



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

Wednesday, August 27, 2025, 7:00 p.m.
Township Administration Building
318 Canborough Street, Smithville, Ontario

Pages

- 1. CHAIR**
The Chair will call to Order the evening's proceedings.
- 2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**
- 3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT**
There are no requests for withdrawal and/or adjournment at this time.
- 4. APPLICATIONS**

- a. **A010/2025WL - 2717464 Ontario Inc. (DeHaan)**
Property Address: 3410 Twenty Mile Road (Regional Road 69)

3

A Minor Variance application has been applied for to construct a second storey addition (90.07 m²) to the existing residential building on the property. The existing residential building is deemed a legal non-conforming use since it was legally erected in accordance with the By-laws in force at the time of construction. The property is zoned Agriculturally-Related (AR) which does not permit a residential use, however given the legal non-confirming status, this application is requesting the following variances in conjunction with Section 3.5 of the Zoning By-law 2017-70, as amended, including:

• Part 5 and Table 12 in terms of the existing setbacks of the existing residential use (main building):

1. A front yard setback of 8.97 metres whereas 10 metres is the required minimum.
2. An exterior yard setback of 0.91 metres to recognize the existing deficient exterior side yard setback of the main building whereas 10 metres is the required minimum. The proposed addition measured to the exterior lot line is 9.04 metres as shown on the site plan.

This application is also seeking relief for the construction of a new 139.35m² detached accessory building (garage) to be located in the southwest corner of the property and the following variance is being requested from the Zoning By-law 2017-70, as amended:

- Part 3 and Table 1-1 in terms of the accessory building:

3. A ground floor area no greater than 139.35m² whereas 120m² is the required maximum ground floor area. Requested relief of ±19.35m²

- b. b. B07/2025WL - Jason and Jody Beamer (Agent - Kim Hessel)
Property Address: 3750 Concession 1 Road

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A Consent application has been applied for to permit a Surplus Farm Dwelling Severance for the lands located at 3750 Concession 1 Road. The land being severed with the 1.5 storey dwelling is proposed to be 0.40 hectares (1 Acre) shown as Part 1 on the attached sketch and Part 2, being the remnant farmland will be approximately 20.2 hectares (49.92 acres) following the severance.

This application also is to recognize an easement where Part 3 will be an easement over Part 2 for access to the well for domestic water usage for the lands to be severed as shown on Part 1 of the survey sketch.

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

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: August 27, 2025

REPORT NO: COA-15-2025

SUBJECT: **Recommendation Report Minor Variance A10/2025WL, 3410
Twenty Mile Road (Regional Road 69)**

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

OVERVIEW:

- A Minor Variance application has been submitted by 2717464 Ontario Inc. (Josh DeHaan – Applicant/Owner) to facilitate the construction a second storey to an existing single detached dwelling and the construction of a detached accessory building.
- The subject property is designated as ‘Good General Agriculture’ and zoned Agricultural Related (AR).
- The proposal is to enlarge the existing non-conforming residential use in the AR Zone to add a second storey to an existing single detached dwelling.
- The application is seeking relief to capture an existing non-conforming exterior side yard setback of 0.91 metres and front yard setback of 8.97 metres of the existing dwelling.
- The application is also seeking relief for an increased ground floor area of 139.35 square metres for the proposed detached accessory building.
- The subject lands currently have 2 pre-fabricated shipping containers (truck tractor trailers on wheels) and are not permitted as per Section 3.1 (f) of the Zoning By-law 201-70, as amended. The Applicant confirmed the trailers will be removed when the detached garage is built and can transfer the contents from the trailers into the garage.

RECOMMENDATION:

That, the application for Minor Variance A10/2025WL, submitted by 2717464 Ontario Inc. (Josh DeHaan), as outlined in Report COA-15-2025, BE APPROVED subject to the following conditions.

1. That the Owner/Applicant shall obtain a Record of Site Condition prior to the issuance of a building permit for the addition of the secondary storey for residential use, to the satisfaction of the Township of West Lincoln.

2. That the Owner/Applicant provide documentation indicating compliance with Part 8 Sewage Systems) of the Ontario Building Code, to the satisfaction of the Township's Septic Inspector and Building Department.

BACKGROUND:

A minor variance application has been submitted by 2717464 Ontario Inc. (Josh DeHaan) for the property legally described as Concession 6, Part Lot 1 and municipally known as 3410 Twenty Mile Road (Regional Road 69), located in the Township of West Lincoln. The subject property is situated on the south side of Twenty Mile Road (Regional Road 69) and the west side of Victoria Avenue (Regional Road 24). It currently contains a single detached dwelling along with several detached accessory structures and buildings including abandoned truck tractor trailers on wheels.

The purpose of this application is to permit the enlargement of an existing non-conforming single detached dwelling under Section 45(2) of the *Planning Act*. This section grants the Committee of Adjustment the authority to approve the enlargement or extension of a building if the use was legally established at the time and has continued to the present day. In conjunction with the non-conforming residential use, a former gas station may have been on site prior to Township's records, and the Applicant is asked to obtain a Record of Site Condition, which is an environmental site assessment that summarizes the environmental condition of the site at a specified point in time to confirm any potential contamination from previous uses.

The property is zoned Agricultural-Related (AR), which does not permit single detached dwellings as a permitted use. However, considering the house predates the Zoning By-law it is deemed a legal non-conforming use. The Applicant is proposing to construct a second-storey addition to the existing residential dwelling and is seeking relief from the Township's Zoning By-law (Part 5, Table 12) to reduce the required front yard setback from 10 metres to the existing 8.97 metres. Additionally, the Applicant is requesting to recognize the existing non-conforming exterior side yard setback of 0.91 metres, where 10 metres is required.

The Application also includes a proposal to construct a new detached accessory building in the southwest corner of the property. The Applicant is requesting relief from the Township's Zoning By-law (Part 3, Table 1-1) to increase the maximum permitted ground floor area for a detached accessory building from 120 square metres to approximately 139.35 square metres. Table 1-1 also permits no more than two (2) accessory structures or buildings on the site and therefore the Applicant is required to demolish the various sheds and to remove the truck tractor trailers to comply with the requirements of no exceeding two accessory structures or buildings with the one new being proposed.

CURRENT SITUATION:

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

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

The subject property is designated as 'Good General Agricultural' in the Township's Official Plan. The Good General Agricultural designation is to encourage the preservation of agricultural lands. Section 4.4.2 g) of the Official Plan states *within the Agricultural Designation there exists a number of legally established non-agricultural related uses, buildings and structure that have been recognized through the Township's Zoning By-law. These uses can continue to exist as legally established, and changes to these uses, buildings and structures will be subject to approval by a Planning Act application.* The subject property contains a single detached dwelling that has been established prior to 1979 and is seeking approval by way of minor variance to enlarge the residential use by adding a second storey to the existing single detached dwelling unit.

Section 18.14.3 permits the continuation of non-conforming uses that were lawfully in existence prior to the adoption of the implementing Zoning By-law. These uses may continue as legal non-conforming uses or may be deemed to conform with the intent of the Plan for the purposes of the By-law. As noted above, the residential use of the single detached dwelling has existed since before 1979.

Section 18.14.3 also allows for the extension or enlargement of a non-conforming use, provided certain conditions are met:

- a) the use cannot be relocated to a location where it would conform to the By-law;
- b) the proposed extension does not further aggravate the existing situation;
- c) the scale of the extension is appropriate relative to the original use;
- d) private services such as water and sewage are adequate; and
- e) and the expansion is not detrimental to the surrounding neighbourhood.

The current proposal satisfies these requirements, as it involves a modest addition above the existing one-storey structure. It will not unduly aggravate the existing situation or introduce significant nuisances to the area. Adequate on-site parking is available for the residential use. The site plan shows the approximate location of the existing septic system and proposes a new tertiary system in the northwest corner of the property. The Township's Septic Inspector has commented that there is limited information regarding the existing septic system, and that the proposed new system must comply with the Ontario Building Code before a building permit can be issued.

The Good General Agriculture designation permits a variety of agricultural uses and agricultural related uses, accessory uses, such as accessory buildings or structures. Although this property is not used for agricultural or agricultural related uses, the legal non-conforming status for the residential use is permitted and can continue.

For these reasons, Planning Staff are of the opinion that proposal meets the general intent and purpose of the Official Plan.

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

Section 3.5: Existing uses, Lots, Buildings and Structures

The subject property is zoned Agriculturally Related (AR) Zone in accordance with the Zoning By-law 2017-70, as amended. The AR Zone permits but not limited to outside display and storage, renewable energy systems, service shops, agricultural service and supply establishment. Upon review of older aerial photos, it appeared that the property was once used for a service shop which could have been related to the surrounding agricultural uses. The property also had an established residential use and legally permitted at the time of the by-law in force. Therefore, the existing residential use is allowed as per Section 3.5 of the current by-law and the Applicant is requesting permission for the expansion of the non-conforming residential use in the AR zone particularly for the proposed second storey addition.

The assessment to grant permission to expand a non-conforming use is to confirm the impacts of the proposed expansion and/or the worsening of an existing condition. The proposed second storey addition is modest in Staff's opinion and does not further increase the ground floor area or further encroach into the existing exterior side yard and front yard setbacks of the existing dwelling. It is not anticipated that the proposed expansion will significantly worsen the existing situation or impose any negative impacts to surrounding neighbouring properties.

Section 5.3: Regulations for Permitted Uses in Agricultural Zones

Considering the existing residential use is zoned AR, the application is seeking relief from Table 12 and the minimum front yard of 10 metres where the existing dwelling is 8.97 metres, a deficiency of 1.03 metres. Secondly, requested relief of the minimum exterior side yard of 10 metres where the existing dwelling sits 0.91 metres from the lot line, a deficiency of 9.09 metres. Considering the proposed addition to the dwelling is further from the exterior side yard and above the ground floor, these existing non-compliant conditions are not increasing and therefore not expected to create negative impacts.

Section 3.1: Accessory Buildings or Structures and Accessory Uses

According to Table 1-1 and a Type 2 accessory building (10.1 to 120m²), the maximum ground floor area for an accessory building is 120 square metres, however the Applicant is requesting relief for an increase of 19.35 metres to accommodate the proposed detached garage of 139.35 square metres. Additionally, a maximum of two (2) accessory buildings or structures not exceeding 200 square metres or 8% of the lot area, whichever is less applies. With all of the combined accessory buildings and structures on the site currently (±210 square metres), it would exceed the maximum accessory coverage. The Applicant

confirmed that the new detached garage will provide sufficient storage space to accommodate the items contained in the truck tractor trailers and sheds and once the garage is constructed the trailers and sheds will be removed.

Planning Staff are satisfied that the slight increase of the proposed new detached garage will not result in significant massing or overpower the lot as the location of the structure will be located in the southwest corner maintaining the streetscape from both Victoria Avenue (Regional Road 24) and Twenty Mile Road (Regional Road 69). Furthermore, it is not anticipated that the increase in floor area will have any negative impact on privacy or shadowing to the abutting property.

Planning Staff are of the opinion that proposal meets the general intent and purpose of the Zoning By-law.

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

The proposed addition of a secondary storey above the residence will not further increase the ground floor area of the dwelling and will not further encroach or worsen the current non-compliant front yard and exterior side yard setbacks. The surrounding neighbourhood is comprised of large agriculture uses and smaller agricultural zone lots similar in lot fabric containing the single detached dwellings and this expansion is complimentary to the existing use and not expected to create negative impacts to the surrounding uses.

As mentioned previously, there may have been a former fueling station on the property according to older aerial imagery and the Township has the responsibility prior to issuing building permits for residential use, which is a sensitive use, to ensure that the health and safety of residents are met. As a condition of the minor variance a Record of Site Condition which is to be completed by a professional engineer who conducts environmental site assessments must be obtained prior to the issuance of a building permit.

The proposal to increase the ground floor area of a detached accessory building is appropriate and desirable because it will reduce land consumption of the various sheds and truck tractor trailers by consolidating the storage of items in one building and improve the visual appearance of the property.

Is the proposal minor in nature? Yes

The proposed second storey addition will be constructed above the ground floor of the existing single detached dwelling which will not expand the footprint of the residential use nor encroach farther into the existing exterior and front yard setbacks and will not further impact any sight lines along Twenty Mile Road and Victoria Avenue. Therefore, recognizing the legal non-complying situation is minor in nature.

The proposal to increase the ground floor area of the detached garage by 19.35 square metres is minor in nature as the lot coverage will be maintained with the removal of all

other accessory structures and buildings.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Township Civil and Development Engineering:

No comments.

Township Septic Inspector:

Minimal information has been provided in relation to the type and size of sewage system and whether it can be installed within Part 8 of the Ontario Building Code. More information is required.

Niagara Peninsula Conservation Authority:

The NPCA has reviewed the current NPCA mapping, after further review of the identified 'stable slope' on the provided Site Sketch prepared by Maxwell Homes (dated, May 21, 2025), the subject property is north of a non-apparent valley with less than a 3:1 grade demonstrating that the slope is stable. The NPCA does regulate non-apparent valleys however, there are no requirements under the current NPCA Policies. The subject property is not impacted by other NPCA regulated features, and the NPCA offer no objections.

Town of Pelham:

No objections.

PUBLIC COMMENTS:

No public comments have been received at the time of writing this report.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of Minor Variance A10/2025WL, to permit the enlargement of the residential use by constructing a second storey to the existing single detached dwelling, and to permit the proposed detached accessory building to an increased ground floor area of 139.35 square metres.

ATTACHMENTS:

- 1: Site Plan
- 2: Complied Comments

Prepared & Submitted by:

Robin Shugan CPT, ACST
Senior Planner

Approved by:

Susan Smyth, CPT
Manager, Community Planning and Design



RE: Notice of Hearing and Full Package -Wednesday August 27th Committee of Adjustment Hearing

From Jennifer Bernard <jbernard@westlincoln.ca>

Date Tue 2025-08-19 12:17 PM

To Stephanie Pouliot <spouliot@westlincoln.ca>; Robin Shugan <rshugan@westlincoln.ca>

1 attachment (206 KB)

B072025WL OPR Comments.pdf;

Hi Robin,

I have attached comments for B07/2025WL, I have no comments to provide on A10/2025WL.

Thanks,
Jenn



Jennifer Bernard | Manager, Civil Land Development

Township of West Lincoln

T 905-957-3346 ext 6732

E jbernard@westlincoln.ca

W www.westlincoln.ca

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From: Stephanie Pouliot <spouliot@westlincoln.ca>

Sent: August 12, 2025 2:22 PM

To: 'Pat.busnello@niagararegion.ca' <Pat.busnello@niagararegion.ca>;
'devtplanningapplications@niagararegion.ca' <devtplanningapplications@niagararegion.ca>;
'susan.dunsmore@niagararegion.ca' <susan.dunsmore@niagararegion.ca>; 'Young, Katie'
<Katie.Young@niagararegion.ca>; 'Paige Pearson' <ppearson@npca.ca>; 'tlennard@npca.ca' <tlennard@npca.ca>;
Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; Ben Agro
<bagro@westlincoln.ca>; Taf Tsurro <ttsurro@westlincoln.ca>; Barb Behring <bbering@westlincoln.ca>; 'Lyle
Killins' <lkillins@live.com>; Ray Vachon <rvachon@westlincoln.ca>
Cc: Gerrit Boerema <gboerema@westlincoln.ca>; Susan Smyth <ssmyth@westlincoln.ca>; Jeni Fisher
<jfisher@westlincoln.ca>; Robin Shugan <rshugan@westlincoln.ca>
Subject: Notice of Hearing and Full Package -Wednesday August 27th Committee of Adjustment Hearing

Good Afternoon Everyone,

Please find attached the Notice of Hearing and full packages for the below applications going forward at the August 27th, 2025 Committee of Adjustment hearing.

Stephanie Pouliot

From: Andrew Edwards <AEdwards@pelham.ca>
Sent: August 13, 2025 10:07 AM
To: Stephanie Pouliot
Cc: Jodi Legros
Subject: RE: Notice of Hearing -Wednesday August 27th Committee of Adjustment Hearing

Good morning,

Thank you for circulating these applications to the Town of Pelham. The Town has no objections.

Regards,



Andrew Edwards, BES, MCIP, RPP (He/Him)

Planner

Town of Pelham

D: 905-980-6666 | E: aedwards@pelham.ca

T: 905-892-2607 x324

20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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From: Jodi Legros <JLegros@pelham.ca>
Sent: Tuesday, August 12, 2025 2:33 PM
To: Pamela Duesling <pduesling@pelham.ca>; Shannon Larocque <SLarocque@pelham.ca>; Andrew Edwards <AEdwards@pelham.ca>; Jason Marr <JMarr@pelham.ca>; Derek Young <DYoung@pelham.ca>; Gimuel Ledesma <GLedesma@pelham.ca>; Nicholas Godfrey <nicholas@ucc.com>; Anthony LaSelva <alaselva@pelham.ca>
Cc: clerks pelham <clerks@pelham.ca>
Subject: FW: Notice of Hearing -Wednesday August 27th Committee of Adjustment Hearing

Please refer to the below email and attachments.



Jodi Legros, Dipl.M.A

Deputy Clerk

Town of Pelham

D: 905-980-6662 | E: jlegros@pelham.ca

T: 905-892-2607 x320

20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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**GROWTH AND SUSTAINABILITY DEPARTMENT
BUILDING DEPARTMENT MEMO**

DATE: August 20th, 2025

TO: Growth and Sustainability Department (Committee of Adjustment)
Stephanie Pouliot– Secretary Treasurer

FROM: Lyle Killins, Septic Inspector

SUBJECT: File A10/2025WL – 2717464 Ontario Inc. (DeHaan)

Dear Ms. Pouliot,

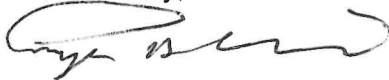
Please be advised the proposed application has been reviewed as it relates to the requirements of Part 8 (Septic Systems) of the Ontario Building Code.

Minimal information was provided by the applicant relating to type and size of a sewage system and whether it could be installed within Part 8 Ontario Building Code compliance.

Based upon information provided, this department would recommend, as a condition of approval indicating a sewage system could be installed to fulfill all Part 8 Building Code requirements to the satisfaction of the Township of West Lincoln Building Department.

We trust the preceding serves as required; however, should additional information be required please contact this office at 905-957-3346.

Yours truly,



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

August 18, 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, A10-2025WL
2717464 Ontario Inc. (DeHaan)
3410 Twenty Mile Road (Regional Road 69), West Lincoln, Ontario
ARN 260202000522600

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 current NPCA mapping of **ARN 260202000522600** and after further review of the identified 'stable slope' on the provided Site Sketch prepared by Maxwell Homes (dated, May 21, 2025), the subject property is north of a non-apparent valley with less than a 3:1 grade demonstrating that the slope is stable. The NPCA does regulate non-apparent valleys however, there are no requirements under the current NPCA Policies. As the subject property is not impacted by other NPCA regulated features, the NPCA offer no objections to the Minor Variance and proposed scope 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

DATE: August 27, 2025

REPORT NO: COA-14-2025

SUBJECT: **Recommendation Report Consent B07/2025WL – 3750 Concession 1 Road**

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

OVERVIEW:

- An application for consent has been submitted by Kim Hessels of KCAG Solutions (Agent) on behalf of Jason and Jody Beamer (Owners).
- The subject property is designated as ‘Good General Agriculture’ within the Township’s Official Plan, and zoned Agriculture (A) in the Township’s Zoning By-law 2017-70, as amended.
- The consent application proposes to permit a Surplus Farm Dwelling Severance for the lands located 3750 Concession 1 Road, shown as Part 1 on the survey sketch, and the severed parcel (Part 1) will maintain the existing single detached dwelling unit.
- The retained/remnant parcel (Part 2) will be maintained for agricultural purposes only, and the existing structures associated with the agricultural use will continue to be used for storage. The Owner/Applicant will be responsible to decommission the barn to prevent the keeping of livestock and meet the Minimum Distance Separation requirements to the adjacent residence.
- The consent application also proposes to create one new easement (Part 3) for private water services over Part 2 in favour of Part 1.
- As a condition of severance, a Zoning By-law Amendment application will be required to rezone Part 1 to Rural Residential (RuR) Zone and Part 2 to Agricultural Purposes Only (APO) Zone.

RECOMMENDATION:

That, Consent Application B07/2025WL, submitted by Kim Hessels of KCAG Solutions on behalf of the owners Jason and Jody Beamer as outlined in Report COA-14-2025, for the creation of one new lot (Part 1) and one retained/remnant lot (Part 2), **BE APPROVED**,

subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements are met to the satisfaction of the Township of West Lincoln including property maintenance, compliance with Zoning By-law provisions for structures and any related requirements, financial or otherwise.
3. That the Owner/Applicant shall provide a copy of the transfer documents for the conveyance of the severed parcel (Part 1) and easement (Part 3), or a legal description of the subject parcels to be registered, together with a copy of the deposited reference plan, for the issuance of the Certificate of Consent.
4. That the Owner/Applicant shall submit the required cash-in-lieu of parkland dedication fee, payable to the Township of West Lincoln.
5. That a Zoning By-law Amendment application is submitted for the rezoning of the severed parcel (Part 1) to a site specific RuR zone and the retained parcel (Part 2) to a site specific APO zone and be passed by Council.
6. That the Owner/Applicant shall provide documentation indicating compliance with Part 8 Sewage Systems of the Ontario Building Code, to the satisfaction of the Township's Septic Inspector and Building Department.
7. The Owner/Applicant is required to apply and obtain a Township Entrance Permit for Part 1, to the satisfaction of the Township of West Lincoln.
8. That the Owner/Applicant shall decommission the barn to prevent the keeping of livestock to meet the Minimum Distance Separation requirements to the adjacent residence.
9. That any other unused wells be decommissioned to the satisfaction of the Township of West Lincoln Director of Growth and Sustainability and/or Building Department.
10. That the final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
11. That all conditions shall be fulfilled within a period of two years after the date of giving Notice of Decision, pursuant to Section 53(41) of the Planning Act. Failure to complete conditions shall be deemed to be refused.

BACKGROUND:

A consent application was submitted by Kim Hessels of KCAG Solutions (Agent) on behalf of Jason and Jody Beamer (Owners) for the lands legally referenced as Concession 1, Part Lot 26 and municipally known as 3750 Concession 1 Road, Township of West Lincoln. The purpose of this consent application is to create one new residential lot by way of Surplus Farm Dwelling Severance.

The subject property is located on the south side of Concession 1 and west side of Sheddon Road. The subject property currently has a total lot area of 20.6 hectares with a lot frontage of 253.24 metres on Concession 1 Road. The lands contain one single detached dwelling, two silos, metal clad building and open storage building. There are no natural heritage features that intersect with the purposed lot lines for Part 1.

The proposed surplus farm dwelling severance (Part 1) will have a new lot area of approximately 0.4 hectares and lot frontage of 50 metres onto Concession 1 Road. Part 1 will maintain the existing single detached dwelling unit. The retained/remnant farmland parcel (Part 2) will have a lot area of approximately 20.2 hectares with a lot frontage of 203.24 metres onto Concession 1 Road. Part 2 will maintain the existing buildings and structures associated with the agricultural use. Part 3 is a proposed easement over Part 2 in favour of Part 3 for the existing private well to provide domestic water to severed lands.

CURRENT SITUATION:

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

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS 2024) provides guidance on all land use planning matters. The subject property is located within Prime Agricultural Area. In accordance with the PPS, lot creation in the Prime Agricultural Area may only permit one new residential lot per farm consolidation for a residence surplus to an agricultural operation provided that the new lot is limited in size to a minimum size in order to accommodate appropriate sewage and water services. The proposed surplus farm dwelling severance is surplus to a bona-fide agricultural operation and is proposed to have lot area of 0.4 hectares which is the minimum lot size requirement of the Township's Official Plan and Zoning By-law. The proposed severed lot (Part 1) that is considered surplus to the farm operation has an existing private sanitary sewage system that can accommodate the residential use. Water supply will continue to be supplied by the existing private well, as shown on the survey sketch plan. The private water well is located within the retained/remnant parcel (Part 2) and the Applicant proposes to create an easement for access to the existing private water well (Part 3) over Part 2 in favour of Part 1 to adequately provide domestic water.

Based on the above, Planning Staff are satisfied that the proposed lot creation of Part 1 is consistent with the PPS 2024 as the proposed lot meets the required size for a non-farm parcel that is capable of accommodating private sanitary and water services.

Township of West Lincoln Official Plan and Niagara Region Official Plan

Bill 23 has changed Niagara Region's role in land use planning and as of March 31, 2025, the Niagara Official Plan (NOP) is no longer a Regional Plan and is an Official Plan of the twelve area municipalities in Niagara. Therefore, the Township has considered the applicable policies of the NOP alongside the Township's Official Plan (OP) for the assessment to support proposed Surplus Farm Dwelling Severance.

The subject lands are designated as 'Good General Agriculture' within the Township's Official Plan (OP). Section 4 of the OP states the main objectives of this designation is to provide the second highest level of protection to preserve the Township's agricultural

lands. Section 18.13.2 g) of the OP only permits the creation of a new lot in the Good General Agricultural designation subject being surplus to a farm operation, a lot size of 0.4 hectares, can adequately support private sewage and water services, and that the remnant farmland parcel be rezoned to Agricultural Purposes Only (APO).

The proposed surplus farm dwelling severance is surplus to a bona-fide farm operation and will have a lot area of 0.4 hectares. An easement (Part 3) is being proposed for the existing private well to service the proposed severed lot for domestic water usage. The retained/remnant lands (Part 2) continued for agricultural uses are to be rezoned to Agricultural Purpose Only (APO) and prohibit any future non-farm related uses including residential and the severed lands (Part 1) will be rezoned to Rural Residential (RuR) for the continued for residential and accessory use purposes.

Similarly, with the reference to the former Niagara Region Official Plan, lot creation within Prime Agricultural Areas lots shall have an area of 0.4 hectares and required to support private sewage and water supply system.

Based on the above, Planning Staff are satisfied that the proposed lot creation of Part 1 and Part 2 conform with and meets the intent of the policies of the Official Plans.

Township of West Lincoln Zoning Bylaw

The subject property is currently zoned as Agriculture (A) within the Township's Zoning By-law 2017-70, as amended. The A zone permits a variety of agricultural uses and permits the use of a single detached dwelling and accessory buildings and structures.

A Zoning By-law Amendment application is required to rezone the retained/remnant farmland (Part 2) to APO. The APO zone permits a range of agricultural uses only to further protect valuable agricultural lands. The APO Zone requires a minimum lot area of 39 hectares and a lot frontage of 100 metres. Part 2 will meet the minimum lot frontage requirement with 203.24 metres and a lot area of 20.2 hectares. The existing property is under the required minimum lot area of 40 hectares for an A Zone (currently 20.6 hectares prior to severance), this is considered an existing lot of record. However, following the proposed severance, the property will become further undersized (new lot area of 20.2 hectares which is deficient of 19.8 hectares) and therefore will be captured by the Zoning By-law Amendment application.

Subsequently, the proposed severed lot (Part 1) will be required to be rezoned to Rural Residential (RuR) to permit the use of a single detached dwelling. The RuR Zone requires a minimum lot area of 0.4 hectares and lot frontage of 45 metres of which Part 1 will meet these minimum requirements. The proposed lot will have an approximate lot area of 0.4 hectares and lot frontage of 50 metres. The RuR zone requires a minimum front yard setback of 15 metres and the current front yard setback of the dwelling unit is 9.12 metres which does not comply to the RuR front yard setbacks and will be captured under the Zoning By-law Amendment application.

Based on the review of the zoning regulations, Planning Staff are of the opinion that the proposed Surplus Farm Dwelling Severance meets general intent of the Township's Zoning By-law.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Township Civil and Development Engineering

Survey sketch plan indicates that the retained/remnant parcel (Part 2) will retain the existing site entrance off Concession Road 1. The Owner/Applicant will be required to obtain a new entrance permit for Part 1 as a condition of consent.

Township Septic Inspector

Owner/Applicant to provide documentation indicating compliance with Part 8 of the Ontario Building Code to the satisfaction of the Township of West Lincoln's Building Department.

Niagara Peninsula Conservation Authority

The NPCA noted there is a regulated watercourse, 15 metre buffer area, drainage feature and potential unevaluated wetland on the subject property. However, the regulated features do not encroach on the lot creation or are intersected by the proposed lot lines. Therefore, the NPCA has no objections.

PUBLIC COMMENTS:

No public comments were received at the time of writing this report.

CONCLUSION:

Based on the above analysis of Consent Application B072025WL, Planning Staff recommend **APPROVAL** for the creation of one severed farm surplus dwelling (Part 1) one retained/remnant farm lot (Part 2) for agricultural, and one new easement (Part 3) over Part 2 in favour of Part 1 for the private well for domestic water use.

ATTACHMENTS:

1. Survey Sketch Plan
2. Complied Comments

Prepared & Submitted by:

Robin Shugan, CPT, ACST
Senior Planner

Approved by:

Susan Smyth, CPT
Manager, Community Planning and Design

Memo

To: Robin Shugan, Senior Planner
From: Jennifer Bernard, Manager, Civil Land Development
Date: August 18, 2025
Re: B07/2025WL - Jason and Jody Beamer - 3750 Concession 1 Rd

A review has been completed of this consent application to permit a Surplus Farm Dwelling Severance for the lands located at 3750 Concession 1 Road.

The land being severed with the 1.5 storey dwelling is proposed to be 0.40 hectares and the remnant farmland will be approximately 20.2 hectares following the severance.

A review of the sketch provided, "DWG 02089-2_SEV_sheet 2" dated July 24, 2025, shows that Part 2 (remnant farmland), will retain the existing site entrance on Concession 1 Road. Part 1 will therefore require an entrance as a condition of consent. The proponent will be required to apply for an Entrance Permit, the application can be found on the Township's website.

August 18, 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 Consent and Easement, B07-2025WL
Kim Hessel (c/o Agent, KC AG Solutions)
3750 Concession 1 Road, West Lincoln, Ontario
ARN 260202000616800

To the Committee of Adjustment,

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

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under Ontario Regulation 41/24 of the Conservation Authorities Act. The NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (NPCA policies) provides direction for managing NPCA regulated features.

The NPCA has reviewed the current NPCA mapping of **ARN 260202000616800** and notes that the subject property identified as, Part 1, is south of an NPCA regulated watercourse 15-meter buffer area; and, appears to be south of a drainage feature that may meet the definition of a watercourse as per the CA Act subject to further NPCA Planning verification. The subject property identified as, Part 2, contains NPCA regulated watercourses and an area of potential unevaluated wetlands. Based on the application, B07-2025WL, the area of lot creation (i.e., lot lines) and area of easement do not encroach within an NPCA regulated area. Therefore, the NPCA would have no objection to proposed lot creation and easement.

All future proposed development that encroaches within an NPCA regulated area will require prior review, possible site visits, and approval prior to the start of development. Depending on the scope, nature, and location of the proposed works in relation to an NPCA Regulated Area, an NPCA works Permit maybe of a requirement to ensure all works have met the satisfaction of the NPCA.

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

PLANNING & DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Stephanie Pouliot – Planner / Treasurer Committee of Adjustments

FROM: Lyle Killins, Septic Inspection Manager

DATE: August 14, 2025

SUBJECT: Consent- Septic Evaluation - B07/2025 WL – 3750 Concession 1 Road

The proposed application has been reviewed, file searches and on-site visit completed.

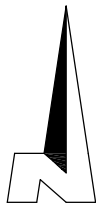
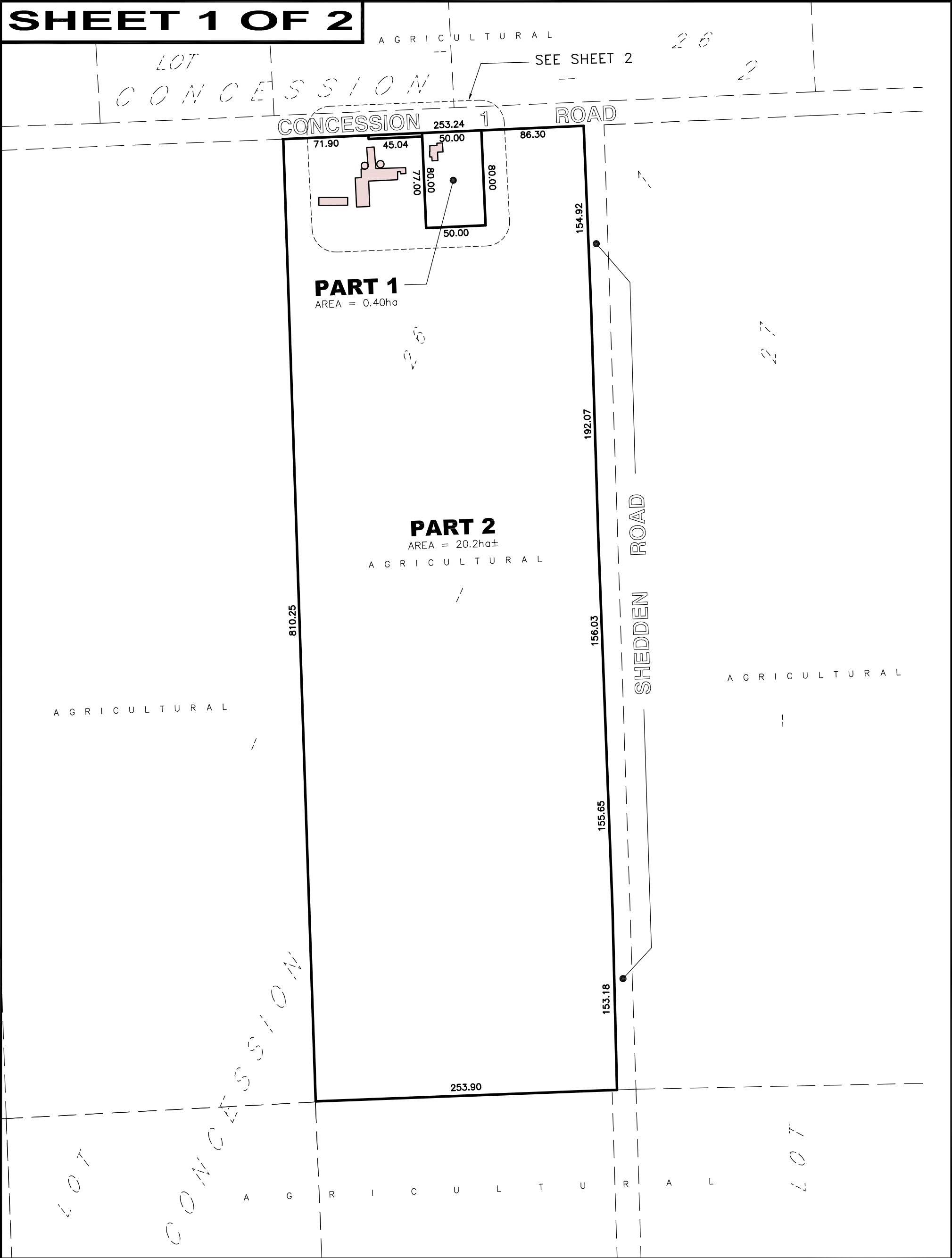
Given that no documentation has been submitted relating to compliances with Part 8 (Sewage Systems) of the Ontario Building Code, the following is provided for consideration as a Condition of Approval.

The applicant provide documentation indicating application compliance with Part 8 of the Ontario Building Code to the satisfaction of the Township of West Lincoln Building Department.

We trust the preceding serves as required, however should additional information and/or clarification, please contact West Lincoln Building Department at 905-957-3346.

Respectfully submitted,

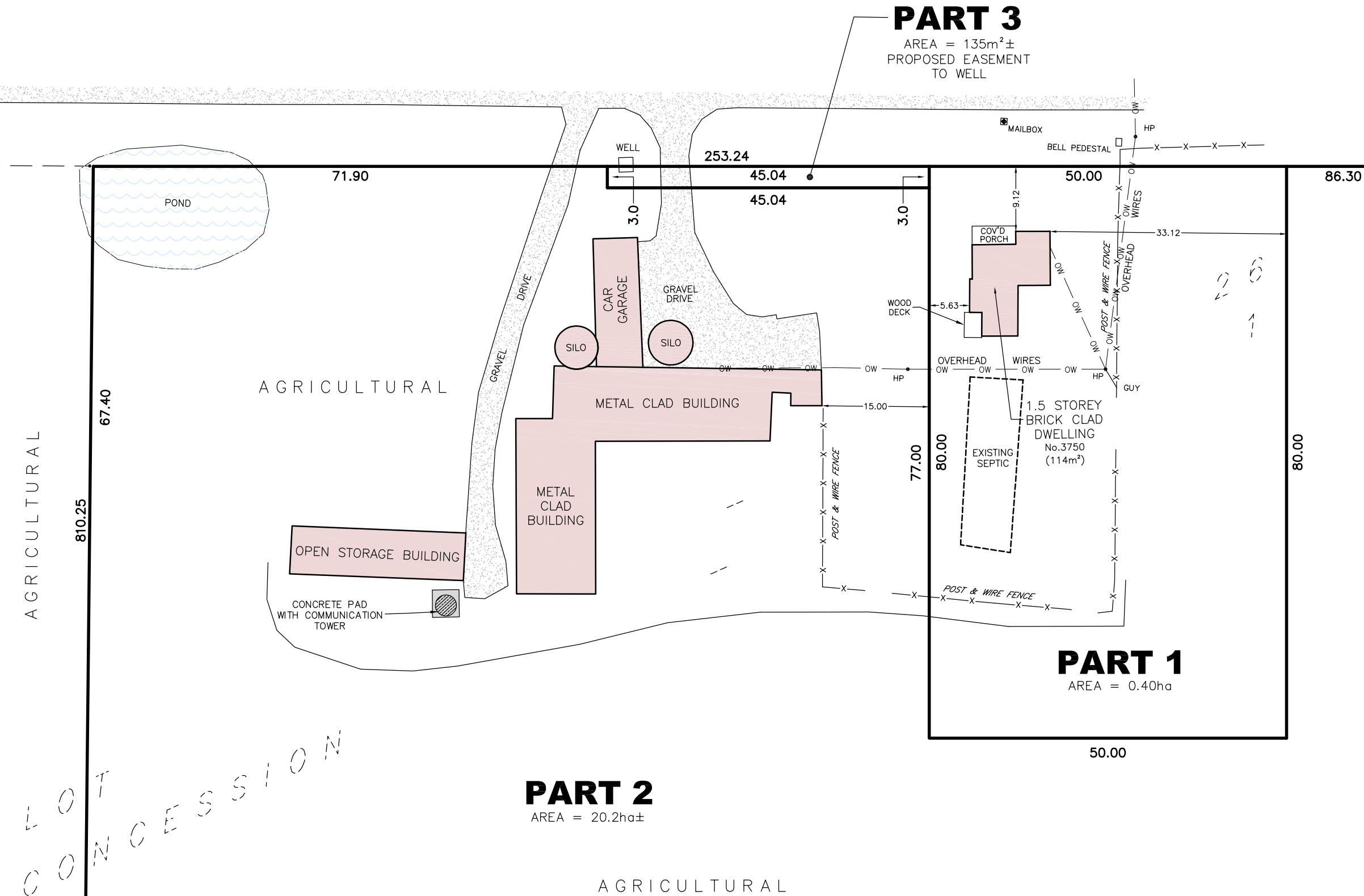
Lyle Killins C.P.H.I.(c)
BCIN #11112



SKETCH
PREPARED FOR SEVERANCE APPLICATION
PART OF LOT 26
CONCESSION 1
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH
IN THE
**TOWNSHIP OF
WEST LINCOLN**
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 3,000 (METRIC)
NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND
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ALL MEASUREMENTS ARE +/- MEASURED
Page 22 of 23

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JULY 24, 2025
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DWG 02089-2_SEV_sheet 1 FILE 02-89-2

CONCESSION 1 ROAD (20.12m WIDE)



SKETCH

PREPARED FOR SEVERANCE APPLICATION
PART LOT 26
CONCESSION 1
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH

IN THE
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 600 (METRIC)

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SUBJECT AND ABUTTING LAND USE - RESIDENTIAL

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JULY 24, 2025
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DWG 02089-2_SEV_sheet 2 FILE 02-98-2