



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

Wednesday, May 28, 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 at this time.
4. **APPLICATIONS**

- a. A04/2021WL - Gumbert (Agent, Jeremy Brown –Niagara Planning Consultants)
Property: 8501 Young Street

3

A Minor Variance application has been applied for and is seeking relief from Table 1-1 (found in Part 3) of the Township's Zoning By-Law 2017-70, as amended, for existing zoning deficiencies on the property. The first variance requested is for a reduced interior side yard and rear yard setback of 1.05 metres for the existing detached garage on the property whereas, 2 metres is the minimum interior side yard and rear yard setback required for Type 2 accessory buildings in the Agricultural 'A' zone.

In addition, the property has three existing Type 2 (10.1-120m²) accessory buildings whereas, the Zoning By-Law only permits a maximum of two Type 2 accessory buildings on agricultural lots.

Table 1-1 also identifies 50 metres as the maximum distance accessory buildings or structures are permitted from a main building in an Agricultural 'A' zone. The existing detached garage is located 79.8 metres from the dwelling and the existing barn is located 70 metres from the dwelling. Therefore, the requested relief is 29.8 metres for the detached garage and 20 metres for

the barn.

- b. A06/2025WL – Lowden (Agent, Cody Van Soelen–Cav Construction Inc.)
Property: 8457 Silver Street

14

A Minor Variance application has been applied for to construct a detached accessory building (shop) with a total area of 162.58m² (163m²) on the property.

Relief is being requested from Table 1-2 (found in Part 3) of the Township's Zoning By-Law 2017-70, as amended. The first variance requested is for a shop with a ground floor area no greater than 163m², whereas, 120m² is the maximum ground floor area permitted for accessory buildings or structures in a Residential Low Density 'R1A' zone. Therefore, the requested relief is approximately 43m².

Table 1-2 also identifies 5 metres as the maximum height for accessory buildings or structures within a residential zone. The proposed height for the shop is 6.4 metres measured to the roof ridge. However, the Zoning By-Law identifies that in the case of a pitched roof, the height shall be measured to the midway point between the eaves of the majority of the roof and the ridge. As such, the proposed height measured to the mid-peak is 5.4 metres, therefore the requested relief is 0.4 metres.

5. MINUTES FOR APPROVAL

- | | | |
|----|---|----|
| a. | January 29th, 2025 Committee of Adjustment Annual General Meeting (AGM) Minutes | 25 |
| b. | January 29th, 2025 Committee of Adjustment Hearing Minutes | 27 |
| c. | February 26th, 2025 Committee of Adjustment Hearing Minutes | 31 |

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: May 28, 2025

FILE NO: A04/2025WL

REPORT NO: COA-07-2025

SUBJECT: **Recommendation Report Application for Minor Variance, Gumbert (Agent, Jeremy Brown – Niagara Planning Consultants)**

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

OVERVIEW:

A Minor Variance application has been submitted by Jeremy Brown on behalf of the property owners, William and Carol Gumbert, of the subject property located at 8501 Young Road.

This application is seeking relief from Table 1-1 (found in Part 3) of the Township's Zoning By-law 2017-70, as amended, as there are existing zoning deficiencies on the property for existing accessory buildings.

A variance is requested for a reduced interior side yard and rear yard setback of 1.05 metres for the existing detached garage on the property whereas, 2 metres is the minimum interior side yard and rear yard setback required for Type 2 accessory buildings in the Agricultural 'A' zone.

A variance is requested to permit three Type 2 (10.1-120 m²) accessory buildings whereas, the Zoning By-law only permits a maximum of two Type 2 accessory buildings on agricultural zoned lots.

A variance is requested to permit the existing detached garage 79.8 metres from the dwelling and the existing barn at a distance of 70 metres from the dwelling whereas, 50 metres is the maximum distance accessory buildings or structures are permitted from a main building in an Agricultural zone. Therefore, the requested relief is 29.8 metres for the detached garage and 20 metres for the barn.

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

RECOMMENDATION:

That, the application for Minor Variance submitted by Jeremy Brown, on behalf of the property owners of the subject property, as outlined in Report COA-07-25, to permit a reduced interior side and rear yard of 1.05 metres for the existing detached garage, to recognize the three existing accessory buildings on an agricultural lot, and to allow the existing detached garage 79.8 metres from the dwelling and the existing barn at a distance of 70 metres from the dwelling, BE APPROVED, subject to the following condition:

1. That the Applicant submit a building permit application for the existing detached garage to the satisfaction of the Township's Building and Planning Departments.

BACKGROUND & SURROUNDING LAND USES:

8501 Young Street has a total lot size of 0.81 hectares (2 acres) located on the north side of Young Street. The subject lands are situated east of South Grimsby Road 15, north of Highway 20, South of Mud Street West, and east of Grassie Road.

The subject property is also located north west of the Settlement Area of Smithville and the Hamlet of Grimsby Centre, and the Hamlet of Kimbo and situated north east of the Hamlet of Fulton and south west of the Hamlet of Grassie.

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 located within the *Good General Agriculture Area*.

The surrounding lands are actively farmed with large agricultural properties to the north, west and east of the property. There are also a number of small agricultural holdings on the south of Young Street and the abutting property to the west is also a small agricultural holding. The subject property is a smaller agricultural holding and is zoned Agricultural 'A' in the Township's Zoning By-law, however the existing land use has functioned historically as a rural residential lot.

The Applicant has indicated that this application has been applied for to bring the property into compliance with the Township's Zoning By-law prior to making alterations to the existing dwelling on the property. There are three existing accessory buildings on the property which the uses will continue including a detached garage, barn and shed. These buildings provide storage space and serve a useful function to the needs of the rural residential property.

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 OP policy of the *Good General Agricultural Area* (Section 4.2) designation promotes small scale secondary uses and agriculture-related uses that are compatible with the surrounding agricultural land uses. This designation also minimizes the impact of non-farm uses on the agricultural area.

Additionally, this designation recognizes that there are a number of legally established non-agricultural land uses, and that these uses, including the residential use of the subject lands, may continue (Policy 4.4.2g). These uses have existed and the variance requests are bringing the uses into compliance and not expected to hinder the surrounding agricultural lands.

The OP also recognizes that there are rural residential uses scattered throughout the agricultural area consisting primarily of single detached dwellings which are permitted to have associated accessory buildings and uses. The existing storage buildings are accessory to the residential use on the property and permitted as secondary uses to the existing dwelling. The existing accessory buildings have served a necessary function including providing useful storage space relating to the property's rural residential purposes.

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. Since these buildings have existed for some time, they have not created any known negative impact to the abutting farmland.

As the accessory buildings support the primary use of the property without negatively impacting the abutting properties including the surrounding agricultural land, the requested relief for the continued use of these buildings is aligned with the general intent and purpose of the Township's OP policies.

Does the proposal maintain the general intent and purpose of the Zoning By-law? Yes

The subject property is zoned Agricultural 'A' with a total lot size of 0.81 hectares (2 acres). The principal use of the property is the existing single detached dwelling which is permitted to have secondary uses including accessory buildings and structures. The existing detached garage, barn and shed are permitted in conjunction with the residential use on the property as outlined in Table 11 (found in Part 5 *Agricultural Zones*) of the Township's Zoning By-law 2017-70, as amended.

The existing detached garage has a rear yard setback of 1.05 metres to the north property line and 1.05 metres to the east property line, whereas Table 1-1 (found in Part 3) of the Township's Zoning By-law 2017-70, as amended, identifies 2 metres as the minimum interior side and rear yard setbacks for a Type 2 accessory building within an Agricultural 'A' zone.

This application is also requesting relief to allow the existing shed to remain on the property for a total of three Type 2 accessory buildings whereas, the Zoning By-law only permits a maximum of two Type 2 accessory buildings on agricultural lots.

Additionally, as the existing detached garage is located 79.8 metres away from the dwelling and the existing barn located 70 metres from the dwelling. This application has also requested relief to allow these existing accessory buildings to be further from the principal building (dwelling) than permitted by the Township's Zoning By-law. The maximum accessory buildings or structures are permitted from a main building is 50 metres, therefore, the requested relief would be 29.8 metres for the detached garage and 20 metres for the barn. The shed is located within the 50 metres and does not require relief.

Staff have thoroughly reviewed the information provided and reviewed aerials of the property, and aside from the requested variances, the existing buildings comply with the remainder of the required setbacks identified in Table 1-1 in Part 3 and Table 12 in Part 5 of the Township's Zoning By-law. Staff would like to note the existing height was not communicated and the required height for a Type 2 accessory building on an agricultural property is limited to 5.5 metres. As a condition of approval, the Applicant is required to submit a building permit for the existing detached garage and Staff will confirm compliance with Table 1-1 at that time.

The existing interior side yard and rear yard setback for the existing detached garage of 1.05 metres still provides sufficient separation from the neighbouring property and space to maneuver around the building for maintenance purposes.

The 50 metre setback from the main building is to maintain existing clusters and ensure accessory buildings and uses are in close proximity to the principal use on the property. As the property is not actively farmed and has historically functioned as a rural residential lot, the existing buildings serve the existing dwelling and the storage needs of the property. For these reasons, this proposal maintains the general intent and purpose of the Township's Zoning By-law, subject to the condition of approval.

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

This proposal is considered to be appropriate development and use of land since there are no adverse impacts anticipated on the surrounding area (including the abutting farmland) with the requested variances. These buildings have existed for some time without causing any known adverse impacts on the abutting farm parcel such as drainage issues.

These buildings are all accessed by an existing driveway which is situated to the east property line and connects to the primary driveway and access to the dwelling. Given the layout of the site and the existing driveway which accesses the existing buildings on the lot, it is clear these accessory buildings support the primary residential use of

the property. The Applicant has also indicated that the use of these buildings is still required for continued storage space and functionality of the property.

The property is also surrounded by mature trees within the front yard and directly abutting the east property line is a portion of woodlands from the farm parcel which provides screening from the public street (Young Street). There is also a row of shrubs planted to the west of the existing detached garage and barn which provides slight screening from South Grimsby Road 15. Given the vegetation buffer being provided, the existing residential use of the subject lands, and that the existing buildings are permitted in conjunction with the residence, this proposal can be considered an appropriate use of the lands.

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 By-law provisions are being maintained. These accessory buildings are permitted in conjunction with the existing residence and provides useful storage space for the property. The existing accessory buildings are compatible with the existing land uses and there have been no known adverse impacts on the surrounding area including the abutting farmland, to the Township's knowledge.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Building Department: Have reviewed the application and it appears there is no record of a permit for the existing detached garage on the property. As such, a condition has been included to satisfy the noted concern and ensure the building obtains the proper permit. Please see below for additional comments received by the Chief Building Official.

1. The existing building set back is less than 1.20 meters and would require a 45 minute Fire Resistance Rating on the wall.
2. A building permit is required for the 45 minute Fire Resistance Rating of the wall that is less than 1.20 meters setback from property line.
3. Building permit application and fees to be submitted to the building department.

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.

Niagara Peninsula Conservation Authority (NPCA): Have reviewed the application and notes that the property contains potential unevaluated wetlands, a watercourse, a 15 metre regulated buffer area from the watercourse top of bank, and an associated unmapped floodplain area. This minor variance is seeking relief for existing structures on the subject property. As there are no proposed structures at this time and the minor variance pertains to

existing structures only, the NPCA has no objections to the application.

Additionally, the NPCA have noted any future proposed works will require NPCA review and approval prior to the start of development. The applicant maybe subject to the completion of requirements (i.e., site visit, floodplain mapping, or other) to ensure the proposed works meet the satisfaction of the NPCA staff and Policy requirements. Depending on the scope, nature, and location of future proposed works on the subject property, an NPCA works Permit may be of a requirement prior to the start of works. Please see Attachment 3 for more information.

Niagara Region: Have reviewed the application and notes the property is impacted by the Region's Natural Environment System (NES), consisting of the Significant Woodland, a Permanent and Intermittent Watercourse, and Other Wetlands. Watercourses and Other Wetlands are considered Key Hydrologic Features (KHF) outside of Settlement Areas. Policies in the *Niagara Official Plan, 2022 (NOP)* require the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 metres of KHFs/Significant Woodland. However, Regional Environmental Planning staff acknowledge that the buildings requiring the minor variances have been in place for over 15 years and as such, Regional staff offer no objections.

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 (A04/2025WL) as outlined in Report COA-07-25, to permit a reduced interior side and rear yard of 1.05 metres for the existing detached garage, to recognize the three existing accessory buildings on an agricultural lot, and to allow the existing detached garage 79.8 metres from the dwelling and the existing barn at a distance of 70 metres from the dwelling, subject to the condition of approval.

ATTACHMENTS:

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

Prepared & Submitted by:

**Stephanie Pouliot,
Planner**

Approved by:

**Susan Smyth, CPT
Manager, Community Planning and Design**

South Grimsby Road 15

A

8501

3107

Young Street

EC

EC

EC

N

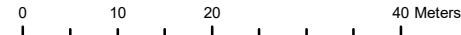
Location Map
8501 Young Street

West Lincoln
Your Future Naturally

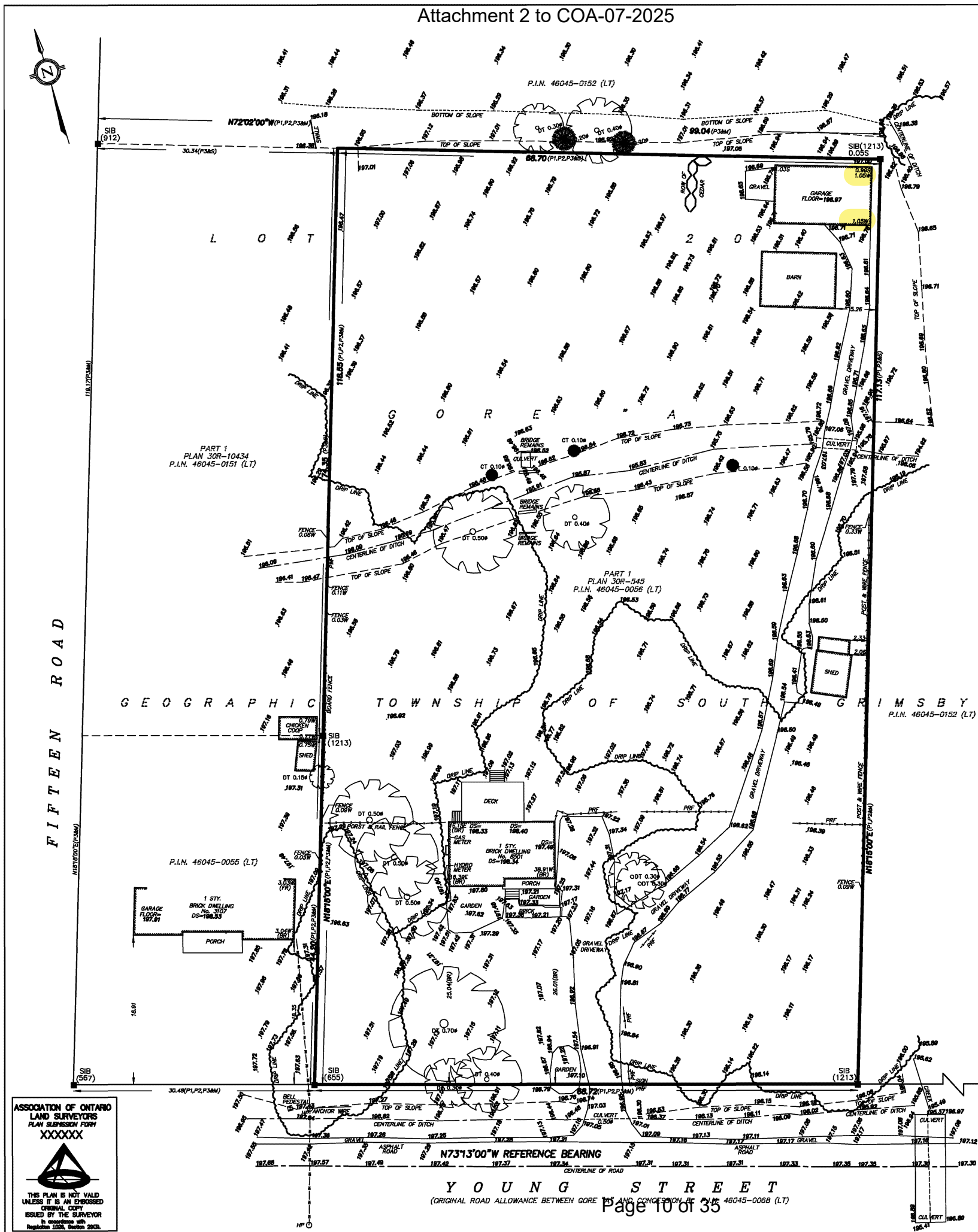
Legend

ZoneBoundary

Subject Property



April 2025



SURVEYOR'S REAL PROPERTY REPORT,
PART 1
PAR OF LOT 20
GORE 'A'
GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY
IN THE
TOWNSHIP OF WEST LINCOLN
(REGIONAL MUNICIPALITY OF NIAGARA)

SCALE & NOTES

SCALE: 1:300
0 2 4 6 8 10 20 30 Metres

THOMAS GONDO
ONTARIO LAND SURVEYOR
© COPYRIGHT 2024

LEGEND

■	SURVEY MONUMENT FOUND
□	SURVEY MONUMENT PLANTED
IB	IRON BAR
SIB	STANDARD IRON BAR
OU	DENOTES ORIGIN UNKNOWN
N-E-W-S	DENOTES NORTH - EAST - WEST - SOUTH
S	DENOTES SET
M	DENOTES MEASURED
P1	DENOTES PLAN BY MacKAY, MacKAY & PETERS, O.L.S.
P2	DENOTES PLAN 30R-545
P3	DENOTES PLAN 30R-10434
DS	DENOTES DOOR SILL
HP	DENOTES HYDRO POLE
BR	DENOTES BRICK
FR	DENOTES FRAME
PWF	DENOTES POST & WIRE FENCE
PRF	DENOTES POST & RAIL FENCE
DT	DENOTES DECIDUOUS TREE
CT	DENOTES CONIFEROUS TREE
912	DENOTES A.J. CLARKE AND ASSOCIATES LTD.
1213	DENOTES J.D. PETERS, O.L.S.
655	DENOTES J.T. PETERS, O.L.S.
567	DENOTES R.B. ERWIN, O.L.S.
---	DENOTES SUBJECT LANDS BOUNDARY
---	DENOTES DEED LINE
---	DENOTES LOT LINE
-x-x-x-	DENOTES LIMIT OF STREET
-x-x-x-	DENOTES FENCE LINE
-x-x-x-	DENOTES OVER HEAD WIRE

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

BEARING NOTE
BEARINGS ARE ASTROMOMIC AND ARE REFERRED TO THE NORTHERLY
LIMIT OF YOUNG STREET, HAVING A BEARING OF N73°13'00"W
AS SHOWN ON PLAN 30R-545.

BENCH MARK
ELEVATIONS ARE GEODETIC AND ARE REFERRED TO COSINE BENCHMARK
No. 07720030029 HAVING AN ELEVATION OF 198.809 Metres, DATUM:CGVD28:78.

THIS PLAN WAS SIGNED WITH A SCANNED SIGNATURE AS A RESULT OF THE
EMERGENCY ORDER RELATED TO THE COVID-19 PANDEMIC

PART 2 - SURVEY REPORT

REGISTERED EASEMENTS AND/OR RIGHT OF WAYS:

- THERE WERE NO REGISTERED RIGHT OF WAY LISTED ON THE PARCEL REGISTER FOUND AT THE LAND REGISTRY OFFICE
- THERE WERE NO REGISTERED EASEMENTS LISTED ON THE PARCEL REGISTER FOUND AT THE LAND REGISTRY OFFICE

REGISTERED EASEMENTS AND/OR RIGHT OF WAYS:

- THERE WERE NO BOUNDARY FEATURES OBSERVED TO SUGGEST AN UNREGISTERED EASEMENT

COMPLIANCE WITH MUNICIPAL BY-LAWS

- THE PLAN DOES NOT CERTIFY ZONING COMPLIANCE

OTHERS

- THE FENCES ARE NOT ALWAYS ON THE PROPERTY LINES

THIS SURVEY IS PREPARED EXCLUSIVELY FOR BILL & CAROL GUMBERT AND
THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR USE BY OTHERS.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON JUNE 19, 2024.

DATE: JUNE 25, 2024

THOMAS GONDO
ONTARIO LAND SURVEYOR

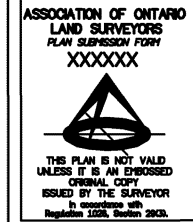


Lejan land surveying inc
572 Barton Street
Stoney Creek, ON L8E 5N3
Phone: 905-643.6131
Email: info@lejansurveying.ca

DWN BY: KC

CHK BY: TG

JOB No. 24-098



THIS PLAN IS NOT VALID
UNLESS IT IS AN ENCLOSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 2226, Section 24(2).



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

April 17, 2025

NPCA File No.: 202500522

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, A04/2025WL
William and Carol Gumbert
8501 Young Street, West Lincoln
ARN 260203001128000

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 has reviewed the NPCA Mapping of **ARN 260203001128000** and notes that the property is impacted by NPCA regulated features. The subject property contains potential unevaluated wetlands, a watercourse, a 15 meter regulated buffer area from the watercourse top of bank, and an associated unmapped floodplain area.

As advised within the minor variance application provided description, the minor variance is to seek relief for existing structures on the subject property. As there are no proposed structures at this time and the minor variance pertains to existing structures only, the NPCA would have no objection.

There is mention of forthcoming proposals for development on the subject property. At this time, the NPCA are unaware of the potential proposed works on the subject property that are being considered. As noted, the subject property does contain NPCA regulated features as such, the NPCA will require circulation of proposed works to review to ensure that any works comply with NPCA Policies and meet the satisfaction of NPCA staff. Depending on the scope, nature, and location of the proposed works, the applicant may be subject a site visit by the NPCA to further assess and verify the presence of features (i.e., wetlands) and may require the completion of additional requirements such as floodplain mapping. Should proposed works be within the NPCA regulated limits, an NPCA work Permit will be required prior to the start of development.

Conclusion

At this time, the NPCA staff have no objections to the Minor Variance Application, A04/2025WL.

Please be advised that any future proposed works will require NPCA review and approval prior to the start of development. The applicant maybe subject to the completion of requirements (i.e., site visit, floodplain mapping, or other) to ensure the proposed works meet the satisfaction of the NPCA staff and Policy requirements. Depending on the scope, nature, and location of future proposed works on the subject property, an NPCA works Permit may be of a requirement prior to the start of works.

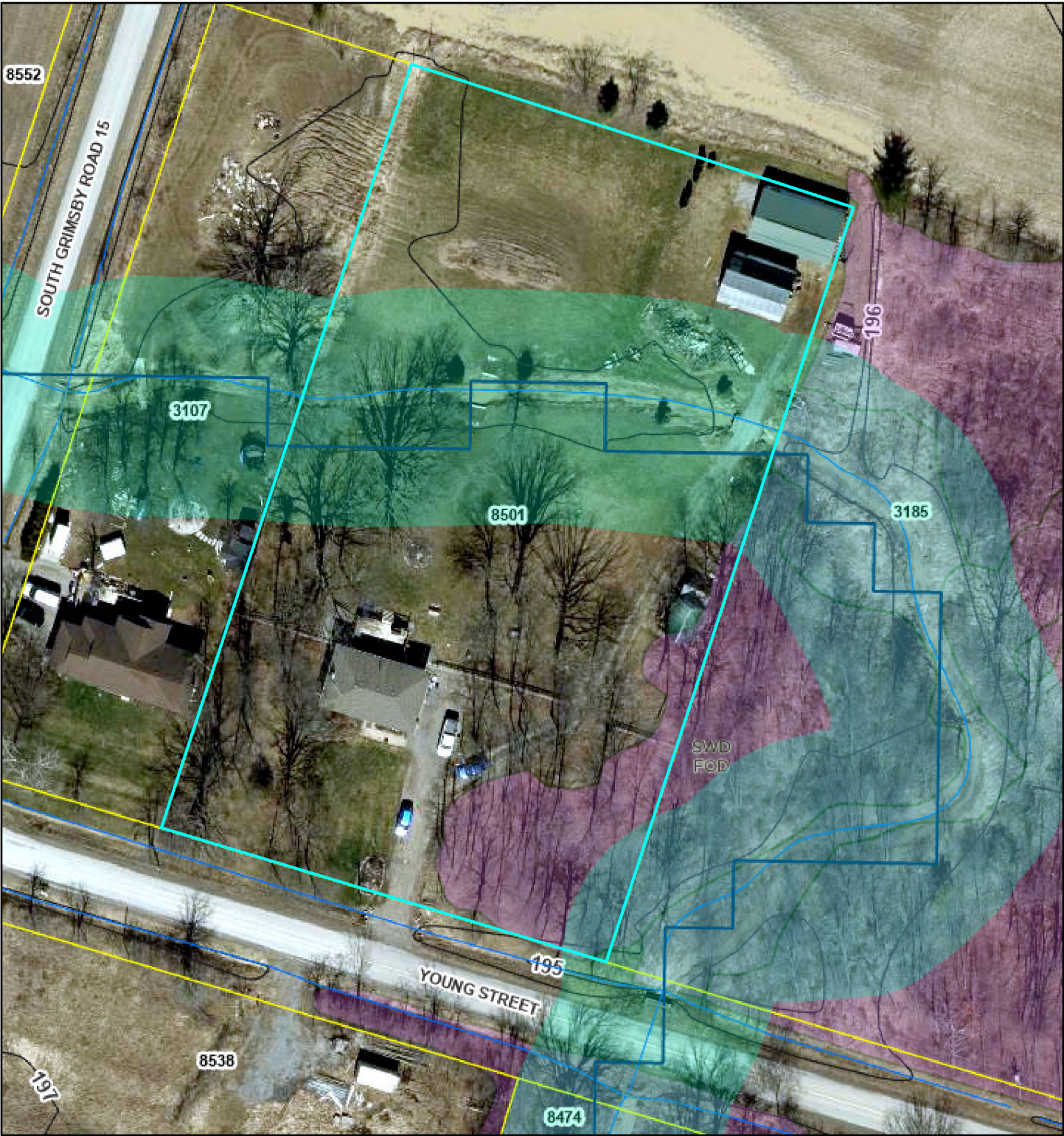
I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter.

Yours truly,



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

8501 Young Street, West Lincoln - NPCA Map



4/17/2025, 1:51:45 PM

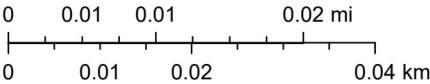
SWOOP 2020 NPCA

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Roads

NPCA APPROXIMATE REGULATION LANDS

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

DATE: May 28, 2025

FILE NO: A06/2025WL

REPORT NO: COA-08-2025

SUBJECT: **Recommendation Report Application for Minor Variance,
Lowden (Agent, Cody Van Soelen–Cav Construction Inc.)**

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

OVERVIEW:

A Minor Variance application has been submitted by Cody Van Soelen on behalf of the property owners, Henrietta and Marten Lowden and Cyrus Willem, of the subject property located at 8457 Silver Street/Bismark/Regional Road 65.

This application is seeking relief from Table 1-2 (found in Part 3) of the Township's Zoning By-law 2017-70, as amended, to construct a detached accessory building (shop) with a total area of 162.58m² (163m²) on the property.

A variance is requested for an increased ground floor area no greater than 163 square metres, whereas, 120 square metres is the maximum ground floor area permitted for accessory buildings or structures in a Residential Low Density 'R1A' zone. Therefore, the requested relief is approximately 43 square metres.

A variance is requested for an increase in building height no greater than 5.4 metres, whereas 5 metres is the maximum height for accessory buildings or structures within a residential zone. The proposed height is measured to the midway point between the eaves and the roof and ridge and requesting relief of 0.4 metres.

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

RECOMMENDATION:

That, the application for Minor Variance submitted by Cody Van Soelen, on behalf of the property owners of the subject property, as outlined in Report COA-08-25, to permit the construction of a detached accessory building (shop) with a total ground floor area no greater than 163m² and with a proposed building height measured to the midway point

between the eaves and the roof and ridge being 5.4 metres, BE APPROVED, subject to the following condition:

1. That the Applicant submit a building permit application for the proposed accessory building to the satisfaction of the Township's Building and Planning Departments.

BACKGROUND & SURROUNDING LAND USES:

8457 Silver Street/Bismark/Regional Road 65 has a total lot size of 0.53 hectares (1.31 acres) located on the north side of Silver Street. The subject lands are located within the Hamlet of Caistor Centre.

The subject lands are situated on the north side of Silver Street/Bismark/Regional Road 65 and east of Caistor Centre Road, west of Allen Road, north of Concession 3 Road, and south of Concession 5 Road. The subject lands are also located south east of the Hamlet of Abingdon, north east of the Hamlet of Caistorville, and south west of the Settlement Area of Smithville.

The majority of the surrounding land uses are designated in the Township's Official Plan as *Hamlet Settlement Area*, *Good General Agricultural Lands* and *Natural Heritage System*. The subject property is located within the *Hamlet Settlement Area* of Caistor Centre and does not contain any Natural Heritage features.

The surrounding lands are within the Hamlet of Caistor Centre, consisting of primary single detached dwellings. There are also a few commercial uses and an institutional use at the corner of Caistor Centre Road and Silver Street. The lands directly abutting to the north of the property have been added to the Hamlet boundary and intended for future residential growth. The majority of the lands surrounding the Hamlet are actively farmed with large farm parcels to the west, north and east with a number of smaller agricultural holdings (varying in lot sizes) on either side of Silver Street and south of the Hamlet.

This application is requesting two variances. The first variance is to allow the ground floor area no greater than 163 square metres whereas, 120 square metres is the maximum size permitted for accessory buildings within a Residential Low Density 'R1A' zone.

Additionally, the height of the shop is proposed at 6.4 metres which is measured to the roof ridge. However, the Zoning By-law identifies that in cases of a pitched roof, the height shall be measured to the midway point between the eaves of the majority of the roof and the ridge. As such, the proposed height is 5.4 metres measured to the mid-peak, therefore the requested relief is 0.4 metres.

The Applicant has indicated that the new accessory building (shop) is intended for personal equipment storage and to store the owners' recreational vehicle (RV). The Applicant has noted that due to the height and length of the RV, the proposed shop is

not able to comply with the Township's requirements.

CURRENT SITUATION:

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

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

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

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

Another objective of this designation is ensuring compatibility between competing uses within each Hamlet community. The subject lands are clustered by similar sized residential lots with a commercial property to the west which contains a storage building and a large shop which is situated closest to the subject property. Given the neighbouring land uses, the proposed shop will be compatible with the area and there are no adverse impacts anticipated between the land uses.

As the proposed shop is accessory to the residential use on the property and permitted as a secondary use to the existing dwelling, this proposal can be considered 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 By-law? Yes

The subject property is zoned Residential Low Density 'R1A' with a total lot size of 0.53 hectares (1.31 acres). The principal use of the property is the existing single detached dwelling which is permitted to have secondary uses including accessory buildings and structures. The property already has an existing accessory building (15m² shed). The owners are now looking to construct a new accessory building to store their RV, personal equipment, and other items associated with the residence.

As outlined in Table 13 (found in Part 6 *Residential Zones*) of the Township's Zoning By-law 2017-70, as amended, accessory buildings and structures are permitted in conjunction with a permitted principal use. The proposed shop is permitted as a secondary use to the existing residence on the property.

The first requested variance is to allow for an increase in the ground floor area of an accessory building within the 'R1A' zone. The ground floor area proposed for the shop is 163 square metres whereas, 120 square metres is the maximum size permitted.

Additionally, the proposed height of the shop is 6.4 metres measured to the roof ridge. However, the Zoning By-law identifies in case of a pitched roof, the height shall be measured to the midway point between the eaves of the majority of the roof and the ridge. As such, the proposed height is 5.4 metres measured to the mid-peak, therefore the requested relief is 0.4 metres.

The Applicant has communicated the need for the additional size and height is to accommodate the owners' RV which requires additional height and length space compared to an average vehicle.

In addition, there are provisions in Part 3.12.7 *Private Garages* of the Township's Zoning By-law which apply to this proposal. Policy 3.12.7c) outlines that detached garages shall comply with Part 3.1 of the Zoning By-law and the requested relief is satisfying that provision.

Staff have completed a thorough review of the proposed construction and aside from the requested variances, the proposed shop complies with the remainder of the required setbacks identified in Table 1-2 in Part 3 and Table 14 in Part 6 of the Township's Zoning By-law.

For these reasons, this proposal maintains the general intent and purpose of the Township's Zoning By-law regulations.

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

This proposal is considered to be appropriate development and use of land since there are no adverse impacts anticipated on the surrounding area (including the abutting farmland) with the requested variances. The abutting farmland is intended for future residential development and would permit accessory buildings and structures in conjunction with a principal residential use.

The shop is proposed in the rear yard at the end of the existing driveway. This driveway already provides access to the existing dwelling and shed. Given the layout of the site, the proposed location in the rear yard and off the existing driveway is appropriate for the accessory use.

Additionally, the neighbouring property to the west is a commercial lot with two buildings, one being a large shop which is located closest to the subject property and in line with the existing dwelling. There are some mature trees on the shared lot line which provides a slight vegetation buffer between the two land uses. In addition, the shop is proposed in the rear yard behind the neighbouring commercial shop and across from their rear parking area.

Given the surrounding land uses, the existing residential use of the property, and that the proposed shop is a permitted secondary use in conjunction with the existing dwelling, this proposal can be considered appropriate development and use of the lands.

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 By-law provisions are being maintained. The proposed accessory building is permitted in conjunction with the dwelling on the property. Upon reviewing the surrounding land uses, the proposed shop is compatible with the existing uses in the Hamlet and as previously noted, there are no adverse impacts anticipated from the proposed construction.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

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

1. A building permit is required for the proposed storage building.
2. All required architectural plans including site plan.
3. Building Permit application and fees to be submitted to the Building Department.

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.

Niagara Peninsula Conservation Authority (NPCA): Have reviewed the application and offers no concerns or objections as the property does not contain any NPCA regulated features.

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 (A06/2025WL) as outlined in Report COA-08-25, to permit the construction of a detached accessory building (shop) with a total ground floor area no greater than 163m² and with a proposed building height measured to the midway point between the eaves and the roof and ridge being 5.4 metres, subject to the

condition of approval.

1. That the Applicant submit a building permit application for the proposed accessory building to the satisfaction of the Township's Building and Planning Departments.

ATTACHMENTS:

1. Location Map
2. Site Plan
3. Building Drawings

Prepared & Submitted by:

**Stephanie Pouliot
Planner**

Approved by:

**Susan Smyth, CPT
Manager, Community Planning and Design**



Location Map
8457 Silver Street (Bismark Road)

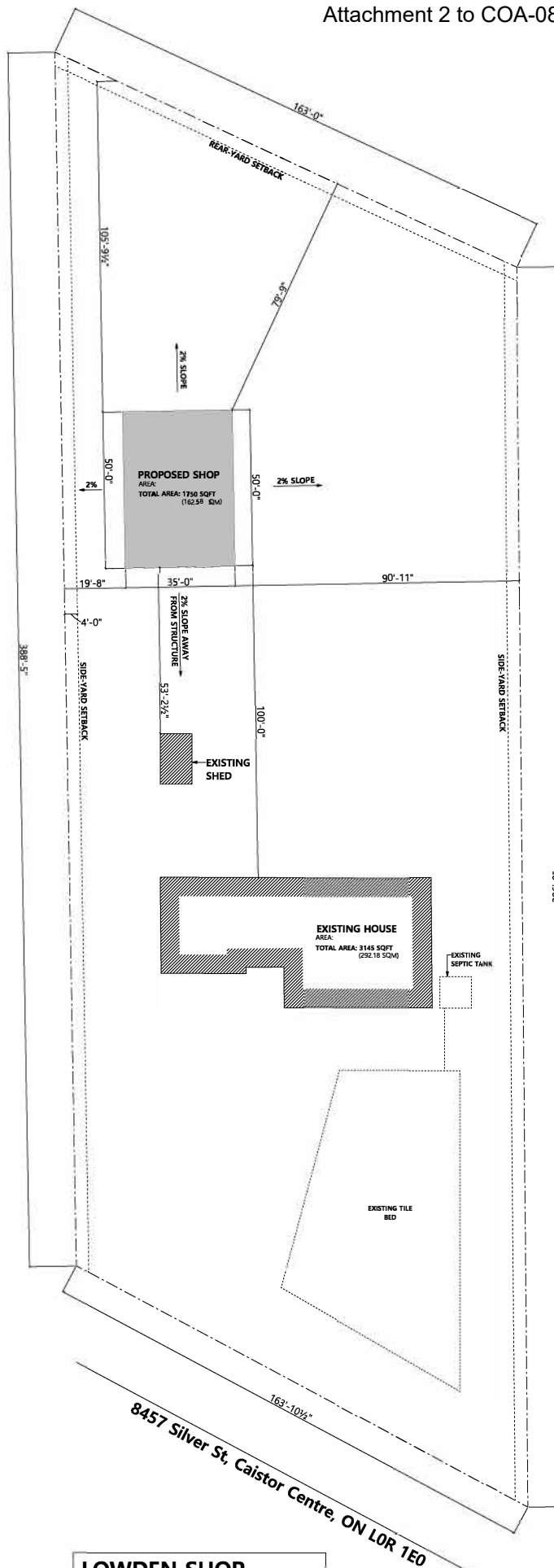
West Lincoln
Your Future Naturally

Legend

ZoneBoundary

Subject Property



**CLIMATIC & DESIGN LOAD DATA**

Smithville, Ontario

ROOF LOADING	KPA (psf)
GROUND SNOW LOAD S_g	1.5 (31.33 psf)
RAIN LOAD S_r	0.4 (8.35 psf)
SNOW LOAD FACTOR C_b	0.55
ROOF DESIGN SNOW LOAD	1.23 (25.58 psf)
ROOF & CEILING DESIGN DEAD LOAD	0.57 (12.00 psf)
FLOOR LOADING	
GROUND & SECOND FLOOR	1.92 (40.00 psf)
FLOOR/CEILING DESIGN DEAD LOAD	0.72 (15.00 psf)
WIND LOADING	
1/50 WIND PRESSURE	0.42 (8.77 psf)
1/10 WIND PRESSURE	0.33 (6.89 psf)
TEMPERATURE	
DEGREE DAYS BELOW 18°C	3650
SOIL	
ASSUMED ALLOWABLE BEARING PRESSURE AT FOOTING FOUNDING ELEVATION(S)	75 (1556 psf)
ROCK	
FREEZING INDEX (°F) - 100 YR RETURN PERIOD	1290
ELEVATION (METERS)	185

THE DESIGN DEAD LOADS SPECIFIED ABOVE ARE BASED ON THE DRAWINGS AND MATERIALS EITHER SPECIFIED OR ASSUMED. WHERE DIFFERENT OR HEAVIER MATERIALS ARE PROPOSED THE CONTRACTOR MUST NOTIFY THE DESIGNER PRIOR TO CONSTRUCTION OF ANY LOAD-BEARING ELEMENTS THAT MAY BE ADVERSELY AFFECTED.

IBD INTERACTIVE BUILDING DESIGN

**SITE PLAN**

SCALE: 1" = 15'-0"

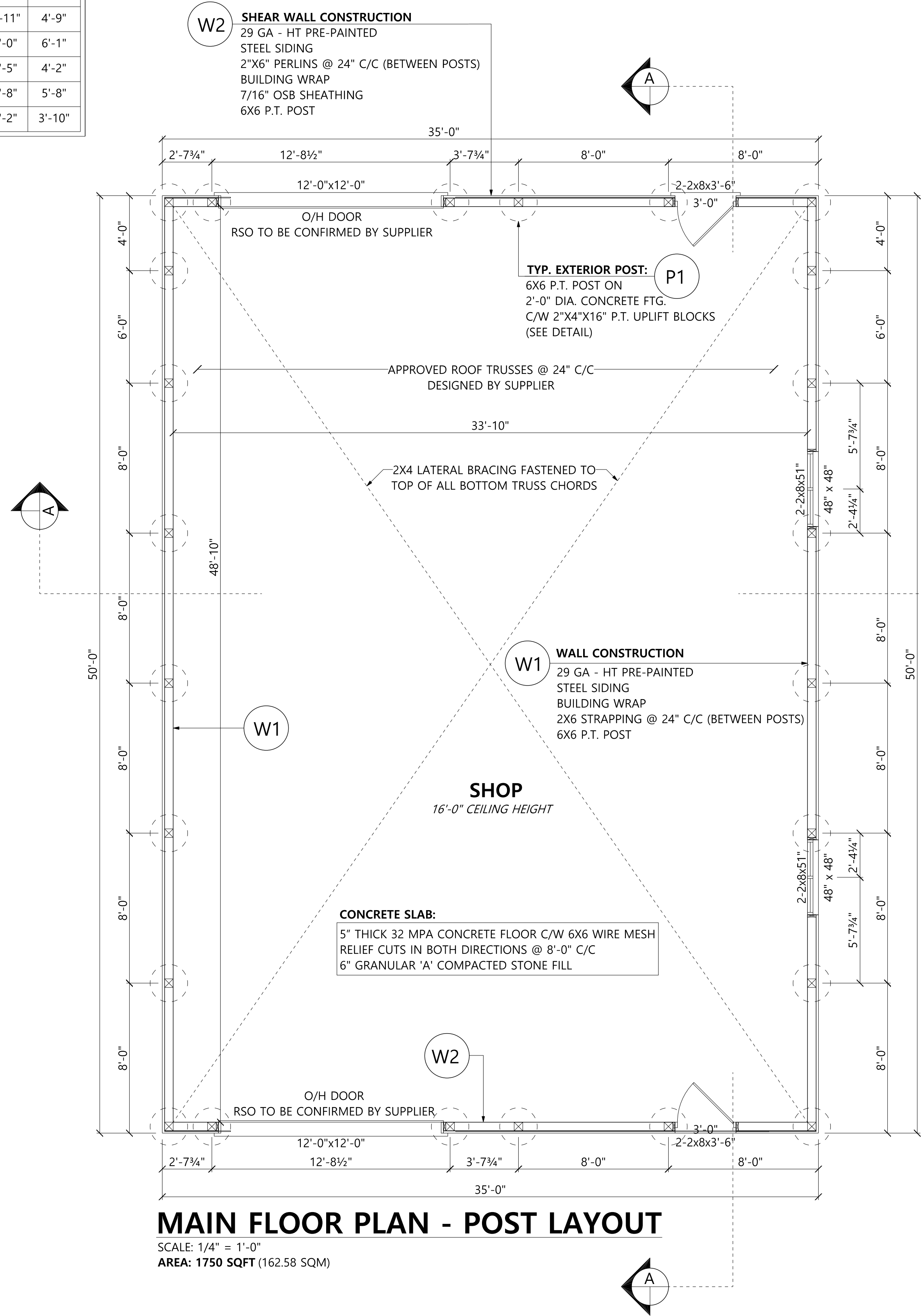
ADDRESS:
8457 Silver St, Caistor Centre, ON LOR 1E0
ZONING: R1A

PROPOSED LOT COVERAGE
TOTAL LOT AREA: 5293.71 m²
EXISTING HOUSE AREA: 292.18 m²
EXISTING SHED AREA: 14.86 m²
TOTAL PROPOSED SHOP AREA: 162.58 m² (3.07% COVERAGE, 8% MAX)
PROPOSED COVERAGE: 469.62 m² 8.87% (20% MAX)

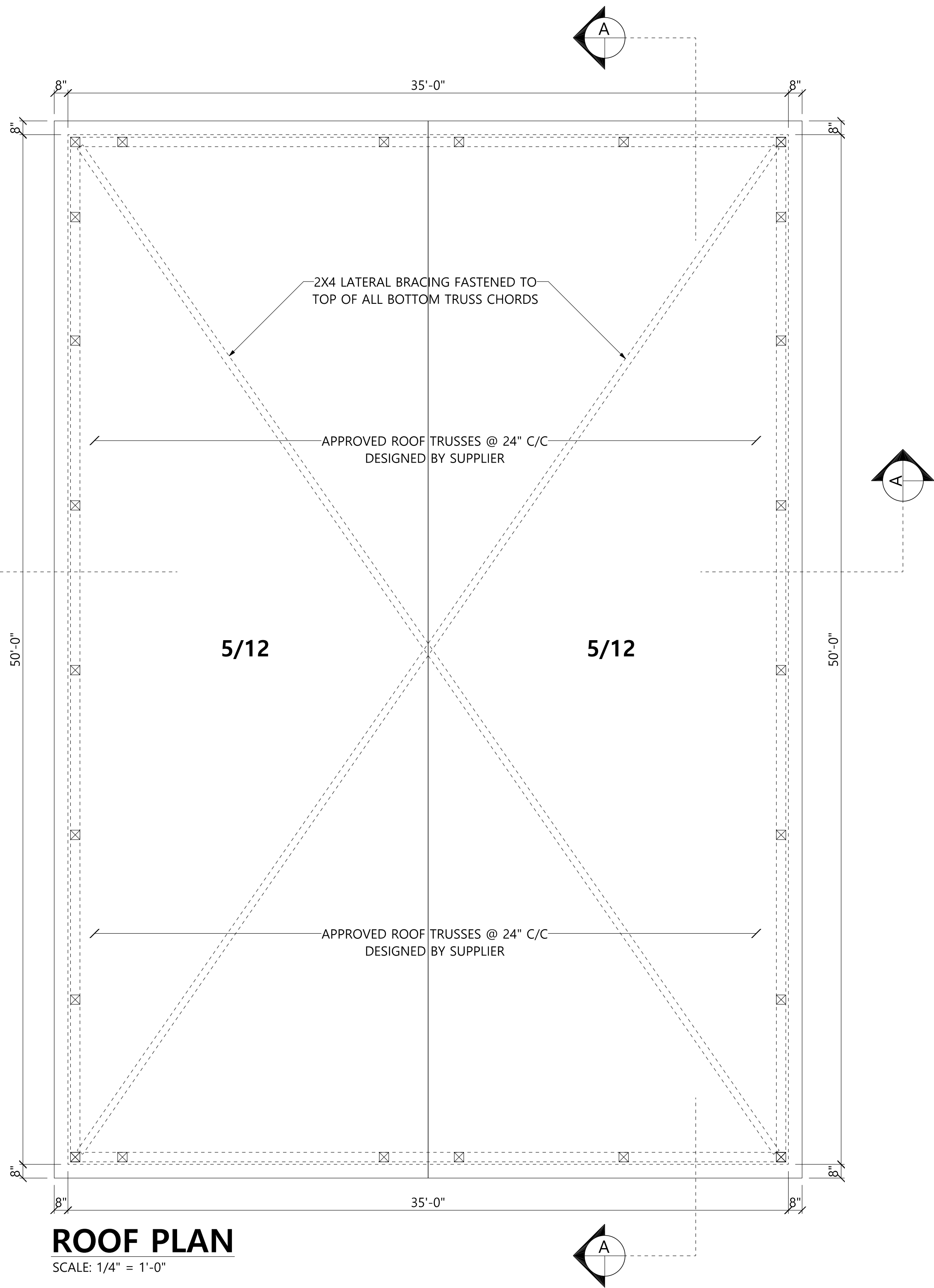
LOWDEN SHOP
1750 SQFT SHOP

8457 Silver St, Caistor Centre, ON LOR 1E0

WOOD LINTEL SCHEDULE (SPF)				
CONDITION/LOAD		SPAN		
		WALL	2(2X8)	2(2X10)
ROOF	HIP END	EXT.	6'-7"	8'-1"
		INT.	5'-4"	6'-7"
	GABLE END	EXT.	15'-1"	18'-10"
		INT.	12'-8"	16'-3"
ROOF + CIEILING	+1 STOREY	EXT.	5'-5"	6'-8"
		INT.	3'-11"	4'-9"
	+2 STOREY	EXT.	5'-0"	6'-1"
		INT.	3'-5"	4'-2"
	+3 STOREY	EXT.	4'-8"	5'-8"
		INT.	3'-2"	3'-10"



Attachment 3 to COA-08-2025



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

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



SOLSTICE
HOME DESIGN

2 Holcomb Ter,
Waterdown, ON L8B 1Z8

(289) 680-7480

brian.rintjema@gmail.com



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

Qualification Information
Brian Rintjema
Name Signature 106999 BCIN

Registration Information
Brian's Drafting Service
Firm 113224 BCIN

LOWDEN
SHOP

8457 Silver St. Caistor
Centre, ON L0R 1E0

PAGE TITLE:

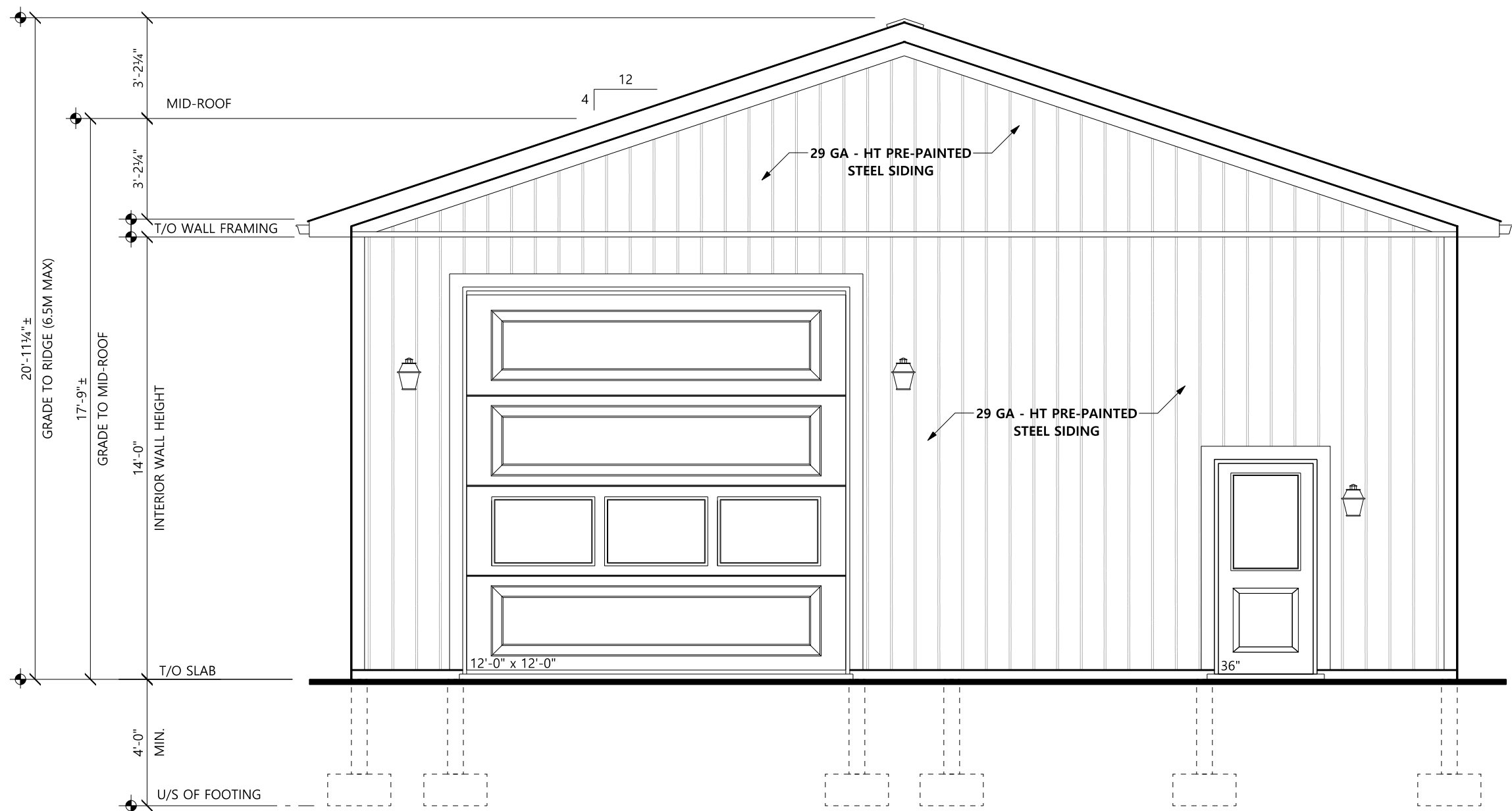
MAIN FLOOR
& ROOF PLAN

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

DATE: JANUARY 26, 2025
SCALE: As Noted

SHEET NO.

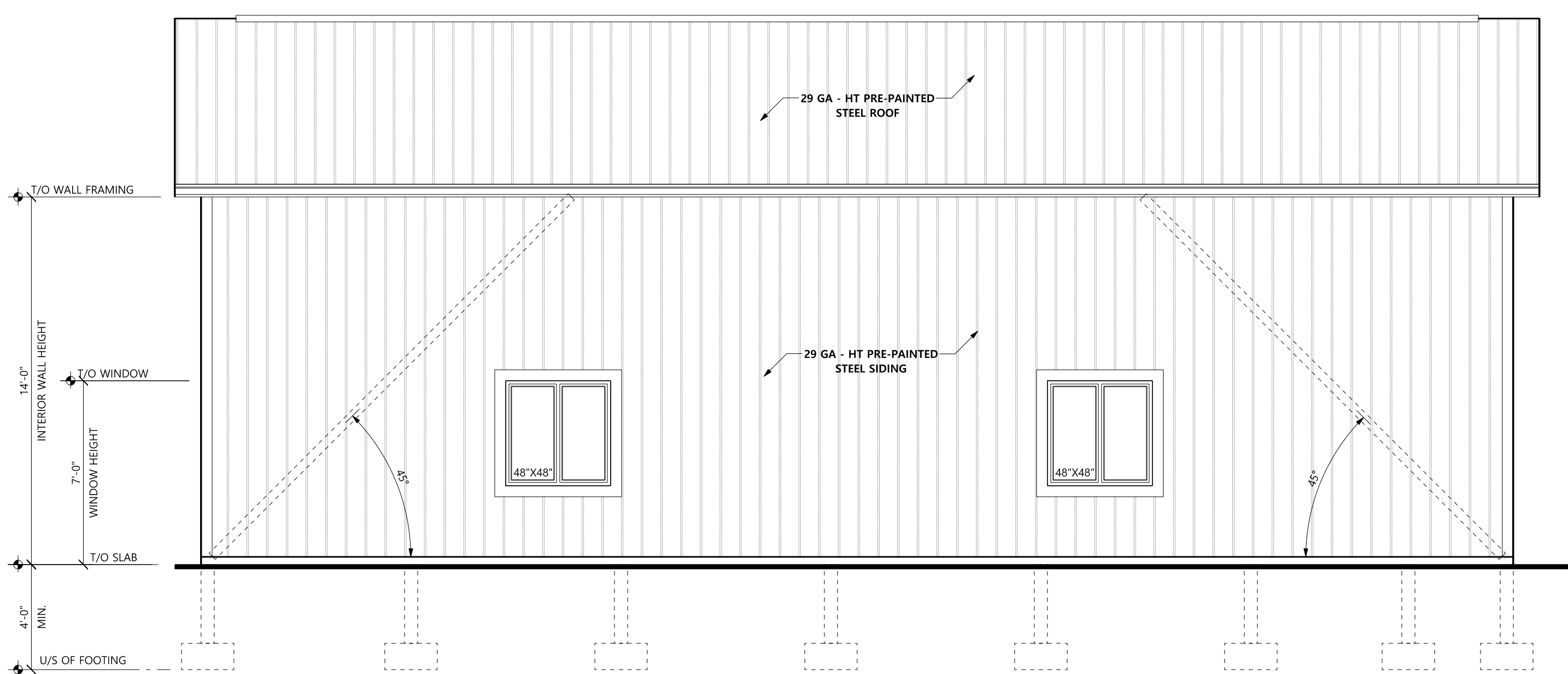
1



FRONT ELEVATION

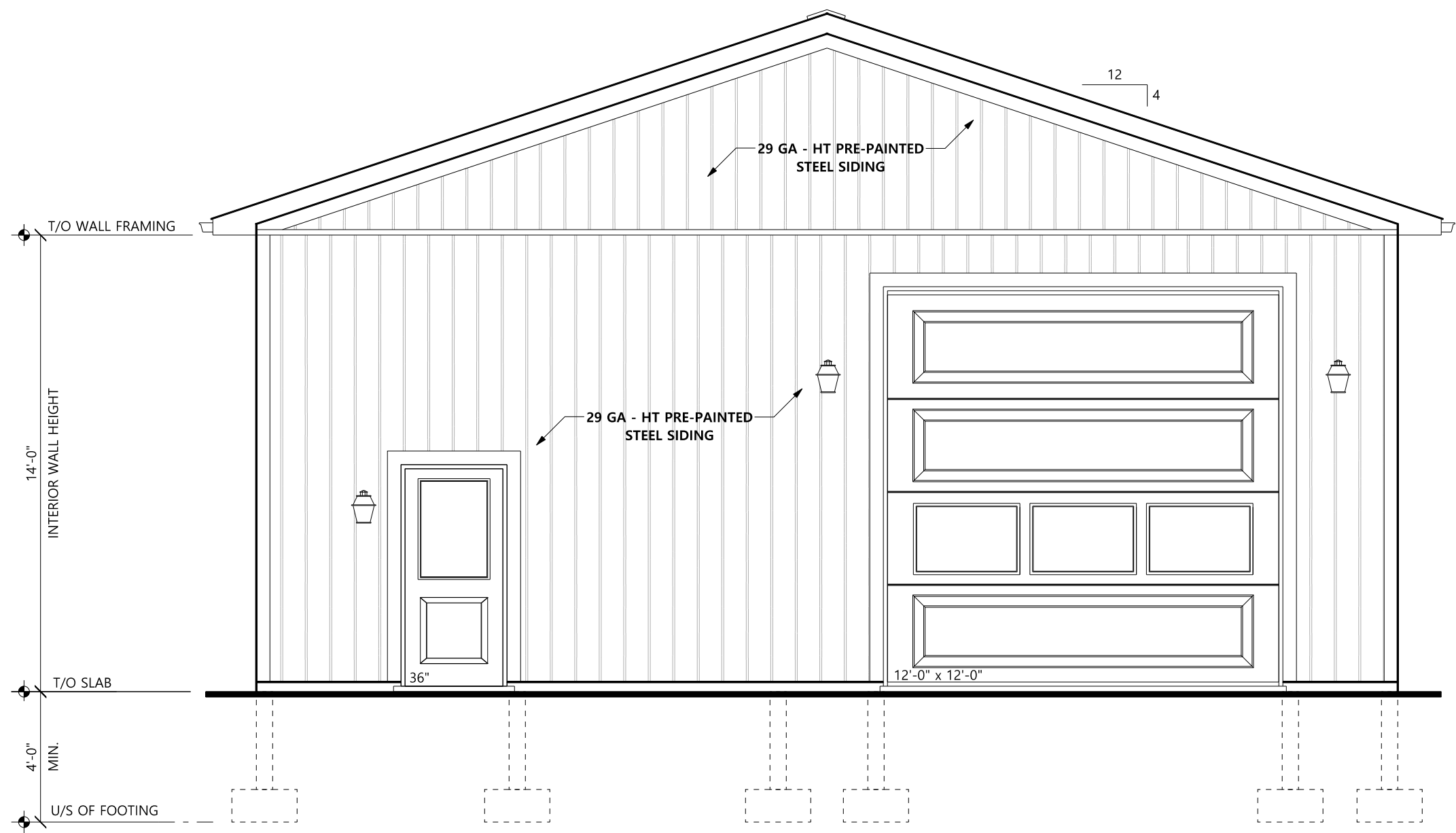
SCALE: 1/4" = 1'-0"

SIDING MATERIALS SHALL CONFORM TO SECTION 9.27 OF DIVISION 8 OR HAVE A CCMC OR BMCC APPROVAL OR A MINISTERS RULING



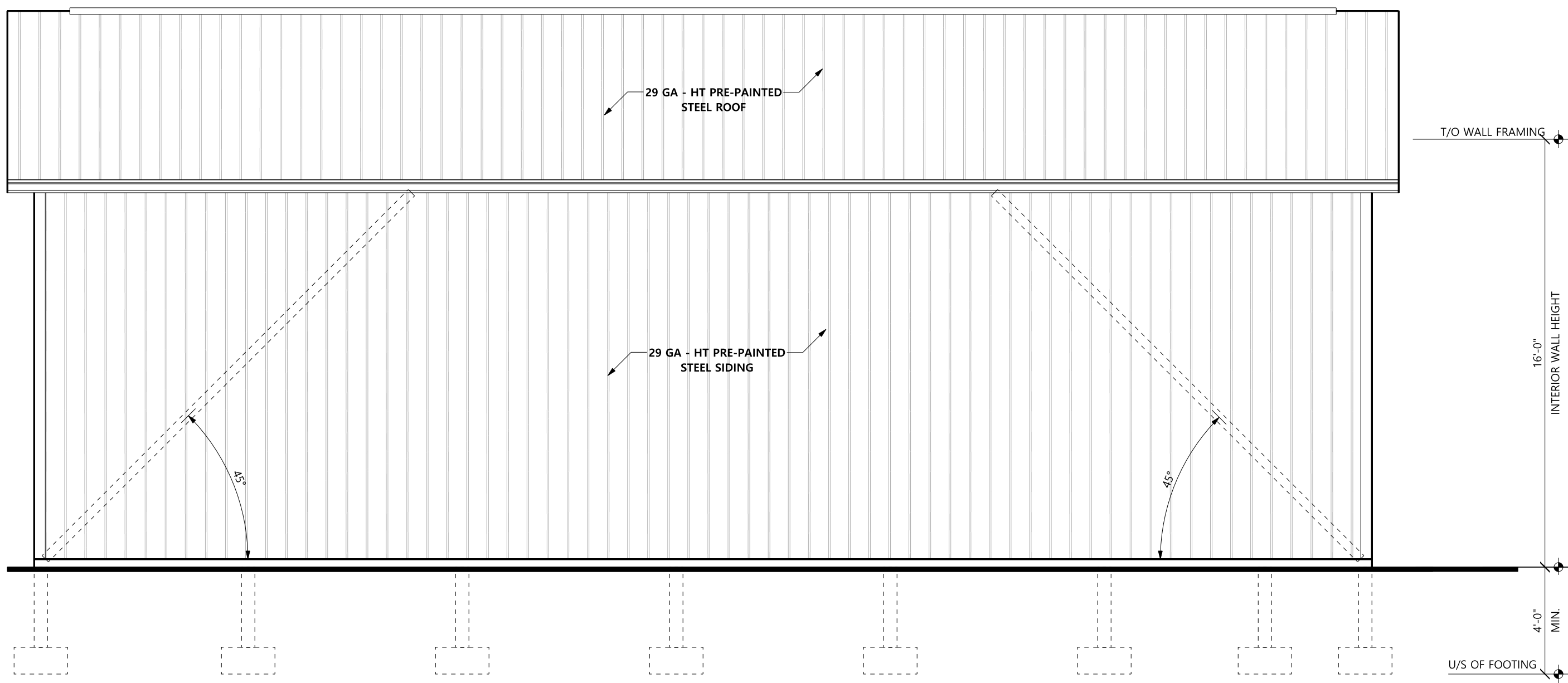
RIGHT ELEVATION

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



REAR ELEVATION

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



LEFT ELEVATION

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

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

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Qualification Information
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Name Signature BCIN 106999

Registration Information
Brian's Drafting Service 113224
Firm BCIN

LOWDEN
SHOP

8457 Silver St. Caistor
Centre, ON L0R 1E0

PAGE TITLE:

ELEVATIONS

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

DATE: JANUARY 26, 2025
SCALE: As Noted

SHEET NO.

2

ALL DIMENSIONS AND CONDITIONS TO BE
VERIFIED ON SITE. FIGURED
DIMENSIONS TAKE PRECEDENCE OVER SCALE.
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(289) 680-7480

(289) 680-7480

brian.rintjema@gmail.com



Qualification Information

Rintjema 106999

Registration Information

Brian's Drafting Service	113224
Firm	BCIN

8457 Silver St. Caistor
Centre, ON L0B 1E0

PAGE TITLE

CROSS SECTIONS & DETAILS

DRAWN BY:
Brian Rintjema

SCALE:
As Noted

SHEET NO.

3



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



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



SCALE: 1/2" = 1'-0"



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



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

NOTES:

- ALL CONSTRUCTION SHALL CONFORM TO THE LATEST EDITION OF THE NATIONAL BUILDING OF CANADA AND THE CURRENT EDITION OF THE ONTARIO BUILDING CODE - 2015 AND/OR NFRC 1995.
- ALL DIMENSIONS TO BE VERIFIED BY CONSTRUCTION PRIOR TO CONSTRUCTION.
- THESE DRAWINGS ARE TO BE USED SOLELY FOR THE PROJECT IDENTIFIED IN THE TITLE AND AT THE ADDRESS LISTED.
- REMOVE ALL TOPSOIL AND ORGANIC MATTER FROM THE BUILDING SITE.
- ALL FOOTINGS TO BE BUILT ON UNDISTURBED SOIL AND BE A MINIMUM OF 4' BELOW FINISH GRADE.
- ALL FOUNDATIONS TO BE REINFORCED WITH STEEL DRAWING AND SHALL HAVE A BEARING CAPACITY TO SUSTAIN A MINIMUM OF 1566 PSF (75 KPA) AND BE VERIFIED BY A LOCAL PROFESSIONAL.
- BACKFILL TO BE COMPACTED IN 6" LAYERS.
- NO BUILDING SHALL BE BUILT ADJACENT TO OR IN PROXIMITY TO THE STRUCTURE SO AS TO ADVERSELY ALTER WIND OR SNOW LOADING CONDITIONS.
- DRAWINGS ARE NOT TO BE SCALED.
- THESE DRAWINGS ARE PROTECTED BY COPYRIGHT LAWS AND SHALL NOT BE USED, ALTERED, TRANSFERRED OR REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN AUTHORISATION OF ONTARIO CONSTRUCTION RESOURCE INC.

CONCRETE:

- ALL CONCRETE WORK TO CONFORM TO CSA A23.1 / A23.2.
- FULL COMPRESSIVE STATE AT 28 DAYS.

3000 PSI (20 MPA) FOR FOOTINGS AND PIERS

4600 PSI (32 MPA) FOR FLOORS AND FOUNDATION WALLS

- AIR ENTRAINMENT 5-8%.
- SLUMP 3" + 1".
- RELIEF CUTS IN CONCRETE SLAB TO BE DONE WITHIN 24 HOURS OF POURING.

LUMBER:

- ALL FRAMING LUMBER TO BE GRADE 2 OR BETTER.
- ALL LUMBER EXPOSED TO MOISTURE TO BE PRESSURE TREATED UNLESS NOTED OTHERWISE.
- ENGINEERED DESIGN DRAWING REQUIRED FOR ALL EWP COMPONENTS.
- ENGINEERED AND SEALED DRAWINGS REQUIRED FOR TRUSS COMPONENTS AND TRUSS LAYOUT.
- TRUSS BRACING, STRAPPING AND ANY REQUIRED CONNECTORS TO BE SPECIFIED BY TRUSS MANUFACTURER.
- TRUSS TIE DOWN TO SUSTAIN UPLIFT AND/OR LATERAL MOVEMENT SHOWN ON TRUSS DESIGN AND COLUMN PIER.

STEEL:

- DEFORMED CONCRETE REINFORCING BAR TO COMPLY WITH CSA G30.18-09.
- REINFORCING BAR TO BE GRADE 400R OR BETTER.
- STRUCTURAL STEEL SHALL BE IN ACCORDANCE TO CSA G40.21 - GRADE 350W. ALL THICKNESSES SHOWN ARE BASE METAL THICKNESS.

RODS SHALL BE GRADE #5 OR EQUIVALENT



**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
COMMITTEE OF ADJUSTMENT
ANNUAL GENERAL MEETING MINUTES**

January 29, 2025, 6:30 p.m.

Present: Deborah Coon-Petersen
 Peter Forsberg (Chair)
 Kim Willis
 Bonnie Baarda

Absent: Peggy Cook

Staff: Jeni Fisher, Assistant Secretary-Treasurer
 Gerrit Boerema, Director of Growth and Sustainability

1. CHAIR

Chair Forsberg called to Order the evening's proceedings at 6:33pm.

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

There were none.

3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT

There were none.

4. APPLICATIONS

There were no applications heard at this meeting.

5. MINUTES FOR APPROVAL

- a) December 11th, 2025
 - a. Motion to be Approved: Kim Willis
 - b. Seconded: Deborah Coon-Petersen



6. NEW BUSINESS

a) Vote 2025 Chair and Vice Chair

- a. 2025 Chair – Deborah Coon-Petersen
 - i. Motion to Approve: Bonnie Baarda
 - ii. Seconded: Kim Willis
- b. 2025 Vice Chair – Kim Willis
 - i. Motion to Approve: Bonnie Baarda
 - ii. Seconded: Deborah Coon-Petersen

b) Approve Schedule of Members Sitting and Schedule of Hearings for 2025

- a. Schedule of Members Sitting and Schedule of Hearings for 2025
 - i. Motion to Approve: Bonnie Baarda
 - ii. Seconded: Kim Willis

Member Willis advised she would not be available to sit at the February or May Hearings.

Member Forsberg advised he would not be available to sit at the June Hearing.

7. ADJOURNMENT

That, this Committee does now adjourn at the hour of 6:52 pm.

JENI FISHER

ASSISTANT

SECRETARY-TREASURER

PETER FORSBERG

CHAIR

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

January 29, 2025, 7:00p.m.

Present Members:

Peter Forsberg (Chair)
Kim Willis
Bonnie Baarda

Staff:

Gerrit Boerema, Director of Growth and Sustainability
Jeni Fisher, Assistant Secretary-Treasurer

Public:

Ethan Laman, Upper Canada Consultants

1. CHAIR

The meeting was called into Order at 7:03pm.

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

There were none.

3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT

There were no requests for withdrawal or adjournment at this time.

4. APPLICATION(S)

a) B10/2024WL – 1948026 Ontario Inc. – Comfort Road

Director of Growth and Sustainability, Gerrit Boerema, provided an overview of the application.

Agent, Ethan Laman with Upper Canada Consultants, had no further comments to add.

Member Baarda noted that Planning Staff mentioned that the land is owned by two different people.

The Agent, Ethan Laman, confirmed yes, the lands in question are owned by two different people.

Member Baarda noted that the turbine located on Parts 2 and 3 and must have access to the road and if that access can be used?

Agent, Ethan Laman, advised the Committee that the turbine access goes to the West and does not have impact on this application.

Member Willis did not have any questions.

Chair Forsberg noted it is time for a motion to vote.

Member Willis made a motion to approve the application with the included 5 conditions.

Member Baarda seconded the motion to approve.

All in favour.

Carried.

Assistant Secretary-Treasurer Jeni Fisher noted the last day for filing an appeal for Consent is 20 days from the date of mailing and there is two years to fulfil the approved conditions.

b) B11/2024WL – 2090652 Ontario Inc. – 2659 Industrial Park Road

Director of Growth and Sustainability, Gerrit Boerema, provided an overview of the application.

Chair Forsberg asked whether the proposed subdivision on Highway 20 and the roundabout would impact Industrial Road and the property in question?

Director of Growth and Sustainability, Gerrit Boerema, advised that the subdivision proposed for Highway 20 does not touch Industrial Road and would only have one connection to the roundabout and could eventually have additional connections. Gerrit Boerema further noted that north of the railroad track and the railroad tracks themselves cause compatibility issue and a traffic analysis would be done at time of development. The longer vision for this area is a Regional Bypass that would reroute traffic flow around and away from the downtown core.

Member Baarda asked what will happen to the buses that currently park on Part 2 of the property in question and whether they will continue to be permitted to use this land?

Director of Growth and Sustainability, Gerrit Boerema, advised he is not aware of what will happen with the buses and the main purpose of this consent application is for succession planning and to add more value to the two properties.

Member Baarda inquired whether the owner would be responsible for the road widening condition?

Director of Growth and Sustainability, Gerrit Boerema, advised the only cost the owner would incur regarding the road widening would be the survey and that has already been completed and given to the Township.

Member Baarda further inquired as to who widens the road?

Director of Growth and Sustainability, Gerrit Boerema, advised no physical change would occur, it is more of a “right of way” for the watermain/pipe that are currently there and in case of them needing to be replaced or upgraded.

Member Baarda inquired if the applicant will be “on the hook” for sewer upgrade costs?

Director of Growth and Sustainability, Gerrit Boerema, advised that any incurred fees would be borne by Development Charges as portion of the Development Charges collected goes towards infrastructure.

Member Baarda inquired about the zoning of the severed vacant parcel (Part 2)?

Director of Growth and Sustainability, Gerrit Boerema, advised that the land is already zoned properly to be developed.

Member Willis inquired why condition 4 would require the applicant to apply for an entrance permit when there is already a driveway?

Director of Growth and Sustainability, Gerrit Boerema, advised that splitting the current driveway does not work and Township would require a separate driveway for the new parcel.

Chair Forsberg noted it is time for a motion to vote.

Member Baarda made a motion to approve the application with all listed conditions.

Member Willis seconded the motion.

All in favour.

Carried.

Assistant Secretary-Treasurer Jeni Fisher noted the last day for filing an appeal for Consent is 20 days from the date of mailing and there is two years to fulfil the approved conditions.

5. MINUTES FOR APPROVAL

There were no minutes for approval at this time.

6. NEW BUSINESS

There is no new business at this time.

7. ADJOURNMENT

Motion to Adjourn was made by Member Baarda. Member Willis seconded the motion.

That, this Committee does now adjourn at the hour of 7:33 pm.

PETER FORSBERG, CHAIR

JENI FISHER,
ASSISTANT SECRETARY-TREASURER



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

February 26, 2025, 7:00p.m.

Present Members:

Deborah Coon-Petersen (Chair)
Peter Forsberg
Bonnie Baarda

Staff:

Madyson Etzl, Senior Planner
Jeni Fisher, Assistant Secretary-Treasurer

Public:

Lloyd Abbs and Annie Lacillade
Joe Sciarra
Marcus Giro
Albino Giro
Lawan Dawd and Haval Dawd
Jesse Gardner and Josue Pinzon
Chelsea Brooks, MHBC Planning (Agent - Hinterland Estates)

1. CHAIR

The meeting was called into Order at 7:03pm.

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

There were none.

3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT

There were no requests for withdrawal or adjournment at this time.

4. APPLICATION(S)

a) A01/2025WL – Lloyd Abbs and Annie Lacillade – 2477 St Anns Road

Senior Planner, Madyson Etzl, provided an overview of the application and noted that there were no conditions.

Applicant and Owner, Lloyd Abbs, noted he was not in agreeance with the Archeological Assessment from the Region of Niagara and had he applied for the building and septic permit first this would not have been an issue.

Member Baarda noted that no conditions had been attached to this application and corresponding report.

Senior Planner, Madyson Etzl, advised that historically the Region of Niagara asks for this condition but for this application it is up to the Committee to add as a condition.

Member Baarda commented on how nice the property is and inquired how many trees would be removed during the building process.

Owner, Lloyd Abbs, advised they had planned it this way so that zero trees would be removed.

Member Forsberg advised that his only concern was if trees would be removed.

Joe Sciarra, nephew of Albino Giro, came forward to speak. He advised the Committee that his Uncle, Albino Giro, owned and created Giro Estates adjacent to the subject land and as part of this process was required to do an Archeological Assessment and did not know why the applicants weren't being made to do one as well? He advised that there were artifacts found on the Giro Estate property and was concerned about the integrity of this site with the proposed construction. He also questioned the Committee on why a variance for the septic was being approved when a septic application had not been approved yet and that he believed the proposed septic might affect the swale.

Chair Coon-Petersen advised Joe Sciarra that this would be addressed at the time of building permit submission and the application being heard today is only to deal with the minor variances. Chair Coon-Petersen also advised Joe Sciarra that this application cannot be compared to the property next door.

Senior Planner, Madyson Etzl, advised Joe Sciarra that Township Septic Inspector, Lyle Killins, would review the septic permit when it is submitted.

Joe Sciarra asked why it would be permitted right to the lot line?

Senior Planner, Madyson Etzl, advised that she cannot speak to the current septic system or septic application.

Joe Sciarra again repeated how strongly he felt that the applicants should be made to do an Archeological Assessment and that the way he interpreted the Niagara Region's comment made it seem that they did intend for the

Archeological Assessment to be a condition on this minor variance application.

Member Baarda advised Joe Sciarra that the Niagara Region only requested that the clause be put in and that it was not a requirement.

Joe Sciarra noted how frustrated that he was that the applicants are not made to do an Archeological Assessment when artifacts were found on Albino Giro's property, right next door.

Member Baarda advised that he could appeal the decision.

Assistant Secretary-Treasurer, Jeni Fisher, advised Joe Sciarra and the Committee that the Planning Act restricts the rights of third party appeals to the Committee's decision.

Chair Coon-Petersen re-read the introduction which states only the applicant and applicable agencies have the right to appeal a decision made by the Committee of Adjustments.

Joe Sciarra again stated that the Township did not interpret this comment properly and he felt that they did want the Archeological Assessment as a condition.

Assistant Secretary-Treasurer, Jeni Fisher, advised Joe Sciarra that the Niagara Region was circulated final report and agenda and did not respond to Township Planning staff advising them of a potential misinterpretation of their comments.

Chair Coon-Petersen advised Joe Sciarra that the Niagara Region saw fit not to make an Archeological Assessment a mandatory condition.

Member Forsberg questioned Joe Sciarra as to what artifacts were found on Albino Giro's property during the Archeological Assessment.

Joe Sciarra advised that Archeological Assessment 1,2,3 and remediation found arrowheads and pottery.

Member Forsberg advised these are typical items found in a settlement area.

Applicant and Owner, Lloyd Abbs, noted that the draft septic plan is a smaller footprint than the current septic system in place.

Marcus Giro read the Niagara Region's comment aloud and questioned why it was not added as a condition.

Chair Coon-Petersen advised Marcus Giro that the Niagara Region comments said "if" they found something then all activities should come to a stop.

Senior Planner, Madyson Etzl, advised Marcus Giro that if the septic application came in without the need for a minor variance that the Niagara Region would not be involved.

Joe Sciarra advised the Committee he believed that the first couple of sentences were a play on words and believed it should have been made a condition.

Chair Coon-Petersen re-stated to Joe Sciarra that the Niagara Region did not make this a condition and that the Niagara Region saw the final report.

Joe Sciarra asked that the Committee members defer this application.

The Committee did not defer this application.

Joe Sciarra advised he would reach out to the Niagara Region.

Chair Coon-Petersen noted it is time for a motion to vote.

Member Forsberg made a motion to approve the application.

Member Baarda seconded the motion.

All in favour.

Carried.

Assistant Secretary-Treasurer Jeni Fisher noted the last day for filing an appeal for a Minor Variance is 20 days from the Hearing Date.

b) A02/2025WL – Lawan Dawd (Agent Haval Dawd) – 9371 Silver Street

Senior Planner, Madyson Etzl, provided an overview of the application.

Member Baarda inquired what food the applicants would be selling from the property in question?

Lawan Dawd advised they would be selling pizza.

Chair Coon-Petersen noted it is time for a motion to vote.

Member Baarda made a motion to approve the application.

Member Forsberg seconded the motion.

All in favour.

Carried.

Assistant Secretary-Treasurer Jeni Fisher noted the last day for filing an appeal for a Minor Variance is 20 days from the Hearing Date.

c) A03/2025WL – Hinterland Estates – Jesse Gardner and Josue Pinzon – 4299 Regional Road 20

Senior Planner, Madyson Etzl, provided an overview of the application.

Chair Coon-Petersen asked if the Agent would like to add anything.

Agent, Chelsea Brooks, said no but would answer any questions if anyone had any.

Member Baarda, Member Forsberg and Chair Coon-Petersen advised they had no questions.

Chair Coon-Petersen noted it is time for a motion to vote.

Member Forsberg made a motion to approve the application.

Member Baarda seconded the motion.

All in favour.

Carried.

Assistant Secretary-Treasurer Jeni Fisher noted the last day for filing an appeal for a Minor Variance is 20 days from the Hearing Date.

5. MINUTES FOR APPROVAL

There were no minutes for approval at this time.

6. NEW BUSINESS

There is no new business at this time.

7. ADJOURNMENT

Motion to Adjourn was made by Member Baarda. Member Forsberg seconded the motion.

That, this Committee does now adjourn at the hour of 8:02 pm.

DEBORAH COON-PETERSEN
CHAIR

JENI FISHER,
ASSISTANT SECRETARY-TREASURER