



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

Wednesday, February 26, 2025, 7:00 p.m.
Township Administration Building
318 Canborough Street, Smithville, Ontario

Pages

1. **CHAIR**
The Chair will call to Order the evening's proceedings.
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**
3. **REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT**
There are no requests for withdrawals and/or adjournments at this time.
4. **APPLICATIONS**
 - a. **A01/2025WL - Lloyd Abbs and Annie Lacillade** 3
Property Address: 2477 St Anns Road

A Minor Variance application has been applied for to permit the construction of a private garage (111 square metres) in the front yard. The existing detached garage is proposed to be converted to an Accessory Dwelling Unit (83 square metres)

The applicants are seeking relief from Table 1-2 (found in Part 3) in the Townships Zoning By-law 2017- 70 as amended, to allow the proposed garage to be located within the front yard and closer to the front lot line than the main building at a setback of 14.5 metres whereas the existing dwelling is setback 28.4 metres. Relief is also being requested to permit a maximum lot coverage for accessory buildings and structures of 207 square metres whereas 200 square metres is the permitted maximum.
 - b. **A02/2025WL - Lawan Dawd (Agent: Haval Dawd)** 23
Property Address: 9371 Silver Street

A Minor Variance has been submitted permit a 28 square metre food truck to operate off of the subject property which is located in a RM3 Zone (Residential Medium Density) whereas food trucks are not permitted as a permitted use in the Residential Medium Density zone.

This application is also seeking relief from Table 1-2 of the Townships Zoning Bylaw 2017-70 as amended, to permit an interior side yard setback of 0.9 metres whereas 1.2 metres is permitted and to locate the accessory food truck in front of the main building where accessory buildings

shall not be located closer to the front lot line than the main building. The accessory food truck has a front yard setback of 13 metres whereas the existing dwelling has a front yard setback of 16 metres.

- c. A03/2025WL - Hinterland Estates - Jesse Gardner and Josue Pinzon
Property Address: 4299 Regional Road 20

34

This application for minor variance is seeking relief from Table 1-1 of the Township's Zoning Bylaw 2017-70 as amended, to permit an accessory building (OFDU) to be built 89.6 metres from the main dwelling whereas 50 metres is the permitted maximum, and to permit the accessory building to be located in front of the main dwelling at a front yard setback of 302.7 whereas accessory buildings shall be located in line or behind the main dwelling which would be a required setback of 450m from the road.

This application is also requesting relief of provision 3.11c) of the Township's Zoning By-law 2017-70, as amended to permit an On Farm Diversified Use with an area of 2.7% of the property whereas OFDUs should not exceed the lesser of 1% of the property or 500 square metres.

Relief is also being requested from Section 3.11c) ii of the Townships Zoning By-law to permit an accessory building to be used for an On Farm Diversified Use with a total gross floor area of 600 square metres whereas 500 square metres is the permitted maximum for the OFDU.

5. MINUTES FOR APPROVAL

There are no minutes for approval at this time.

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: February 26, 2025

REPORT NO: COA-03-2025

SUBJECT: **Recommendation Report – A02/2025WL - Application for Minor Variance, Lloyd Abbs and Annie Lacillade**

LOCATION: **2477 St Ann’s Road, St Anns**

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

OVERVIEW:

- A Minor Variance Application has been submitted by Lloyd Abbs and Annie Lacillade, property owners for 2477 St Ann’s Road.
- A Minor Variance application has been applied for to permit the construction of a *private detached garage* with an area of 111 square metres in the front yard. The existing detached garage is proposed to be converted to an Accessory Dwelling Unit (83 square metres)
- The applicants are seeking relief from Table 1-2 (found in Part 3) in the Township’s Zoning By-law 2017-70 as amended, to allow the proposed garage to be located within the front yard and closer to the front lot line than the main building at a setback of 14.5 metres whereas the existing dwelling is setback 28.4 metres.
- Relief is also being requested to permit a maximum lot coverage for accessory buildings and structures of 207 square metres whereas 200 square metres is the permitted maximum.

RECOMMENDATION:

That, the application for Minor Variance submitted by Lloyd Abbs and Annie Lacillade, as outlined in Report COA-03-2025, to permit a new accessory building of 111 square metres within the front yard, and to permit a total lot coverage for accessory buildings of 207 square metres.

BACKGROUND AND SURROUNDING LAND USES:

The subject property 2477 St Ann’s Road is approximately 0.40 hectares (1 acre) in lot size and is located on the east side of St Ann’s road, south of Twenty Mile Road, north of Sixteen

Road and west of Meadow Court. The subject lands are located within the Hamlet Settlement Area of St Ann's. The property contains a single detached dwelling and an existing 2 car garage (accessory building).

The applicants are proposing to construct a new 30 foot x 40 foot (111 square metre) detached garage located in front of the front wall of the main dwelling for personal storage purposes and to convert the existing detached garage (83 square metres) into an accessory dwelling unit for the applicant's family member. The existing septic system will need to be upgraded to accommodate the accessory dwelling unit and therefore a future septic system is proposed on the south portion of the lot.

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

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

The subject property is designated as Hamlet Settlement Area and Natural Heritage System in the Townships Official Plan (OP) the proposed detached garage is supported by Hamlet Settlement Area Land Use Policies of the Township's Official Plan (OP).

Section 7.2.2 of the Townships OP states that the intent of the Hamlet Settlement Area Designation is to recognize and encourage further development within the defined hamlet communities that provides both residential accommodation and a service function to the larger agricultural and rural community and to provide an alternate place for residential uses to be accommodated outside of the Urban Area of Smithville and Agricultural Area.

Section 10 of the Township's Official Plan prioritizes the preservation of key Natural Heritage System features in West Lincoln and encourages, where possible enhancing ecological integrity within the area. Given the proposed accessory building is located approximately 35 metres from the regulated feature on the property, there is still an adequate buffer being maintained from the noted environmental feature (south of the proposed building).

Planning staff believe the proposal to be consistent with the Township's OP by supporting additional housing options within the Hamlet and through maintaining the property's ecological integrity and not encroaching on the NPCA regulated buffers.

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

The subject lands are zoned Residential Low Density 'R1A' and Environmental Conservation 'EC' in the Township's Zoning Bylaw as amended 2017-70. As outlined in Table 11, Part 5 of the Township's Zoning Bylaw it permits both the existing and the proposed accessory building as it is an accessory use to the permitted (principal) use on the property.

Aside from the requested variances, the proposed and existing accessory buildings comply with the remainder of the required setbacks identified in Table 1-1 found in Part 3

and in Table 12 in Part 5 of the Townships Zoning By-law 2017-70, as amended.

The proposed accessory building is proposed to have a front yard setback of approximately 14.84 metres whereas, accessory buildings within this zone are to be located no closer to the front property line than the main dwelling, which in this case is located 28.4 metres from the front lot line. Therefore, the requested variances would permit the Type 2 accessory building to be located 13.56 metres closer to the front lot line than the dwelling and in the required front yard. Staff note that there are a number of mature trees on the subject property lot line in front of the proposed accessory building location to act as a visual barrier between the proposed accessory building and the neighbouring house located to the right of the proposed building.

Staff also note that the house located to the south of the proposed accessory building is also located much closer to the front lot line than what the proposed accessory building will be located at. The neighbouring house is approximately 8 metres from the front lot line whereas the proposed accessory building will be 14.84 metres from the front lot line, therefore still setback more than the majority of the neighbouring homes in the area as shown in the table below.

Location	Front Yard Setback
2467 St Ann's Road (Dwelling)	8 metres
2467 St Ann's Road (Acc. Building)	5 metres
2474 St Ann's Road (Dwelling)	7 metres
2478 St Ann's Road (Dwelling)	3 metres
2490 St Ann's Road (Acc. Building)	12 metres
2433 St Ann's Road (Acc. Building)	5 metres

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

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

Planning Staff consider the proposal to be appropriate development and use of land since there are no adverse impacts anticipated on the surrounding area, including the existing and future residences in proximity to the subject property. The proposed accessory garage will be accommodating the personal storage needs of the applicants while the existing accessory building will be converted into an accessory dwelling unit to accommodate the needs of the applicants aging parents. Hamlets are to be the focus of residential uses in the rural area.

For these reasons, Planning Staff consider the proposed accessory building and accessory dwelling unit appropriate development and a desirable use of the subject lands.

Is the proposal minor in nature? Yes

Planning staff consider this proposal to be minor in nature as the general intent of the Township's Official Plan and Zoning By-law provisions are being maintained. The proposed accessory buildings are permitted as an accessory use. The proposed

accessory buildings are compatible with the existing surrounding land uses and should not have any adverse impacts on the surrounding area.

The requested variances are required to permit the construction of a new private garage which will be approximately 111 square metres in size. The accessory garage is proposed to be located within the front yard, and closer to the front lot line than the main building at a setback of 14.5 metres whereas the existing dwelling is setback 28.4 metres. Accessory buildings in a Rural Residential zone shall only be located in line or behind the front wall of the main dwelling. This provision was added to ensure the accessory buildings were seen as accessory to the main use. The subject property has a number of mature trees along the front lot line, and south lot line that staff feel could act as somewhat of a visual barrier from the road and the neighbours dwelling.

The second requested variance is to permit a total lot coverage for all accessory buildings and structures in an R1A zone of 207 square metres whereas 200 square metres is the permitted maximum. In the opinion of staff, a 7 square metre increase is minor in nature when compared to the 1-acre size of the subject property, and that the existing smaller tool shed in the rear yard is approximately 10 squares metres and didn't required a building permit and that that building is the reasoning for the increased lot coverage.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Township Building Comments:

The Chief Building Official provided comments on this application stating that for the proposed private garage a building permit and associated permit fees will be required. Building staff will require a proposed use form and architectural drawings for the building review, as well as a possible fire rated wall may be required at rear wall of the proposed garage without any unprotected openings.

The Building Department also provided comments on the proposed septic system stating that a septic permit application and associated fees are required and that the proposed septic tank and bed appear to be contained within the subject property, and that a full review will be conducted after the septic permit application and septic permit fees are submitted and paid.

Township Public Works Comments: The Township Public Works Department has reviewed this application and has no comments or objections to the proposal.

Niagara Region Comments:

The subject property falls within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the NOP. Additionally, there are several registered archaeological sites identified 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.

Policy 6.4.2.6 of the NOP requires the submission of a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist for any development and/or site alteration within an area of archaeological potential.

The Region has also requested that the below clause be added to the variance conditions.

"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."

Niagara Peninsula Conservation Authority Comments:

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valley lands, and wetlands under Ontario Regulation 41/24 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 current NPCA mapping of the subject property and notes that the property does not contain, and is not impacted by NPCA Regulated features. Therefore, the NPCA would have no objection to proposal on this property

PUBLIC COMMENTS:

At the time of writing this report, Staff have received one public comment from a neighbouring property owner who had outlined multiple concerns regarding the newly proposed building and septic system. These comments have been addressed throughout this report and can be found in Attachment 4. Comments requesting a fence, landscape plan, hydrogeological study and traffic are not required for this minor variance application. Further, items such as septic design and permitting, lot grading and drainage are dealt with at time of building permit. Finally, each minor variance application is reviewed and decided upon on its own individual merits and no prescient is created in the Committees decision.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance Application (A01/2025WL) as outlined in Report COA-03-25, to permit an accessory building to be located in the front yard and closer to the front lot line than the dwelling with a front yard setback of no less than 14.84 metres, and to allow the lot coverage for all accessory buildings and structures to be no more than 207 square metres.

ATTACHMENTS:

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

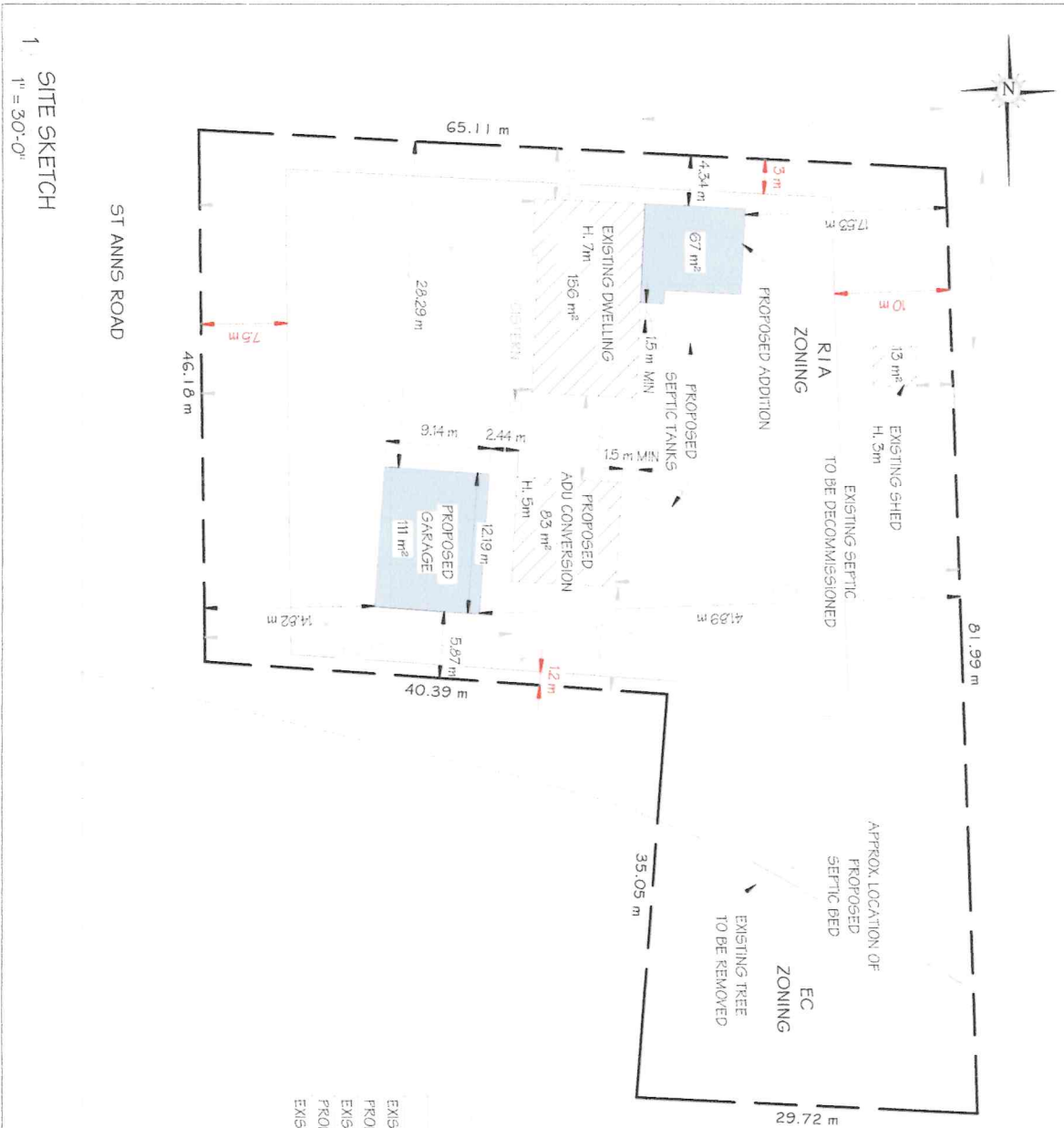
Prepared & Submitted by:

Approved by:



Madyson Ettl
Senior Planner

Gerrit Boerema, RPP, MCIP
Manager of Planning




LOT AREA

DESCRIPTION	LOT AREA	%
LOT AREA	4029 m ²	100%

LOT COVERAGE SUMMARY

DESCRIPTION	AREA (m ²)	%
EXISTING DWELLING	186.00 m ²	3.87%
PROPOSED GARAGE	110.00 m ²	2.73%
EXISTING GARAGE (ADU CONVERSION)	83.00 m ²	2.06%
PROPOSED ADDITION	67.00 m ²	1.66%
EXISTING SHED	13.00 m ²	0.32%
	429.00 m ²	10.65%

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CONCEPT COVER SHEET		30 x 40 DETACHED GARAGE 2477 ST ANNS ROAD, WEST LINCOLN	 MAXWELL HOMES INC. 5041 ELCHO RD, WELLSFORD, ON
CO Scale: 1" = 30'-0" 1/3/2025 10:53:26 AM	Project number: 25-002 Date: JAN 08 2025 Drawn by: C.GRAY Checked by: S.GREENWOOD		

From: Jeni Fisher
Sent: February 13, 2025 2:15 PM
To: Madyson Ettl
Subject: FW: 2477 St. Anns Road (File A01/2025WL) - Regional Comments

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



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From: Macdonald, Carling [<mailto:Carling.Macdonald@niagararegion.ca>]
Sent: February 13, 2025 8:53 AM
To: Jeni Fisher <jfisher@westlincoln.ca>
Cc: Susan Smyth <ssmyth@westlincoln.ca>
Subject: 2477 St. Anns Road (File A01/2025WL) - Regional Comments

Hello Jeni,

Please see the Region's comments on the minor variance application for 2477 St. Anns Road below. Let me know if you have any questions.

2477 St. Anns Road – File No. A01/2025WL

The subject property falls within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the NOP. Additionally, there are several registered archaeological sites identified 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.

Policy 6.4.2.6 of the NOP requires the submission of a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist for any development and/or site alteration within an area of archaeological potential.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, staff provide following standard archaeological clause for the applicant's information:

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

For further information, the Niagara Region Archaeological Management Plan can be found at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>.

Kind regards,
Carling



Carling MacDonald
Development Planner
Public Works Growth Management
and Planning Division

Niagara Region, 1815 Sir Isaac Brock Way,
Thorold, ON, L2V 4T7, PO Box 1042

P: (905) 980-6000 ext. 3387

W: www.niagararegion.ca

E: Carling.Macdonald@niagararegion.ca



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February 14, 2025

VIA EMAIL ONLY

Committee of Adjustment
Township of West Lincoln
318 Canborough Street, P.O. Box 400
Smithville, ON, L0R 2A0

Attention: Jeni Fisher, Acting Secretary Treasurer of the Committee of Adjustment

Subject: Application for Minor Variance, A01/2025WL
Lloyd Abbs and Annie Lacillade
2477 St Anns Road
West Lincoln, ON
ARN 260202000410101

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 41/24 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 current NPCA mapping of **ARN 260202000410101** 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 proposal on this property.

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,



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

From: Jeni Fisher
Sent: February 11, 2025 2:09 PM
To: Madyson Ettl
Subject: FW: Notice of Hearing - February 26th, 2025

From: Ben Agro
Sent: February 11, 2025 2:01 PM
To: Jeni Fisher <jfisher@westlincoln.ca>
Cc: Gerrit Boerema <gboerema@westlincoln.ca>
Subject: RE: Notice of Hearing - February 26th, 2025

Hi Jeni,

The following are Building Department Comments;

- Minor Variance – A01/2025WL – 2477 St Ann’s Road

Proposed Private Garage

- 1) Building permit application and building permit fees required
- 2) Proposed use and architectural drawings for review required
- 3) Possible fire rated wall may be required at rear wall of proposed garage without any unprotected openings

- Minor Variance – A02/2025WL – 9371 Silver Street

Proposed Food Truck/Structure

- 1) Building permit application and building permit fees
- 2) Architectural drawings required for prefabricated building
- 3) Water supply and on site sewage system design/connections

Minor Variance – A03/2025WL – 4299 Regional Road 20

Proposed OFDU (On Farm Diversified Use) Building

- 1) Building Permit application with building permit fees required
- 2) Building Matrics required
- 3) Architectural plans required
- 4) Development charges
- 5) On site sewage design and permit required
- 6) Provisions for fire fighting
- 7) Fire routes

Proposed Farm Market Building

- 1) Building permit application was submitted for a hay storage building under building permit # 240151 but now proposing a Farm Market Building therefore permit application to be revised and submitted
- 2) Building Matrics required
- 3) Development charges
- 4) Washroom would be required for retail use
- 5) On site sewage design and permit required

Thanks!
Ben

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From: Jeni Fisher <jfisher@westlincoln.ca>

Sent: February 6, 2025 4:34 PM

To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; 'Dunsmore, Susan' <Susan.Dunsmore@niagararegion.ca>; Paige Pearson <ppearson@npca.ca>; Macdonald, Carling <Carling.Macdonald@niagararegion.ca>; tlennard@npca.ca; CP Proximity-Ontario <CP_Proximity-Ontario@cpr.ca>; rowcentre@bell.ca; est.reg.crossing@enbridge.com; sue.mabee@dsbn.org; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>; Lyle Killins <killins@live.com>; Ben Agro <bagro@westlincoln.ca>; Barb Behring <bbehring@westlincoln.ca>

Cc: Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>

Subject: Notice of Hearing - February 26th, 2025

Good afternoon everyone,

Please find attached the notices and full packages for the below applications going forward at the February 26th, 2025 Committee of Adjustment hearing.

- Minor Variance – A01/2025WL – 2477 St Ann's Road
- Minor Variance – A02/2025WL – 9371 Silver Street
- Minor Variance – A03/2025WL – 4299 Regional Road 20

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

Sincerely,

Jeni

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	<p>Jeni Fisher</p> <p>Planning Secretary</p> <p>Tel: 905-957-3346 ext 5134 Email: jfisher@westlincoln.ca Web: www.westlincoln.ca</p> <p>   </p>
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From: Ben Agro
Sent: February 14, 2025 4:05 PM
To: Madyson Ettl
Subject: RE: Septic Drawing for Comment

Hi Maddy,

Building comment regarding proposed septic design are as follows;

- 1) Septic permit application and septic permit fees required.
- 2) Proposed septic tank and bed appear to be contained within the said property, full review will be conducted after septic permit application and septic permit fees are paid.

Thanks!
Ben

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	<p>Ben Agro</p> <p>Chief Building Official</p> <p>Tel: Email: bagro@westlincoln.ca Web: www.westlincoln.ca</p> 
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From: Madyson Ettl <metzl@westlincoln.ca>
Sent: February 14, 2025 3:54 PM
To: Ben Agro <bagro@westlincoln.ca>
Cc: Gerrit Boerema <gboerema@westlincoln.ca>
Subject: Septic Drawing for Comment

Hi Ben, Attached is the Septic Drawing for the Minor Variance Application (Page 8)

Thanks, Maddy

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of your working hours. Let's work together to help foster healthy work-life boundaries.

	<p>Madyson Ettl</p> <p>Senior Planner</p> <p>Tel: 905-957-3346 ext. 5126 Email: metzl@westlincoln.ca Web: www.westlincoln.ca</p> <p>   </p>
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From: Jennifer Bernard
Sent: February 18, 2025 3:02 PM
To: Jeni Fisher
Cc: Madyson Ettl
Subject: RE: Notice of Hearing - February 26th, 2025

Follow Up Flag: Follow up
Flag Status: Completed

Hi Jeni,

I have no comments to provide on these minor variance applications from an Operations perspective.

Thanks,
Jenn

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

	<p>Jennifer Bernard, C.E.T.</p> <p>Coordinator, Engineering Services</p> <p>Tel: 905-957-3346 ext 6732 Email: jbernard@westlincoln.ca Web: www.westlincoln.ca</p> <p></p>
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Sent: February 6, 2025 4:34 PM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; 'Dunsmore, Susan' <Susan.Dunsmore@niagararegion.ca>; Paige Pearson <ppearson@npca.ca>; Macdonald, Carling <Carling.Macdonald@niagararegion.ca>; tlenard@npca.ca; CP Proximity-Ontario <CP_Proximity-Ontario@cpr.ca>; rowcentre@bell.ca; est.reg.crossing@enbridge.com; sue.mabee@dsvn.org; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>; Lyle Killins <killins@live.com>; Ben Agro <bagro@westlincoln.ca>; Barb Behring <bbehring@westlincoln.ca>

Cc: Madyson Ettl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>
Subject: Notice of Hearing - February 26th, 2025

Good afternoon everyone,

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- Minor Variance – A01/2025WL – 2477 St Ann’s Road
- Minor Variance – A02/2025WL – 9371 Silver Street
- Minor Variance – A03/2025WL – 4299 Regional Road 20

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

Sincerely,

Jeni

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	<p>Jeni Fisher</p> <p>Planning Secretary</p> <p>Tel: 905-957-3346 ext 5134 Email: jfisher@westlincoln.ca Web: www.westlincoln.ca</p> 
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From: Madyson Ettl
Sent: February 19, 2025 1:29 PM
To: Madyson Ettl
Subject: FW: A01/2025WL - Lloyd Abbs and Annie Lacillade

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

	Madyson Ettl
	Senior Planner Tel: 905-957-3346 ext. 5126 Email: metzl@westlincoln.ca Web: www.westlincoln.ca 

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From: [REDACTED]
Sent: February 17, 2025 11:22 PM
To: Jeni Fisher <jfisher@westlincoln.ca>
Cc: [REDACTED]
Subject: Re: A01/2025WL - Lloyd Abbs and Annie Lacillade

Hello Jeni

I appreciate your time in reviewing my comments and concerns regarding the minor variance application (Re: A01/2025WL - Lloyd Abbs and Annie Lacillade).

My main concerns involve the decommissioning of the old septic system, the installation of a much larger new system, and the protection of the nearby archaeological site. These are important matters that need to be carefully considered and properly addressed.

Please see the following concerns:

1. Undermines Rural Charm

Country hamlets are known for their open, spacious layouts. Placing a building too close to the road disrupts this, creating a more crowded, urbanized appearance that clashes with the area's traditional character.

2. Blocks Scenic Views

One of the defining features of a country hamlet is its picturesque landscape. A structure near the road would obstruct these views, diminishing the natural beauty that residents and visitors appreciate.

3. Inconsistent Architecture

Homes in rural hamlets are typically set back from the road to maintain a cohesive and traditional aesthetic. Allowing a building to be placed closer to the road would break this visual consistency, making the area feel disjointed.

4. Noise and Traffic Disruption

Proximity to the road increases exposure to vehicle noise, disrupting the peaceful, quiet atmosphere that defines country living. Increased traffic can also create safety concerns for pedestrians and local wildlife.

5. Alters Community Identity

The charm of a hamlet lies in its rural character. Allowing a building to encroach too close to the road could set a precedent that shifts the neighborhood toward a suburban feel, gradually eroding its uniqueness.

6. Septic Contamination Risk

If a septic system is installed improperly or too close to adjacent properties, there is a risk of wastewater seeping into the soil and contaminating groundwater or private wells. This could pose serious health and environmental concerns.

7. Drainage and Flooding Issues

Septic systems rely on proper drainage and soil conditions. If installed too close to neighboring properties, they could disrupt natural water flow, leading to pooling, erosion, and potential flooding on adjacent lands.

8. Groundwater Pollution

A poorly maintained septic system can leak harmful bacteria, chemicals, and nutrients into the groundwater, affecting local water quality and potentially harming ecosystems.

9. Odor Concerns

Septic system failures or improper drainage can lead to unpleasant odors, particularly if the system is located near outdoor gathering spaces, gardens, or wells.

10. Reduced Property Value

Environmental concerns, drainage issues, and septic-related problems can make properties less attractive to buyers, ultimately decreasing property values in the area.

11. Precedent for Future Variances

Granting this variance could set a precedent for future requests, weakening zoning standards and leading to further encroachments that erode the area's character and planning integrity.

12. Archaeological Concerns

Has an archaeological study been completed for the septic site? Given the area's proximity to an existing archaeological site, any disturbance could threaten valuable historical resources.

13. Grading and Water Runoff Management

Is there a Detailed Grading Plan outlining how the site will manage water runoff for the new Building and new Septic Bed? The proposed septic bed is shown as 1.32 meters above the existing grade. How do they plan to contain runoff and prevent it from affecting neighboring properties?

14. Hydrogeological Assessment

Has a Hydrogeological Assessment been conducted to evaluate the impact of the proposed septic system on groundwater and drainage patterns in the area?

15. Septic Permit Approval

Have the property owners applied for and received a septic permit? Has the town officially approved the Septic System Application, ensuring it meets all health and environmental regulations?

16. Landscape Plan

Have the owners developed a landscape plan to address visual impact, environmental integration, and site aesthetics?

17. Fence Extension Request

We request an extension of the existing black fence along the rear lot line of **2477 St. Anns Road**. A fence previously existed between the properties, and if the variance is approved, the same black fence must be installed before any work begins. This will help protect the nearby archaeological site. The cost of the fence should be covered by the property owners.

Please let me know if you have any questions or need any clarifications for any of the issues.

I am also requesting a copy of the Staff Report that will be available on Friday February 21, 2025 also please include me in the decision of the Committee of Adjustments.

Hope to see you at the Public hearing on February 26th

Thanks

Albino Giro

DATE: February 26, 2025

REPORT NO: COA-04-2025

SUBJECT: Recommendation Report – A02/2025WL – Minor Variance for 9371 Regional Road 65- Lawan Dawd (Agent: Haval Dawd)

CONTACT: Madyson Ettl, Senior Planner

OVERVIEW:

- A Minor Variance has been submitted to permit a 28 square metre food truck/ refreshment cart to operate off of the subject property which is located in a RM3 Zone (Residential Medium Density), whereas food trucks are not permitted as a permitted use in the Residential Medium Density zone.
- This application is also seeking relief from Table 1-2 of the Townships Zoning Bylaw 2017-70 as amended, to permit an interior side yard setback of 0.9 metres whereas 1.2 metres is required and to locate the accessory food truck in front of the main building where accessory buildings shall not be located closer to the front lot line than the main building. The accessory food truck has a front yard setback of 13 metres whereas the existing dwelling has a front yard setback of 16 metres.

RECOMMENDATION:

That, the application for Minor Variance submitted by Lawan Dawd, as outlined in Report COA-04-2025, to permit a 28 square metre food truck/refreshment cart to operate on the subject property zoned RM3, and to be located closer to the front lot line than the main building, and a deficient side yard setback of 0.9 metres be approved, subject to the following conditions:

1. That the food truck/refreshment cart obtain an annual license/permit from the Township; and,
2. That no permanent structures or buildings be permitted to be used as the food truck/refreshment cart.

BACKGROUND:

Haval Dawd, agent on behalf of Lawan Dawd the property owner, has submitted a Minor Variance application for 9371 Bismark Road.

The property is approximately 0.7 acres in size and currently contains a two storey building which contains four apartment dwelling units, as permitted by a rezoning application submitted and approved by Township Council in January 2019.

The applicants are proposing a 28 square metre food truck/refreshment cart to operate off of the subject property which is located in a RM3 Zone (Residential Medium Density), whereas food trucks are not permitted as a permitted use in the Residential Medium Density zone. The applicants are seeking variances to Table 1-2 of the Townships Zoning Bylaw 2017-70 as amended, to permit an interior side yard setback of 0.9 metres whereas 1.2 metres is required and to locate the accessory food truck in front of the main building where accessory buildings shall not be located closer to the front lot line than the main building. The accessory food truck has a front yard setback of 13 metres whereas the existing dwelling has a front yard setback of 16 metres. Food trucks/refreshment carts shall be licensed in the Township of West Lincoln and the applicants shall obtain an annual license/permit to operate.

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 Township's Official Plan designates the subject property as being in the Good General Agricultural Area. This property was formerly within a rural cluster designation in the Township's previous Official Plan. The Agriculture land use policies are found in Section 4 of the Official Plan. The main objective for the Good General Agricultural Area is for the protection of agricultural lands for continued agricultural use, however, it is recognized that a number of legally established non-agricultural land uses exist in the Township. The existing four-unit apartment dwelling has been operating for a number of years, and the immediate surrounding uses aren't agricultural uses and have been operating for numerous years. Prior to the zoning amendment completed in 2019, the property was zoned Highway Commercial 'C3' as the property was formerly used for a restaurant. The commercial zone would have permitted the refreshment cart/food truck. The proposed location of the food truck/refreshment cart is adjacent to a commercial zone and in the same shared gravel parking area limiting any distinction between the two properties.

Therefore, staff believe that proposal generally meets the intent of the Official plan provided the refreshment cart/food truck remains modular and there are no permanent buildings and structures, as Section 4.4.2 g) states that these uses can continue to exist, and changes to related buildings or structures can occur if they comply with the Township Official Plan and apply for the appropriate planning approvals.

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

According to the Township's Zoning By-law 2017-70 as amended the subject lands are currently zoned Residential Medium Density RM3-155. The subject property went through a Zoning Bylaw amendment application in January 2019 which was approved to allow a fourplex apartment building. Prior to the zoning amendment, the property was zoned Highway Commercial 'C3' which would have permitted a refreshment cart. The

new zoning permits a fourplex building, however the fourplex must not exceed four (4) two (2) bedroom units and the fourplex must have adequate private water and wastewater servicing to meet the requirements of the Ontario Building Code.

The Residential Medium Density Zoning as well as the site specific zoning on the property does not permit for a food truck to be located on the subject lands. Specifically, a pre-fabricated trailer. However, the Township's zoning Bylaw does permit accessory buildings in the RM3 zone. This proposed food truck meets all provisions of an accessory building in this zone other than the requested variances. The variances are requesting a side yard setback of 0.9 metres whereas 1.2 metres is the permitted minimum, as well as to be located in the front yard. The proposed location is within a shared driveway and parking area between the subject property and the commercial property to the west. The proposed location is closer to the commercial zone, in keeping with the intent of having commercial uses on commercial properties.

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

The subject property contains a large residential building which is used for apartment dwelling units and is gravelled and paved for parking in the front yard. Prior to the building used as a residence, the property was used as a restaurant. The subject property is located beside Pyett Spring and Alignment Auto Repair Shop directly to the west. Township staff are of the opinion that the proposed food truck would not result in any further fragmentation or impact to the agricultural land base, or the neighbouring rural residential lots to the east of the property and it does not conflict with the intent of Provincial Regional or Township policies for development within prime agricultural areas.

Is the proposal minor in nature? Yes

Planning staff consider the proposal to be minor in nature as the proposed food truck/refreshment cart is a temporary/seasonal use and will not further hinder the subject property or surrounding residential properties. The food truck is proposed to be located to the south of the property abutting the Service commercial zone and parking area that exists to the west. Staff feel that as this food truck is a temporary use and once the refreshment cart is done it should be removed from the property. Staff are only able to support it if the buildings remain modular and no permanent use is established.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Niagara Region

The Niagara Region Planning and Development Team has reviewed the application and has provided comments attached to this report as attachment 3. The Regions comments state that The Region is of the opinion that the proposed food truck would not result in any further fragmentation or impact to the agricultural land base, and therefore does not conflict with the intent of Provincial and Regional policies for development within prime agricultural areas, and as such staff offer no objection to the minor variance.

Niagara Peninsula Conservation Authority

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, valley lands, and wetlands under Ontario Regulation 41/24 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 current NPCA mapping of 9371 Regional Road 65 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 proposal on this property.

Township Building Department

The Chief Building Official provided comments which state that there will be a required building permit application and associated permit fees to be submitted which include Architectural drawings for a pre-fabricated building. The Building Department will also require water supply and onsite sewage system design/connections to be shown as well.

Township Public Works Department

The Township Public Works Department has reviewed this application and has no comments or objections to the proposed food truck.

PUBLIC COMMENTS:

There have been no public comments submitted at the time of preparing this report.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance Application (A02/2025WL) as outlined in Report COA-04-25, to permit an accessory building to be used as a food truck and to be located in the front yard and closer to the front lot line than the dwelling with a front yard setback of 13 metres and a side yard setback of 0.9 metres, subject to the two conditions.

ATTACHMENTS:

- 1. Site Plan
- 2. Agency Comments

Prepared & Submitted by:

Approved by:



Madyson Etzl
Senior Planner

Gerrit Boerema, RPP, MCIP
Manager of Planning

These drawings are the property of DEFILIPPIS DESIGN and are not to be copied, reproduced or used without the express written consent of the designer.

PROPOSED 2 STOREY APARTMENT BUILDING
 3 ONE BEDROOM APTMNS.
 2 TWO BEDROOM APTMNS.

SEPTIC SYSTEM DESIGN CALCULATIONS

TABLE B.2.1.6.B
 DISTANCE FROM STRUCTURE 5.0m
 DISTANCE FROM PROPERTY LINE: 3.0m
 DISTANCE FROM WELL: 15.0m

OBC B.2.1.3.A

APARTMENTS 275 L/PERSON

OBC 3.1.17.1(i) 2 PERSONS PER ROOM

7 ROOMS x 2 x 275 = 3850 L/D

Q=3850 L/D

FILTER BED PER OBC B.7.5.3

A = 850

OT = 3850/850 = 226.47m³ REQUIRED

850 = 226.80m³ PROVIDED

STONE AREA = FLOW/50 = 77.00 m² REQUIRED

2 BEDS 39.00m² = 78.00 m² PROVIDED

CONTACT AREA = FLOW/4 = 962.50 M² REQUIRED

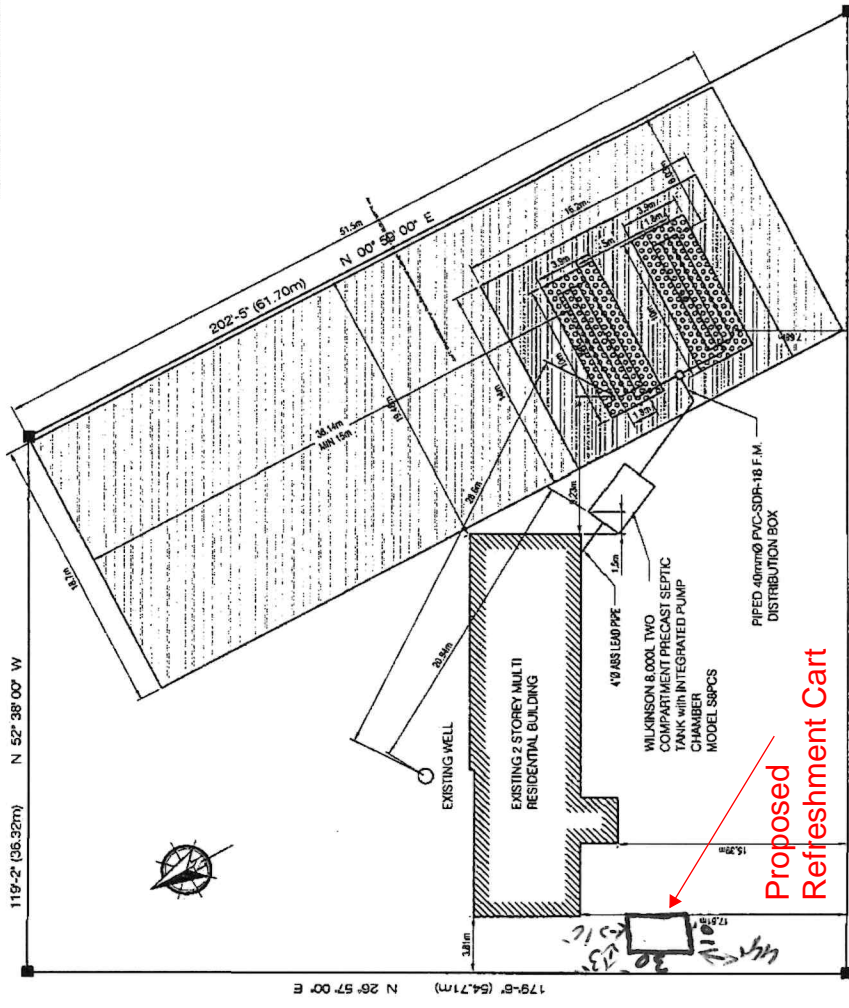
933.05 M² PROVIDED

SEPTIC TANK

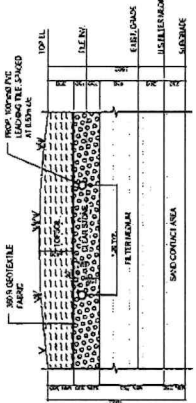
(OBC B.2.2.3.)

V=3,850L x 2 = 7,700L

RECOMMENDED - TWO COMPARTMENT PRECAST SEPTIC TANK - WILKINSON 8,000L MODEL SBPCS WITH INTEGRATED PUMP CHAMBER



Proposed Refreshment Cart



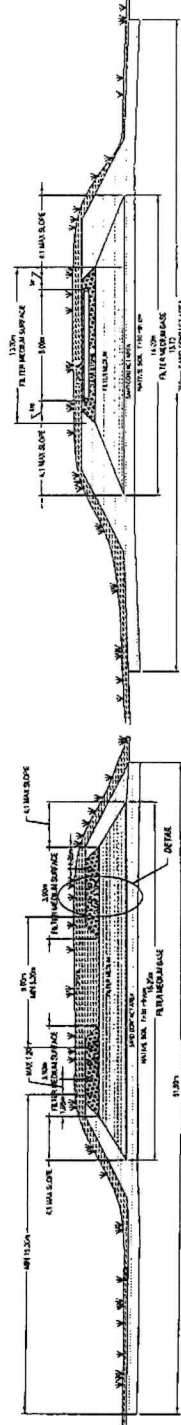
NOTE:
 1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION. DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPACES REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

3		
2	13 AUGUST 2013	REV. DATE
1	13 AUGUST 2013	REV. DATE
JOB NO.		
CHD. BY		
DWN. BY		
DATE: JULY 2013		
SCALE: 1:150		
DTP/DJ: SPJ		

DEFILIPPIS DESIGN
 801 BARTON BL., SUITE 201
 WEST LINGCOLN, ON
 (905) 643-2286 FAX (905) 643-1093

FORMS SUPERVISOR
DRAGO KOZUL
 #2371-9279 SILVER STREET
 WEST LINGCOLN, ON

SEPTIC PLAN





Public Works Growth Management & Planning Division

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

Via Email Only

February 18, 2025

File Number: PLMV202500404

Jeni Fisher
Interim Secretary Treasurer of the Committee of Adjustment
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Ms. Fisher:

Re: Regional and Provincial Comments
Application Type: Minor Variance
Township File Number: A02/2025WL
Applicant: Lawan Dawd
Location: 9371 Silver Street (9379 Bismark Road), West Lincoln

Regional Growth Management and Planning Division staff have reviewed the minor variance application for 9371 Silver Street (also identified as 9379 Bismark Road) in the Township of West Lincoln ("subject property").

The applicant is seeking relief from the Township's Zoning By-law 2017-70 (Table 1-2), as amended, to permit a food truck to operate off of the subject property.

The following comments are provided from a Provincial and Regional perspective to assist the Committee in their consideration of the application.

Provincial and Regional Policies

The subject property is identified within the Prime Agricultural Area in the *Provincial Planning Statement, 2024* ("PPS") and designated Prime Agricultural Area in the *Niagara Official Plan, 2022* ("NOP"). 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. According to NOP Policy 4.1.3.1, non-agricultural uses should not be located in prime agricultural areas.

Regional staff acknowledge that the agricultural land base is fragmented in this area

due to past land use patterns, resulting in the subject property and the immediate adjacent lands not being feasible for agricultural use. Given the scale and nature of the proposed use and the site context, Regional staff are of the opinion that the application does not conflict with the intent of Provincial and Regional policies, as the food truck is not expected to cause any further impact to the agricultural land base or result in significant disturbance to nearby sensitive uses. As such, staff offer no objection the application from a planning perspective.

Archaeological Potential

The subject property falls within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the NOP. 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.

Typically, staff require the submission of a Stage 1 archaeological assessment, at minimum, for applications involving development and/or site alteration within areas of archaeological potential. However, staff is of the understanding that the proposed food truck consists of a temporary structure that will not result in any further ground disturbance than what is currently present. As such, in lieu of an archaeological assessment, staff provide following standard archaeological clause for the applicant's information:

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

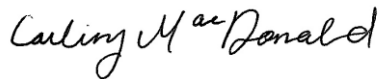
For further information, the Niagara Region Archaeological Management Plan can be found at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>

Conclusion

Regional Growth Management and Planning Division staff are of the opinion that the proposed food truck would not result in any further fragmentation or impact to the agricultural land base, and therefore does not conflict with the intent of Provincial and Regional policies for development within prime agricultural areas. As such, staff offers no objection to the minor variance application subject to the satisfaction of the Township.

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

Kind regards,



Carling MacDonald
Development Planner, Niagara Region

cc: Katie Young, MCIP, RPP, Senior Development Planner, Niagara Region

February 14, 2025

VIA EMAIL ONLY

Committee of Adjustment
Township of West Lincoln
318 Canborough Street, P.O. Box 400
Smithville, ON, L0R 2A0

Attention: Jeni Fisher, Acting Secretary Treasurer of the Committee of Adjustment

Subject: Application for Minor Variance, A02/2025WL
Haval Dawd
9371 Silver Street
West Lincoln, ON
ARN 260201000338400

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 41/24 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 current NPCA mapping of **ARN 260201000338400** 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 proposal on this property.

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,



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

From: Jeni Fisher
Sent: February 11, 2025 2:09 PM
To: Madyson Ettl
Subject: FW: Notice of Hearing - February 26th, 2025

From: Ben Agro
Sent: February 11, 2025 2:01 PM
To: Jeni Fisher <jfisher@westlincoln.ca>
Cc: Gerrit Boerema <gboerema@westlincoln.ca>
Subject: RE: Notice of Hearing - February 26th, 2025

Hi Jeni,

The following are Building Department Comments;

- Minor Variance – A01/2025WL – 2477 St Ann’s Road

Proposed Private Garage

- 1) Building permit application and building permit fees required
- 2) Proposed use and architectural drawings for review required
- 3) Possible fire rated wall may be required at rear wall of proposed garage without any unprotected openings

- Minor Variance – A02/2025WL – 9371 Silver Street

Proposed Food Truck/Structure

- 1) Building permit application and building permit fees
- 2) Architectural drawings required for prefabricated building
- 3) Water supply and on site sewage system design/connections

Minor Variance – A03/2025WL – 4299 Regional Road 20

Proposed OFDU (On Farm Diversified Use) Building

- 1) Building Permit application with building permit fees required
- 2) Building Matrics required
- 3) Architectural plans required
- 4) Development charges
- 5) On site sewage design and permit required
- 6) Provisions for fire fighting
- 7) Fire routes

Proposed Farm Market Building

- 1) Building permit application was submitted for a hay storage building under building permit # 240151 but now proposing a Farm Market Building therefore permit application to be revised and submitted
- 2) Building Matrics required
- 3) Development charges
- 4) Washroom would be required for retail use
- 5) On site sewage design and permit required

From: Jennifer Bernard
Sent: February 18, 2025 3:02 PM
To: Jeni Fisher
Cc: Madyson Ettl
Subject: RE: Notice of Hearing - February 26th, 2025

Follow Up Flag: Follow up
Flag Status: Completed

Hi Jeni,

I have no comments to provide on these minor variance applications from an Operations perspective.

Thanks,
Jenn

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

	<p>Jennifer Bernard, C.E.T.</p> <p>Coordinator, Engineering Services</p> <p>Tel: 905-957-3346 ext 6732 Email: jbernard@westlincoln.ca Web: www.westlincoln.ca</p> 
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From: Jeni Fisher <jfisher@westlincoln.ca>
Sent: February 6, 2025 4:34 PM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; 'Dunsmore, Susan' <Susan.Dunsmore@niagararegion.ca>; Paige Pearson <ppearson@npca.ca>; Macdonald, Carling <Carling.Macdonald@niagararegion.ca>; tlennard@npca.ca; CP Proximity-Ontario <CP_Proximity-Ontario@cpr.ca>; rowcentre@bell.ca; est.reg.crossing@enbridge.com; sue.mabee@dsbn.org; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>; Lyle Killins <killins@live.com>; Ben Agro <bagro@westlincoln.ca>; Barb Behring <bbehring@westlincoln.ca>

DATE: February 26, 2025

REPORT NO: COA-05-2025

SUBJECT: **Recommendation Report, Application for Minor Variance, Hinterland Estates – Jesse Gardner and Josue Pinzon**

LOCATION: 4299 Regional Road 20

CONTACT: Madyson Etzl, Senior Planner

OVERVIEW:

- Jesse Gardner and Josue Pinzon have submitted a minor variance application regarding an on-farm diversified use proposed on the lands municipally known as 4299 Regional Road 20.
- This application is seeking relief from Table 1-1 of the Township’s Zoning bylaw to permit an accessory building – On Farm Diversified use to be built 89.6 meters from the main dwelling whereas 50 meters is the permitted maximum.
- The second variance is requesting to permit the second accessory building to be used for the Farm market to be located 390 metres from the main dwelling whereas 50 metres is the permitted maximum, and within the front yard.
- The third variance is requesting to permit an On Farm Diversified Use (OFDU) with an area of 2.7% of the property whereas OFDUs should not exceed the lesser of 1% or 500 square meters.
- The fourth variance is requested to permit an accessory building to be used for an On Farm Diversified Use with a total gross floor area of 600 square meters whereas 500 square meters is the permitted maximum for an OFDU.

RECOMMENDATION:

That, the application for Minor Variance submitted by Jesse Gardner and Josue Pinzon property owners of 4299 Regional Road 20, as outlined in Report COA-05-2025, to permit an on-farm diversified use (OFDU) with an area of 5,700 m² / 2.7% of the property; to permit a total gross floor area devoted to OFDUs of 600 m² (527 m² for the main barn and 67 m² for the market barn; and permit the farm market barn to replace the existing small barn at a distance of no greater than 390

metres from the main dwelling, within the front yard, be approved, subject to the following condition:

- 1. That the Applicant apply for and obtained site plan approval for the On-Farm-Diversified Use.**

BACKGROUND:

The subject lands at 4299 Regional Road 20 are 20.8 hectares (52 acres) in area, and are located to the north of Regional Road 20, east of Silverdale Road, west of Rosedene Road and south of Concession 4 Road. The subject lands currently contain a single detached dwelling and an accessory building located at the front of the property. The property owners are currently running an agricultural operation that consists of egg production, apiculture, Christmas tree production, and miniature highland cow production. The apiary is located to the north of the existing dwelling and it currently contains 20 hives in operation and will ultimately consists of 50 hives of which meets the definition of agricultural as a principal use.

The applicants are proposing two new accessory buildings on the subject property. The larger accessory building will be a main farm building consisting of an agricultural uses and an On Farm Diversified Use. The applicants have indicated in their application that the agricultural component will include two indoor storage rooms on the north and south sides of the proposed building, one of these rooms will be used to store farm equipment, farm products, fertilizer, seeds, packaging materials and livestock that supports the farming operation. The second area will be used to accommodate activities relating to the agri-tourism/ on farm diversified use and will include open floor space, washrooms, and a small kitchen area. The applicants are proposing that this main barn supports a variety of activities' including events for holidays, rentable event space, and farmer's markets. The seasonal events could potentially include Christmas vendor market's, wreath making workshops, pick your own pumpkins, photo booths with seasonal decorations, Easter craft stations, and temporary petting zoos. The applicants are also proposing that the event wedding space be used for weddings and seasonal parties. The OFDU building and parking area could accommodate a maximum of 200 guests.

There is an existing 58 square metre accessory building located at the front of the property which is also proposed to be replaced by a 67 square metre accessory building in the same location. This accessory building is proposed to consist of a main area and loft used for storage of agricultural products and a smaller area that will serve as a farm stand that is accessible to the public for purchase of agricultural products produced on the farm.

Township staff held a pre-consultation meeting with the applicants, Niagara Region, and the Niagara Peninsula Conservation Authority on July 21st 2022, as well as on December 21st 2023. Staff confirmed that a minor variance application would be the next steps in the process followed by a future Site Plan Application.

Based on the proposal, the following variances are required:

1. This application is seeking relief from Table 1-1 of the Township's Zoning bylaw to permit an accessory building – On Farm Diversified use to be built 89.6 meters from the main dwelling whereas 50 meters is the permitted maximum.

2. The second variance is requesting to permit the second accessory building to be used for the Farm market to be located 390 metres from the main dwelling whereas 50 metres is the permitted maximum, and within the front yard.
3. The third variance is requesting to permit an On Farm Diversified Use (OFDU) with an area of 2.7% of the property whereas OFDUs should not exceed the lesser of 1% or 500 square meters.
The fourth variance is requested to permit an accessory building to be used for an On Farm Diversified Use with a total gross floor area of 600 square meters whereas 500 square meters is the permitted maximum for an OFDU.

FOR MINOR VARIANCE

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

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

The subject lands are located outside of the settlement area boundary and the Township's Official Plan designates the subject lands as 'Good General Agriculture and Natural Heritage System.

Section 4.2b) of the Townships Official Plan states that agricultural areas shall promote and protect a viable agricultural industry for the production of crop resources and livestock operations to enhance employment opportunities and strengthen the economic wellbeing of West Lincoln. This section of the Township's OP outlines that these agricultural areas shall strive to promote small scale secondary uses and agriculture-related uses that are compatible with and do not hinder the surrounding agricultural operations and where feasible to promote opportunities for agricultural related value added activities to support, promote and develop the agricultural areas.

The PPS and OMAFRA Guidelines define agriculture-related uses as those farm-related commercial and industrial uses that are related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. These uses are to be considered based on the following criteria:

1. Farm-related commercial or farm-related industrial use;
 2. Shall be compatible with, and not hinder, surrounding agricultural operations;
 3. Directly related to farm operations in the area;
 4. Support agriculture;
 5. Provide direct products and/or services to farm operations as a primary activity;
- and,
6. Benefit from being in close proximity to farm operations.

The OMAFRA Guidelines define OFDUs as those that are secondary to the principal agricultural use of the property, and are limited in area; these can include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. These uses are to be considered based on the following criteria:

1. Located on a farm;
2. Secondary to the principal agricultural use of the property;
3. Limited in area;
4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products; and
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

This proposal will need to undergo site plan approval as a next step prior to issuing any building permits to ensure water, septic, parking, drainage, outside storage, hours of operation are managed to the satisfaction of the Township of West Lincoln.

Based on staffs review this application meets the general intent of the Official Plan as the requested variances ultimately seek to permit an on-farm diversified use that will support the existing farming operation.

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

Yes

The subject lands are zoned Agriculture ‘A’ and Environmental Protection ‘EP’ in the Township of West Lincoln Zoning Bylaw. The Township’s Zoning Bylaw permits On Farm Diversified uses as an accessory use in Agricultural Zones, and also permits Agricultural related uses in the Agricultural zone. Below is a summary of the zoning provisions outlined in the Township’s Zoning Bylaw for On Farm Diversified Uses, and Agricultural accessory Buildings with the proposed variance requests.

Zoning Review for OFDU on Property

Bylaw Section (3.11)	Required	Proposed
Minimum Lot Area	10 hectares	21.35 hectares
Maximum of three OFDUs	Can have 3	1 proposed
Lot area devoted to OFDU	Lesser of 1% or 0.5 ha	2.7%
Total Gross Floor Area	500 square metres	600 square metres
Number of Employees	2 permitted	2 permitted
Retail sales	Max 200 sq. metres	Less than 200 sq. metre
Parking	As per parking regulations	88 spaces

Zoning Review for OFDU Building

Bylaw Section (3.1)	Required	Proposed
Front yard setback	30m	302.7m
Interior side yard setback	7.5 m	151.6
Interior Side yard setback	7.5m	117.3
Rear Yard setback	7.5m	341m
Max Height	10m	6m
Max distance from dwelling	No more than 50m	89.6m

Zoning Review for Farm Market Building

Bylaw Section (3.1)	Required	Proposed
Front yard setback	30m	30m
Interior side yard setback	7.5 m	148.9m
Interior Side yard setback	7.5m	149.8m
Rear Yard setback	7.5m	600m
Max Height	10m	6m
Max distance from dwelling	No more than 50m	361m

Both new accessory buildings are seeking relief from Table 1-1 in the Township’s Zoning Bylaw, The OFDU building is proposed to be located 86 metres in front of the main dwelling whereas accessory buildings shall be located within 50 metres of the main use of the property, which in this case is the existing dwelling. The second accessory building proposed to be used for the farm market is also seeking relief from Table 1-1 of the Townships Zoning Bylaw by permitting it to be located 390 metres from the existing dwelling. Staff can support these variances as the Farm market building will be replacing an existing building which was constructed in 1983 prior to the Township’s Zoning By-law. Staff also believe that the location of the proposed OFDU building is an appropriate location to accommodate the appropriate parking and facilities that the business will need and to avoid the Niagara Peninsula Conservation Authority’s regulated areas.

The new On Farm Diversified Use building is seeking two additional variances one for the total building area to permit 600 square metres whereas 500 square metres is the permitted maximum. The new building used for the OFDU will also be taking up 2.7% of the lot area whereas OFDUs are limited to 1% of lot area. The Township’s Zoning Bylaw is more restrictive than the Provincial Guidelines for On-Farm Diversified uses, which recommends 2% of the property area. Staff believe that the increase of 1.7% in area, and the increase of 100 square metres in building maintains the general intent of the zoning bylaw, as these uses do not impact the ability of the property to be continued to be used primarily for agricultural uses.

The subject proposal will require a future Site Plan Application approval to control the scale of the use and the on-farm diversified limited area. Staff will require that the site plan be dimensioned which will include the parking area calculations for each use, the location of the septic system and site servicing details, elevations and floor plans, storm water management details, erosion and sediment controls and landscape/vegetation protection plans.

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

The subject property was formerly zoned to permit a trailer park prior to 2017 when the new Township Zoning Bylaw came into effect. The property has minimal neighbours and due to the amount of natural environment features on the property, traditional agriculture uses are not possible at a large scale, making this property desirable for smaller agricultural uses and an OFDU. The proposed OFDU is located centrally in the property and is buffered by trees, a berm and natural heritage features. As such, this development

is appropriate for the use of the land.

Is the proposal minor in nature? Yes

Planning staff can consider this proposal to be minor in nature as it does not have any adverse impacts to the surrounding agricultural area and/or surrounding residential properties. The proposed buildings/ On Farm Diversified Use Operation are setback far enough from the road and any neighbouring buildings that it would have a minimal impact to any neighbouring properties.

The proposal has been scaled back in size from the initial meetings with the applicants and can now consider this proposal as minor for the following reasons:

1. The variance for the replacement of the front accessory building is minor as there is an accessory building already located in the front yard and in that location.
2. The variance for the location of the main OFDU building is minor as there are limitations due to natural heritage on the property which limits the area that can accommodate the proposed building and parking.
3. The variance for the increased lot coverage and building size is minor as they are in alignment with the Guidelines for Permitted Uses in Ontario's Prime Agricultural Lands and remain secondary to the primary agricultural uses on the property.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Township Building Comments:

The Building Department has provided comments regarding both the proposed On Farm Diversified Use Building and the Proposed Farm Market Building separately. The CBO states that a building permit application shall be applied for and all associated permit fees be paid. That a building matrix, and architectural drawings be submitted with a permit and that development charges will apply. On-site sewage design and a permit will be required as well as provisions for firefighting and fire routes be provided.

For the proposed Farm Market Building;

- 1) Building permit application was submitted for a hay storage building under building permit # 240151 but now proposing a Farm Market Building therefore permit application shall be revised and submitted
- 2) Building Matrix will be required, as well as Development Charges.
- 3) A Washroom would be required for retail use
- 4) On-site sewage design and permit required

Township Public Works Comments: The Township Public Works Department has reviewed this application and has no comments or objections to the proposal.

Niagara Region Comments:

Regional Growth Management and Planning Division staff are of the opinion that the proposal is generally consistent with the intent of the Provincial Planning Statement and does not conflict with Provincial and Regional OFDU policies and guidelines. As such,

staff offers no objection to the minor variance application, provided the Township is satisfied that there are existing/established agricultural operations on the property.

As noted above, staff request that a Stage 1 Archaeological Assessment, plus any subsequent recommended assessment, by a licensed archaeologist be submitted prior to site plan approval, followed by an acknowledgement letter from the Ministry of Citizenship and Multiculturalism. The Township's Chief Building Official should be satisfied that the requirements of the *Ontario Heritage Act* have been satisfied.

Niagara Peninsula Conservation Authority Comments:

The subject property located at ARN 260202000512200 contains NPCA Regulated Areas being: Provincially Significant Wetlands (PSW) and associated 30 m buffer; Watercourse and associated 15 m buffer; Potential unevaluated wetlands

As outlined within the Minor Variance Application, A03/2025WL, the MV is to seek approval for the OFDU for the following: *Proposed to be located north of Existing Pond:* Septic field, landscaped area, turf parking area, gravel parking area (1), Farm Market Building, and gravel parking area (2); and *Proposed to be located nearest Regional Road 20:* Existing barn replacement with new farm market and gravel parking area.

Regarding the proposed works to be located north of the existing pond, the NPCA has identified that there is an existing gravel driveway within the PSW 30 m buffer area. With consideration to the existing gravel driveway, the NPCA can support the proposed works located north of the existing pond and will not require an NPCA Permit. Regarding the proposed works located west adjacent to Regional Road 20, the NPCA has previously issued an NPCA work Permit for the accessory structure (i.e., replacement barn only) located nearest Regional Road 20 due to the proposed encroachment within the PSW 30 m buffer area. The NPCA Permit file number is **202401236** is to expire as of October 11, 2026. Should the applicant require to change the scope, nature, and/or location of the Permitted accessory structure, an amendment to the issued Permit will be required following review and approval by the NPCA. The proposed gravel parking area (with 9 spaces) nearest Regional Road 20 is proposed to be outside of the NPCA Regulated Areas and will not require an NPCA Permit. The NPCA is therefore supportive of the specifications outlined in the Minor Variance Application, A03/2025WL.

To ensure all NPCA regulated features are accurately identified and all potential hazards are considered the NPCA will require that the applicant complete a scoped technical memo to support the proposed agricultural related activities areas and, the NPCA will require an overlay of all NPCA Regulated Areas and associated buffers. The scoped technical memo should include the following information:

- NPCA Policy Overview
- A description of all regulated features identified on the subject property (watercourses, evaluated and unevaluated wetlands), this may also include a description of the site generally, including current and historical land uses

- A description of the proposed works and activities
- Impact assessment that identifies potential impacts to the identified regulated features, as a result of, the proposed development/activities
- Mapping that depicts regulated features, buffer areas and proposed development/activities
- Recommendations and mitigation measures
- Photos Appendix, which includes photos all NPCA regulated features

PUBLIC COMMENTS:

At the time of writing this report, Staff have not received any public comments regarding this application.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance Application (A03/2025WL) as outlined in Report COA-05-25, to permit an On Farm Diversified Use on the subject property, subject to a condition of site plan approval.

ATTACHMENTS:

1. Site Sketch
2. Planning Justification Report
3. Agency Comments

Prepared & Submitted by:

Approved by:

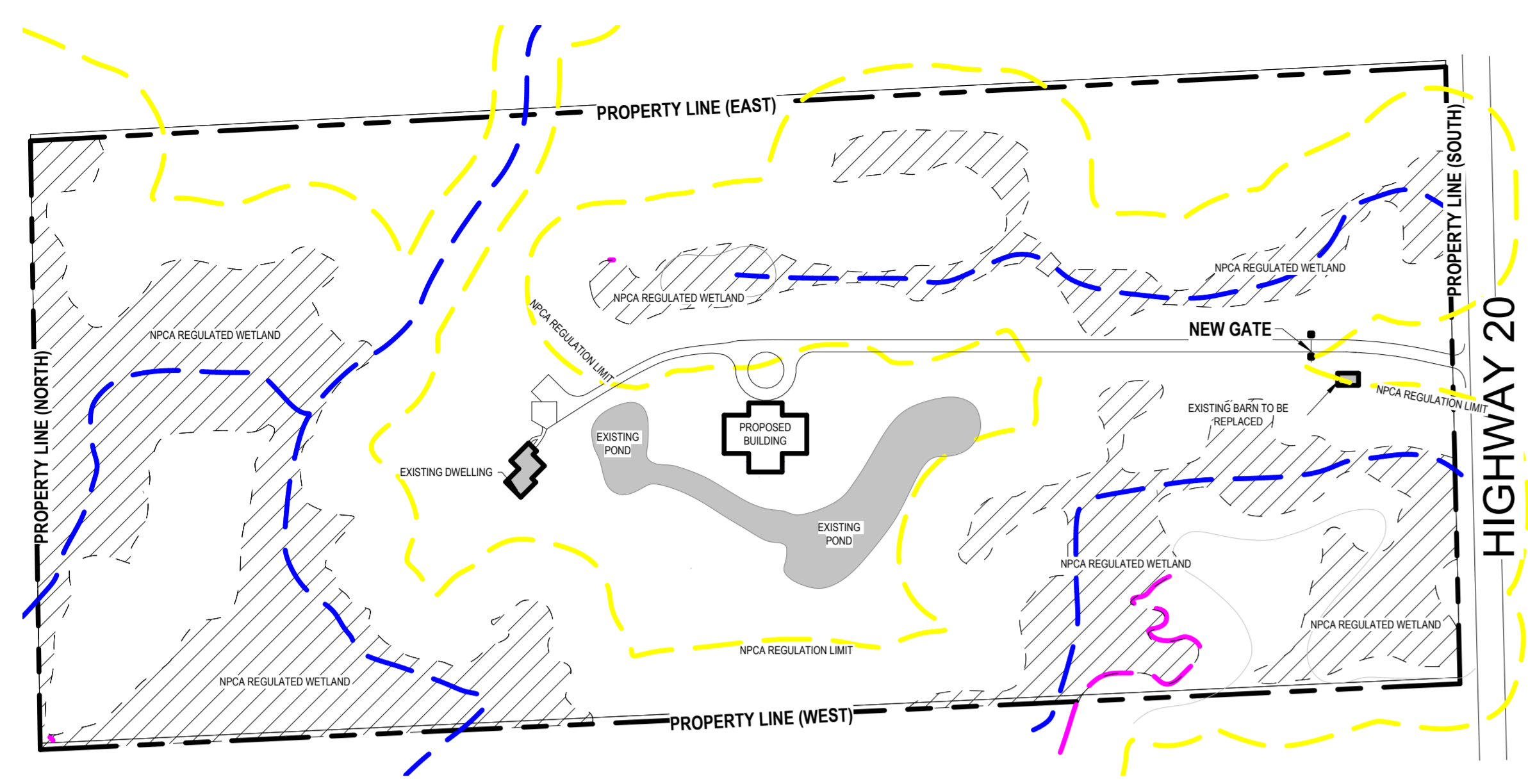


Madyson Ettl
Senior Planner

Gerrit Boerema, RPP, MCIP
Manager of Planning

Attachment No. 1 to COA-03-2025- Site Plan

2 SITE PLAN - NPCA
1" = 200'-0"



LEGAL DESCRIPTION
4299 REGIONAL ROAD 20, SAINT ANNES - WEST LINCOLN, ONTARIO
SITE INFORMATION WAS BASED ON GIS MAPPING -

SITE DESCRIPTION
ZONING (CURRENT): - AGRICULTURAL
BUILDING CLASSIFICATION
OCCUPANCY:
CLASSIFICATION:

BUILDING STATISTICS

	m ²	S.F.
GROSS FLOOR AREA (GFA)		
EXISTING	250	2,690
PROPOSED OFDU	700	7,535
GFA - TOTAL	950	10,225

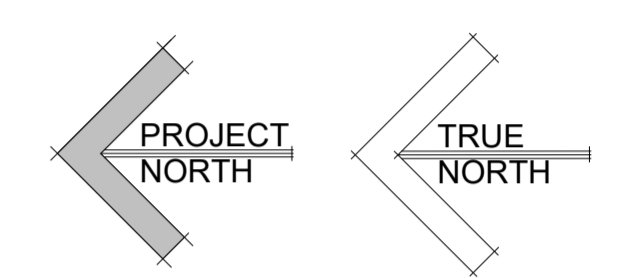
NUMBER OF PARKING SPACES REQUIRED

PARKING CALCULATION:
OFDU: GFA / 55m² = 15 SPACES MIN.
OTHER: 1 PER 2 OCCUPANTS = 70 SPACES MIN.
BARRIER FREE PARKING CALC.: 4% OF SPACES = 3 SPACES MIN.

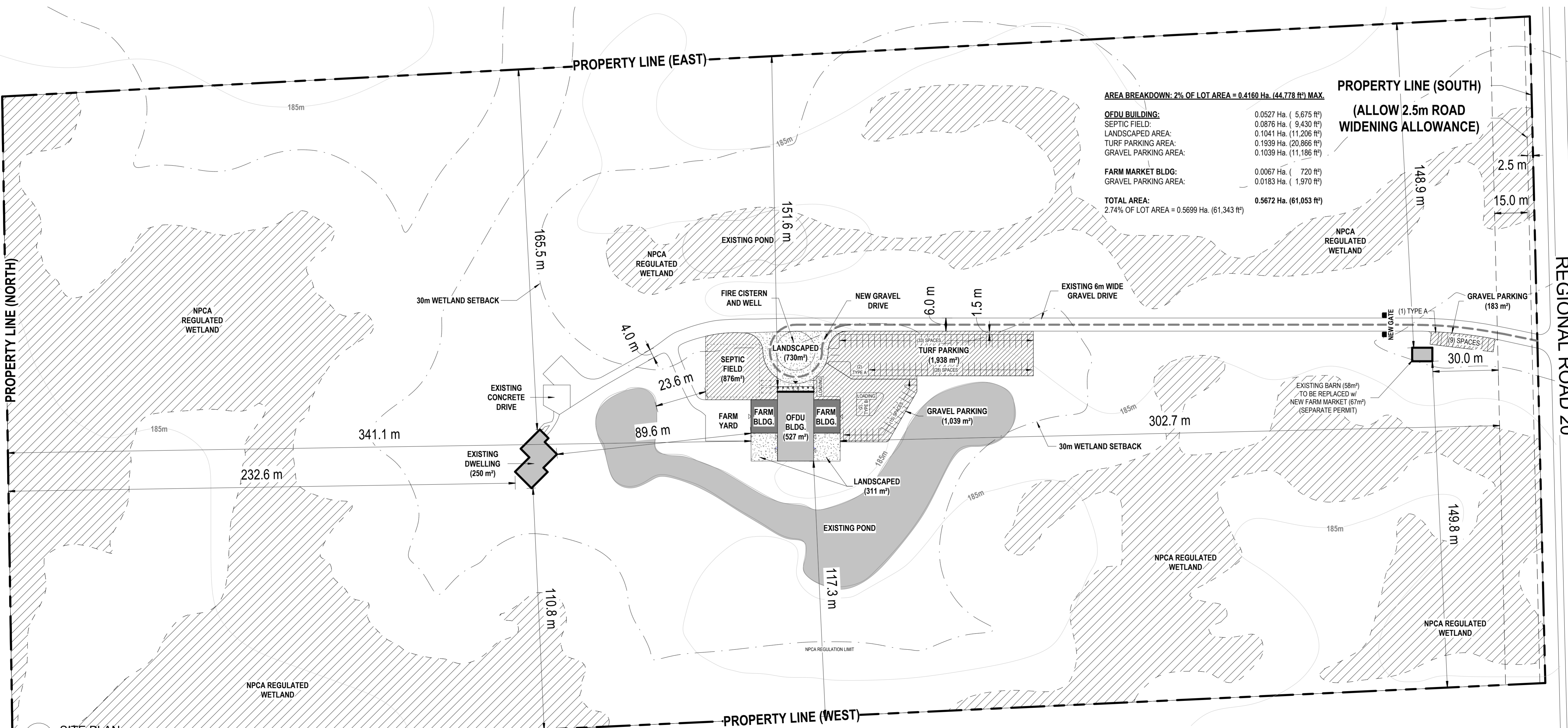
TOTAL PARKING SPACES PROVIDED: 70 SPACES
TOTAL BARRIER-FREE PROVIDED: 5 SPACES
TOTAL LOADING SPACES PROVIDED: 2 SPACE
TYPICAL PARKING SPACE: 2.7 m x 6 m
TYPICAL BARRIER-FREE PARKING SPACE: 3.4 m x 6 m
ASLE WIDTH (MIN.): 6 m (MIN.)
LOADING SPACE REQUIREMENT: 3.5 m x 9 m

SITE STATISTICS

	REQUIRED	PROVIDED
TOTAL LOT AREA:	10 Ha.	20.8 Ha.
ALLOWABLE OFDU:	2% MAX.	0.4160 Ha.
TOTAL LOT AREA (MIN):	10 Ha.	100 m
LOT FRONTAGE (MIN):	100 m	306 m
TOTAL LOT COVERAGE (MAX.):	10%	0.6 %
ACC. BLDG. (MAX.):	> OF 1% OR 2500 m ²	0.68 % / 938 m ²
FRONT YARD SETBACK (MIN):	15 m	303 m
EXT. SIDEYARD SETBACK (MIN):	15 m	150 m
INT. SIDEYARD SETBACK (MIN):	5 m	117 m
REARYARD SETBACK (MIN):	15 m	341 m
SETBACK FROM MAIN DWELLING (MIN):	3 m	89 m
BUILDING HEIGHT (MAX) OFDU:	10 m	9 m
BUILDING HEIGHT (MAX) MARKET:	10 m	5.8 m



1 SITE PLAN
1" = 80'-0"



No.	Description	Date
5	MINOR VARIANCE APP	2025-01-22
4	PRELIMINARY DRAWINGS	2024-12-03
3	PRELIMINARY DRAWINGS	2022-07-15
2	PRELIMINARY DRAWINGS	2022-06-10
1	PRELIMINARY DRAWINGS	2022-05-16



PROJECT HINTERLAND ESTATE
FARM STORAGE BUILDING
4299 REGIONAL ROAD 20
SAINT ANNES, WEST LINCOLN ONTARIO

SHEET TITLE
SITE PLAN

PRJ. NO.	22-016-JH	DATE	JAN. 22, 2025
DRAWN BY	SIE	SCALE	As Indicated
CHECKED	--	DATE PLOTTED	2025-01-22 3:55:58 PM
DRAWING NO.			

A1.1



January 23rd, 2025

Gerrit Boerema
Director Growth and Sustainability
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0
sent via email to: gboerema@westlincoln.ca

Dear Mr. Boerema

**RE: Minor Variance Application
Hinterland Estates
4299 Regional Road 20, Saint Anns
OUR FILE 22359A**

INTRODUCTION

On behalf of our client, Hinterland Estates, MHBC Planning is pleased to submit this application for Minor Variance regarding on-farm diversified uses (OFDUs) proposed on the lands municipally known as 4299 Regional Road 20, Saint Anns (herein referred to as the 'subject lands') in the Township of West Lincoln, Region of Niagara.

The subject lands are 20.8ha (approximately 52 acres) in size and located on the north side of Regional Road 20, approximately 6 kilometers east of Bismark. The subject lands contain an agricultural operation that currently consists of egg production, apiculture, Christmas tree production, and miniature highland cow production, with plans to expand crop production to include pumpkins in 2025. The lands also contain approximately 6.5 hectares of wetlands (16 acres). Existing structures on the property consist of a farm dwelling (where the owners reside) and a small barn/structure proximal to the road (proposed to be replaced).

The subject lands are mapped within the Prime Agricultural Area per the Niagara Region Official Plan and designated 'Good General Agricultural' and 'Natural Heritage System' on Schedule 'B-1' of the Township of West Lincoln Official Plan. The lands are zoned 'Agriculture (A)' and 'Environmental Protection (EP)' in the Township of West Lincoln Zoning By-law 2017-70.

PROPOSED DEVELOPMENT

To support the long-term economic viability of the farm operation, the following two new barns are proposed on the portions of the subject lands designated and zoned for agriculture:

1. **Main barn** - The proposed main farm building will consist of an agricultural and OFDU component (see concept plan and conceptual elevations as attached):
 - Agricultural component – Two (2) indoor storage rooms on the north and south sides of the proposed building to securely store farm equipment, farm product inputs (ie fertilizers, seed, packaging materials, etc.), and livestock to support the farm operation;
 - Agri-tourism/OFDU component: The 527 m² central portion of the proposed main barn is planned to accommodate activities associated with future agri-tourism/OFDU activities and will include open floor space, washrooms, and a small kitchen area.
 - A septic field is also proposed to support the agri-tourism and OFDUs
 - A 1,039 m² gravel parking area and 1,938 m² turf parking area are also proposed for use during special agri-tourism or OFDU events.

2. **Farm market barn** – a 67 m² barn/structure is proposed to replace the small barn (58 m²) located by the road which is currently in poor condition. The farm market barn will consist of a main area and loft used for storage of agricultural products and a smaller area that will serve as a farm stand that is accessible to the public for purchase of agricultural products produced on the farm (ex. eggs and honey). Gravel parking (183 m²) is also proposed adjacent to the market barn. See attached conceptual elevations.

Overall, the OFDUs are proposed to occupy 0.57 hectares (2.7% of the subject lands); this calculation includes the proposed main barn OFDU portion of the building (527 m²), the farm market barn (67 m²), the landscaped area, the septic field, the turf parking area, and the gravel parking areas.

The portion of the main barn that is proposed for agri-tourism and OFDU uses will support a variety of activities. This space is proposed to be used for seasonal agri-tourism events for Easter, Halloween, and Christmas; rentable event space; and recurring farmers' markets. Seasonal events will generally occur on Fridays and weekends in the run-up to Easter, Halloween, and Christmas and will be managed through ticketed entrance at hourly intervals to control guest volumes. Seasonal events may include Christmas vendor markets, wreath-making workshops, pick your own pumpkins, photo booths with seasonal decorations, easter craft station, temporary petting zoos. The event venue space will be available for weddings and seasonal parties. Weddings may occur Fridays and Saturdays May through September in the OFDU building with a maximum of 200 guests and parking accommodated in the proposed gravel and turf parking spaces. The farmers' market will support 10 to 15 vendors in moveable exterior booths and within the OFDU building and are proposed to occur on Thursdays from May through October with parking accommodated on-site.

A pre-consultation meeting was held with Township Staff on July 21, 2022 regarding the proposal for the subject lands at that time. Subsequent meetings have been held with the Township, Region, and Conservation Authority staff to confirm the existing agricultural uses and environmental features on the land. Further correspondence with Township Staff confirmed that the zoning modifications required to facilitate the proposed OFDU buildings could be pursued via a Minor Variance application.

This planning letter includes the required analysis for the Four Tests of Minor Variance as set out in Section 45(1) of the Planning Act:

The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

REQUESTED MINOR VARIANCES

This minor variance application proposes the following variances:

- a) OFDU Lot Area - Permit an On Farm Diversified Use (OFDU) with an area of 5,700 sq. metres/ 2.7% of the property (this includes the parking areas, landscaped areas, septic field, and OFDU buildings) whereas Provision 3.11c)i. of the Zoning By-law currently requires that the area of the lot devoted to OFDUs not exceed the lesser of 1% of the property or 5,000 sq. metres.
- b) OFDU Building Area - Permit a total gross floor area devoted to OFDUs of 600 m² [to accommodate the main barn (527 m²) and the farm market barn (67 m²)] whereas Provision 3.11c)ii. of the Zoning By-law currently restricts the total gross floor area devoted to OFDUs to 500 m².
- c) Farm Market Barn Location - Permit the farm market barn to replace the existing small barn at its current location whereas Table 1-1 of the Zoning By-law requires that within the Agricultural zone "*the nearest point of a wall of the accessory building must be located within 50 metres of all other related residential or agricultural building respectively*" and that a Type 2 accessory building (meaning an accessory building with between 10.1 to 120 m² in ground floor area) must be "*no closer to the front lot line than the main building and in accordance with the minimum yard requirements of the applicable zone*" (being 20 metres in this case).

ANALYSIS OF FOUR TESTS OF A MINOR VARIANCE

1. Does the variance maintain the general intent and purpose of the Official Plan?

The Niagara Region Official Plan aims to "*facilitate a strong, diverse, and resilient agricultural economy*" (4.1a) and permits agricultural uses, agriculture-related uses and on-farm diversified uses in prime agricultural areas (Policy 4.1.7.3). The Township of West Lincoln Official Plan states that "*the agricultural area represents a mix of well diversified uses that will help to ensure the sustainability and viability of the Township's agricultural industry*" and permits all types of agricultural uses, small-scale agriculturally related uses, and uses secondary to the principal agricultural use of the property (Policy 4.2.1) within all agricultural areas.

The subject lands contain an array of agricultural uses including egg production, apiculture, forestry (Christmas tree production), livestock production (miniature highland cows), and

natural heritage uses, with plans to expand crop production to include pumpkins in 2025. Proposed OFDUs include agri-tourism, farmers' markets, and an event venue. The requested variances will allow for the proposed development to accommodate the OFDUs and support the economic viability of the farm operation.

Overall, it is our opinion that the requested variances meet the general intent and purpose of the Official Plan as they seek to permit an on-farm diversified use that will support the existing farm operation.

2. Does the variance maintain the general intent and purpose of the Zoning By-law?

The Township Zoning By-law permits OFDUs as accessory uses in the Agricultural zone. The Zoning By-law also permits agriculture-related uses in the Agricultural zone, but includes them under OFDUs so that they are also considered OFDUs. The Provincial Planning Statement 2024 (PPS) and the Ontario Ministry of Agriculture, Food, and Agribusiness (OMAFRA) Guidance on Permitted Uses in Prime Agricultural Areas categorize and define OFDUs and agriculture-related uses separately. Per OMAFRA guidance, a farm market is considered an agriculture-related use, and not OFDUs. The PPS definitions for ag-related uses and OFDUs are provided below:

Agriculture-related uses: means those farm related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity

On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, uses that produce value-added agricultural products, and electricity generation facilities and transmission systems, and energy storage systems.

This distinction is relevant to the analysis below.

a) OFDU Lot Area & b) OFDU Building Area

The intent of the OFDUs maximum lot area and building area provisions is to ensure that OFDUs remain 'limited in area' as one of the key criteria set out for OFDUs in the PPS and OMAFRA Guidance on Permitted Uses in Prime Agricultural Areas. OMAFRA guidance generally recommends that the standard for the acceptable area occupied by an on-farm diversified use is up to 2% of a farm parcel to a maximum of 1 ha (10,000 m²). While the proposed variance seeks to permit an area of 5,700 m²/ 2.7% of the property (this includes the parking areas, landscaped areas, building), OMAFRA guidance provides that in the case of on-farm diversified uses that are intermittent, such as events, "limited in area" may mean an area greater than the general recommendations; this recognizes that this area is not constantly/permanently used to support an OFDU. As stated in OMAFRA guidance on OFDUs, the intent of the 'limited in size' criterion is to minimize the amount of land taken out of

agricultural production, ensure agriculture remains the main use in prime agricultural areas, and limit off-site impacts.

The proposed main barn and associated landscaped and parking areas will not remove land that is currently under agricultural production. Additionally, the turf parking area of the OFDU area calculation is not permanently removed from agricultural production; this area can continue to support agriculture on the lands by acting as pasture when not required to accommodate event parking (existing portable fencing can be moved to allow the cows to graze this area).

The temporary/intermittent nature of the proposed OFDUs helps to ensure that impacts are minimized. For example, special events will only occur at limited times around Easter, Halloween, and Christmas. As well, the OFDU space in the main barn will only be available as an event venue Fridays and Saturdays from late May until September with capacity restricted to a maximum of 200 guests (sufficient parking per the Zoning By-law requirements is provided). Further, operational measures will be implemented to regulate visitors to the site. For example, those interested in attending special holiday events on the farm will be required to purchase tickets online in advance which serves to appropriately limit the number and timing of daily visitors. The intermittent nature of the OFDUs also ensures that agriculture remains the main use of the lands.

OMAFRA guidance also provides that where an OFDU occupies the same footprint as a demolished building, the land area for the use may be discounted at 50% and that preference should be given to reuse of existing buildings where possible. This recognizes that it is unlikely that land under a demolished building will be returned to an agricultural use. In this case, the existing barn on the property is not structurally sound and, as such, reuse of this building is not possible. While the footprint of the replacement barn is slightly larger than the current barn size, this barn will not take land that is currently under agricultural production out of use. Moreover, based on provincial policy and guidance, agriculture-related uses do not have specific size limits while OFDUs must be limited in area. As such, the farm market barn (67 m²) would generally not be included in the total OFDU area calculation.

Agricultural uses will remain the main use on the subject lands. Our clients have worked hard to establish a miniature highland cow breeding program, an egg production program (with a variety of poultry breeds), apiculture (with Flow Hives), and a Christmas tree production program on their lands; they also have plans to establish several pumpkin patches on their property in Spring 2025. Our clients continue to work hard managing their diverse agricultural operation which requires daily commitment and dedication. They have also applied for a building permit for the main barn, recognizing the importance of this barn in supporting their ongoing agricultural operations. Given the intermittent nature of the proposed OFDUs, agriculture will remain the main use on the subject lands.

It is our opinion that, the requested OFDU lot area and building area variances meet the general intent and purpose of the Zoning By-law, as the proposed OFDU uses will remain limited in size and scale.

c) Farm Market Barn Location

The intent of front yard setback provisions is to ensure that a consistent frontage is maintained and to provide adequate separation between buildings and the road. The farm market barn is proposed to be located within the front yard at approximately 47 metres from the front lot line which, though closer to the front lot line than the main building, is in accordance with the minimum yard requirements of the Agricultural zone. As such, the proposed variance is in keeping with minimum setbacks for properties zoned Agricultural and maintains adequate separation from the road.

The intent of the maximum distance from the main building provision for an accessory use in the agricultural zone is to ensure that farm buildings are located within the farm cluster. The farm shop barn is proposed to replace the existing barn at the end of the driveway, which is already located within the front yard at a distance greater than 50 metres away from the main building. Further, the Zoning By-law permits smaller accessory buildings (those 0.1 to 10m² in ground floor area) used for the retail sale of farm produce within 6 metres of the front lot line. The intent of this provision is to permit accessory buildings used for sale of farm products to be located in a high visibility and accessible location to attract customers. The proposed farm market barn will be used for retail sale of farm produce, with additional space to store products (example pumpkins and Christmas trees) safely and securely. In summary, it is our opinion that the proposed variance meets the general intent and purpose of the Zoning By-law as it seeks to allow an accessory structure intended to be used for retail sale of farm produce within the front yard where it is visible to consumers.

3. Is the variance minor in nature?

The main consideration in determining whether a variance is minor is determining the degree of adverse impact that will occur if the variance is granted.

a) OFDU Lot Area & b) OFDU Building Area

The proposed variances to the maximum lot and building area allocated for OFDUs are not anticipated to result in adverse impacts on surrounding lands. The proposed main barn and associated parking areas are well setback and screened from the road and adjacent properties (the main OFDU space is located greater than 350 metres from the closest dwelling) to avoid adverse visual and noise impacts. In addition, operational measures such as restricting agri-tourism events to the hours of 9am to 9pm, and restricting maximum visitors per hour for events and maximum occupancy for venue rentals will assist in avoiding adverse noise impacts. The farm market barn will replace the existing dilapidated barn with a new structurally sound and attractively designed barn, enhancing the rural character of the area. Additionally, Regional Road 20 is identified as an 'Arterial' road on Schedule F of the Township Official Plan; arterial roads are intended to handle large volumes of traffic over long distances. Operational measures to restrict hourly maximum visitors and maximum venue occupancy will also help avoid adverse traffic

impacts. Finally, the variances ensure that the proposed OFDUs are limited in size, ensuring that adverse impacts to the agricultural land base are avoided.

In terms of compliance with the Minimum Distance Separation (MDS) formula, there is only two barns capable of housing livestock within the 1500 metres of the subject lands. OMAFA's Minimum Distance Separation Document (Publication 853) Guideline #35 provides that MDS 1 setbacks are generally not needed for land use planning applications which propose agriculture-related uses and on-farm diversified uses, but may be appropriate for those uses that may generate significant visitation by the broader public to an agricultural area. As such, surrounding agricultural operations were reviewed to determine compliance with the proposed OFDU building proposed within the main barn (where public visitation would be concentrated). Neither of the two MDS arcs associated with the two barns capable of housing livestock located within 1500 metres of the subject lands intersect with the subject lands (see Appendix A for more detail). As such, no adverse impacts to nearby livestock operations are anticipated.

Overall, adverse visual, noise, traffic, and agricultural land base impacts are not anticipated as a result of the proposed variances.

c) Farm Market Barn Location

The proposed farm market barn location is not anticipated to result in adverse impacts on surrounding lands. Farm market stands are common in agricultural areas and the location of the proposed barn is not anticipated to detract from the rural charm of the area; rather, it serves to replace an old, dilapidated barn with a new, usable, modern, and well designed barn. The proposed location is also well setback from the road to avoid any safety or visibility impacts related to cars parking to access the market. As well, locating the farm market barn away from the rest of the farm cluster ensures that visitors do not need to travel far onto our client's property to purchase farm produce, avoiding impacts to daily farm operations. Further, as this barn will be replacing an old barn, no land currently under agricultural production will be lost to accommodate it.

Overall, it is our opinion that the proposed variances are minor in nature as they will not result in adverse impacts.

4. Is the variance desirable for the appropriate use of the land, building or structure?

a) OFDU Lot Area & b) OFDU Building Area

The proposed variances to the maximum permitted OFDU lot area and building size are desirable for the appropriate development of the lands as they ensure that the proposed OFDUs are limited in size while accommodating the proposed OFDUs to enhance the economic viability of the agricultural lands.

c) Farm Market Barn Location

The proposed front line setback variance will allow the farm market barn to be located in the same location as the existing barn on the lands which means productive agricultural lands will not be removed from production to accommodate the proposed barn. Additionally, this location ensures that the farm market building is located in an area of high visibility to attract customers which is desirable for the appropriate use of the building to sell farm products.

Overall, it is our opinion that the proposed variances are desirable for the appropriate use of the land as they seek to permit on-farm diversified uses that will support the viability of the existing farm operation.

CONCLUSION

This letter provides the planning justification for the approval of the proposed variances to the Township of West Lincoln Zoning By-law regarding. As noted above, the application complies with Section 45(1) of the Planning Act, as the variances are minor in nature, are appropriate for the development of the Subject Lands, and maintain the general intent and purpose of both the Zoning By-law and the Official Plan.

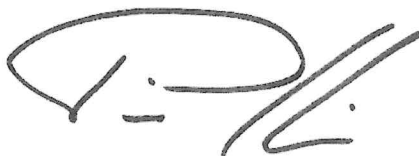
In support of the minor variance application, the following materials are enclosed with this Planning letter:

- Signed minor variance application;
- Concept plan, prepared by HFH, dated January 2025;
- Conceptual elevations, prepared by HFH;
- MDS Review, prepared by MHBC Planning (in Appendix A); and,
- A cheque in the amount of \$2,538 made payable to the Township of West Lincoln (provided under separate cover letter).

Please do not hesitate to contact the undersigned with any questions. We kindly request that this application be heard at the February 26th, 2025, Committee of Adjustment meeting.

Yours truly,

MHBC



Pierre Chauvin, BSc(Agr), MA, MCIP, RPP
Partner



Chelsea Brooks, MA, MSc(Plan)
Planner

cc. *Jes Gar*

A

Appendix A: MDS Review

MDS Review - LIVESTOCK FACILITY/MANURE STORAGE SUMMARY TABLE

Site	Address	Facility Type	MDS Required	Notes
1	4388 Hwy 20	Livestock operation – chickens	Yes 173 m separation distance from barn required - complies	This property is located south of Regional Road 20, behind an existing dwelling located on a separate lot. The barn on the property is two-levels and appears to be capable of housing chickens. Additionally, a V3 Manure Storage Type (outside, no cover, solid) is located to the rear of the livestock barn.
2	4351 Hwy 20	Storage barn	No	There are three dwellings located on separate parcels that are closer to the livestock operation than the subject lands. Based on roadside observations and a review of aerial imagery, this barn appears to be have been decommissioned for livestock and is currently used for storage. An aboveground pool also appears to be attached to a deck off the barn to the west further suggesting that this barn is no longer used or suitable for livestock.
3	4234 Hwy 20 (Shamrock Storage)	Storage barn	No	This property contains a dwelling, two barns, and two drivesheds. Based on roadside observations and a review of aerial imagery, the barns on this property appear to be have been decommissioned for livestock and are currently used for commercial storage.
4	4179 Hwy 20	Storage barn/ business	No	This property contains a dwelling, three barns, a remnant silo, and a shop that appears to house a bike gear business. There is no evidence of livestock being present on the property, and the barns appear to be used for storage.

5	4438 Hwy 20	Truck repair shop and outdoor vehicle storage	No	This property contains a dwelling and two shops used for truck and trailer repair.
6	4555 Hwy 20	Small-scale farm	Yes 81 m separation distance from barn required - complies	This property contains a dwelling, a small barn, a coverall, and pasture land. No livestock were observed on the site, but the operation seems most representative of a small horse farm.
7	1663 Silverdale Rd	Shop	No	This property contains two hoop huts (one new, and the other in poor condition) and a shop. No evidence of livestock was observed.

Note: Livestock barn/manure storage identification and capability of buildings/structures for housing livestock or storing manure were determined in part based off the considerations outlined in Section 8 of the Province's MDS Document.




MDS I - Hinterland

General information

Application date
Jan 22, 2025

Municipal file number

Proposed application
New or expanding on-farm diversified use (if required locally)

Applicant contact information 

ON

Location of subject lands
Regional Municipality of Niagara
Township of West Lincoln
GAINSBOROUGH
Concession 3 , Lot 20
Roll number: 2602

Calculations

4388 Hwy 20

Farm contact information 

ON

Location of existing livestock facility or anaerobic digester
 Regional Municipality of Niagara
 Township of West Lincoln
 GAINSBOROUGH
 Concession 3 , Lot 20
 Roll number: 2602

Total lot size
 39.38 ha

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Chickens, Broiler breeder growers (males/females transferred out to layer barn)	10358	34.5 NU	1636 m ²



Confirm Livestock/Manure Information (4388 Hwy 20)

The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Setback summary

Existing manure storage	V3. Solid, outside, no cover, >= 30% DM
Design capacity	34.5 NU
Potential design capacity	103.6 NU
Factor A (odour potential)	0.7
Factor D (manure type)	0.7
Factor B (design capacity)	319.67
Factor E (encroaching land use)	1.1

Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)	173 m (568 ft)
Actual distance from livestock barn	NA
Storage base distance 'S' (minimum distance from manure storage)	173 m (568 ft)
Actual distance from manure storage	NA

Farm contact information 

ON

Location of existing livestock facility or anaerobic digester
Regional Municipality of Niagara
Township of West Lincoln
GAINSBOROUGH
Concession 4 , Lot 10
Roll number: 2602

Total lot size
5.1 ha

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Horses, Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	4	4 NU	93 m ²



Confirm Livestock/Manure Information (4555 Hwy 20)

The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Setback summary

Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Design capacity	4 NU		
Potential design capacity	4 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	150
Factor D (manure type)	0.7	Factor E (encroaching land use)	1.1
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)			81 m (266 ft)
Actual distance from livestock barn			NA
Storage base distance 'S' (minimum distance from manure storage)			81 m (266 ft)
Actual distance from manure storage			NA

Preparer signoff & disclaimer

Preparer contact information

Chelsea Brooks
MHBC Planning
540 Bingemans Centre Drive
200
Kitchener, ON
N2B 3X9
519-576-3650
cbrooks@mhbcplan.com

Signature of preparer

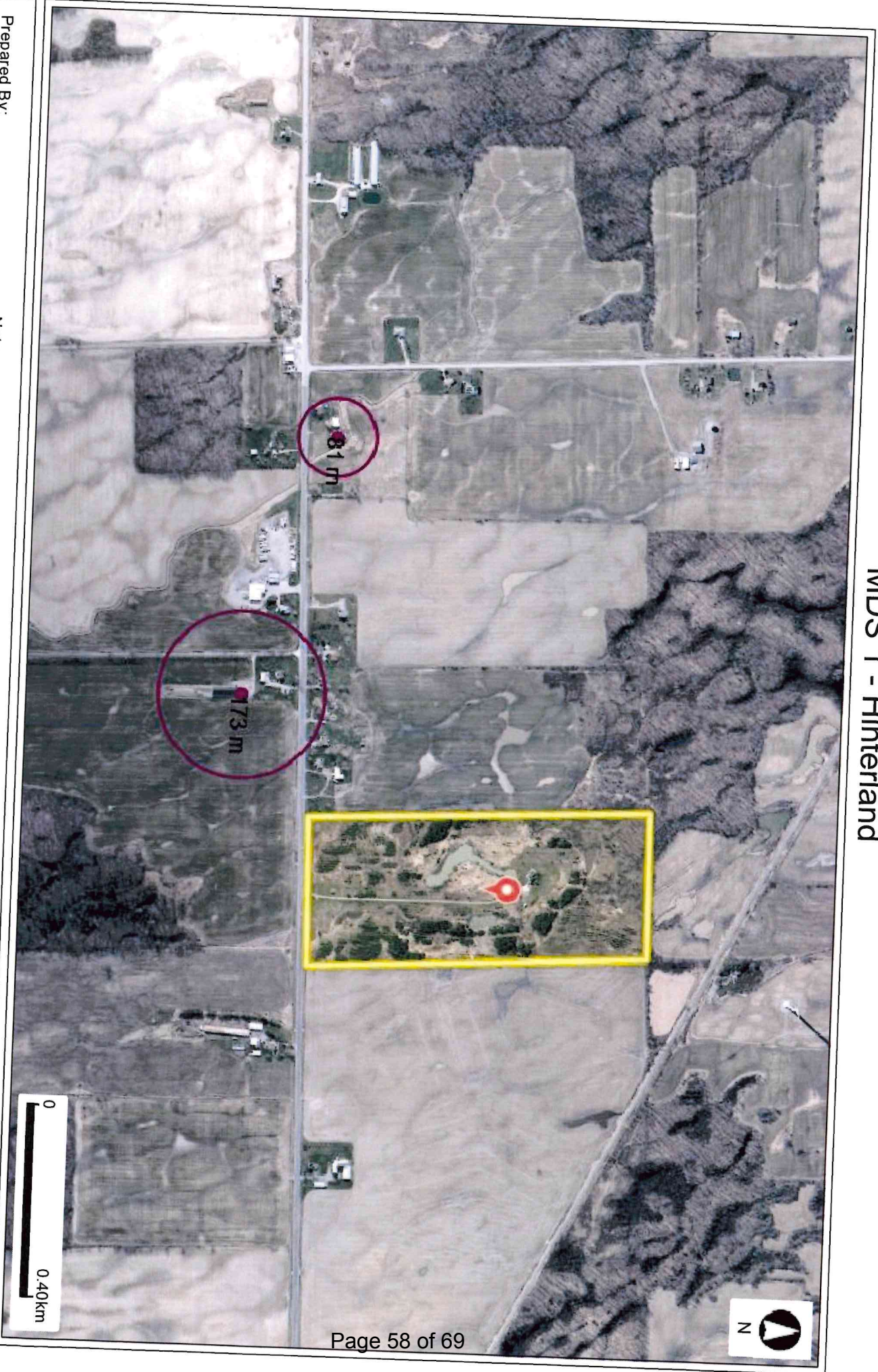
Chelsea Brooks

Date (mmm-dd-yyyy)**Note to the user**

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

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MDS 1 - Hinterland



Prepared By:

Chelsea Brooks

Notes:



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THIS IS NOT A PLAN OF SURVEY.

Map Created: 1/22/2025
Map Contact: 416-311-0000



Public Works Growth Management & Planning Division

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

Via Email Only

February 19, 2025

File Number: PLMV202500403

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

Dear Ms. Fisher:

Re: Regional and Provincial Comments
Application Type: Minor Variance
Town File Number: A03/2025WL
Applicant: Jesse Gardner
Location: 4299 Highway 20, West Lincoln

Regional Growth Management and Planning Division staff have reviewed the Minor Variance application for 4299 Regional Road 20 in the Township of West Lincoln.

The applicant is seeking relief from Table 1-1, provision 3.11c) and Section 3.11c)ii of the Township's Zoning By-law 2017-70 as amended to:

- a) permit an on-farm diversified use (OFDU) with an area of 5,700 m² / 2.7% of the property;
- b) permit a total gross floor area devoted to OFDUs of 600 m² (527 m² for the main barn and 67 m² for the market barn; and
- c) permit the farm market barn to replace the existing small barn at its current location.

In addition, a 876 m² septic field is proposed to support the OFDU.

The following comments are provided from a Provincial and Regional perspective to assist the Township in their consideration of the application.

Provincial and Regional Policies

According to the *Provincial Planning Statement, 2024* (PPS) 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.

A full range of agricultural uses, agriculture-related uses, and on-farm diversified uses are permitted within this designation. NOP Policy 4.1.7.4 states that proposed agriculture-related uses and on-farm diversified uses (OFDUs) shall be compatible with, and shall not hinder, surrounding agricultural operations. Further, NOP Policy 4.1.7.6 states that OFDUs shall be located on a farm; secondary to the principal agricultural use of the property; limited in area; and compatible with, and shall not hinder, surrounding agricultural operations.

Regional staff have reviewed the letter/brief prepared by MHBC Planning (MHBC) describing the proposed development and uses as they relate to the criteria provided by the Ontario Ministry of Agriculture, Food and Rural Affairs' (OMAFRA) *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* ("the OMAFRA Guidelines" or "the Guidelines"). Staff's review of the proposal against OMAFRA's criteria for agriculture-related uses and OFDUs are outlined in the following sections of this letter.

Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

Agriculture-Related Uses

The PPS and OMAFRA Guidelines define agriculture-related uses as those farm-related commercial and industrial uses that are related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. These uses are to be considered based on the following criteria:

1. Farm-related commercial or farm-related industrial use;
2. Shall be compatible with, and not hinder, surrounding agricultural operations;
3. Directly related to farm operations in the area;
4. Support agriculture;
5. Provide direct products and/or services to farm operations as a primary activity;
- and,
6. Benefit from being in close proximity to farm operations.

Farmers markets are classified in the Guidelines as an agriculture-related use (retailing of agriculture-related products). As such, the proposed farm market structure is not included in the OFDU analysis below.

On-Farm Diversified Use

The OMAFRA Guidelines define OFDUs as those that are secondary to the principal agricultural use of the property, and are limited in area; these can include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce

value-added agricultural products. These uses are to be considered based on the following criteria:

1. Located on a farm;
2. Secondary to the principal agricultural use of the property;
3. Limited in area;
4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products; and
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

With regard to Criterion #1, based on the information provided by the applicant and discussions with the Township, staff is of the understanding that there are currently established agricultural uses on the site, including an apiary operation established in 2022, miniature highland cattle breeding (acquired in April 2024), and egg production. Staff acknowledge that a farm business number from Agricorp was obtained to formalize the operations in February 2023, and that that the applicant is a Registered Beekeeper with OMAFRA with a contract to sell their byproduct (honey) to retail shops.

The Township has confirmed that 1,000 Christmas trees were planted in November of 2024, and that the intention is to expand crop production to include pumpkins in 2025. Given that the Christmas trees were recently planted and that the pumpkin patch has not yet been planted, these two components would *not* yet be considered as fully established agricultural uses. In this regard, staff notes that the Christmas tree operation would not generate income until reaching maturity.

The OMAFRA Guidelines recommend considering Criterion #2 based on spatial and temporal terms; the uses must be secondary relative to the agricultural use of the property, and the spatial limits are addressed through Criterion #3, and temporal considerations apply to uses that are temporary or intermittent, such as events. The Guidelines state, "*large-scale, repeated or permanent events are not OFDUs and should be directed to existing facilities such as fairgrounds, parks, community centres and halls, settlements areas or rural lands.*"

In their letter/brief, MHBC indicates that the OFDU building is planned to accommodate seasonal agri-tourism events, rentable event space (i.e., weddings and seasonal parties), and recurring farmers markets. Based on staff's understanding, the types of events that are proposed to take place in the OFDU building will be temporary and intermittent at irregular intervals that will be minor in nature and limited in area (contained within the proposed structures/areas).

Criterion #3 requires the OFDUs to be limited in area, recommending that these uses are limited to a maximum of 2% lot coverage with further limitations on the gross floor area ("GFA") of the buildings used for OFDUs (e.g. 20% of the 2%).

The Guidelines note that "limited in area" calculations should account for all aspects related to an OFDU, including any buildings, outdoor storage areas, landscaped areas,

berms, wells and septic systems, parking areas and new access roads, and that the lot area coverage ratio should be based on the size of the individual parcel of land where the use is located and not the total area of a farm operation. The size of the parcel is 20.8 hectares; therefore, in order to adhere to the recommended size limit, the total area of the proposed OFDU (and all aspects related to it) would need to be no larger than 0.416 hectares (4,160 m²) in area.

A detailed site plan that offers a breakdown of OFDU coverage to address Criterion #3 is provided in MHBC’s letter/brief. Regional staff have broken down the proposed uses in the table below based on the information provided with the application.

Area of the On-Farm Diversified Use	Total Coverage (including deduction)
Interior OFDU Components	
OFDU Building	527 m ²
Exterior OFDU Components	
Turf Parking	1,938 m ²
Gravel Parking	1,039 m ²
Landscaping	1,041 m ²
Septic Field	876 m ²
Total development footprint for all structures/areas relating to the proposed OFDU:	5,421 m²

Regional staff calculated that the proposed OFDU accounts for approximately 2.38% of the lot area, with the GFA making up 67.82% of the total OFDU area, exceeding the recommendation of the Guidelines. However, staff acknowledge that the intention of the “limited in area” criteria is to minimize the impact on land available for agriculture, and that the landscaped areas and gravel parking areas will not permanently remove lands from future agricultural production. As such, staff is of the opinion that the proposal’s impact on the overall agricultural land base is not significant and is consistent with the intent of Criterion 3.

With regard to Criterion #4, event uses may be classified as an agri-tourism use, provided they are temporary or intermittent, and that do not impact the primary agricultural use of the property.

Criterion #5 requires that OFDUs be compatible with, and shall not hinder, surrounding agricultural operations. Regional staff note that large-scale, repeated or permanent events are not OFDUs.

As noted above, the types of event proposed to be held in the OFDU building appear to be temporary and intermittent in nature.

Based on our review, and provided the Township is satisfied that there are existing/established agricultural operations on the property, staff is satisfied that the proposal is generally consistent with the intent of the PPS and OMAFRA Guidelines and does not conflict with Provincial and Regional OFDU policies. As such, staff offer no objection to the minor variance application, subject to the comments outlined below.

Archaeological Potential

The subject property falls within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the NOP. 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.

Policy 6.4.2.6 of the NOP requires the submission of a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist for any development and/or site alteration within an area of archaeological potential. The study may be scoped to the area of disturbance (i.e. building footprint, including septic system) at the discretion of the licensed archaeologist. In addition, staff request a Letter of Acknowledgement from the Ministry of Citizenship and Multiculturalism be circulated to the Region prior to any construction taking place. Archaeological assessment requirements can be addressed at the site plan approval stage.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff request that the following standard archaeological clause be included in the future site plan agreement:

"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>)."

Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Significant Woodland, Other Wetland, potential Permanent/Intermittent

Streams and NES Linkage areas. Wetlands and watercourses are considered Key Hydrologic Features (KHF) outside of Settlement Areas.

The policies of the NOP typically require the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 metres of a KHF/Significant Woodland. Further, NOP policies require that a minimum 30 metre Vegetation Protection Zone (VPZ), as measured from the outside boundary of any KHF be established as natural self-sustaining vegetation. A minimum 20 metre buffer is required adjacent to Significant Woodland.

The proposed OFDU building is separated from the NES by an existing pond. As such, staff offers no objection to the application from an environmental perspective.

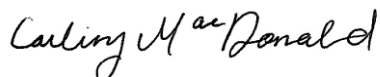
Conclusion

Regional Growth Management and Planning Division staff are of the opinion that the proposal is generally consistent with the intent of the Provincial Planning Statement and does not conflict with Provincial and Regional OFDU policies and guidelines. As such, staff offers no objection to the minor variance application, provided the Township is satisfied that there are existing/established agricultural operations on the property.

As noted above, staff request that a Stage 1 Archaeological Assessment, plus any subsequent recommended assessment, by a licensed archaeologist be submitted prior to site plan approval, followed by an acknowledgement letter from the Ministry of Citizenship and Multiculturalism. The Township's Chief Building Official should be satisfied that the requirements of the *Ontario Heritage Act* have been satisfied.

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.

Kind regards,



Carling MacDonald
Development Planner, Niagara Region

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

February 14, 2025

VIA EMAIL ONLY

Committee of Adjustment
Township of West Lincoln
318 Canborough Street, P.O. Box 400
Smithville, ON, L0R 2A0

Attention: Jeni Fisher, Acting Secretary Treasurer of the Committee of Adjustment

Subject: Application for Minor Variance, A03/2025WL
Jesse Gardner and Josue Pinzon
4299 Regional Road 20
West Lincoln, ON
ARN 260202000512200

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 41/24 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 subject property located at ARN 260202000512200 contains NPCA Regulated Areas being:

- Provincially Significant Wetlands (PSW) and associated 30 m buffer;
- Watercourse and associated 15 m buffer;
- Potential unevaluated wetlands

As outlined within the Minor Variance Application, A03/2025WL, the MV is to seek approval for the OFDU for the following:

- *Proposed to be located north of Existing Pond:* Septic field, landscaped area, turf parking area, gravel parking area (1), Farm Market Building, and gravel parking area (2); and
- *Proposed to be located nearest Regional Road 20:* Existing barn replacement with new farm market and gravel parking area.

Regarding the proposed works to be located north of the existing pond, the NPCA has identified that there is an existing gravel driveway within the PSW 30 m buffer area. With consideration to the existing gravel driveway,

the NPCA can support the proposed works located north of the existing pond and will not require an NPCA Permit.

Regarding the proposed works located west adjacent to Regional Road 20, the NPCA has previously issued an NPCA work Permit for the accessory structure (i.e., replacement barn only) located nearest Regional Road 20 due to the proposed encroachment within the PSW 30 m buffer area. The NPCA Permit file number is **202401236** is to expire as of October 11, 2026. Should the applicant require to change the scope, nature, and/or location of the Permitted accessory structure, an amendment to the issued Permit will be required following review and approval by the NPCA. The proposed gravel parking area (with 9 spaces) nearest Regional Road 20 is proposed to be outside of the NPCA Regulated Areas and will not require an NPCA Permit.

The NPCA is therefore supportive of the specifications outlined in the Minor Variance Application, A03/2025WL.

Future Proposed Farming Activity Layout

Please be advised, it is to the NPCAs knowledge that proposed agricultural-related activities are proposed throughout the subject lands with proposed encroachment within NPCA Regulated Areas and potentially Regulated Areas; activities of which were not identified within the Minor Variance Application A03/2025WL. This includes but may not be limited to proposed tree farming, pumpkin patch areas, and a cow pasture.

To ensure all NPCA regulated features are accurately identified and all potential hazards are considered the NPCA will require that the applicant complete a scoped technical memo to support the proposed agricultural-related activities areas and, the NPCA will require an overlay of all NPCA Regulated Areas and associated buffers. The scoped technical memo should include the following information:

- NPCA Policy Overview
- A description of all regulated features identified on the subject property (watercourses, evaluated and unevaluated wetlands), this may also include a description of the site generally, including current and historical land uses
- A description of the proposed works and activities
- Impact assessment that identifies potential impacts to the identified regulated features, as a result of, the proposed development/activities
- Mapping that depicts regulated features, buffer areas and proposed development/activities
- Recommendations and mitigation measures
- Photos Appendix, which includes photos all NPCA regulated features

Please be advised that proposed activities (including agricultural activities) are not permitted within wetlands or watercourses. If developmental activities and/or agricultural activities are proposed within a buffer area, the NPCA can entertain this however, the NPCA will require to review proposed site plans, the scoped technical memo, prior to approval. Additional comments maybe provided following our review of the submitted requirements and, possible Permits maybe required depending on the scope, nature, and location to meet the satisfaction of NPCA staff and Policies.

Conclusion

The NPCA is supportive of to the specifications outlined in the Minor Variance Application, A03/2025WL. Please be advised that the NPCA will require ongoing circulation of future proposals for the subject property including, circulation for the proposed layout of agricultural related activities (i.e., tree farming, pumpkin patch, cow paster, or other). All works and activities that encroach within NPCA Regulated Areas will require NPCA review and approval to meet the satisfaction of staff and policies at the time of submitted applications. Please note, if the active NPCA Permit (202401236) does require a proposed revision, the applicant shall apply for an amendment (if permissible) prior to the start of development.

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,



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

From: Jeni Fisher
Sent: February 11, 2025 2:09 PM
To: Madyson Ettl
Subject: FW: Notice of Hearing - February 26th, 2025

From: Ben Agro
Sent: February 11, 2025 2:01 PM
To: Jeni Fisher <jfisher@westlincoln.ca>
Cc: Gerrit Boerema <gboerema@westlincoln.ca>
Subject: RE: Notice of Hearing - February 26th, 2025

Hi Jeni,

The following are Building Department Comments;

- Minor Variance – A01/2025WL – 2477 St Ann’s Road

Proposed Private Garage

- 1) Building permit application and building permit fees required
- 2) Proposed use and architectural drawings for review required
- 3) Possible fire rated wall may be required at rear wall of proposed garage without any unprotected openings

- Minor Variance – A02/2025WL – 9371 Silver Street

Proposed Food Truck/Structure

- 1) Building permit application and building permit fees
- 2) Architectural drawings required for prefabricated building
- 3) Water supply and on site sewage system design/connections

Minor Variance – A03/2025WL – 4299 Regional Road 20

Proposed OFDU (On Farm Diversified Use) Building

- 1) Building Permit application with building permit fees required
- 2) Building Matrics required
- 3) Architectural plans required
- 4) Development charges
- 5) On site sewage design and permit required
- 6) Provisions for fire fighting
- 7) Fire routes

Proposed Farm Market Building

- 1) Building permit application was submitted for a hay storage building under building permit # 240151 but now proposing a Farm Market Building therefore permit application to be revised and submitted
- 2) Building Matrics required
- 3) Development charges
- 4) Washroom would be required for retail use
- 5) On site sewage design and permit required

From: Jennifer Bernard
Sent: February 18, 2025 3:02 PM
To: Jeni Fisher
Cc: Madyson Ettl
Subject: RE: Notice of Hearing - February 26th, 2025

Follow Up Flag: Follow up
Flag Status: Completed

Hi Jeni,

I have no comments to provide on these minor variance applications from an Operations perspective.

Thanks,
Jenn

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

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Sent: February 6, 2025 4:34 PM
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