



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

Wednesday, April 30, 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	
Minor Variance Application A04/2025WL – Gumbert (Agent, Jeremy Brown –Niagara Planning Consultants) for 8501 Young Street has been adjourned to next month.	
4. APPLICATIONS	
a. A05/2025WL – Rumph (Agent, Darren Draaistra –Draaistra Contracting)	3
Property Address: 4891 Vaughan Road	
A Minor Variance application has been applied for and is seeking relief from Part 3.10 <i>Minimum Distance Separation</i> of the Township's Zoning By-Law 2017-70, as amended. The required MDS I setback for the dwelling approved by the Ontario Land Tribunal was 515 metres to the neighbouring swine barn/manure storage.	
This application is seeking relief of 1.45 metres to permit the dwelling at an MDS I setback of 513.54 metres as the dwelling has been constructed closer to the swine barn/manure storage than permitted by the Ontario Land Tribunal.	
b. Change of Condition Request - B04/2023WL – Legion Villa	12
A change of condition request has been received for Consent B04/2023WL to remove condition 3 pursuant to Subsection 53(23) of the <i>Planning Act</i> .	
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:** April 30, 2025

**FILE NO:** A05/2025WL

**REPORT NO:** COA-06-2025

**SUBJECT:** **Recommendation Report Application for Minor Variance, Rumph (Agent, Darren Draaistra – Draaistra Contracting)**

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

**OVERVIEW:**

A Minor Variance application has been submitted by Darren Draaistra on behalf of Albert and Ann Rumph, property owners of the subject property located at 4891 Vaughan Road.

A Minor Variance application has been applied for and is seeking relief from Part 3.10 Minimum Distance Separation of the Township's Zoning By-Law 2017-70, as amended. The required MDS I setback for the dwelling approved by the Ontario Land Tribunal was 515 metres to the neighbouring swine barn/manure storage.

This application is seeking relief of 1.46 metres to permit the dwelling at a reduced MDS I setback of 513.54 metres as the dwelling has been constructed closer to the swine barn/manure storage than permitted by the Ontario Land Tribunal.

**RECOMMENDATION:**

That, the application for Minor Variance submitted by Darren Draaistra, on behalf of the property owners of the subject property, as outlined in Report COA-06-25, to permit the constructed dwelling at a reduced MDS I setback no less than 513.54 metres, BE APPROVED.

**BACKGROUND & SURROUNDING LAND USES:**

4891 Vaughan Road is a 0.56 hectare (1.39 Acre) lot located on the north side of

Vaughan Road, south of Highway 20 (Regional Road 20), east of Wellandport Road, west of Boyle Road, and north of Elcho Road.

The subject property is also located north of the Hamlet of Wellandport, south east of the Hamlet of Bismark, and west of the Hamlets of Boyle and East Boyle.

The majority of the surrounding land uses are designated in the Township's Official Plan as *Good General Agricultural Lands* and *Natural Heritage System*. The subject property is designated within the *Good General Agricultural* area. The surrounding lands are actively farmed with a number of smaller agricultural parcels and rural residential properties on either side of Vaughan Road.

This property was severed from the abutting farmland as a retirement lot in 1997. The property is zoned Agricultural 'A' and currently contains a dwelling which was recently constructed last year.

The owner is now looking to construct an attached garage and mudroom to the west side of the dwelling. Upon review of the building permit submission for the proposed addition, it was identified on the survey that the dwelling was constructed closer to the east property line and the neighbouring swine barn/manure storage than permitted with a setback of 513.54 metres, whereas the Ontario Land Tribunal (OLT) approved a MDS I setback of 515 metres. The OLT order also approved a MDS I setback of 372m to the goat barn on the neighbouring property. The required setback to the goat barn is still maintained with a MDS I setback of 384.57 metres. The original permit for the dwelling showed compliance with both MDS setbacks, however, the dwelling was constructed in a different location following the issuance of the permit.

This minor variance application is seeking relief from Part 3.10 *Minimum Distance Separation* of the Township's Zoning By-Law 2017-70, as amended. This application is seeking relief of 1.46 metres to permit the dwelling at a MDS I setback of 513.54 metres as the dwelling has been constructed closer to the swine barn/manure storage than permitted by the Ontario Land Tribunal.

#### **CURRENT SITUATION:**

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

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

The subject property is designated as *Good General Agriculture* in the Township's Official Plan (OP). The main objectives for the *Good General Agricultural Area* (Section 4.2) is protecting agricultural operations, preserving viable agricultural lands as well as, promoting small scale secondary uses which do not hinder the surrounding agricultural community. Another objective of the *Good General Agriculture* designation is minimizing the impact of non-farm uses (including new residential development) on the agricultural area. One of the mechanisms to minimize the impact between land uses in the agricultural area is the minimum distance separation formulae.

Minimum distance separation (MDS) is applicable when a non-agricultural use is proposed adjacent to an active or potential livestock facility. As per OP policy 4.2.1c) the minimum distance separation formulae is required to be utilized to determine separation distances between new or expanding livestock operations and new or expanding non-farm uses including any new residential development in all agricultural areas. The intent is to minimize land use incompatibilities relating to agricultural-related nuisances for example, odour between livestock operations and sensitive land uses (nearby residences).

The deficient MDS I setback does not appear to hinder the surrounding agricultural lands or worsening the existing conditions between the two land uses. This property permits the residential use and the provided setback of 513.54 metres still upholds the intent to minimize the impact between the newly constructed dwelling and abutting agricultural operation.

For these reasons, the proposal is still in alignment with the general intent and purpose of the Township's OP policies.

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

The subject property is zoned Agricultural 'A' with a total lot size of 0.56 hectares (1.39 acres). As outlined in Table 11 in Part 5 of the Township's Zoning By-law 2017-70, as amended, the residential use (single detached dwelling) is permitted on the property. Aside from the requested variance, the constructed dwelling complies with the applicable regulations outlined in Table 12 of the Township's Zoning Bylaw. The proposed mudroom and attached garage also comply with the applicable regulations outlined in Part 3.12.7 *Private Garages*.

Relief is required from Part 3.10 *Minimum Distance Separation* of the Township's Zoning Bylaw. As previously noted, the intent guiding the MDS requirements is minimizing land use incompatibilities between agricultural operations and surrounding residential uses. Minimum distance separation is organized into two calculations; a MDS I setback required for non-agricultural uses (construction of new residential development) whereas, MDS II setbacks are required for agricultural uses (new livestock facility or expanding of an existing operation). The Ontario Land Tribunal approved a MDS I setback of 515 metres to the neighbouring swine barn/manure storage. The dwelling was originally proposed and approved to meet the setback, however was constructed at a setback of 513.54 metres, contrary to the building permit and therefore requiring the requested relief of 1.46 metres.

The setback provided (513.54 metres) still maintains a significant distance between the constructed dwelling and the neighbouring manure storage and livestock barn. Given the large proximity still being maintained between the two land uses, the

intent and rationale behind requiring minimum distance separations is being upheld.

For these reasons, this proposal still maintains 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**

The proposal can be considered appropriate development and use of land since there are no adverse impacts anticipated on the surrounding area, including the existing agricultural and residential land uses. This property permits the residential use and was created with the intention of being a residential lot. While the MDS I setback is deficient, 513.54 metres still provides a significant distance between the two land uses which is aligned with the intent to minimize the impact of agricultural-related nuisances associated with standard farming practices (such as odour, noise, dust or flies) on nearby residential uses.

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

This proposal can be considered minor in nature as the general intent of the Township's Official Plan and Zoning Bylaw provisions are being maintained, particularly the intent to limit the impact between agricultural operations and surrounding residential land uses.

**INTER-DEPARTMENTAL & AGENCY COMMENTS:**

**Building Department:** Have reviewed the application and provided the following comments.

- 1.0 The Building Department issued an Order to Comply #2024-0024 December 16, 2024 to Albert and Ann Rumph (Owners) stating "Foundation of dwelling not built according to approved permit plans".
- 2.0 The owners were advised to apply to the C of A to obtain approval for the now existing location of the dwelling.
- 3.0 The owners also had applied for a mudroom and garage addition to the dwelling but Building Department cannot issue a permit due to the location of the now existing dwelling not being built in accordance with the approved plans. Once C of A approves the location of the dwelling a building permit can be issued for the mudroom and garage addition.

**Public Works and Engineering Department:** Have reviewed the application and offers no comments or objections.

**Septic System Inspection Manager:** Has reviewed the application as submitted and offers no objections. A septic permit was issued for the property showing compliance with Part 8 (Sewage Systems) of the Ontario Building Code.

**Niagara Peninsula Conservation Authority (NPCA):** Have reviewed the application and notes that the property contains a regulated watercourse and an associated 15-metre buffer area that travels across the northwest corner of the property in the rear yard. The completed works do not encroach within the NPCA regulated area and as such, the NPCA have no objections with this minor variance application. Please see Attachment 3 for the comments received.

**Niagara Region:** Have reviewed the application and offers no comments as they have no interest in this matter.

**PUBLIC COMMENTS:**

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

**CONCLUSION:**

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance Application (A05/2025WL) as outlined in Report COA-06-25, to permit the constructed dwelling at a reduced MDS I setback no less than 513.54 metres.

**ATTACHMENTS:**

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

**Prepared & Submitted by:**



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**Stephanie Pouliot,  
Planner**

**Approved by:**



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**Susan Smyth,  
Manager of Planning and Design**

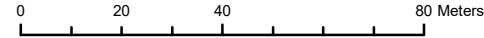




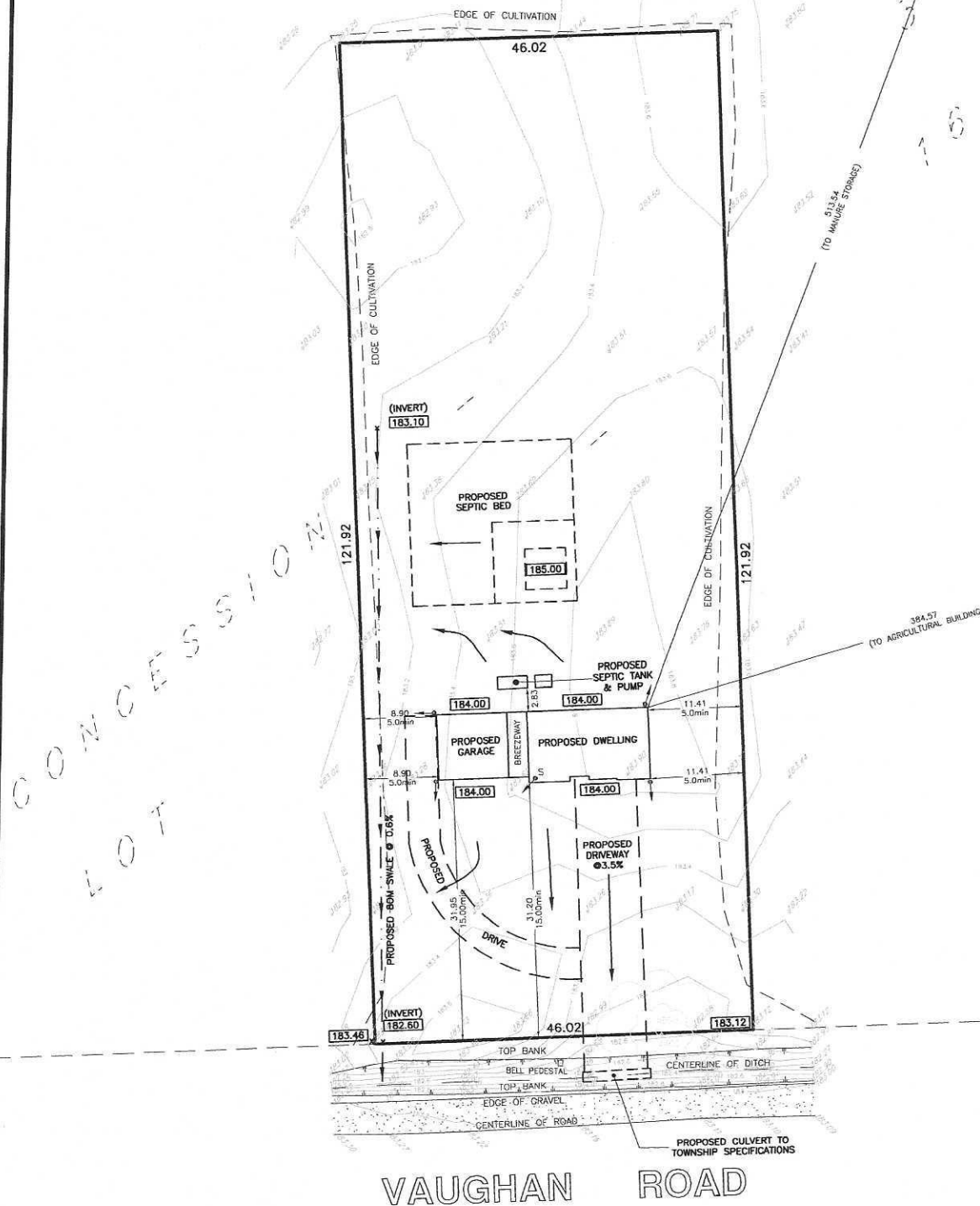
**Location Map**  
4891 Vaughan Road



Legend	
	ZoneBoundary
	Subject Property







REVISED: DECEMBER 5, 2024

**SKETCH SHOWING PROPOSED GRADES**  
PART OF LOT 16, CONCESSION 3  
TOWNSHIP OF GAINSBOROUGH

**TOWNSHIP OF WEST LINCOLN**  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 : 500 (METRIC)  
(PART 1, PLAN 30R-8745)

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY. DO NOT SCALE FROM THIS DRAWING. ALL MEASUREMENTS ARE 47' MEASUREMENTS.

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

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

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#### PROPOSED GRADING

I HEREBY CERTIFY THAT THE PROPOSED GRADING SHOWN CONFORMS WITH SOUND ENGINEERING DESIGN AND THAT THE PROPOSED GRADING IS IN CONFORMITY WITH THE ADJACENT LANDS.

NAME: DONALD G. CHAMBERS, B.Sc., O.L.S.

FIRM: CHAMBERS AND ASSOCIATES SURVEYING LTD.

SIGNATURE: *D. Chambers*

DATE: AUGUST 15, 2024

ACCEPTED BY TOWNSHIP:

#### LEGEND

173.75

173.75

(173.90)

F.F.

F.G.F.

FND.

PTG.

DENOTES

+

+

+

+

+

+

PROPOSED ELEVATION

EXISTING GROUND ELEVATION

FINISHED ELEVATION

DRAINAGE DIRECTION

PROPOSED GRADE FLOOR ELEVATION

TOP OF FOUNDATION ELEVATION

TOP OF FOOTING ELEVATION

DOWNPOUT & DIRECTION

#### AS CONSTRUCTED GRADING

I HEREBY CERTIFY THAT I HAVE TAKEN THE FINISHED GRADES SHOWN WITH RESPECT TO THIS LOT AND THAT THEY GENERALLY CONFORM TO THE APPROVED GRADING PLAN.

NAME: \_\_\_\_\_

FIRM: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

ACCEPTED BY TOWNSHIP: \_\_\_\_\_

DATE: \_\_\_\_\_

**CHAMBERS AND ASSOCIATES SURVEYING LTD.**

12 THOROLD ROAD EAST  
WELLAND ONTARIO  
L3C 3T2

(905) 735-7841 / 735-7844  
FAX (905) 735-7533  
www.cas-surveying.com

DWG 90176-6\_GP FILE 90-176-6

**BENCHMARK:**  
ELEVATIONS HEREON ARE GEODETIC AND WERE DERIVED FROM THE TOPNET RKT NETWORK, NAD83 CSRS, VERSION 3, EPOC 2010.



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

April 17, 2025

VIA EMAIL ONLY

Planning Department  
Township of West Lincoln  
318 Canborough Street,  
Smithville, ON L0R 2A0

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

**Subject: Application for Minor Variance, A05/2025WL**  
Albert and Ann Rumph (Agent, Darren Draaistra – Draaistra Contracting)  
4891 Vaughan Road, West Lincoln  
**ARN 260202001008210**

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To the Committee of Adjustment,

Further to your request for comments for the Minor Variance 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 have reviewed the current NPCA mapping of **ARN 260202001008210** and notes that the subject property does contain NPCA regulated features. The property contains a regulated watercourse and an associated 15 m buffer area that travels across the northwest corner of the property. The identified area of completed works do not encroach within the NPCA regulated limits.

With consideration to the provided intent of the Minor Variance Application (A05/2025WL), the NPCA would have no objection.

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

Yours truly,

A handwritten signature in black ink, appearing to read "Paige P.", with a stylized flourish at the end.

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



# 4891 Vaughan Road, West Lincoln - NPCA Map



4/17/2025, 1:48:48 PM

SWOOP 2020 NPCA

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

Roads

■ NPCA APPROXIMATE REGULATION LANDS

■ Assessment Parcels

— 2K Hydrography

— 2K HydroPoly

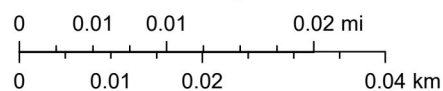
Niagara Region Ortho 2023

■ Red: Red

■ Green: Green

■ Blue: Blue

1:1,128



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



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**GROWTH AND SUSTAINABILITY DEPARTMENT  
MEMORANDUM**

**TO:** West Lincoln Committee of Adjustment

**FROM:** Gerrit Boerema, Director of Growth and Sustainability

**DATE:** April 25, 2025

**SUBJECT:** Legion Villa, 161 171 Mill Street – Change of Conditions Pursuant  
to Subsection 53(23) of the *Planning Act*  
File No. B04/2023WL

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On July 26, 2023 the Township of West Lincoln Committee of Adjustment approved a boundary adjustment application for Legion Villa at 161 171 Mill Street with conditions found in attachment 1. The application was to adjust the boundary by severing Part 3 and 4 of the attached sketch from 161 Mill Street and add it to 171 Mill Street to create a larger parcel of land to accommodate a third apartment building.

However, through discussions with former staff following the conditional approval, it was determined that the boundary adjustment would be too complex and that a merger of both properties and a severance to create a new lot would be simpler.

As such, the Committee of Adjustment needs to change the conditions of the original application to permit the severance and to remove conditions regarding an undertaking and merger. The proposed conditions can be found in Attachment 3.

Planning Staff has completed a review of this change of condition and supports the change since the desired outcome results in the same parcel fabric as the original boundary

adjustment request. Staff also reviewed the subject lands and confirms there are no unused wells, hence condition 5 has been removed.

Committee shall also deem these condition changes to be minor, and as such, no notification is required under the Planning Act.

Should you have any questions, please let me know.

Sincerely,



---

Gerrit Boerema, MCIP, RPP  
Director of Growth and Sustainability

Attachment 1: Original Notice of Decision with Conditions

Attachment 2: Survey Sketch

Attachment 3: Proposed Change to Conditions

Attachment 4: Reference Plan

FILE No. B04/2023WL

COMMITTEE OF ADJUSTMENT

In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P.13 and;  
In the matter of an application for consent on behalf of:

LEGION VILLA

PLAN M89, Lot 44, Municipally known as 161 Mill Street, Smithville

PLAN M89 PT LOT 38 LOT 43 RP; 30R2459 PARTS 1 TO 8 RP;30R6999 PARTS 7 TO 11,  
Municipally known as 171 Mill Street, Smithville

Type of Transaction for which application for consent is being made:

☒ Conveyance ☐ Mortgage or Charge ☐ Partial Discharge of Mortgage  
☐ Other \_\_\_\_\_

Subject of the application:

An application has been applied to permit a boundary adjustment where Part 3 (475.5 square metres) and Part 4 (1298.9 square metres) from 161 Mill Street will be added to 171 Mill Street, being Part 1 on the attached sketch.

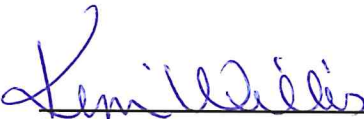
In addition to the boundary adjustment, this consent application is proposing a right-of-way, being Part 6 on the attached sketch to permit a new easement to access 171 Mill Street. After the consent application, 161 Mill Street (Part 5, 7) will retain Part 6 whereas, Part 3 and 4 will be merged with 171 Mill Street. This application is hereby:

DECISION: Granted ☒ GRANTED ☐ DENIED

The above decision is subject to the following conditions and reasons:

FOR CONDITIONS AND REASONS, REFER TO SCHEDULE 'A'  
ATTACHED TO AND FORMING PART OF THIS DECISION

  
\_\_\_\_\_  
Vice-Chair  
Peter Forsberg

  
\_\_\_\_\_  
Member  
Kim Willis

  
\_\_\_\_\_  
Member  
Deborah Coon-Petersen

Date of Decision: July 26, 2023

Date of Mailing: July 28, 2023

I hereby certify this to be a true copy of the decision of the Committee of Adjustment for the Township of West Lincoln in the Regional Municipality of Niagara and this decision was concurred in by the majority of the members who heard the application.

  
\_\_\_\_\_  
Stephanie Pouliot  
Secretary-Treasurer

Last day for filing an appeal of this decision to the Local Planning Appeal Tribunal is: August 16, 2023



This is Schedule 'A' attached to and forming part of the decision on application for Consent File B04/2023WL – on behalf of

**Conditions:**

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park land dedication, property maintenance, compliance with Zoning By-law provisions for structures, and any related requirements, financial or otherwise.
3. That an undertaking be provided to provide certainty that the ownership for Part 3 and Part 4 on the attached sketch will match the ownership on the property located at 171 Mill Street (Part 1) following consent approval to the satisfaction of the Township of West Lincoln, and that Part 3 and Part 4 merge with Part 1 and the PINS are consolidated.
4. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
5. That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.
6. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
7. That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

**Reasons:**

1. The Committee is satisfied that the application would conform to the general intent and purpose of the Provincial Policy Statement (2020), and for the consent policies of the Niagara Official Plan (2022).
2. That the application meets the general purpose and intent of the Township Official Plan policies.
3. This decision is rendered having regard to the provisions of Section 51(24) and 51(25) of the Planning Act, R.S.O 1990, as amended.

Date of Decision: July 26, 2023

Date of Mailing: July 28, 2023



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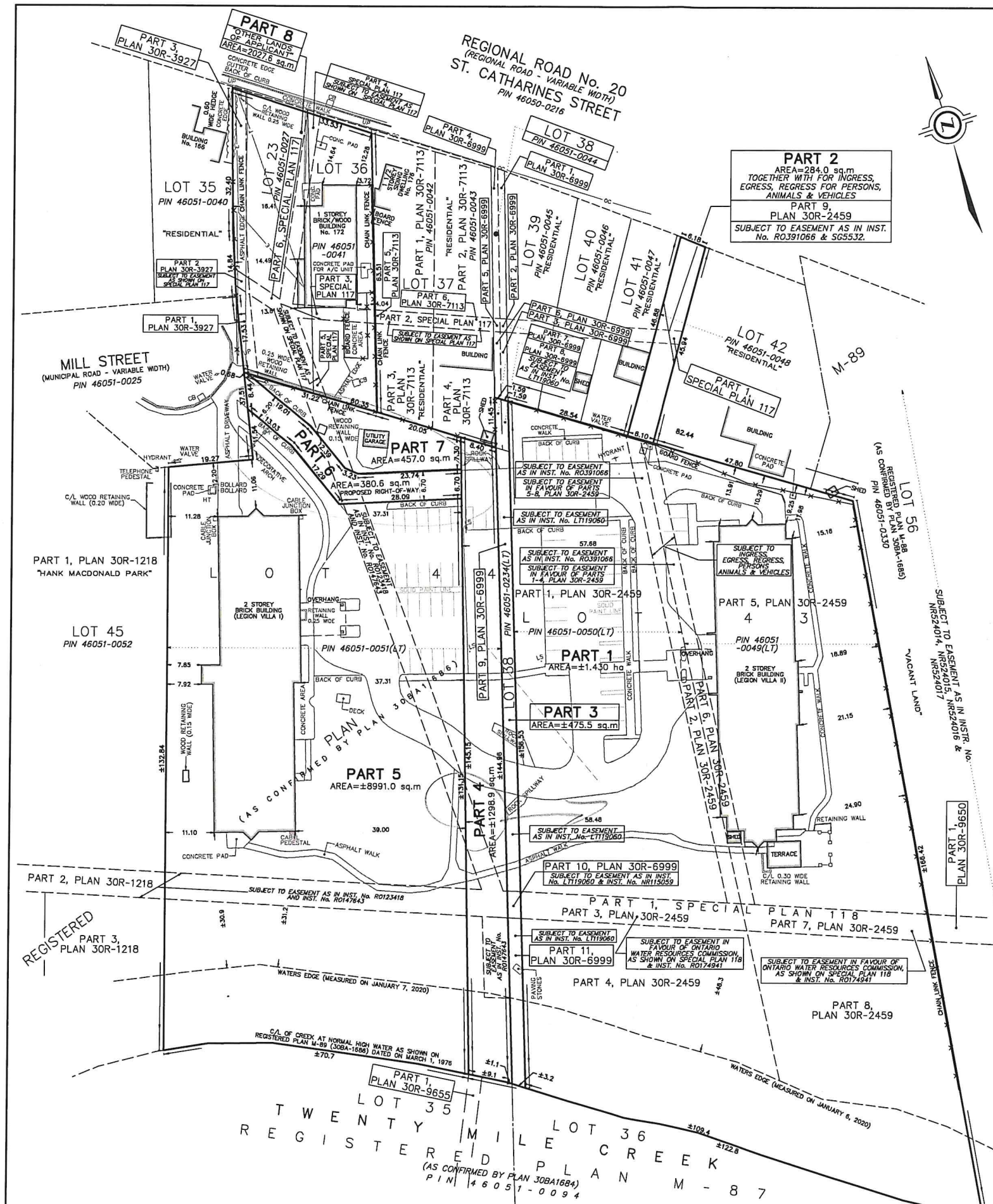
Stephanie Pouliot  
Secretary-Treasurer

**Last day for filing an appeal of this decision to the Local Planning Appeal Tribunal is: August 16, 2023**

**Effect of Public Input:**

Public consultation on the proposal for Consent application B04/2023WL was provided for a 16 day public commenting period, between July 10, 2023 and July 25, 2023. A public meeting to receive input on the proposal was held on July 26, 2023. As a result of the public consultation, the Township received 0 comments in writing and 0 oral submissions at the public meeting. Written and oral comments received throughout the consultation process were considered as part of the decision making process as discussed in Planning Report COA-014-23 and the recorded minutes of the July 26, 2023 hearing date.





NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY  
SKETCH FOR PLANNING PURPOSES ONLY

**161 & 171 MILL STREET**  
TOWNSHIP OF WEST LINCOLN  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 500

J.D. BARNES LIMITED  
© COPYRIGHT 2023

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

**KEY PLAN (not to scale)**

TOWNSHIP OF WEST LINCOLN

**TOPOGRAPHIC LEGEND**

CB	DENOTES CATCHBASIN
HT	DENOTES HYDRO TRANSFORMER
UP	DENOTES UTILITY POLE
LS	DENOTES LIGHT STANDARD
OC	DENOTES OVERHEAD CABLE
T	DENOTES TELEPHONE LINE
XX	DENOTES FENCE

**LEGAL DESCRIPTION**  
LOTS 23, 36, 43, 44 & PART OF LOT 38 REGISTERED PLAN M-89  
AS CONFIRMED BY PLAN BA-1686

BOUNDARY INFORMATION HAS BEEN DERIVED FROM A FIELD SURVEY  
DATED JANUARY 20, 2020. THIS IS NOT A PLAN OF SURVEY.  
SOME FEATURES SHOWN ON THIS SKETCH HAVE BEEN DIGITIZED FROM  
AERIAL PHOTOGRAPHY - LOCATION IS APPROXIMATE.

JUNE 30, 2023  
DATE

ANDREW HANDSPIKER  
ONTARIO LAND SURVEYOR

**J.D. BARNES**  
LAND INFORMATION SPECIALISTS  
400 PORTAGE ROAD UNIT 1, NIAGARA FALLS, ONTARIO L2A 4M4  
T: 905-361-1000 F: 905-361-1001 www.jdbarnes.ca

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THE PURPOSE INDICATED IN THE TITLE BLOCK.  
(B) THIS SKETCH IS PROTECTED BY COPYRIGHT.



**FILE No. B04/2023WL**

**COMMITTEE OF ADJUSTMENT**

**In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P.13 and;  
In the matter of an application for consent on behalf of:**

**LEGION VILLA**

PLAN M89, Lot 44, Municipally known as 161 Mill Street, Smithville

PLAN M89 PT LOT 38 LOT 43 RP; 30R2459 PARTS 1 TO 8 RP; 30R6999 PARTS 7 TO 11,  
Municipally known as 171 Mill Street, Smithville

Type of Transaction for which application for consent is being made:

☒ Conveyance ☐ Mortgage or Charge ☐ Partial Discharge of Mortgage  
☐ Other \_\_\_\_\_

**Subject of the application:**

An application has been applied to permit a boundary adjustment where Part 3 (475.5 square metres) and Part 4 (1298.9 square metres) from 161 Mill Street will be added to 171 Mill Street, being Part 1 on the attached sketch.

In addition to the boundary adjustment, this consent application is proposing a right-of-way, being Part 6 on the attached sketch to permit a new easement to access 171 Mill Street. After the consent application, 161 Mill Street (Part 5, 7) will retain Part 6 whereas, Part 3 and 4 will be merged with 171 Mill Street. This application is hereby:

**DECISION:** \_\_\_\_\_ ☒ **GRANTED** ☐ **DENIED**

**The above decision is subject to the following conditions and reasons:**

**FOR CONDITIONS AND REASONS, REFER TO SCHEDULE 'A'  
ATTACHED TO AND FORMING PART OF THIS DECISION**

\_\_\_\_\_  
Chair  
**Kim Willis**

\_\_\_\_\_  
Member  
**Bonnie Baarda**

\_\_\_\_\_  
Member  
**Peter Forsberg**

Date of Original Decision: July 26, 2023  
**Date of Condition Change: April 30, 2025**

Date of Mailing: July 28, 2023

I hereby certify this to be a true copy of the decision of the Committee of Adjustment for the Township of West Lincoln in the Regional Municipality of Niagara and this decision was concurred in by the majority of the members who heard the application.

\_\_\_\_\_  
Stephanie Pouliot  
Secretary-Treasurer

**Last day for filing an appeal of this decision to the Local Planning Appeal Tribunal is: August 16, 2023**

This is Schedule 'A' attached to and forming part of the decision on application for Consent File B04/2023WL – on behalf of

**Conditions:**

1. That the approval applies to the transaction as applied for **and amended through a Change of Conditions on April 30, 2025.**
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park land dedication, property maintenance, compliance with Zoning By-law provisions for structures, and any related requirements, financial or otherwise.
3. ~~That an undertaking be provided to provide certainty that the ownership for Part 3 and Part 4 on the attached sketch will match the ownership on the property located at 171 Mill Street (Part 1) following consent approval to the satisfaction of the Township of West Lincoln, and that Part 3 and Part 4 merge with Part 1 and the PINS are consolidated.~~
4. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
5. ~~That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.~~
6. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
7. **That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment *[of the change of condition]*, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.**

**Reasons:**

1. The Committee is satisfied that the application would conform to the general intent and purpose of the Provincial Planning Statement (2024), and for the consent policies of the Official Plan.
2. That the application meets the general purpose and intent of the Township Official Plan policies.
3. This decision is rendered having regard to the provisions of Section 51(24) and 51(25) of the Planning Act, R.S.O 1990, as amended.

Date of Original Decision: July 26, 2023  
**Date of Change of Condition: April 30, 2025**

Date of Mailing: July 28, 2023

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Stephanie Pouliot  
Secretary-Treasurer

**Last day for filing an appeal of this decision to the Local Planning Appeal Tribunal is: August 16, 2023**

**Effect of Public Input:**

Public consultation on the proposal for Consent application B04/2023WL was provided for a 16 day public commenting period, between July 10, 2023 and July 25, 2023. A public meeting to receive input on the proposal was held on July 26, 2023. As a result of the public consultation, the Township received 0 comments in writing and \_ oral submissions at the public meeting. Written and oral comments received throughout the consultation process were considered as part of the decision making process as discussed in Planning Report COA-014-23 and the recorded minutes of the July 26, 2023 hearing date. As per the request pursuant to Subsection 53(23) of the Planning Act, the Committee of Adjustment members granted the change of condition request on behalf of Legion Villa. It is the Committee of Adjustment's opinion that the condition change is minor and no additional notice is required. It's important to note, two of the members present at the April hearing also sat at the original hearing held month on July 26<sup>th</sup>, 2023.



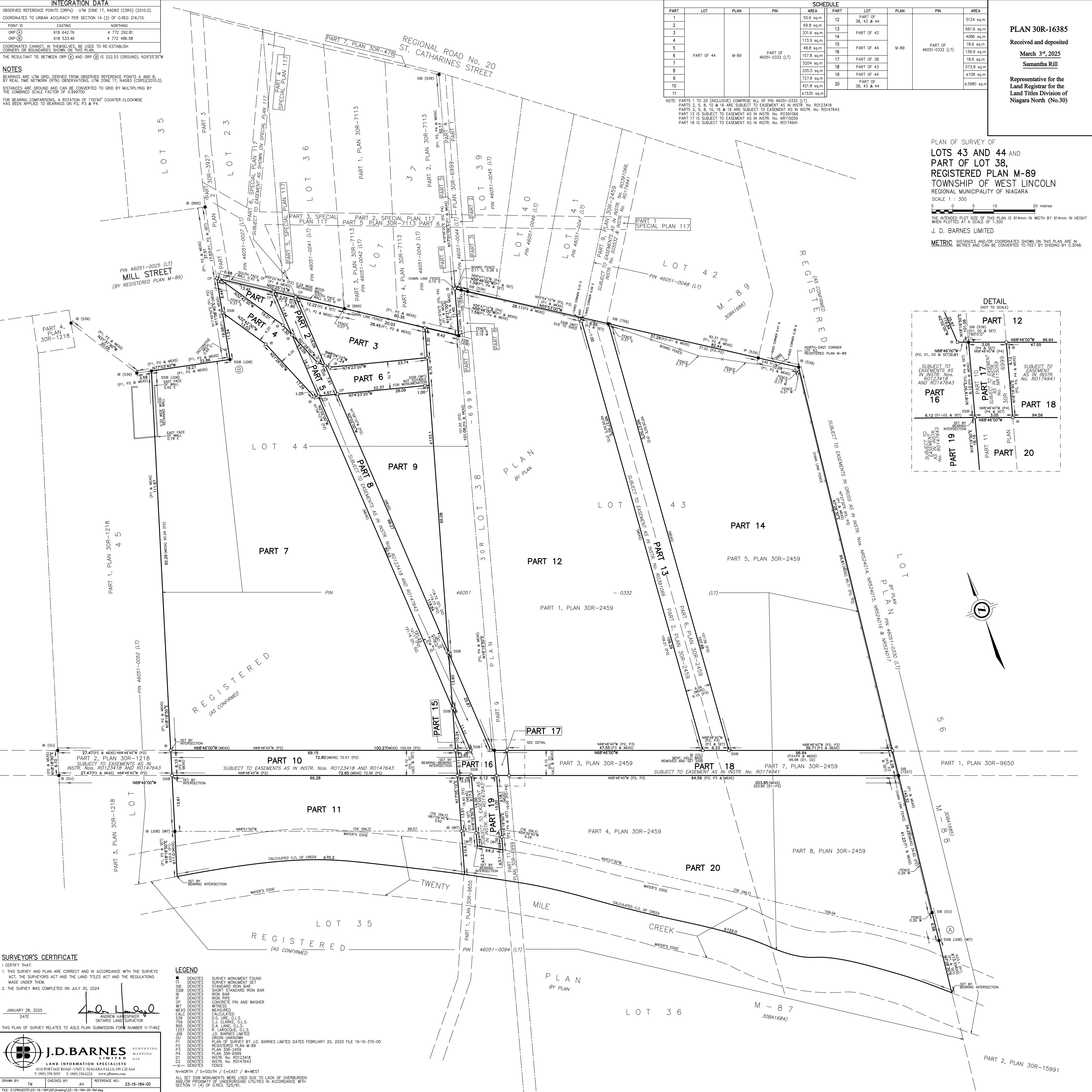
INTEGRATION DATA			
OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0).			
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.			
POINT ID	EASTING	NORTHING	
ORP (A)	618 642.76	4 772 292.81	
ORP (B)	618 533.46	4 772 486.58	
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.			

## NOTES

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999750

FOR BEARING COMPARISONS, A ROTATION OF 1°00'40" COUNTER-CLOCKWISE HAS BEEN APPLIED TO BEARINGS ON P2, P3 & P4.



PLAN 30R-16385

Received and deposited

March 3<sup>rd</sup>, 2025

Samantha Rill

Representative for the  
Land Registrar for the  
Land Titles Division of  
Niagara North (No.30)

PLAN OF SURVEY OF  
LOTS 43 AND 44 AND  
PART OF LOT 38,  
REGISTERED PLAN M-89  
TOWNSHIP OF WEST LINCOLN  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 300

5 0 5 10 20 metres

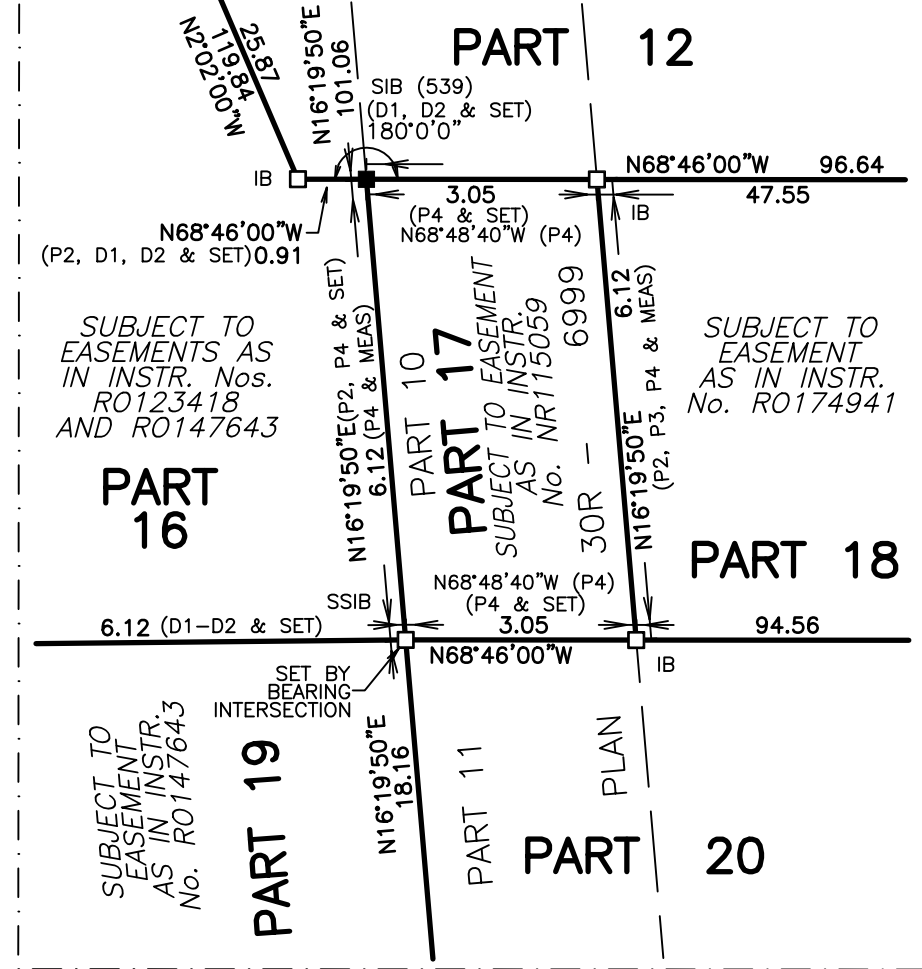
THE INVENTOR'S PLAT SIZE OF THIS PLAN IS 914mm IN WIDTH BY 914mm IN HEIGHT  
WHEN PLOTTED AT A SCALE OF 1:300

J. D. BARNES LIMITED

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

## DETAIL

(NOT TO SCALE)



**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON JULY 30, 2024

JANUARY 28, 2025  
DATE

ANDREW HANDSPKER  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-71462

**J.D.BARNES** SURVEYING  
LIMITED  
LAND INFORMATION SPECIALISTS  
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4  
T: (905) 336-3693 F: (905) 336-6224 www.jdbarnes.com

**LEGEND**

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- DENOTES STANDARD IRON BAR
- DENOTES SHORT STANDARD IRON BAR
- DENOTES IRON BAR
- DENOTES CONCRETE PIN AND WASHER
- WT DENOTES WITNESS
- MEAS DENOTES MEASURED
- CALC DENOTES CALCULATED
- S39 DENOTES D.G. URE, O.L.S.
- 799 DENOTES C.J. CLARKE, O.L.S.
- 859 DENOTES D.A. LANE, O.L.S.
- 1257 DENOTES R. LAROCQUE, O.L.S.
- DOB DENOTES J.D. BARNES LIMITED
- OU DENOTES ORIGIN UNKNOWN
- P1 DENOTES PLAN OF SURVEY BY J.D. BARNES LIMITED DATED FEBRUARY 20, 2020 FILE 19-16-370-00
- P2 DENOTES REGISTERED PLAN M-89
- P3 DENOTES PLAN 30R-2459
- P4 DENOTES PLAN 30R-6999
- D1 DENOTES INSTR. No. R0123418
- D2 DENOTES INSTR. No. R0147643
- X DENOTES FENCE

N=North / S=South / E=East / W=West

ALL SET SSB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.R.E.G. 525/91.

DRAWN BY: TW CHECKED BY: AH REFERENCE NO: 23-16-184-00  
FILE: G:\PROJECTS\23-16-184-00\Drawings\23-16-184-00 Ref.dwg  
PLOT DATE: 2/28/2025 12:18 PM