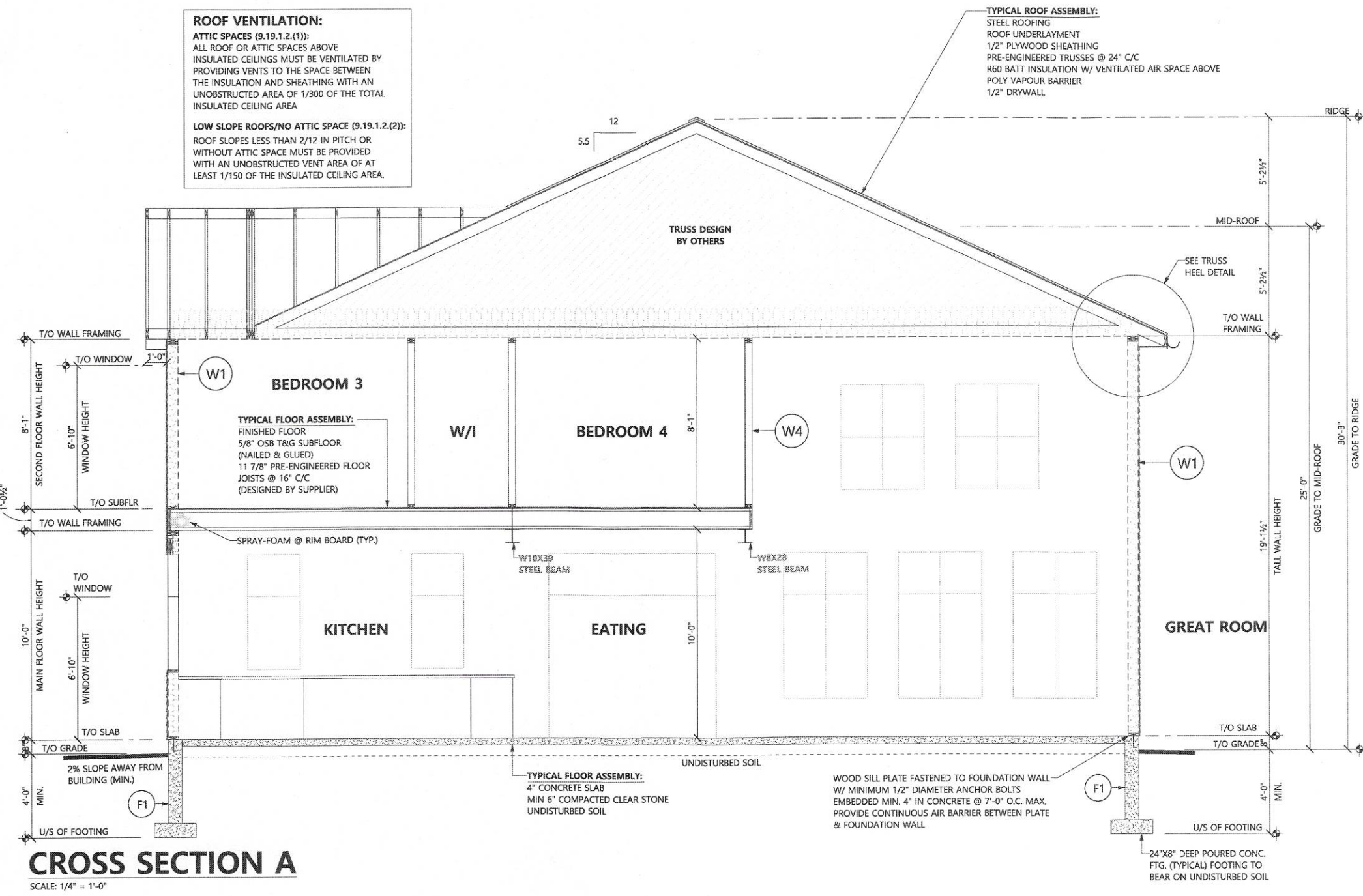
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**ELEVATIONS**

PLOT FORMAT SIZE: 24 X 36  
DRAWN BY: Brian Rintjema  
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SCALE: As Noted

SHEET NO.

**5**



**GUARDS:**  
 TO CONFORM TO ARTICLE 9.8.8. IN THE O.B.C.  
 WHEN AN INTERIOR STAIR HAS MORE THAN 2 RISERS, THE SIDES OF THE STAIR AND THE LANDING OR FLOOR LEVEL AROUND THE STAIR WELL SHALL BE ENCLOSED BY WALL OR PROTECTED BY GUARDS.  
 INTERIOR STAIRS AND LANDINGS: 36" MINIMUM HEIGHT  
 EXTERIOR STAIRS AND LANDINGS: 42" MINIMUM HEIGHT  
 OPENINGS THROUGH A GUARD MUST PREVENT THE PASSAGE OF A 4" DIAMETER SPHERE.  
 GUARDS MUST BE DESIGNED SO THAT NO MEMBER ATTACHMENT OR OPENING 6" - 24" ABOVE FLOOR LEVEL WILL FACILITATE CLIMBING.

**STAIRS:**  
 TO CONFORM TO ARTICLE 9.8. OF THE O.B.C.  
**CLEAR HEIGHT**  
 CLEAR HEIGHT OVER STAIRS IS MEASURED VERTICALLY FROM A LINE DRAWN THROUGH THE OUTER EDGES OF THE NOSINGS  
 CLEAR HEIGHT MUST NOT BE LESS THAN 6'-5"  
**STAIR TOLERANCES**  
 DIFFERENCE BETWEEN GREATEST AND SMALLEST TREAD DEPTH WITHIN A FLIGHT OF STAIRS IS LIMITED TO 3/8"  
 DIFFERENCE BETWEEN HIGHEST AND LOWEST RISERS WITHIN A FLIGHT OF STAIRS IS LIMITED TO 3/8"  
 DIFFERENCE FOR TREAD DEPTH OR RISE HEIGHT FOR ADJACENT STAIRS CANNOT EXCEED 3/16"  
 MAXIMUM DEPTH OF BEVELLED OR ROUNDED EDGE IS 1"  
 ROUNDED OR BEVELLED LEADING EDGES OF TREADS CAN NOT REDUCE THE REQUIRED TREAD DEPTH BY MORE THAN 5/8"  
**STRINGERS**  
 9.8.9.4.  
 TO HAVE A MINIMUM EFFECTIVE (CUT) DEPTH OF 3 1/2" MEASURED PERPENDICULARLY TO THE BOTTOM OF THE STRINGER AT THE POINT OF MIN. CROSS SECTION  
 TO HAVE AN OVERALL DEPTH OF NOT LESS THAN 9 1/4"  
 TO BE SUPPORTED AND SECURED TOP AND BOTTOM  
 TO BE SPACED NOT MORE THAN 2'-11" O.C.  
**TREAD**  
 9.8.9.5.  
 TO BE NOT LESS THAN 1" THICK  
 FINISHES SHALL BE SLIP RESISTANT  
 FINISHES TO COMPLY WITH SENTENCE 9.8.9.6.(2)

**EXTERIOR STEPS**  
 9.8.9.3  
 EXTERIOR WOOD STEPS MUST NOT BE IN DIRECT CONTACT WITH THE GROUND UNLESS SUITABLY TREATED WITH A WOOD PRESERVATIVE.

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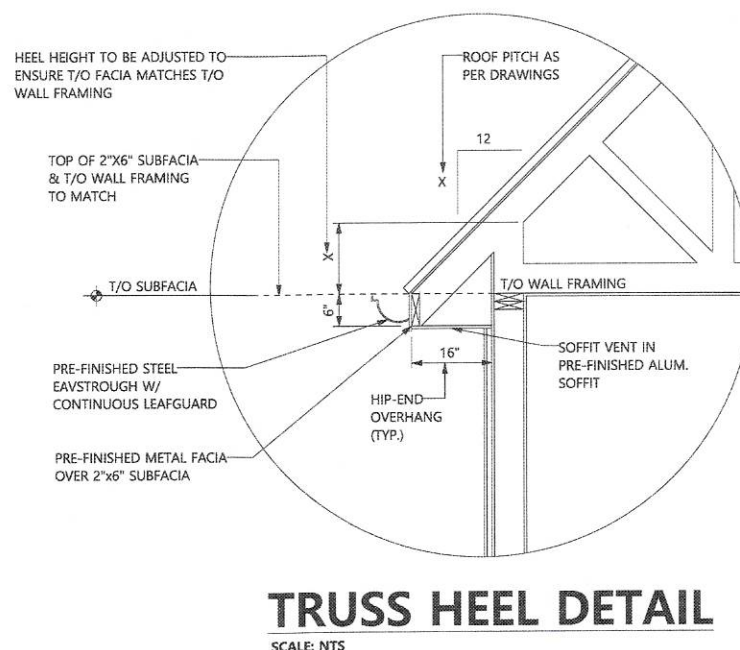
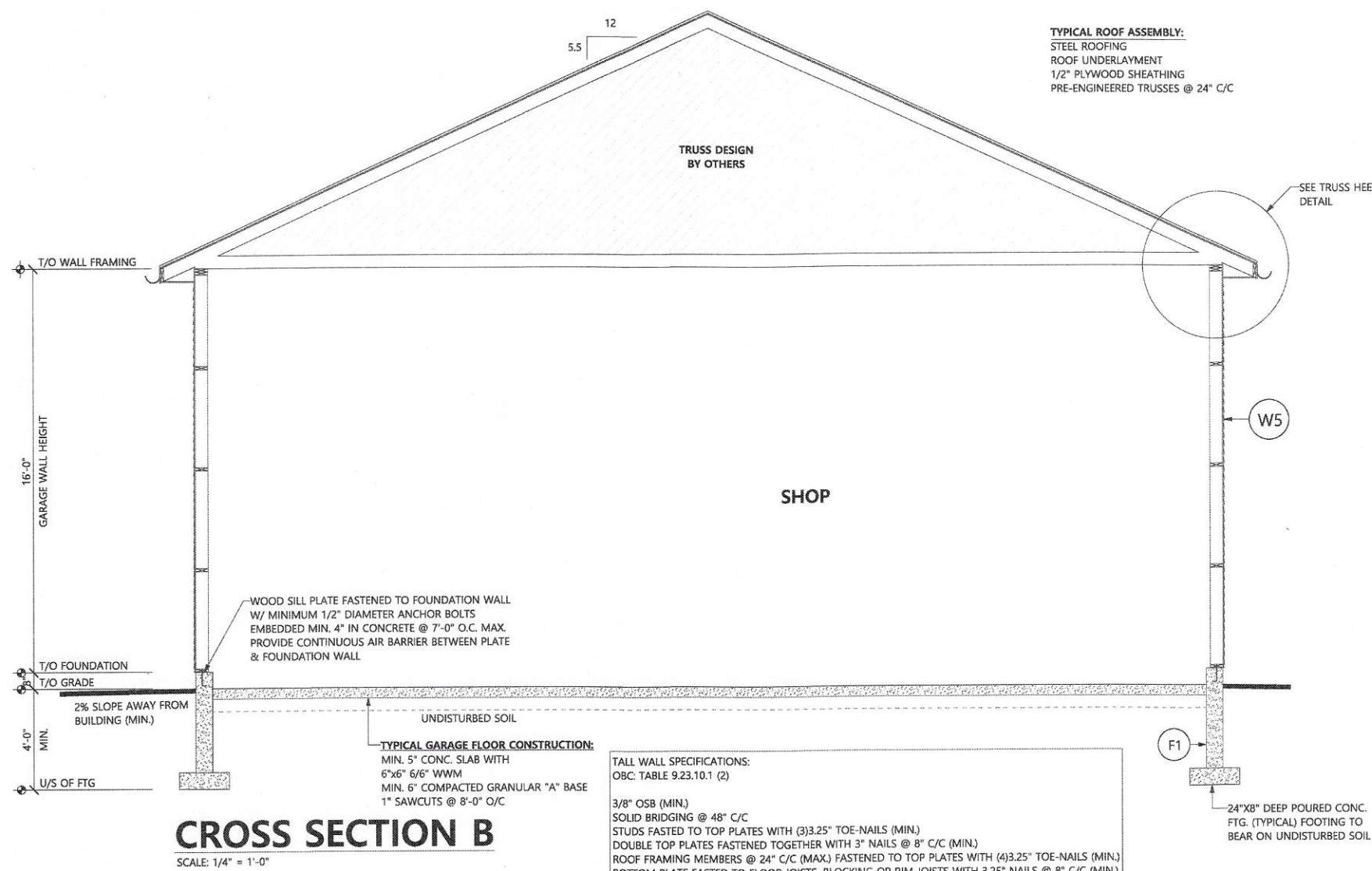
**FEDDEMA RESIDENCE**  
 7125 Yonge St.  
 Smithville, ON L0R 2A0

PAGE TITLE:

**CROSS SECTIONS & SPECS**

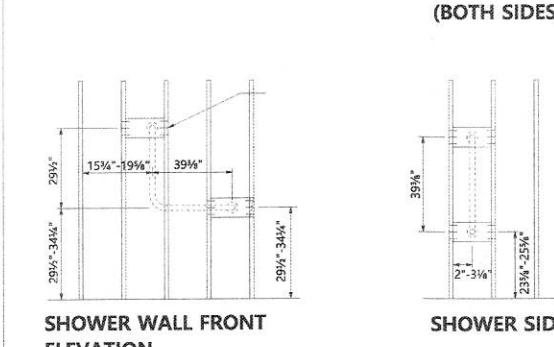
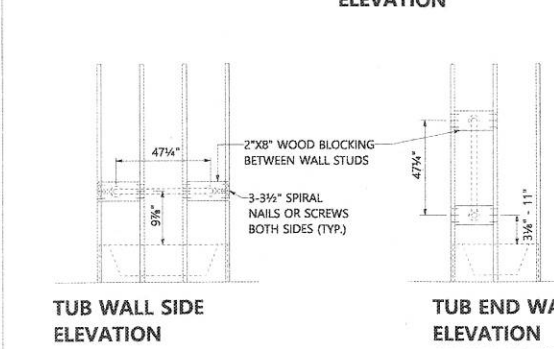
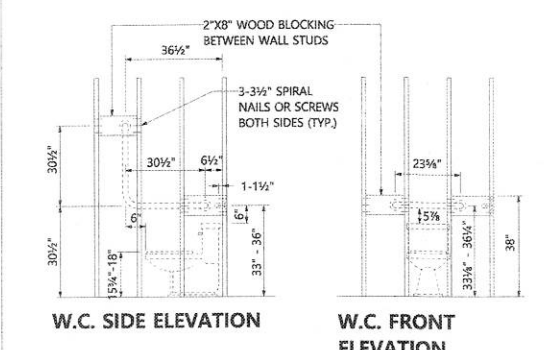
PLOT FORMAT SIZE: 24 X 36  
 DATE: APRIL 30, 2024  
 SHEET NO.  
 DRAWN BY: Brian Rintjema  
 SCALE: As Noted

**6**



**GRAB BAR REINFORCEMENT:**

ONTARIO BUILDING CODE REFERENCE - 9.5.2.3 STUD WALL REINFORCEMENT  
 (1) IF WOOD WALL STUDS OR SHEET STEEL WALL STUDS ENCLOSE THE MAIN BATHROOM IN A DWELLING UNIT, REINFORCEMENT SHALL BE INSTALLED TO PERMIT THE FUTURE INSTALLATION OF GRAB BARS AS FOLLOWS:  
 (a) FOR A WATER CLOSET AS DESCRIBED BY CLAUSE 3.8.3.8(3)(a) & 3.8.3.8(3)(c).  
 (b) FOR A SHOWER AS DESCRIBED BY CLAUSE 3.8.3.13 (2)(b), and  
 (c) FOR A BATHTUB AS DESCRIBED BY CLAUSE 3.8.3.13(4)(c).



**GRAB BAR INSTALLATION SPECIFICATION:**

- BESIDE WATER CLOSET**  
 L-SHAPED GRAB BAR WITH 750MM LONG HORIZ. AND VERT. COMPONENTS MOUNTED W/ HORIZ. COMPONENT 750MM A.F.F. AND THE VERTICAL COMPONENT 150MM IN FRONT OF TOILET BOWL.
- BEHIND WATER CLOSET**  
 MIN. 600MM LONG GRAB BAR MOUNTED HORIZONTALLY ON WALL 840MM TO 900MM ABOVE THE FLOOR AND 150MM ABOVE THE WATER TANK IF APPLICABLE.
- BATH TUB**  
 THE FULL LENGTH OF THE TUB (MIN 1200MM LONG) GRAB BAR MOUNTED HORIZONTALLY ON THE WALL, APPROX. 250MM ABOVE TUB RIM.
- BOTH END WALLS OF TUB**  
 A MIN. 1200MM LONG GRAB BAR MOUNTED VERTICALLY ON WALL WITH BOTTOM 80MM TO 280MM ABOVE TUB RIM.
- BEHIND SHOWER**  
 AN L-SHAPED GRAB BAR WITH 1000MM LONG HORIZONTAL COMPONENT AND 750MM LONG VERTICAL COMPONENT, MOUNTED 750MM TO 870MM ABOVE THE FINISHED FLOOR AND 400MM TO 500MM OFF OF WALL THAT SHOWER SIDE WALL GRAB BAR IS LOCATED.
- SHOWER SIDE WALL**  
 A MIN. 1000MM LONG GRAB BAR MOUNTED VERTICALLY ON THE WALL 600MM TO 650MM ABOVE THE FINISHED FLOOR AND 50MM TO 80MM FROM EDGE OF WALL ADJACENT TO CLEAR FLOOR AREA.

**GRAB BAR ATTACHMENT NOTES:**

- \*2"x8" WOOD BLOCKING BETWEEN WALL STUDS AND 3-3/8" SPIRAL NAILS OR SCREWS BOTH SIDES (TYP).
- \*GRAB BARS SHALL NOT OBSTRUCT THE USE OF SHOWER CONTROLS.

- (W1) TYPICAL 2x6 SIDING EXTERIOR WALL:  
 VINYL SIDING (HORIZONTAL)  
 AIR BARRIER MEMBRANE  
 7/16" SHEATHING  
 2"x6" STUDS @ 16" O.C.  
 R22 BATT INSULATION  
 VAPOUR BARRIER  
 1/2" DRYWALL  
 TAPED & SANDED
- (W4) TYPICAL INTERIOR WALL:  
 1/2" DRYWALL  
 TAPED & SANDED  
 2x4 STUDS @ 16" o.c.  
 1/2" DRYWALL  
 TAPED & SANDED
- (W5) TYPICAL 2x6 SIDING GARAGE WALL:  
 3/8" OSB & BATTEN  
 AIR BARRIER MEMBRANE  
 7/16" SHEATHING  
 2"x6" STUDS @ 16" O.C.  
 SOLID BRIDGING @ 48" C/C
- (F1) 8" POURED CONCRETE  
 12"x8" CONCRETE FOOTING
- (F2) 10" POURED CONCRETE  
 12"x8" CONCRETE FOOTING



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: September 16, 2024**

**SUBJECT: A20 /2024 WL  
Peter Feddema (Cav Construction Inc., Cody Van Soelen –Agent)**

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Dear Stephanie,

Please be advised the application as submitted does not provide required information relating to the proposed 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**

September 17, 2024

Regional File Number: PLMV202401132

Stephanie Pouliot  
Planner I / Secretary Treasurer of the Committee of Adjustment  
318 Canborough St., P.O. Box 400  
Smithville, ON  
L0R 2A0

Dear Ms. Pouliot:

**Re: Regional and Provincial Comments  
Minor Variance Application  
Township File Number: A20/2024WL  
Applicant: Peter Feddema  
Location: 7125 Young Street, West Lincoln**

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Regional Growth Strategy and Economic Development staff have reviewed the Minor Variance application for 7125 Young Street in the Township of West Lincoln (“subject property”).

The applicant is proposing to demolish the existing dwelling and construct a new single detached dwelling with an attached private garage. Relief is required to allow a proposed garage width of 12.2 metres whereas, Part 3.12.7(h) Private Garages of the Township’s Zoning By-Law identifies the maximum garage width permitted for an attached private garage as 50% of the total width of the dwelling or 9.2 metres, whichever is less. Additionally, relief is also being requested to allow a garage door height of 4.6 metres whereas, Part 3.12.7(g) Private Garages of the Township’s Zoning By-Law identifies 2.6 metres as the maximum height permitted for a garage door to an attached private garage.

Regional staff offer the following comments to assist the Committee of Adjustment in their consideration of the application.

### **Provincial and Regional Policies**

According to the *Provincial Policy Statement, 2020 (PPS), A Place to Growth: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan)*, and *Niagara Official Plan*,

2022 (NOP), the subject property is located within the Prime Agricultural Area. Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected.

The permitted uses and activities for prime agricultural areas are agriculture, agriculture-related, and on-farm diversified uses. Staff note that the Ontario Ministry of Agriculture, Food and Rural Affairs' (OMAFRA) *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* classifies a primary farm residential building as an agricultural use. As such, given that the new dwelling would replace the existing primary farm residence, staff offer no objection to the application from a planning perspective.

Please note that, in accordance with NOP Policy 4.1.4.3, 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. Regional staff defer to the Township with respect to private servicing capacity.

### **Archaeological Potential**

The subject property falls within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the NOP. Additionally, there is a Registered Archaeological Site (AgGv-53) within 300 metres of the property. Provincial and Regional policies 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.

In accordance with Policy 6.4.2.6 of the NOP, Regional staff request a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to support the application. In addition, staff request a Letter of Acknowledgement from the Ministry of Citizenship and Multiculturalism be circulated to the Region prior to the issuance of a building permit. Conditions to this effect are included in the attached Appendix.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff offer the following archaeological clause to the owner in the event that any resources are encountered during construction:

*"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C (Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>)."*

September 17, 2024

## Natural Heritage

The subject property is impacted by the Region's Natural Environment System (NES), consisting of the Lower Twenty Mile Creek Provincially Significant Wetland Complex (PSW) and Other Wetlands, which are considered Key Hydrologic Features (KHF) outside of Settlement Areas. NOP Policy 3.1.9.8.1 states that a proposal for new development or site alteration within 120 m of a KHF/natural heritage feature or area will require an Environmental Impact Study (EIS) that identifies a minimum 30 m Vegetation Protection Zone (VPZ), to be established as natural self-sustaining vegetation. Development or site alteration is generally not permitted within a KHF or its VPZ. The EIS must demonstrate that there will be no significant negative impact on the features or their ecological function.

However, NOP Policy 3.1.9.8.2 states that EIS requirements can be scoped if the proposed development is minor and is not anticipated to have a negative impact on the NES. Due to the proximity of the proposed development to the features, staff are satisfied that the future development will be minor and not have a negative impact on the NES, provided that Erosion and Sediment Control (ESC) fencing and Best Management Practices are implemented during construction. Staff have no further requirements.

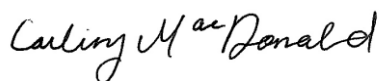
## Conclusion

In conclusion, the proposed application does not conflict with Provincial and Regional policies for development within the prime agricultural area. As such, Regional Growth Strategy and Economic Development staff offers no objection to the application, subject to the completion of a Stage 1-2 Archaeological Assessment, plus any subsequent recommended assessments, and the circulation of an acceptance letter from the MCM confirming that all archaeological resource concerns have met licensing and resource conservation requirements. A condition to this effect is included in the attached Appendix.

Please note, 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.

Please send copies of the staff report and notice of the Committee's decision on these applications. If you have any questions related to the above comments, please contact me at [carling.macdonald@niagararegion.ca](mailto:carling.macdonald@niagararegion.ca).

Kind regards,



Carling MacDonald  
Development Planner, Niagara Region



PLMV202401132

*September 17, 2024*

cc: Katie Young, MCIP, RPP, Senior Development Planner, Niagara Region  
Connor Wilson, Development Planner, Niagara Region  
Rachel Daniels, Planning Ecologist, Niagara Region

**Appendix 1**  
**Regional Conditions**  
**7125 Young Street, West Lincoln**

1. That the applicant/owner submit a Stage 1-2 Archaeological Assessment, prepared by a licensed archaeologist, (and any required subsequent archaeological assessments) to the Ministry of Citizenship and Multiculturalism (MCM) and receive an acknowledgement letter from MCM (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.



3350 Merrittville Hwy. Unit 9  
Thorold Ontario L2V 4Y6  
905.788.3135 | info@npca.ca | npca.ca

September 16, 2024

NPCA File No.: PLMV202401195

VIA EMAIL ONLY

Committee of Adjustment  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

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

**Subject: Application for Minor Variance, A20/2024WL**  
Peter Feddema (c/o Agent, Cody Van Soelen, Cav Construction Inc.)  
7125 Young Street  
Township of West Lincoln  
**ARN 260203001227400**

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To the Committee of Adjustment,

Further to your request for comments for the consent for the above noted property, the Niagara Peninsula Conservation Authority (NPCA) can offer the following.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under Ontario Regulation 155/06 of the Conservation Authorities Act. The NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (NPCA policies) provides direction for managing NPCA regulated features.

The NPCA has reviewed the NPCA mapping of **ARN 260203001227400** and notes that the subject property contains the following NPCA Regulated Features: a Provincially Significant Wetland, potentially unevaluated wetlands, and a floodplain hazard. The following proposed development is not impacted by the identified NPCA Regulated Features as such, the NPCA would have no objection to the Minor Variance, A20/2024WL.

Please be advised that future development within an NPCA Regulated Feature including buffers, will require review and approval with NPCA Permits prior to the start of work.

Please do not hesitate to call should you have any further questions in this matter.

Yours truly,



Paige Pearson  
Watershed Planner  
(905) 788-3135, ext. 205  
ppearson@npca.ca

**DATE:** September 25, 2024

**REPORT NO:** COA-34-2024

**SUBJECT:** **Recommendation Report – Application for Minor Variance (A21/2024WL) – 4040 Concession 4 Road – Alvin Krol**

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

**OVERVIEW:**

A Minor Variance application has been submitted to permit the construction of an accessory building, being a detached garage, to be constructed approximately 132 metres from the main building, being the existing dwelling.

The Township’s Zoning Bylaw, Table 1-1, requires that accessory buildings be constructed within 50 metres of a main building in an effort to cluster buildings in part to preserve agricultural land.

The applicants intend to construct a new dwelling to replace the existing dwelling in the near future within 50 metres of the proposed detached garage, but slightly further from the front property line.

The Township’s Zoning Bylaw requires that accessory buildings be located no closer to the front property than the main building.

Staff have reviewed this application against the four tests of a minor variance and can recommend approval of the variance.

**RECOMMENDATION:**

That, the application for Minor Variance, submitted by Alvin and Lisa Krol, as outlined in Report COA-34-2024, to permit a 140 square metre detached garage at a distance of no greater than 132 metres from the existing dwelling, and no greater than 10 metres in front of the future dwelling location, **BE APPROVED.**

**BACKGROUND:**

A Minor Variance application has been submitted by Alvin and Lisa Krol for their property municipally addressed as 4040 Concession 4 Road. The subject property is on the south

side of Concession 4 Road and is located between Crown Road and Rosedene Road. The property currently contains a single detached dwelling near Concession 4 Road, a number of smaller accessory buildings near the dwelling and a larger accessory building south of the house used for storage.

The owners wish to construct a new detached garage on the property as they intend to demolish the existing accessory building and need somewhere to store its contents. They also have future plans to construct a new dwelling on the property where the existing accessory building is located.

The proposed location for the detached private garage is located approximately 132 metres south of the existing dwelling. The Township's Zoning Bylaw only permits accessory buildings within 50 metres of the main building. Additionally, the owners have requested a second variance in anticipation of constructing a new dwelling, to allow the new dwelling to be located approximately 10 metres farther from the front property line than the accessory building.

The majority of the surrounding land uses are designated in the Township's Official Plan as *Good General Agricultural Lands* and *Natural Heritage System*. The subject property contains natural heritage system features including a Core Natural Heritage Corridor, Provincially Significant Wetlands, Significant Woodlands, an Environmental Conservation area and an Environmental Protection area.

However, there will be no impact to the present natural heritage features on the property as the proposed development is located a large distance from the forested portion of the subject lands. As such, the natural heritage features is not a factor of this application and the Township's environmental policies are being maintained.

The surrounding lands are actively farmed with a number of small rural residential properties. The proposed detached garage and future dwelling would be compatible with the existing land uses in proximity to the subject lands.

#### **FOR MINOR VARIANCE**

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. The goal of the agricultural designation is to protect agricultural lands for long term agricultural use and to provide for a flexible range of different agricultural uses. A key component of protecting agricultural land is to minimize the amount of land taken out of active productive agricultural operation.

The Township's Zoning Bylaw further ensures the protection of agricultural area by requiring accessory buildings to be located within 50 metres of a main building. For this

application the main building is the dwelling, however, due to the shape of the lot, the location of an existing pond, and the proposed location for a future house, the detached garage has been proposed approximately 132 metres south of the house. In the near future, the owners wish to construct a new dwelling in this location as well, thereby moving the cluster of buildings from near Concession 4 Road further back in the property. The area where the proposed garage and dwelling are going is mostly cut grass and has a minimal impact on productive agricultural lands.

Therefore, this application meets the general intent of the Township's Official Plan.

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

The subject property is zoned Agricultural 'A', Environmental Conservation 'EC' and Environmental Protection 'EP'. The Agricultural 'A' zone allows agricultural uses, a single detached dwelling, and accessory buildings and structures in conjunction with a permitted principal use.

As previously discussed in this report, the Township's Zoning Bylaw requires that accessory buildings or structures be constructed within 50 metres of a main building for the purposes of clustering buildings to protect agricultural land. The proposed garage meets all other zoning requirements of the Township's bylaw.

The Owners have indicated that it is their intention to demolish the existing large accessory building and construct a new dwelling in its location. This would result in the proposed garage to be compliant with the 50 metre provision of the bylaw. The proposed garage is needed now in order to provide room for storage of items currently stored in the existing building which is to be demolished.

The second variance to allow the accessory building to be no more than 10 metres closer to the front property line than the main dwelling, also meets the intent of the zoning bylaw, as both buildings will be located a significant distance off of the road and will not impact the rural character of the property or area. As such, the proposed minor variance meets the intent of the zoning bylaw.

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

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 abutting agricultural land uses.

The subject property is in a predominantly agricultural area surrounded mostly by cash cropping operations. Many of the farms in the area, in addition to the arable fields, contain dwellings and accessory buildings, both of which are permitted in the agricultural zone.

For these reasons, the proposed variance is desirable for the development and use of the property.

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

The application for minor variance is requesting over a doubling of the required 50 metre regulation of the Township's zoning bylaw. While this appears to be a large variance, it is still minor in nature for a number of reasons. This includes that there is already a number of buildings in the general location of where the proposed garage is being located and secondly that the owners intend on building a new house in the same cluster. The need to construct the garage prior to the new dwelling is to create room for storage to allow the demolition of the existing accessory building. As such, this proposal is minor in nature.

**INTER-DEPARTMENTAL & AGENCY COMMENTS:**

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

**Public Works:** Has no comments or objections to provide on this application.

**Septic System Inspection Manager:** Has no comments or objections to provide on the application as proposed.

**Niagara Peninsula Conservation Authority (NPCA):** The NPCA has provided written comments that they have no objections to the proposed minor variance application.

**Region of Niagara:** The Region of Niagara does not object to the proposal in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies. Regional Staff note that a Stage 1 Archaeological Assessment prepared by Stantec (dated October 31, 2012) was completed for the purposes of a Renewable Energy Approval Application for the Niagara Region Wind Farm. 4040 Concession 4 Road was included within the project study area and determined to have high potential for the presence of significant archaeological resources. As such, it was recommended that a Stage 2 Archaeological Assessment be completed. Regional Staff have requested the below condition.

1. That the Applicant/Owner submit a Stage 2 Archaeological Assessment completed by a licensed archaeologist and receive acceptance from the Ministry of Citizenship and Multiculturalism ("MCM") for the archaeological assessment. If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

The standard warning clause has also been included for the owner's information, as

provided below.

*"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C (Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>)."*

**PUBLIC COMMENTS:**

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

**CONCLUSION:**

Based on Staff's review of the two proposed minor variances, Administrative Staff recommend APPROVAL of the proposed Minor Variance Application (A21/2024WL) as outlined in Report COA-34-2024, to permit a 140 square metre detached garage at a distance of no greater than 132 metres from the existing dwelling, and no greater than 10 metres in front of the future dwelling location as the four tests for a minor variance are met.

**ATTACHMENTS:**

1. Location Map
2. Site Plan Drawing for Proposed Garage
3. Survey Sketch for Future Dwelling
4. Agency Comments

**Prepared & Submitted by:**

**Approved by:**



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**Stephanie Pouliot,  
Planner**

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





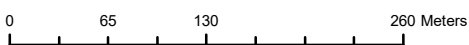
**Location Map**  
4040 Concession 4 Road

**West Lincoln**

Your Future Naturally

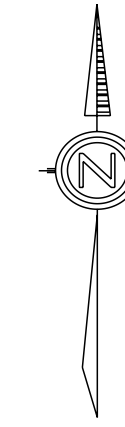
**Legend**

- Zone Boundary
- Subject Property

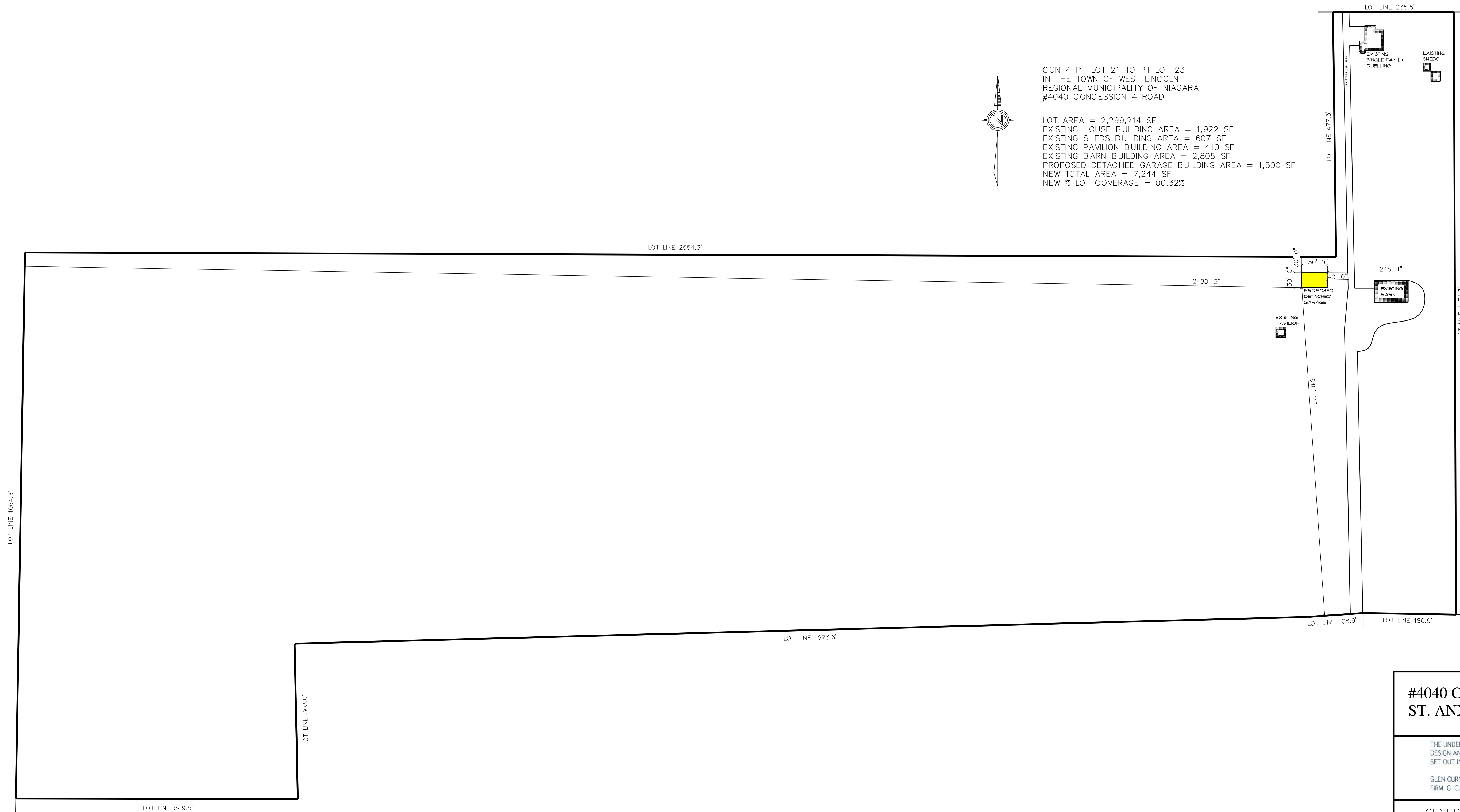


CONCESSION 4 ROAD

CON 4 PT LOT 21 TO PT LOT 23  
IN THE TOWN OF WEST LINCOLN  
REGIONAL MUNICIPALITY OF NIAGARA  
#4040 CONCESSION 4 ROAD



LOT AREA = 2,299,214 SF  
EXISTING HOUSE BUILDING AREA = 1,922 SF  
EXISTING SHEDS BUILDING AREA = 607 SF  
EXISTING PAVILION BUILDING AREA = 410 SF  
EXISTING BARN BUILDING AREA = 2,805 SF  
PROPOSED DETACHED GARAGE BUILDING AREA = 1,500 SF  
NEW TOTAL AREA = 7,244 SF  
NEW % LOT COVERAGE = 00.32%



#4040 CONCESSION 4 ROAD  
ST. ANN'S (WEST LINCOLN) , ONT.

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.

GLEN CURNOCK  BCIN #22652  
FIRM: G. CURNOCK AND ASSOCIATES BCIN #29985

GENERAL NOTES :

1. ALL CONSTRUCTION SHALL COMPLY WITH THE ONTARIO BUILDING CODES LATEST REVISION, MUNICIPAL BY-LAWS & ALL UTILITIES HAVING JURISDICTION.
2. ALL STRUCTURAL LUMBER (TIMBER) TO BE #2 GRADE SPRUCE OR BETTER

*g. curnock*  
*and associates*

462 SCOTT STREET PHONE : (905) 935-8921  
ST. CATHARINES, ONTARIO g.curnock.co  
L2M 3W7 glen@gcurnock.co

SITE PLAN

DRAWN BY:	THEODORE CURNOCK	SHEET 1 OF 1
CHECKED BY:	GLEN CURNOCK	DRWG. No.
DATE	JULY 04 / 2024	
SCALE:	1/100" = 1'0"	5965

**TOWNSHIP OF WEST LINCOLN  
LOT GRADING PLAN**

LOCATION PART OF LOTS 22 AND 23,  
CONCESSION 4

STREET & No. 4040 CONCESSION 4

OWNER ALVIN AND LISA KROL

BUILDER

EXISTING ELEVATIONS  
Date Levels Taken MARCH 11, 2021

FINISHED GRADING  
Date Levels Taken

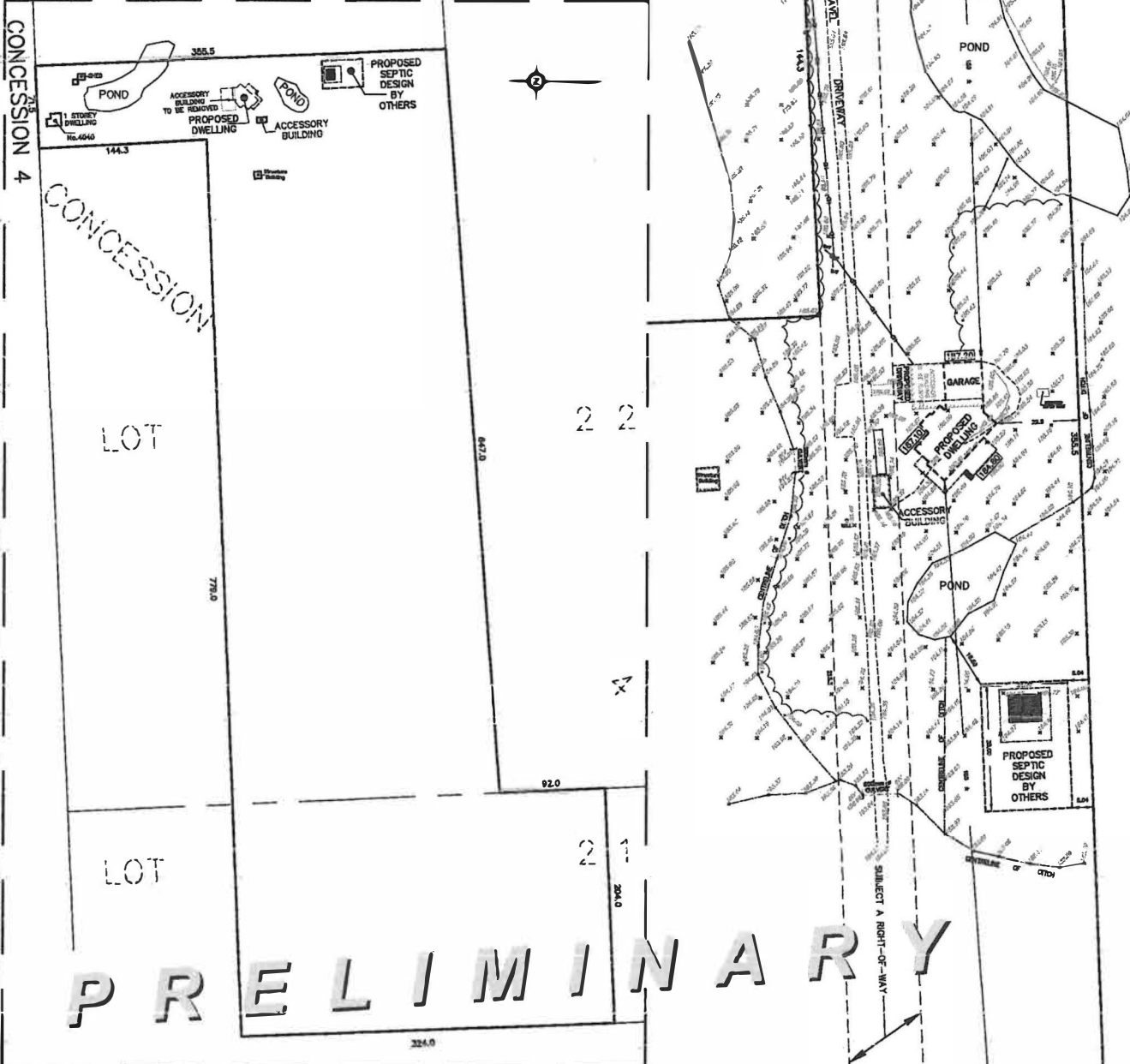
**LEGEND**

- f.o.f DENOTES FINISHED GARAGE FLOOR ELEVATION
- T.O.F DENOTES TOP OF FOUNDATION
- 100.00 DENOTES EXISTING GROUND ELEVATION
- (100.00) DENOTES FINISHED ELEVATION
- ← DRAINAGE DIRECTION
- 100.00 PROPOSED ELEVATION
- ← SETBACK MEASUREMENT
- ↓ DOWNSPOUT
- ← SUMP PUMP DISCHARGE
- OVERHEAD WIRES

SCALE 1 : 800

KIRKUP MASCOE URE SURVEYING LTD.  
ONTARIO LAND SURVEYORS

© THE REPRODUCTION, ALTERATION OR USE OF THIS PLAN IN WHOLE OR IN PART,  
WITHOUT THE PERMISSION OF KIRKUP MASCOE URE SURVEYING LTD. IS PROHIBITED.



DETAIL : NOT TO SCALE

**Proposed Grading Certificate**

I HEREBY CERTIFY THAT THE PROPOSED GRADING WILL BE COMPATIBLE WITH ADJACENT LANDS AND THAT ALL SURFACE DRAINAGE ORIGINALLY FLOWING THROUGH, ONTO OR OVER THIS SITE IS BEING ACCOMMODATED, AND THAT THIS LOT WILL DRAIN SATISFACTORILY TO THE PRESENT EXISTING GRADES OF ADJACENT PROPERTIES.

Signature \_\_\_\_\_ Date APRIL . 2021

ROY S. KIRKUP  
ONTARIO LAND SURVEYOR

Firm KIRKUP MASCOE URE SURVEYING LTD.

Accepted by: \_\_\_\_\_ Date \_\_\_\_\_

MUNICIPALITY \_\_\_\_\_

**As Constructed Grading Certificate**

I HAVE TAKEN THE FIELD ELEVATIONS SHOWN (100.0) WITH RESPECT TO THE FINAL GRADING AND DO HEREBY CERTIFY THAT THE BUILDING CONSTRUCTED AND GRADING OF THE LOT IS IN CONFORMITY WITH THE PREVIOUS SUBMISSION FOR A BUILDING PERMIT. I FURTHER CERTIFY THAT THIS LOT WILL DRAIN SATISFACTORILY AND SUCH GRADING HAS NOT ADVERSELY AFFECTED ADJACENT PROPERTIES

Signature \_\_\_\_\_ Date \_\_\_\_\_

Firm KIRKUP MASCOE URE SURVEYING LTD.

Accepted by: \_\_\_\_\_ Date \_\_\_\_\_

MUNICIPALITY \_\_\_\_\_

REVISION	DATE	REMARKS
	APRIL 5, 2021	INITIAL RELEASE
<b>KIRKUP MASCOE URE SURVEYING LTD.</b>		
60 CASTLETON AVENUE, ST. CATHARINES, ONTARIO L2P 9T4 TELEPHONE (905) 461-5791, FAX (905) 461-4424 E-MAIL: info@kmsu.com, www.kmsu.com		
FILE: 2020-48-183-00   DWS FILE: 2020-48-183-00 CMBD Gradingplan		

**BENCHMARK NOTE**

ELEVATIONS ARE GEODETIC, RELATED TO BENCHMARK 0011963U3514, HAVING AN ELEVATION OF 105.198 METRES.



3350 Merrittville Hwy. Unit 9  
Thorold Ontario L2V 4Y6  
905.788.3135 | info@npca.ca | npca.ca

September 16, 2024

NPCA File No.: PLMV202401209

VIA EMAIL ONLY

Committee of Adjustment  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

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

**Subject: Application for Minor Variance, A21/2024WL**  
Alvin and Lisa Krol  
4040 Concession 4 Road  
Township of West Lincoln  
**ARN 260202000513500**

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To the Committee of Adjustment,

Further to your request for comments for the consent for the above noted property, the Niagara Peninsula Conservation Authority (NPCA) can offer the following.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under Ontario Regulation 155/06 of the Conservation Authorities Act. The NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (NPCA policies) provides direction for managing NPCA regulated features.

The NPCA has reviewed the NPCA mapping of **ARN 260202000513500** and notes that the subject property contains a Provincially Significant Wetland, Watercourses, and potential unevaluated wetlands however, the proposed development is not impacted by the NPCA Regulated Features. Therefore, the NPCA would have no objection for the proposed Minor Variance, A21/2024WL.

Please be advised that any future development within an NPCA Regulated Area including buffers, will require review and approval with NPCA Permits prior to the start of work.

Please do not hesitate to call should you have any further questions in this matter.

Yours truly,

A handwritten signature in black ink, appearing to read "Paige P.", is written over a faint, larger version of the same signature.

Paige Pearson  
Watershed Planner  
(905) 788-3135, ext. 205  
ppearson@npca.ca



**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**

September 17, 2024

Region File: PLMV202401134

Stephanie Pouliot  
Secretary Treasurer of the Committee of Adjustment  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

Dear Ms. Pouliot:

**Re: Provincial and Regional Comments  
Minor Variance Application  
Township File: A21/2024WL  
Applicant: Lisa and Alvin Krol  
4040 Concession 4 Road  
Township of West Lincoln**

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Regional Growth Strategy and Economic Development staff has reviewed the Minor Variance Application for 4040 Concession 4 Road in the Township of West Lincoln. The Applicant is proposing to facilitate the construction of a detached private garage and is requesting the following variances:

- To permit a maximum distance for an accessory building or structure from a main building of 131.4 metres whereas a maximum of 50 metres is permitted as per Table 1-1 of Part 3 in Zoning By-law 2017-70.

The Applicant is also proposing to construct a new single detached dwelling on the property in the future and will be demolishing the existing residence on the lot. Once construction of the single detached dwelling is complete, the proposed storage building will be closer to the front lot than the front wall of the main dwelling. Therefore, the following relief is also being request:

- To permit the proposed storage building to be approximately 9.14 metre closer to the front lot line than the main building.

The following comments are provided to assist the Township with their review of the proposed Minor Variance Application.

## **Provincial and Regional Policies**

The subject lands are within the “Prime Agricultural Area” under the *Provincial Policy Statement, 2020* (“PPS”) and are designated as “Prime Agricultural Area” in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”) and the *Niagara Official Plan* (“NOP”). The PPS identifies that lands within the Prime Agricultural Area are to be protected for long-term use for agriculture. Permitted uses in Prime Agricultural Areas include agriculture, agriculture-related and on-farm diversified uses, which are to be considered based on the Ontario Ministry of Agriculture, Food and Rural Affairs (“OMAFRA”) Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas (“the Guidelines”).

The NOP also contains policies permitting the continued operation of legally established uses such as residential, commercial, employment, agriculture, and institutional uses. Expansions to existing buildings and structures, accessory structures and existing uses, as well as conversions or developments of legally existing uses that bring the use more into conformity with this Plan, are permitted subject to demonstration that new municipal services are not required, the proposal does not expand into Key Natural Heritage Features, and Key Hydrological Features, does not result in the intrusion of a new incompatible use and is in accordance with the minimum distance separation formulae.

The proposed expansion will not require new municipal services, as the property is privately serviced. The Township is responsible for reviewing private servicing and therefore the Committee should look to Township staff to confirm private servicing requirements are met for the proposal. Further, the proposed use and associated buildings are not located within a key natural heritage feature or key hydrological feature, as described further below under ‘Natural Environment System’. Regional staff note that municipalities are responsible for ensuring that MDS setbacks are met when reviewing land use planning applications or building permits. Therefore, the Committee should look for confirmation from Township staff as to whether MDS setbacks are applicable/met.

As such, Regional staff are satisfied that the proposed application is consistent with the PPS and generally conforms to the policies and intent of the NOP subject to the comments below.

## **Archaeological Potential**

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, section 2.6.2 of the PPS states that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. The subject property is located within the Niagara Region’s mapped area of archaeological potential on Schedule K of the NOP indicating that the property has the potential for the discovery of archaeological resources.

Staff note that a Stage 1 Archaeological Assessment prepared by Stantec (dated October 31, 2012) was completed for the purposes of a Renewable Energy Approval Application for the Niagara Region Wind Farm. 4040 Concession 4 Road was included within the project study area and determined to have high potential for the presence of significant archaeological resources. As such it was recommended that a Stage 2 Archaeological Assessment be completed.

A Stage 2 Archaeological Assessment, prepared by Stantec (Dated October 2012) was completed for lands which were planned to be disturbed for development activity associated with establishing the Niagara Region Wind Farm. The Assessment did not include lands associated with the proposed development subject to this Minor Variance Application. As such, Regional staff will require the completion of a Stage 2 Archaeological Assessment for the proposed development along with the required acknowledgment letters from the Ministry of Citizenship and Multiculturalism (“MCM”). The report(s) and acknowledgement are to be submitted prior to any development or site alteration occurring on the subject property. In accordance with Chapter 6 of the NOP, the required archaeological assessment(s) can be scoped to the area of the proposed development footprint.

Furthermore, recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possibility of the discovery of deeply buried archaeological resources, staff provide the following clause to the owner should any resources be encountered during construction:

*“If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara 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 found at the following link: <https://www.niagararegion.ca/projects/archaeologicalmanagementplan/default.aspx>.”*

## **Natural Environment System**

The subject property is impacted by the Region’s Natural Environment System (“NES”), consisting of the Silverdale Provincially Significant Wetland Complex (“PSW”). 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 m of a KNHF/KHF. Further, NOP policies require that a minimum 30 m Vegetation Protection Zone (“VPZ”) as

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

However, NOP policy 3.1.9.8.2 states that EIS requirements can be scoped if the proposed development is minor and is not anticipated to have a negative impact on the NES. Due to the proximity of the proposed development to the features, staff are satisfied that the future development will be minor and not have a negative impact on the NES, provided that Erosion and Sediment Control (“ESC”) fencing and Best Management Practices are implemented during construction. Staff have no further requirements.

## Conclusion

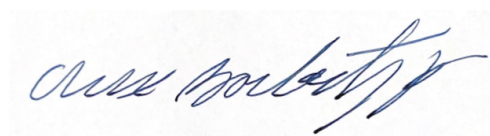
Regional Growth Strategy and Economic Development staff do not object to the proposed Minor Variance Application, in principle, as the proposal is consistent with the PPS, 2020 and conforms to Provincial and Regional policies subject to the conditions below.

1. That the Applicant/Owner submit a Stage 2 Archaeological Assessment completed by a licensed archaeologist and receive acceptance from the Ministry of Citizenship and Multiculturalism (“MCM”) for the archaeological assessment. If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

In addition, Township staff should be satisfied that any local requirements for the Application are met and that the proposed development is compatible with the surrounding area.

Should you have any questions related to the above comments, please contact the undersigned at [Alex.Bokestyn@niagararegion.ca](mailto:Alex.Bokestyn@niagararegion.ca), or [Katie](#) Young, Senior Development Planner at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca)

Best regards,





Alex Boekestyn, M.Sc.  
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region  
Katie Young, MCIP, RPP, Senior Development Planner, Niagara Region  
Rachel Daniels, Planning Ecologist, Niagara Region

**DATE:** September 25, 2024

**REPORT NO:** [COA-35-2024](#)

**SUBJECT:** **B08/2024WL – Recommendation Report – Application for Consent – Dwight and Carrie TeBrake (Niagara Planning Consultants – Jeremy Brown, Agent) for 1985 Hodgkins Road**

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

**OVERVIEW:**

A Consent application has been applied for to permit a surplus farm dwelling severance for the lands located at 1985 Hodgkins Road.

The land being severed with the dwelling is proposed to be 0.613 hectares (1.51 acres) shown as Parcel 1 and Parcel 2, being the remnant farmland will be approximately 21.1 hectares (52.14 acres) following the severance.

If approved, a condition will be required that the severed holding be zoned to Rural Residential and the remnant farmland be zoned to Agricultural Purposes Only (APO), restricting any future residential use or merging the lands onto an abutting property.

Staff are recommending the lot size for the new residential lot (Parcel 1) be reduced to no greater than 0.4 hectares (1 acre) in accordance with Provincial, Regional, and Township policies.

**RECOMMENDATION:**

THAT, the application for Consent made by Niagara Planning Consultants on behalf of the property owners, Dwight and Carrie TeBrake as outlined in Report COA-35-24, to permit a Surplus Farm Dwelling Severance at 1985 Hodgkins Road, BE APPROVED, subject to the following conditions:

1. That the approval applies to the transaction as applied for, subject to condition 3.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, remitting the cash-in-lieu of park land dedication fee, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
3. That the new residential lot (Parcel 1) be reduced to no greater than 0.4 hectares (1 acre) in lot size in accordance with the Township’s lot creation policy to the

satisfaction of the Planning Department.

4. That upon conditional approval of the Consent Application, the agricultural portion (Parcel 2 –retained lands) of the property is rezoned to Agricultural Purposes Only (APO) to preclude its use for residential purposes and (Parcel 1 –severed lands) be rezoned to Rural Residential (RuR) and any zoning deficiencies be addressed by a future Zoning By-law Amendment application.
5. That the applicant applies for and obtains a 911 house number (sign, post and installation) to the Township of West Lincoln, if required.
6. In accordance with Section 65 of the *Drainage Act*, R.S.O. 1990, c. D.17 will be required to reapportion the assessment schedule for the newly created lot. The proponent will be responsible for the cost associated with this work.
7. That the accessory building shown on the survey sketch provided as “Barn” located in front of the dwelling, be demolished to the satisfaction of the Township’s Planning and Building Department.
8. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
9. That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.
10. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
11. That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

## **BACKGROUND:**

The subject property is situated on the east side of Hodgkins Road, east of Silverdale Road, west of Rosedene Road and Victoria Avenue (Regional Road 24), and north of Concession 4 Road and Highway 20 (Regional Road 20). The lands are also located north of the Hamlets of Boyle and East Boyle, south of the Hamlet of Silverdale and east of the Hamlet of Bismark. 1985 Hodgkins Road is currently 21.67 hectares (53.56 acres) in size.

The subject property along with the surrounding land uses are designated in the Township’s Official Plan as *Good General Agricultural Lands* and *Natural Heritage System*. A portion of the subject lands as noted forms part of the *Natural Heritage System* in the Township’s OP, effectively being located along part of the south and east property lines, covering the forested portion of the property of approximately 4.78 hectares (11.82 acres) in size. There is also a fish habitat that runs through the middle of the property with an associated Environmental Protection area.

The present Natural Heritage features include Provincially Significant Wetlands, Significant Woodlands, floodplain, and a fish habitat. An Environmental Conservation and Environmental Protection area are also designated over these features to further protect

and conserve the environmental features. Please see the attached map (Attachment 1) for the noted Natural Heritage features, however, these are not a factor of this application.

The surrounding lands are actively farmed with a number of small rural residential properties. Both the *Good General Agricultural Lands* and *Natural Heritage System* designations protect and maintain long-term agricultural and conservation use within West Lincoln.

Planning Staff attended a site visit of the property with the Township's Septic System Inspection Manager and the agent on Tuesday, August 20<sup>th</sup>, 2024.

**CURRENT SITUATION:**

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

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

***Provincial Policy Statement***

The 2020 Provincial Policy Statement is still in effective until October 20, 2024, as such, this consent application has been reviewed against the applicable policies still in effect as of the date of writing this report.

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

The lands are located within the *Prime Agricultural Area*. Section 2.3 *Agriculture* speaks to the long-term protection for agriculture within *prime agricultural areas*. Specifically, Section 2.3.4 *Lot Creation and Lot Adjustments* outlines the criteria to support lot creation within the *prime agricultural area* as follows. 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 that new residential dwellings are prohibited on any remnant parcel of farmland.

This proposal is aligned with the PPS with the conditions of approval that the lot be reduced to the minimum requirement to service the lot which has been determined by the Township's Staff to be one acre. The additional land area proposed with the severed residential lot provides a substantial reserve area which is not necessary for future servicing. Additionally, through the rezoning application, the retained lands will be rezoned to agricultural purposes only 'APO' which will preclude future residential use on the remnant parcel of farmland. For these reasons, the proposal is consistent with the PPS policies.

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

*A Place to Grow, the Growth Plan for the Greater Golden Horseshoe* (Growth Plan) builds on the PPS that supports the achievement of complete communities, a thriving economy, a clean and healthy environment and social equality. The *Growth Plan* guides how and where to grow communities, how to support growth while protecting and enhancing where possible, valuable assets, features and systems, including the long-term productivity of agriculture by protecting *prime agricultural areas* and the *agri-food network*.

This proposal is consistent with the *Growth Plan*, given the remnant farmland will be rezoned to preclude any future residential use. Doing so, also protects these lands for long-term agricultural production. It's also important to note, the severed lot will not be removing any lands that are actively farmed, as such there is no loss in farmland or fragmentation to the existing agricultural uses in the area. For these reasons, this proposal can be considered in alignment with the *Growth Plan*.

**Niagara Official Plan**

The *Niagara Official Plan* (NOP) provides a framework for growth and development within the Niagara Region. The NOP regulations are consistent with Provincial policies; the PPS, Growth Plan, and Greenbelt Plan as noted above. The NOP states how properly protecting resources while planning for growth is critical. Specifically, protecting the *Agricultural System* is outlined in Section 4.1 of the NOP.

The main objectives of this section are to facilitate a strong, diverse, and resilient agricultural economy and to protect the region's agricultural land base, ensuring agricultural sustainability for present and future generations. Lot creation within the agricultural land base must meet a set of conditions outlined in Section 4.1.4.2, including the size of any new lot shall be an area of 0.4 hectares, proposed lots shall be configured to minimize impacts on surrounding farming operations, and sustainable on-site and long-term operation of a private sewage disposal system to service the new lot. Specifically, Section 4.1.5.2 speaks to the severance of a *residence surplus to a farming operation*. The residence that is rendered surplus as a result of farm consolidation has to have existed as of 2004 which is the case with the surplus residence at 1985 Hodgkins Road. In accordance with 4.1.5.2(b), the new lot shall be an area of 0.4 hectares except to the extent where additional area is determined necessary to support an on-site private water supply and private sewage disposal system.

The proposed lot size for Parcel 1 exceeds the above requirement, the lot will incorporate the dwelling, the existing septic system and an area for a future new septic system to service the lot. The existing barn which was built on the property line will be removed and demolished as part of this consent application and has been included as a condition of approval. It has been determined that only one acre is required to ensure private servicing are captured on the proposed lot. Based on Township's staff review, it appears that both the existing system and proposed new system can be located within the 0.4 hectare requirement.

The applicants do not own any abutting or adjoining lands, as such a condition has been

included to rezone the retained farmland as agricultural purposes only precluding its use for residential purposes.

For these reasons, Administrative Staff believe the proposed consent application is in alignment with the NOP, with the conditions as indicated, including that the lot be reduced and be no greater than one acre.

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

The Township's Official Plan permits consents for agricultural purposes, and only allows non-farm rural residential lots as part of a surplus farm dwelling severance which are subject to the regulations found in Section 18.13. The application meets the required criteria. The applicant meets the criteria for being a bona-fide farmer and owns over 100 acres of land which corn, soybeans and wheat are farmed.

The subject properties being 1985 Hodgkins Road is designated as *Good General Agricultural* in the Township's Official Plan (OP). The purpose of the Township's *Good General Agricultural* designation is to ensure that these areas are protected and preserved for Agricultural purposes. Specifically, Section 4.2 of the OP provides the framework for all Agricultural Areas, the main objective being to promote and protect viable agricultural areas for the production of crop resources and livestock operations which in turn, will also strengthen the economic wellbeing of West Lincoln. As noted in Section 4.4 of the OP, *Good General Agriculture Areas* are designated with the second highest level of protection and preservation.

Additionally, in relation to the proposed consent application, Section 18.13.2(g) of the OP states that the residential parcel shall not exceed 0.4 hectares (1 acre), except where necessary to accommodate the residence and private services. The proposed parcel size of approximately 0.613 hectares (1.51 acres) includes the residence, existing septic system, proposed new septic system and an older barn at the front of the property. The barn is on the property line, the building will be demolished through this consent and has been included as a condition of approval.

Similar to the Niagara Official Plan, the Township's Official Plan limits the residential severed lot to 0.4 hectares unless more is needed for servicing. Please see Staff's comments under the Niagara Official Plan section of this report.

There are portions of the subject property designated as part of the Township's *Natural Heritage System*. Section 10 *Natural Environment* of the Township's Official Plan priorities maintaining a healthy natural environmental for present and future generations and where possible, encourage environmental stewardship and restoration. The main objective of the *Natural Heritage System* is maintaining, restoring and where possible, enhancing the long term ecological health, integrity and biodiversity of the system within West Lincoln.

The *Natural Heritage* features present on the property includes Provincially Significant Wetlands, Significant Woodlands, floodplain, and a fish habitat as well as, an

Environmental Conservation and Environmental Protection area over these environmental features. The proposed lot creation will not impact these features on the retained lands. There will be no change in the environmental zoning of the retained property (Parcel 2), only the agricultural lands will change to agriculturally purposes only. For these reasons, Administrative Staff believe the proposed consent follows the intended objectives of Section 10 of the Township's OP.

Furthermore, as previously noted, a condition of approval has been included to rezone the farmland to Agricultural Purposes Only 'APO' which will preclude any future residential use. The rezoning to 'APO' will also protect and preserve this area for continuous agricultural purposes which maintains and promotes the general intent and purpose of Section 4 *Agricultural Land Use Policies* and Section 18.13 *Land Severances* of the Township's OP.

### **Township of West Lincoln Zoning By-law**

The subject property being 1985 Hodgkins Road is zoned as Agricultural 'A', Environmental Protection 'EP' and Environmental Conservation 'EC'.

As a condition of approval, the remnant farmland will be rezoned to Agricultural Purposes Only 'APO' to restrict any future residential uses on Parcel 2 (see Survey Sketch, found in Attachment 2). The Zoning By-law Amendment application will also recognize the deficient lot size of Parcel 2. Following the severance, Parcel 2 (remnant farmland) will be approximately 20.68 hectares (51.10 acres) whereas, Table 12 in Part 5 of the Township's Zoning By-law 2017-70, as amended, identifies 39 hectares (96.37 acres) to be the minimum lot area within an Agricultural Purposes Only 'APO' zone.

There is also a Type 3 storage building on the subject lands. The storage building was initially proposed with the severed lot, but given the Rural Residential 'RuR' regulations which do not permit Type 3 accessory buildings (greater than 120 square metres), the applicants have revised their request and will either remove the building or it will stay with the retained farmland. If the building is to stay with the farmland (Parcel 2), the rezoning application will address the existing circumstance and a site specific provision will be added to the new Agricultural Purposes Only zoning. Clarification will need to be provided at the time of rezoning whether this building will be demolished or whether the site specific provision is required.

Additionally, as part of the zoning bylaw amendment application, the severed holding (Parcel 1) will be rezoned to Rural Residential 'RuR'. The existing barn built on the front property line is being demolished so there will be no site specific provision required for Parcel 1.

Furthermore, it appears there is an existing access to the farm property, south of the new proposed residential lot. As the retained frontage along Hodgkins for Parcel 2 will be approximately 490 metres, the Township's Zoning By-law 2017-70, as amended, permits a maximum of 3 driveways on the lot as per Policy 3.12.2(h), subject to meeting the remainder of the regulations found in Part 3.12.2 *Driveways and Parking Aisles*.

Given both Parcel 1 and 2 will be subject to a future rezoning application and the noted zoning issues will be addressed, the proposal can be considered consistent with the general intent of the Township's Zoning By-law 2017-70, as amended.

For these reasons, Administrative Staff can support this consent application, and recommend approval of the Surplus Farm Dwelling Severance, subject to the appropriate conditions including the lot size being no greater than one acre.

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

**Building Department:** At the time of writing this report, there have been no comments received from the building department. As there is a new lot being created, a condition has been included that the applicants apply for and obtain a 911 house number.

**Public Works:** Has reviewed the application and have no objections on the proposal. Public Works have provided the following comment regarding Fifteen Mile Drain. 1985 Hodgkins Road is located within the Fifteen Mile drain, compliance with Section 65 of the Drainage Act, R.S.O. 1990, c. D.17 will be required to reapportion the assessment schedule for the newly created lot. This has been included as a condition of approval severance to satisfy the noted concern. Please see Attachment 3 for the comments received.

**Septic System Inspection Manager:** Has reviewed the application as submitted and attended an on-site visit with the agent on Tuesday, August 20<sup>th</sup>, 2024. Please see below for the comments received which can also be found in Attachment 3.

Based upon our observations and documentation provided by Mr. Maddalena, the existing Class 4 sewage system presently servicing the dwelling is in compliance with Section 8.9.1.2 *General Requirements for Operation Maintenance*, Ontario Building Code. Further evaluation indicated a new sewage system could be located on-site with compliance with Part 8 Ontario Building code requirements. It would appear the sewage systems, existing and proposed, could be located within the required 0.4 hectare Township of West Lincoln definition. The additional land area proposed within the application provides substantial reserve area.

Given the above analysis, a condition has been included to reduce the lot size to no greater than 0.4 hectares (1 acre) for the new residential lot (Parcel 1) in accordance with Provincial, Regional, and Township Policies.

**Niagara Peninsula Conservation Authority (NPCA):** The NPCA has reviewed the subject property (associated NPCA mapping of ARN 260202000509400) and notes that the subject property contains the following NPCA Regulated Features: Provincially Significant Wetland, potential unevaluated wetlands, watercourses, and flood hazards. As the proposed lot lines do not encroach on the NPCA regulated features, the NPCA offers no objections to the proposal. Please see Attachment 3 for more information.



**Niagara Region:** Regional Growth Strategy and Economic Development Staff do not object to the request for a consent of a dwelling surplus to a farming operation, subject to the Township's satisfaction that a larger lot size for Parcel 1 is required for septic purposes and the remnant parcel (Parcel 2) is rezoned to Agricultural Purposes Only (APO) to preclude its use for residential purposes. Additionally, Regional Staff acknowledge that private servicing is under the jurisdiction of the Township and recommend the Committee look to Township Staff to confirm the additional lands are required for private servicing. Please see Attachment 3 for the Regional comments received. The Township's Septic System Inspection Manager's comments can also be found in Attachment 3 as well as, noted above.

**PUBLIC COMMENTS:**

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

**CONCLUSION:**

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Consent application (B08/2024WL) submitted by Jeremy Brown (Niagara Planning Consultants) on behalf of the property owners; Dwight and Carrie TeBrake as outlined in Report COA-35-24, to permit a Surplus Farm Dwelling Severance at 1985 Hodgkins Road, subject to the conditions as indicated, including that the severed lot be reduced to no greater than one acre.

**ATTACHMENTS:**

1. Location Map
2. Survey Sketch
3. Agency Comments

**Prepared & Submitted by:**



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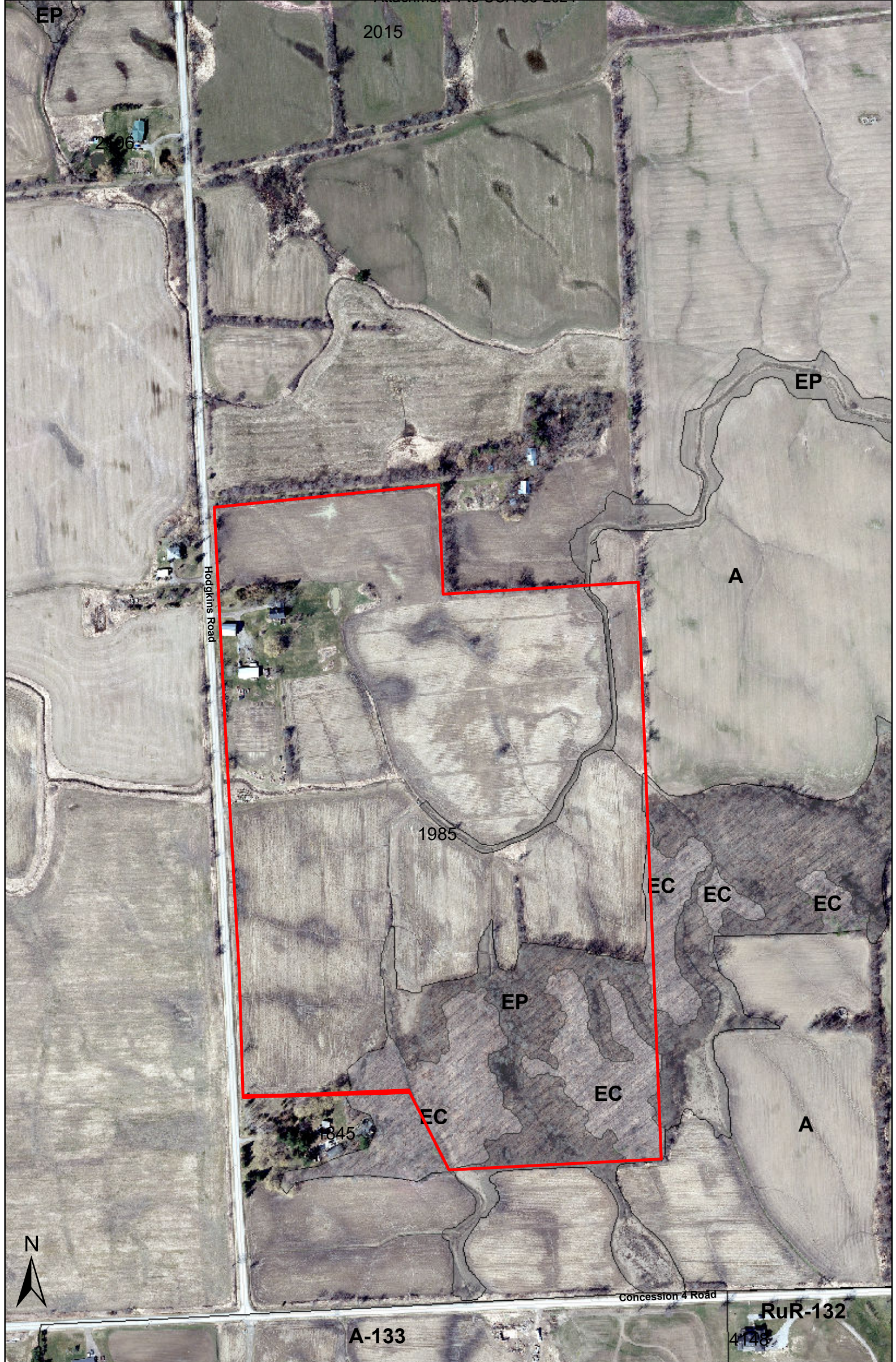
**Stephanie Pouliot,  
Planner**

**Approved by:**

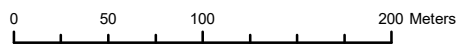


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**Gerrit Boerema, RPP, MCIP  
Manager of Planning**



**Location Map**  
1985 Hodgkins Road



**West Lincoln**

Your Future Naturally

**Legend**

- ZoneBoundary
- Subject Property

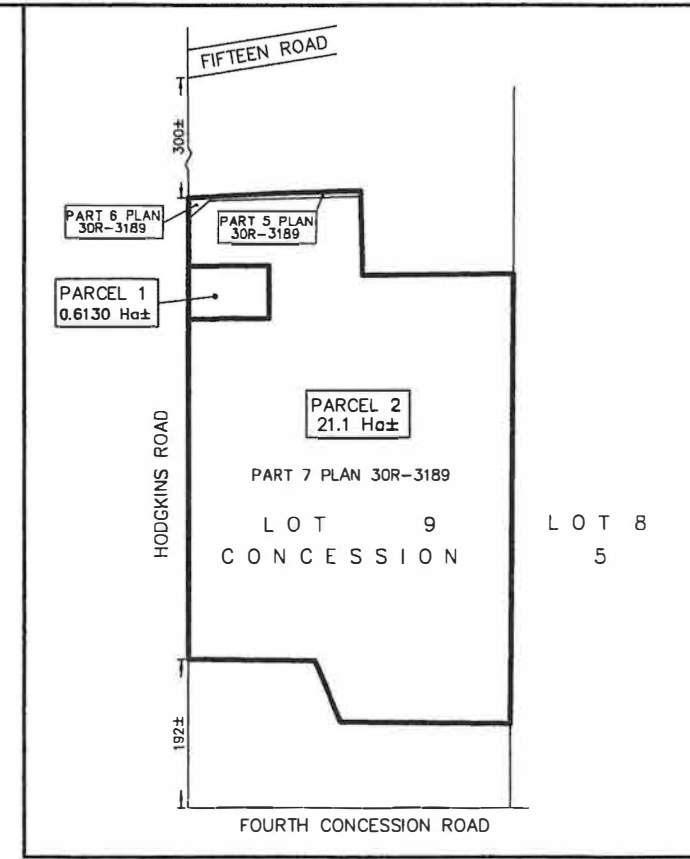
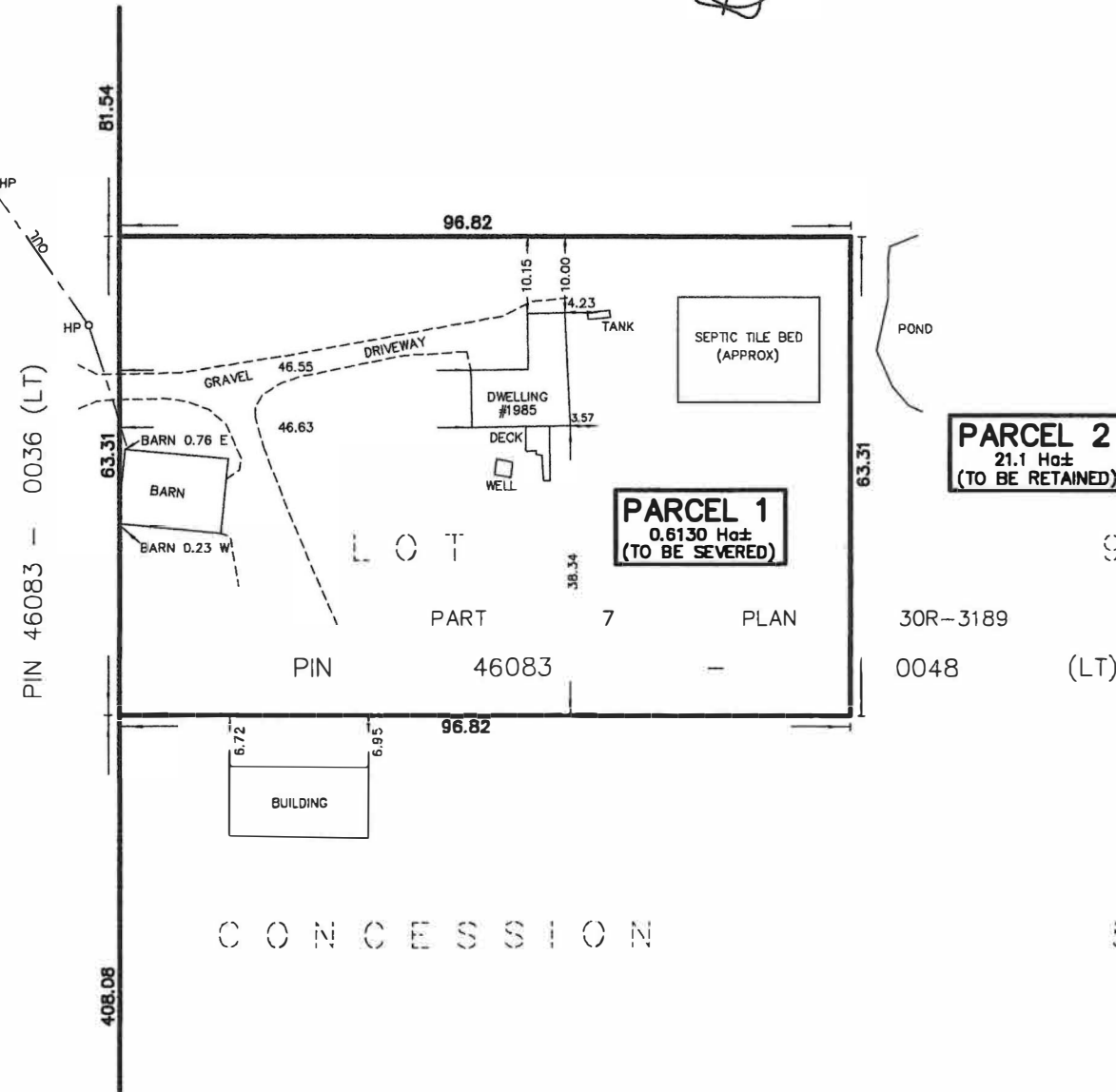
SKETCH FOR PLANNING ACT APPLICATION  
**1985 HODGKINS ROAD**  
**TOWNSHIP OF WEST LINCOLN**  
 REGIONAL MUNICIPALITY OF NIAGARA



SCALE 1:750  
 RASCH & HYDE LTD.  
 ONTARIO LAND SURVEYORS  
 © COPYRIGHT, Rasch & Hyde Ltd., OLS's, 2024



ROAD ALLOWANCE BETWEEN LOTS 9 & 10,  
 CONCESSION 5, GAINSBOROUGH  
 ALSO KNOWN AS HODGKINS ROAD



KEY PLAN NOT TO SCALE

**CAUTION**

1. THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
2. THIS SKETCH IS PROTECTED BY COPYRIGHT ©
3. THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH THE SURVEYOR'S SEAL, OR PDF CERTIFIED.

**BOUNDARY NOTE**

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

**PROPERTY DESCRIPTION**

PART OF LOT 9, CONCESSION 5,  
 GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH  
 TOWNSHIP OF WEST LINCOLN  
 REGIONAL MUNICIPALITY OF NIAGARA  
 PIN 46083-0048 (LT); PARTS 5, 6, 7 PLAN 30R-3189

AUGUST 22, 2024  
 DATE

*Harold D. Hyde*  
 HAROLD D. HYDE  
 ONTARIO LAND SURVEYOR

SURVEYOR'S SEAL

SKETCH

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

**RASCH + HYDE LTD.**  
 Ontario Land Surveyors

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

HAROLD D. HYDE O.L.S.

SCALE 1 : 750 SURVEY : 23-219 DRWN BY : T. Matheson

**METRIC NOTE**

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

**LEGEND & NOTES**

- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- HP DENOTES HYDRO/UTILITY POLE LINE
- OUL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE

\*\*BUILDING TIES, DISTANCES AND AREAS ARE APPROXIMATE.



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# Memo

**To:** Stephanie Pouliot, Planner  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** September 17, 2024  
**Re:** File B08/2024WL – 1985 Hodgkins Rd

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A review has been completed of this application for consent to permit a surplus farm dwelling. The land being severed with the dwelling is proposed to be 0.612 hectares and the remnant farmland will be approximately 21.1 hectares.

1985 Hodgkins Rd is located within the Fifteen Mile drain, compliance with Section 65 of the Drainage Act, R.S.O. 1990, c. D.17 will be required to reapportion the assessment schedule for the newly created lot. This is a condition of severance and the proponent will be responsible for the cost associated with this work.

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**PLANNING & DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

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

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

**DATE: Sept. 18, 2024**

**SUBJECT: File B08/2024 WL  
Dwight & Carrie TeBrake – 1985 Hodgkins Road**

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Dear Stephanie,

Please be advised information submitted by the applicant and Designer Consultant Mr. Dino Maddalena, relating to proposed application, has been reviewed. Also, an on-site visit was completed with Mr. Jeremy Brown in attendance.

Based upon our observations and documentation provided by Mr. Maddalena, the existing Class 4 sewage system presently servicing the dwelling is in compliance with Section 8.9.1.2 General Requirements for Operation Maintenance, Ontario Building Code. Further evaluation indicated a new sewage system could be located on-site with compliance with Part 8 Ontario Building code requirements. It would appear the sewage systems, existing and proposed, could be located within the required 0.4 hectare Township of West Lincoln definition. The additional land area proposed within the application provides substantial reserve area.

We trust the preceding serves as required; however, should additional information be required, please do not hesitate to contact this office at 905-957-3346.

Respectfully submitted,



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



## **Growth Strategy and Economic Development**

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

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

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### **Via Email Only**

September 17, 2024

File Number: PLCS202401123

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 – Surplus Farm Severance**  
**Township File Number: B08/2024WL**  
**Applicant: Dwight and Carrie TeBrake**  
**Agent: Jeremy Brown (Niagara Planning Consultants)**  
**Location: 1985 Hodgkins Road**  
**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 1985 Hodgkins Road, in the Township of West Lincoln. Regional staff received notice of this application on September 12, 2024.

The proposed surplus farm dwelling (Parcel 1) to be severed is proposed to be 0.613 hectares, and the remnant farmland (Parcel 2) is proposed to be approximately 21.1 hectares. 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).

A pre-consultation meeting was held to discuss the proposal on July 20, 2024. The following comments are provided from a Provincial and Regional perspective to assist the Committee with consideration of the application.

### **Provincial and Regional Policies**

The subject land is located within the Prime Agricultural Area under the Provincial Policy

Statement, 2020 (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation (Growth Plan) and is designated as Prime Agricultural Area in the Niagara Official Plan, 2022 (NOP). Policy 4.1.4 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 and the general consent provisions of Policy 4.1.6.1: (c) the consent is for a residence surplus to a farming operation as outlined in Policy 4.1.6.2”.

NOP Policy 4.1.6.2 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 (July 20, 2024) that a Planning Justification Brief (PJB) be provided to showcase that the applicant is a bona fide farmer and to demonstrate reasoning for the proposal to exceed the 0.4-hectare limit. Staff acknowledge in the full planning package circulated, the applicant provided details of their owned real estate and rented land, which consists of over 100 acres of lands under production (corn, soybeans, and wheat) as part of their farming operation.

Furthermore, the applicant provided through their supplemental information the farmers principal address, confirming that the dwelling proposed to be severed is surplus to their needs. Staff identify that the proposed dwelling to be severed has existed since prior to 2006 (confirmed through aerial imagery (2000)).

Staff acknowledge that the size of the proposed surplus farm dwelling lot (Parcel 1) is 0.613 hectares, which exceeds the above requirement, incorporates an existing accessory building (barn) in addition to the dwelling and septic system. Staff acknowledge that the existing barn is proposed to be demolished as part of the consent application.

Staff recognize in the PJB (prepared by LandPro Planning Solutions Inc., dated March 2024) that additional land is required to exceed NOP size requirements due to the existing outdated septic system in order to install a new septic system in the near future. Staff acknowledge that private servicing is under the jurisdiction of the Township and recommend the Committee look to Township staff to confirm the additional lands are required for private servicing.

Staff note the consent would be conditional on the retained farm parcel (Parcel 2) being rezoned to APO to preclude its use for residential purposes.

The Committee should be satisfied that the size of the severed lot (Parcel 1), is deemed necessary to support private on-site servicing.

### **Archaeological Potential**

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

### **Natural Environment**

The subject property is affected by the Region's Natural Environment System (NES), consisting of a Permanent or Intermittent Stream, which is considered a Key Hydrologic Feature (KHF). Significant Woodland, NES Other Wetland (non-PSW) and Provincially Significant Wetland (PSW) are also present on or adjacent to the subject property, which are considered KHF's and Key Natural Heritage Features (KNHF's). Staff note that an NES Linkage corridor is also present.

Consistent with NOP policies, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 120 metres of KHF's/KNHF's, and within 120 metres of Significant Woodlands. However, the proposed consent does not fragment the above-noted features under additional ownership, and as such, Regional Environmental Planning staff offer no objection to the proposed surplus farm severance.



The owner is advised that any future Planning Act application for the property may require an EIS.

### **Conclusion**

Regional Growth Strategy and Economic Development staff do not object to the request for a consent of a dwelling surplus to a farming operation, subject to the Township's satisfaction that a larger lot size for Parcel 1 is required for septic purposes and the remnant parcel (Parcel 2) is rezoned to Agricultural Purposes Only (APO) to preclude its use for residential purposes.

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: Katie Young, Senior Development Planner, Niagara Region  
Rachel Daniels, Planning Ecologist, Niagara Region



3350 Merrittville Hwy. Unit 9  
Thorold Ontario L2V 4Y6  
905.788.3135 | info@npca.ca | npca.ca

September 16, 2024

NPCA File No.: PLCON202401192

VIA EMAIL ONLY

Committee of Adjustment  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

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

**Subject: Application for Consent, B08/2024WL**  
Dwight and Carie TeBrake (c/o, Jeremy Brown, Niagara Planning Consultants)  
1985 Hodgkins Road  
Township of West Lincoln  
**ARN 260202000509400**

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To the Committee of Adjustment,

Further to your request for comments for the consent for the above noted property, the Niagara Peninsula Conservation Authority (NPCA) can offer the following.

The Consent Application, B08/2024WL, is to permit a surplus farm dwelling severance for lands located at 1985 Hodgkins Road identified as Parcels 1 and 2 on the provided Site Sketch.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under Ontario Regulation 155/06 of the Conservation Authorities Act. The NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (NPCA policies) provides direction for managing NPCA regulated features.

The NPCA has reviewed the NPCA mapping of **ARN 260202000509400** and notes that the subject property contains the following NPCA Regulated Features: Provincially Significant Wetland, potential unevaluated wetlands, watercourses, and flood hazards.

**Conclusion:**

Following a review of the Application of Consent, the proposed lot lines do not encroach on the identified NPCA Regulated Features. Therefore, the NPCA has no objection to the Application of Consent, B08/2024WL.

Please be advised that any future development within an NPCA Regulated Feature will require review and approval with issued NPCA work Permits prior to the start of any proposed works.



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I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter.

Yours truly,

A handwritten signature in black ink, appearing to read "Paige P.", with a large, decorative flourish above the first letter.

Paige Pearson  
Watershed Planner  
(905) 788-3135, ext. 205  
ppearson@npca.ca