



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

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

Pages

1. CHAIR
The Chair will call to Order the evening's proceedings.
2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST
3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT
There are no requests for withdrawal and/or adjournment at this time.
4. APPLICATIONS
 - a. A14/2025WL - Timothy Hutten (Agent - Nathan Hutten) 3
Property Location: 6250 Silver Street (Regional Road 65)

The purpose of this application is to grant the applicant relief from the provisions of the Township of West Lincoln Zoning By-law 2017-070, as amended.

The variance sought under this submission is:
 - 1) To reduce the required Minimum Distance Separation II (Section 3.10.2 a) setback from the nearest neighboring dwelling from 259.08 metres to 235 metres.

The effect of this variance, if granted, is to facilitate the construction of a new accessory building for livestock operations.
 - b. A15/2025WL - Cody and Chantel Poliquin (Agent - Cody Van Soelen) 21
Property Location: 9547 North Chippawa Road

The purpose of this application is to grant the applicant relief from the provisions of the Township of West Lincoln Zoning By-law 2017-070, as amended.

The variances sought under this submission are:

- 1) To reduce the required minimum rear setback for the Rural Residential Zone from 15 metres to 10.8 metres. (Section 6.3, Table 14)
- 2) To increase the maximum height of a private garage door from the required 2.6 metres to 3.1 metres. (Section 3.12.7 g)
- 3) To increase the maximum width of an attached private garage from the required 9.2 metres to 14 metres. (Section 3.12.7 h)

The effect of this variance, if granted, is to facilitate the construction of an attached private garage to a single detached dwelling.

- c. A16/2025WL - Schuller Farms Ltd. - Gerald and Tracy Schuller (Agent - Darren Draaistra)

32

Property Location: 5288 Sixteen Road

The purpose of this application is to grant the applicant relief from the provisions of the Township of West Lincoln Zoning By-law 2017-070, as amended.

The variances sought under this submission are:

- 1) To increase the maximum distance of an accessory building/accessory dwelling unit to the main dwelling unit from 50 metres to 68 metres. (Section 3.2.1 h)
- 2) To increase the maximum coverage of all accessory buildings on the lot from 1000 square metres to 2442 square metres. (Table 1-1 lot area 2.1 hectares to 10 hectares)

The effect of this variance, if granted, is to facilitate the construction of an Accessory Building with an Accessory Dwelling Unit.

5. MINUTES FOR APPROVAL

44

- May 28th, 2025

- July 30th, 2025

- September 24th, 2025

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: November 26, 2025

REPORT NO: COA-23-2025

SUBJECT: **Recommendation Report – Application for Minor Variance (6520 Silver Street) – Hutten**

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

OVERVIEW:

- An Application for a Minor Variance has been submitted by Nathan Hutten (Agent) on behalf of 1992726 Ontario Ltd. (Owner) for the lands located at 6520 Silver Street (Regional Road 65).
- The purpose of this Application is to grant relief from the provisions of the Township of West Lincoln Zoning By-law 2017-070, as amended (Section 3.10.2 a) to reduce the required Minimum Distance Separation II setback from the nearest neighbouring dwelling from 259.08 metres to 235 metres.
- The effect of this variance, if granted, is to facilitate the construction of a new accessory building for livestock operations.

RECOMMENDATION:

That, the Application for Minor Variance, submitted by Nathan Hutten (Agent) on behalf of 1992726 Ontario Ltd. (Owner), as outlined in Report COA-23-2025, to permit the construction of a new accessory building for livestock operations and a reduced Minimum Distance Separation II setback from the nearest neighbouring dwelling from 259.08 metres to 235 metres, be APPROVED.

BACKGROUND:

The subject lands are located on the south side of Silver Street (Regional Road 65) west of Port Davidson Road. The lands comprise of 23.76 hectares in lot area with approximately 302 metres of lot frontage on Silver Street.

Currently, the subject lands contain one main dwelling, one farm help house, accessory buildings, and large barns with livestock, with the balance being agricultural crop land.

The surrounding land uses are comprised of agricultural uses including crops and livestock buildings and rural residential uses.

The Applicant has applied for a Minor Variance to support the expansion of the existing broiler breeder production and requires a new barn for such purpose with the relief from the by-law for a reduced Minimum Distance Separation to the nearest dwelling.

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

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

The subject lands are designated as *Good General Agriculture* in the Township's Official Plan (OP). The main objectives for the *Good General Agricultural Area* (Section 4.2 and 4.4) are protecting agricultural operations, preserving viable agricultural lands as well as promoting small scale secondary uses which do not hinder the surrounding agricultural community. Another objective is minimizing the impact of non-farm uses (including new residential development) on the agricultural area. One of the mechanisms to minimize the impact between land uses in the agricultural area is the minimum distance separation formulae.

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

The proposed new barn location will not be able to meet the MDS II setback required to be 259.08 metres to the nearest dwelling and requires the setback to be 235 metres, reduction of 24.08 metres (80 feet). The reduction is not expected to hinder the surrounding agricultural lands or worsen any existing conditions between the land uses. The adjacent property permits the residential use and setback of 235 metres can still maintain the intent to minimize the impact between the residential use and the neighbouring agricultural operations.

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

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

The subject lands are zoned as Agricultural (A) Zone and Environmental Conservation (EC) Zone, as shown on Schedule A, Map E5 of the Zoning By-law 2017-70, as

amended.

The EC zone is primarily located in the southwest corner of the subject lands, and the proposed development is not located anywhere near those features and will not have an impact on the natural features (woodland and watercourse).

The A zone supports and protects agricultural land uses including but not limited to raising of livestock and processing products, greenhouses, field crops. The proposed new barn location is required to maintain a distance for the prevention of impairment to flock health and disease and minimize the potential for spreading any disease from one facility to the next.

Relief is required from Part 3.10 *Minimum Distance Separation* of the Township's Zoning By-law. As previously noted, the intent guiding the MDS requirements is minimizing land use incompatibilities between agricultural operations and surrounding residential uses. The MDS II calculation prepared by a certified nutrient management consultant, confirmed the distance and recommended setback from the new barn to the nearest dwelling is 259.08 metres, however due to a number of locational considerations like the vehicle access, ventilation, preventive maintenance and reduced potential of disease, the distance separation is reduced to 235 metres.

For these reasons, the proposal is aligned with the general intent and purpose of the Township's Zoning By-law 2017-70, as amended.

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

The proposed new development represents the long-term commitment to the viable and sustainable agricultural use of the land. The proposal is mindful and preserves the existing natural features of the land including the woodland and watercourse in the southwest corner.

The proposed development will maximize the biosecurity by being located in the required distance from the existing barns meeting the Ministry Canadian Food Inspection Agency (CFIA) 110 metre clearance requirement. The location of the new barn will meet the livestock classification animal unit factor and disease prevention standards, although it does require a slight reduction in the MDS II setback to the neighbouring dwelling.

Additionally, the location of the new barn in the east west direction is favourable due to the elevation and grades of the fields requiring less fill for construction. Also, the prevailing winds would be against the back side of the new barn rather than the entire length of the barn improving energy efficiency for heating and ventilation of the barn.

Therefore, the proposed new barn is desirable and appropriate to the existing agricultural livestock operation.

Is the proposal minor in nature? Yes

The requested relief from the MDS II and distance separation from the location of the new barn to that of the nearest dwelling is a reduced setback from 259.08 metres to 235 metres or reduction of 24.08 metres (80 feet). This represents a minor departure and is considered a minimal impact to the neighbouring properties since there will be no significant odour or noise impacts beyond what currently exists with the active farming operation.

For these reasons, the proposal is considered minor in nature.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Niagara Peninsula Conservation Authority

The NPCA noted that the property is impacted by regulated features as per the current NPCA mapping, the subject property contains the following regulated features:

- Watercourses with an associated 15-meter buffer area;
- An associated floodplain hazard area, identified as Beaver Creek;
- Provincially Significant Wetland (PSW) identified as the Beaver Creek West Lincoln Wetland Complex, with an associated 30-meter buffer area; and,
- Areas of potential unevaluated wetlands There are no objections to this requested relief from the inter-departmental staff or external agencies.

At this time, the NPCA has no objection to the Minor Variance Application for the reduction in the setback distance to the neighboring dwelling. Prior to the start of works, NPCA will require further discussion with the applicant to review a fulsome site plan to outline the scope, nature, and location of works in relation to the NPCA Regulated Areas. Should encroachment occur within an NPCA Regulated area (including stormwater outfalls) the applicant shall obtain an issued NPCA Permit from this office prior to the commencement of any works on site.

Region of Niagara

Regional Infrastructure Planning and Development staff offer no objections to the proposed minor variance application to reduce the required Minimum Distance Separation II setback from the nearest neighbouring dwelling to facilitate the construction of a new accessory building for livestock operations. Staff note that provided the property will remain in agricultural production, and all development and site alteration is outside a 30 m setback from all features, an EIS would not be required according to NOP policy 3.1.5.7.1.

There are no comments or issues raised by the Township building, fire or civil engineering departments.

PUBLIC COMMENTS:

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

CONCLUSION:

Based on the analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance Application A142025WL as outlined in Report COA-23-2025, to permit the construction of the barn at a reduced MDS II setback no less than 235 metres.

ATTACHMENTS:

Schedule A – Location Map

Schedule B – Site Plan and MDS Calculation Information Sheet

Schedule C – Agency Comments

Prepared & Submitted by:

Robin Shugan CPT, ACST
Senior Planner

Approved by:

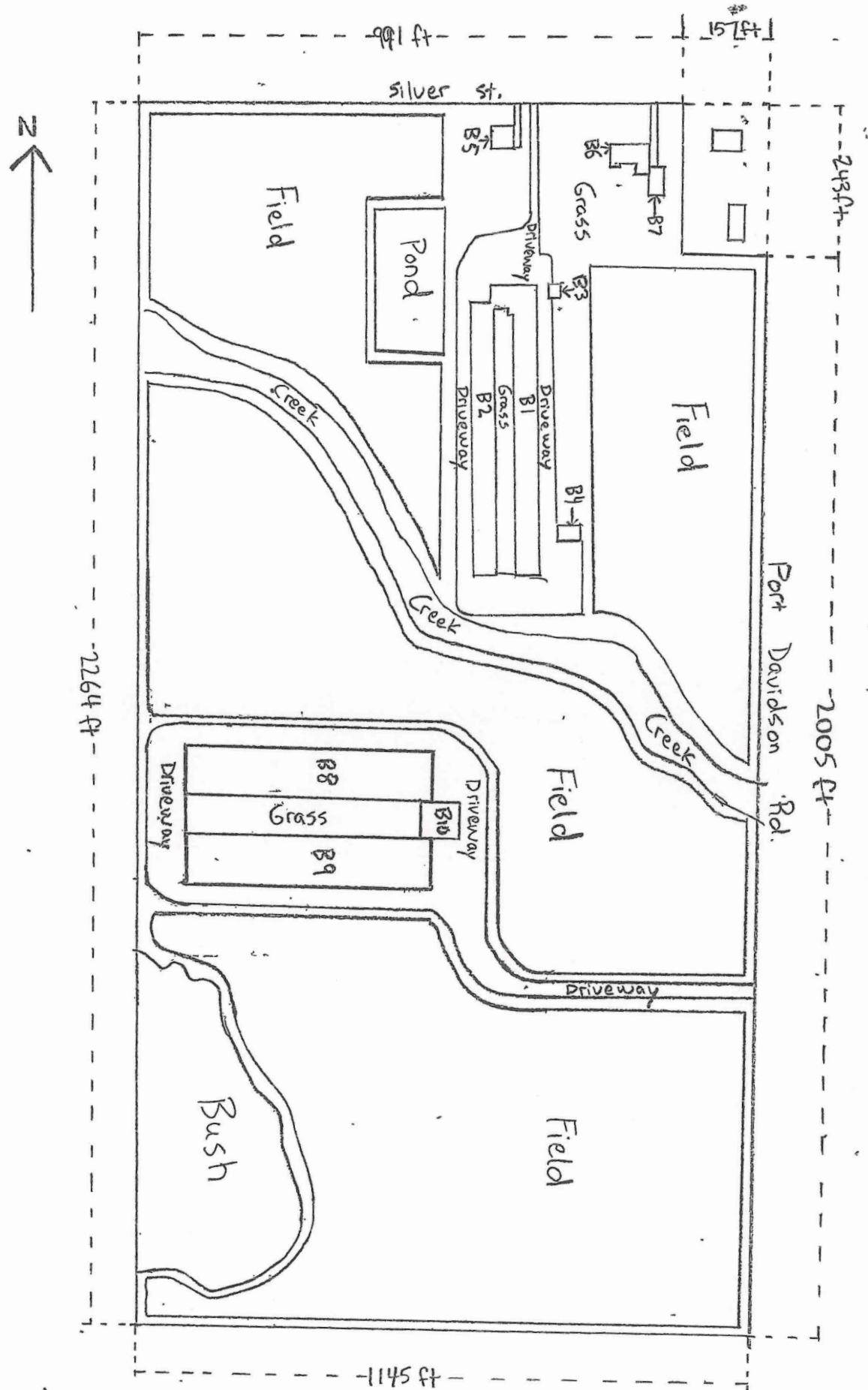
Susan Smyth CPT
Manager, Community Planning and Design

Schedule A – COA-23-2025

Location Map



Schedule B - COA-23-2025



Site Plan - Additional Details Document

B1: Existing Broiler Breeder Barn with Front Egg Packing Room

- Size of Barn: 40 ft x 490 ft
- Size of Egg Room: 40 ft x 80 ft
- Height of Barn / Egg Room: 18.5 ft (5.6 m)
- Distance from front yard line (Along Silver St.): 323 ft
- Distance from rear yard line: 1400 ft
- Distance from right (east) yard line (Along Port Davidson Rd.): 404 ft
- Distance from left (west) yard line: 648 ft
- Year Constructed: 2022

B2: Existing Broiler Breeder Barn

- Size of Barn: 40 ft x 500 ft
- Height of Barn: 17.5 ft (5.3 m)
- Distance from front yard line (Along Silver St.): 356 ft
- Distance from rear yard line: 1397 ft
- Distance from right (east) yard line (Along Port Davidson Rd.): 487 ft
- Distance from left (west) yard line: 608 ft
- Date Constructed: Estimated 2013

B3: Backup Generator Shed/Shop

- Size of Building: 25 ft x 23 ft
- Height of Building: 14 ft (4.3 m)
- Distance from front yard line (Along Silver St.): 320 ft
- Distance from rear yard line: 1908 ft
- Distance from right (east) yard line (Along Port Davidson Rd.): 369 ft
- Distance from left (west) yard line: 749 ft
- Date Constructed: Unknown -> Estimated 30 – 50 years ago

B4: Storage Shed

- Size of Building: 35ft x 25ft
- Height of Building: 16 ft
- Distance from front yard line (Along Silver St.): 764 ft
- Distance from rear yard line: 1462 ft
- Distance from right (east) yard line (Along Port Davidson Rd.): 335 ft
- Distance from left (west) yard line: 774 ft
- Date Constructed: Unknown -> Estimated 30 – 50 years ago

B9: Proposed New Broiler Breeder Barn:

- Size of Barn: 92 ft x 450 ft
- Height of Barn: 24 ft (7.3 m)
- Distance from front yard line (Along Silver St.): 1371 ft
- Distance from rear yard line: 782 ft
- Distance from right (east) yard line (Along Port Davidson Rd.): 603 ft
- Distance from left (west) yard line: 85 ft

B10: Proposed New Egg Room:

- Size of Building: 70 ft x 70 ft
- Height of Building: 28 ft (8.5 m)
- Distance from front yard line (Along Silver St.): 1307 ft
- Distance from rear yard line: 870 ft
- Distance from right (east) yard line (Along Port Davidson Rd.): 547 ft
- Distance from left (west) yard line: 85 ft

Adjacent Land Uses: The land that is adjacent to the subject land is zoned Agricultural or Agricultural Purposes Only. All adjacent land is being used for agricultural purposes.

Roads Abutting Subject Land:

Road Name 1: Silver St. (Regional Rd. 65)

Road Location 1: North Property Line

Road Width 1: 26.2 m

Road Type 1: Public travelled road

Road Name 2: Port Davidson Rd.

Road Location 2: East Property Line

Road Width 2: 20.1 m

Road Type 2: Public travelled road

**Hutten's 2025 sil st MDS II****General information**

Application date
Mar 29, 2023

Municipal file number

Applicant contact information

Nathan Hutten
Hutten's Hen Haven
6520 Silver Street
St. Annes, ON
L0R 1Y0
289-257-0421

Location of subject livestock facilities

Regional Municipality of Niagara
Township of West Lincoln
GAINSBOROUGH
Concession 3, Lot 4
Roll number: 260202001014200

Setback distance summary

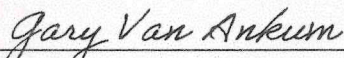
Description	Building setbacks		Storage setbacks	
Type A land uses	Minimum 259 (850 ft)	Actual 235 m (770 ft) 	Minimum 259 m (850 ft)	Actual 235 m (770 ft) 
Type B land uses	Minimum 518 (1699 ft)	Actual NA	Minimum 518 m (1699 ft)	Actual NA
Nearest lot line (side or rear)	Minimum 26 (85 ft)	Actual 26 m (85 ft)	Minimum 26 m (85 ft)	Actual 26 m (85 ft)
Nearest road allowance	Minimum 52 (170 ft)	Actual 187 m (615 ft)	Minimum 52 m (170 ft)	Actual 187 m (615 ft)

Preparer signoff & disclaimer

Preparer contact information

Gary Van Ankum
CFS
7668 8th Line
RR#2
Drayton, ON
N0G 1P0
519-638-3457
garyva@cleanfield.biz

Signature of preparer



Gary Van Ankum, Consultant

10/23/2025

Date (mmm-dd-yyyy)

Note to the user

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

Schedule C - COA-23-2025



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

November 18, 2025

NPCA File No.: PLMV202501538

VIA EMAIL ONLY

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

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

Subject: Minor Variance, A14/2025WL
Nathan Hutten (authorized Agent)
6520 Silver Street (RR 65), West Lincoln
ARN 260202001014200

To the Committee of Adjustment,

Further to your request for comments for the Minor Variance Application 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 260202001014200** and notes that the property is impacted by NPCA regulated features. As per the current NPCA mapping, the subject property contains the following regulated features:

- Watercourses with an associated 15-meter buffer area;
- An associated floodplain hazard area, identified as Beaver Creek;
- Provincially Significant Wetland (PSW) identified as the Beaver Creek West Lincoln Wetland Complex, with an associated 30-meter buffer area; and,
- Areas of potential unevaluated wetlands

The identified purpose of the Minor Variance Application is to *reduce the required Minimum Distance Separation II (Section 3.10.2 a) setback from the nearest neighboring dwelling from 259.08 metres to 235 metres* to facilitate the construction of the proposed two accessory buildings. The proposed accessory buildings have been identified as two new barns for agricultural use (i.e., Livestock and crops).

For the request to reduce the minimum setback distance to the nearest neighboring dwelling, the NPCA can offer no objection to this variance application. Prior to development starting on the subject property, the NPCA

will require further discussion with the applicant regarding a review of a more fulsome site plan and development envelope prior to offering any approvals for the development activities at this time.

Outlined below are the outstanding details that would require on a site plan (to start) for further review:

- The site plan shall include an overlay of the NPCA Regulated Areas and associated buffer areas in relation to the scope of works
 - To download the available information, please visit the NPCA Open Data Portal, <https://gis-npca-camaps.opendata.arcgis.com/>
- The NPCA would require the applicant to complete a topographic survey to delineate the flood hazard limits (of the 100-year storm) on the subject property and in relation to the scope of works
 - Based on the general area for the proposed barns, the flood elevation would be 181.59 CGVD2013 and the terrain shows that there would be safe access across the subject property
- The NPCA will require confirmation and identification on the site plan for how the proposed barns are to be accessed being, either from Port Davidson Road to the east or, from the north crossing the watercourse and associated floodplain hazard area.
- Should there be any proposed fill placement within the limits of the floodplain, the NPCA will require the site plan to identify the proposed quantity (in m³) and location of added/removed fill within the floodplain limits

Should works encroach within the floodplain hazard or the applicant propose a watercourse crossing from the north to south, please be advised of the following Policy sections summarized below.

Proposed Agricultural Buildings and Structures within a Floodplain

- As per Section 6.2.3, the NPCA can permit new agricultural buildings and structures to be within a floodplain hazard area so long as the proposed buildings (i.e., barns) would align with the Policies under Section 6.2.3 and meet the satisfaction of NPCA staff and Policy requirements.
- In brief, proposed agricultural buildings that are within the floodplain hazard limit may be permitted should they not incur significant damages during a flood event, the building does not contain dwelling units and, there is no negative impact to the floodplain.

Proposed Watercourse Crossings

- As per Section 9.2.4, the NPCA oversees proposed watercourse crossings to ensure the works are permitted to the NPCA staff and Policy satisfaction.
- In brief, watercourse crossings such as culverts and/or bridges, may be permitted if there are no reasonable alternatives, watercourse bends are avoided, the location of the crossing is already in a disturbed area, the risk for increased flooding as a result of the crossing is mitigated (either upstream or downstream), risks associated to erosion are addressed, the design minimizes impacts on the hydrological features and functions, and maintenance requirements are minimize.

Proposed Fill within a Floodplain

- As per Section 6.2.8, the NPCA regulates any quantity of fill proposed within a floodplain hazard area and shall meet the satisfaction.
- Proposed fill cannot interfere with any watercourse or wetland on the subject property, the fill is inert and placed in a manner which will not impact the control of flooding, and any disturbed areas shall be

re-vegetated. Should proposed fill exceed 50m³ (added), within the floodplain limits, the NPCA will require the applicant to complete a hydraulic analysis to demonstrate that there will be no negative impacts to the flood plain

Additional Policies, and site plan revisions maybe addressed by the NPCA pending verification of the scope of works in relation to the NPCA Regulated Areas on the subject property. All development activity proposed within an NPCA Regulated Area including proposed stormwater outfalls shall meet the satisfaction of NPCA staff current Polices. Once a fulsome site plan has been provided to address the proposed scope of works, the NPCA can provide the applicant with fulsome comments and requirements.

Conclusion

At this time, the NPCA staff can no objection to the **Minor Variance Application, A14/2025WL**, for the reduction in the setback distance to the neighboring dwelling. Prior to the start of works, NPCA will require further discussion with the applicant to review a fulsome site plan to outline the scope, nature, and location of works in relation to the NPCA Regulated Areas. Should encroachment occur within an NPCA Regulated area (including stormwater outfalls) the applicant shall obtain an issued NPCA Permit from this office prior to the commencement of any works on site.

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

Public Works – Infrastructure Planning and Development Division

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

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

Via Email Only

November 19, 2025

Region File: PLMV202502333

Jeni Fisher

Interim Secretary Treasurer of the Committee of Adjustment

Township of West Lincoln

318 Canborough Street

Smithville, ON L0R 2A0

Dear Ms. Fisher:

Re: Regional Comments

Application Type: Minor Variance

Township File Number: A14/2025WL

Applicant: Timothy Hutten

6520 Silver Street

Township of West Lincoln

Regional Infrastructure Planning and Development staff has reviewed the minor variance application for lands municipally known as 6520 Silver Street in the Township of West Lincoln. The application is required to reduce the required Minimum Distance Separation II setback from the nearest neighboring dwelling to facilitate the construction of a new accessory building for livestock operations.

A pre-consultation meeting was not held for this proposal.

Planning Act Changes

Staff advise pursuant to the *Planning Act*, as of March 31, 2025, Niagara Region became an upper-tier municipality without planning responsibilities. The council of an upper-tier municipality, on conditions agreed upon with the council of a local municipality, may provide advice and assistance to local municipalities in respect of planning matters generally. Niagara Region has entered into a 'Planning Services Agreement' (PSA) with the Township of West Lincoln to continue providing support and advice to the Township for certain planning matters for planning review with respect to natural environment system policies.

Please be advised that through a related change to the *Planning Act*, the *Niagara Official Plan, 2022* (NOP) is effectively an official plan of the Township of West Lincoln,

which remains in effect until the Township revokes or amends it to provide otherwise. As such, Township staff should be satisfied that the application conforms to NOP policies.

On this basis, the following comments pertaining to natural environment system policies are provided as advice to assist the Township in their review of the application. Under the Memorandum of Understanding for Engineering Review between the Township and the Region (MOU), the comments related to Regional infrastructure and/or waste collection (as applicable) are considered Regional requirements with respect to the Region's interests.

Natural Environment System

The subject property is impacted by the Natural Environment System (NES) of the NOP, consisting of the Beaver Creek West Lincoln Provincially Significant Wetland Complex (PSW), Significant Woodland, and a Permanent or Intermittent Watercourse. NOP policy 3.1.5.7.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of these features. Further, NOP policies require that a minimum 30 m Vegetation Protection Zone (VPZ) be established as natural self-sustaining vegetation adjacent to PSWs. A 20 m vegetated buffer is required for Significant Woodlands. The buffer for watercourses is to be determined through an EIS. Development or site alteration is generally not permitted within features or their buffers.

However, the NOP states that if the property will remain as agricultural use and all development and site alteration is outside a 30 m setback from all features, an EIS is not required. Further, these uses are exempt from the requirement of planting the 30 m buffer with self-sustaining vegetation if the land will continue to be used in agricultural production.

Staff advise that, provided the lands between the proposed barns and the features remain in agricultural production, the proposed development would conform to the policies of the NOP and offer no further recommendations from an environmental perspective.

Regional Road Allowance

The subject property has frontage along Regional Road 65 (Silver Street/Bismark Road). The existing right-of-way satisfies Regional requirements.

Regional Permit Requirements

The applicant is responsible for obtaining any applicable Regional road use permits:

- Construction encroachment permit: needed for any construction work to be completed on or below the Regional road allowance.
- Entrance permit: needed for any private road entranceway, driveway, gate, or facility constructed as a means of access to a Regional road.
- Sign permit: needed for placing any sign, notice or advertisement within 20 metres of the centreline of a Regional road.
- Road occupancy permit: needed for any item that will be installed and remain on a Regional road allowance for a period of time.

Permit applications can be made through the following link:

<https://www.niagararegion.ca/living/roads/permits/>

Restorations within the Regional right-of-way are to be to Niagara Region standards:

<https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>

Conclusion

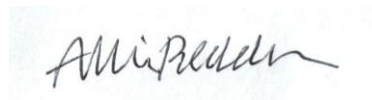
Regional Infrastructure Planning and Development staff offer no objections to the proposed minor variance application to reduce the required Minimum Distance Separation II setback from the nearest neighbouring dwelling to facilitate the construction of a new accessory building for livestock operations. Staff note that provided the property will remain in agricultural production, and all development and site alteration is outside a 30 m setback from all features, an EIS would not be required according to NOP policy 3.1.5.7.1.

Please be advised that through changes to the *Planning Act*, the NOP is effectively an official plan of the Township of West Lincoln, which remains in effect until the Township revokes or amends it to provide otherwise. As such, Township staff should be satisfied that the application conforms to NOP policies.

If you have any questions regarding the above comments, please contact the undersigned at Alexandra.Reddon@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Please send notice of the Township's decision on this application.

Kind regards,



Allie Reddon
Development Planner

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

DATE: November 26, 2025

REPORT NO: COA-21-2025

SUBJECT: **Recommendation Report – Minor Variance A152025WL – 9547
North Chippawa Road**

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

OVERVIEW:

- A Minor Variance Application has been submitted by the Owners, Cody and Chantel Poliquin.
- The subject property is designated 'Good General Agriculture' and 'Natural Heritage System'.
- The subject property is zoned Rural Residential (RuR) and Environmental Conservation (EC).
- The variance requests are to facilitate the construction of an attached private garage.
- Requested variances are:
 - Reduce the required minimum rear setback for the Rural Residential Zone from 15 metres to 10.8 metres.
 - Increase the maximum height of a private garage door from the required 2.6 metres to 3.1 metres. (Section 3.12.7 g)
 - Increase the maximum width of an attached private garage from the required 9.2 metres to 14 metres. (Section 3.12.7 h)

RECOMMENDATION:

That, the Application for Minor Variance A15/2025WL, submitted by Cody and Chantel Poliquin (Owners) as outlined in Report COA-21-2025, be APPROVED subject to the following condition:

- 1) That the Owner shall submit and obtain an approved building permit to enclose the existing attached private garage prior to any construction, to the satisfaction of the Township of West Lincoln.

BACKGROUND:

A Minor Variance Application has been submitted by Cody and Chantel Poliquin (Owners) for the lands municipally known as 9547 North Chippawa Road in the Township of West Lincoln. The subject property is located outside the Caistor Hamlet Settlement area on the north side of North Chippawa Road. The subject property contains an existing single detached dwelling and has a lot area of approximately 5525 square metres and lot frontage of approximately 62 metres onto North Chippawa Road. The surrounding land uses are predominantly agricultural and rural residential with single detached dwellings.

The purpose of this application is to permit the construction of an attached private garage to the existing single detached dwelling. The proposed attached private garage intended use is to store recreational vehicles/equipment. The variances requested are as follows:

- To reduce the required minimum rear setback for the Rural Residential Zone from 15 metres to 10.8 metres. (Section 6.3, Table 14)
- To increase the maximum height of a private garage door from the required 2.6 metres to 3.1 metres. (Section 3.12.7 g)
- To increase the maximum width of an attached private garage from the required 9.2 metres to 14 metres. (Section 3.12.7 h)

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 'Good General Agriculture' and 'Natural Heritage System' and located outside of the Caistor Hamlet Settlement Area. The Good General Agriculture designation supports the use of single detached dwellings and accessory uses. The southern portion of the lot is designated Natural Heritage System. Section 10.7 of the Township's Official Plan states that an existing use located within an Environmental Conservation Area may be permitted subject to having no significant negative impact on natural features. The subject property contains an existing single detached dwelling with an attached garage. A portion of the proposed addition is located within the Natural Heritage System. The Township's Official Plan supports the expansion of existing land uses to be enlarged subject to not negatively impacting and ecological functions. The addition of the attached private garage will not negatively impact any environmental features as the watercourse (Elsie Creek) is located south of North Chippawa Road.

Therefore, 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**

The subject property is zoned Rural Residential (RuR) and Environmental Conservation (EC). The RuR zone permits the use of single detached dwellings. The EC zone permits existing uses and buildings to be enlarged within the EC zone.

Minor Variance # 1- Reduce Rear Yard Setback

The general intent and purpose of the rear yard setback is to provide sufficient outdoor amenity space, as well as space for maintenance, drainage, privacy and building separation. The proposed setback of 10.8 metres provides sufficient space for access, maintenance and private recreational space. The proposed reduction will not result in negative impacts related to privacy as the neighbouring lands to the north are for agricultural purposes only. Therefore, the proposal meets the general intent and purpose of the Zoning By-law.

Minor Variance #2- Maximum Height of Private Garage Doors

The general intent and purpose of limiting the height on private garage doors is to ensure that garage doors do not dominate the front façade of the dwelling unit and maintains the streetscape and character of the surrounding neighbouring properties. The Applicant is requesting to increase the height of the private garage doors from the required 2.6 metres to 3.1 metres. The requested increase of the garage doors will not create any negative impacts on massing as the required height is being maintained. The proposed attached private garage doors are oriented to face the east side of the subject property and will not be visible from the front yard along North Chippawa Road, thus not dominating the front façade and maintaining the characteristics of the surround properties. Therefore, the proposal meets the general intent and purpose of the Zoning By-law.

Minor Variance #3- Maximum Width of an Attached Private Garage

The general intent and purpose of limiting the width of attached private garages is to primarily preserve the streetscape and massing to ensure that the attached private garage is accessory to the main dwelling unit. The Applicant is proposing a 14-metre width whereas 9 metres is permitted. The orientation of the attached private garage entrance faces the eastern interior lot line which allows for architectural elements such as windows and landscaping to face North Chippawa Road while minimizing the visual appearance of an attached private garage maintaining neighbourhood characteristics and minimizing massing impacts. Furthermore, the proposed driveway entrance will be approximately 4 metres in width and orientated towards the garage doors for access, minimizing the width of vehicular access onto a public road. Therefore, the 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 subject lands are designated and zoned for the residential use of a single detached dwelling. The proposed variances will facilitate the construction of an attached garage to the existing single detached dwelling. The proposed attached private garage is to store recreation vehicles and equipment that would otherwise be stored outside. The Applicant has confirmed that the existing attached garage on the west side of the dwelling unit will be enclosed to permit the new construction of the new attached private garage located on the east side of the dwelling unit. The proposed attached private garage is compatible with the existing residential uses and surrounding context. Furthermore, the attached private garage will reduce land consumption and will maintain overall functionality of the subject property.

Therefore, it is the opinion of Planning Staff that the requested variances represent appropriate development on the subject property and will not negatively impact the neighbouring properties.

Is the proposal minor in nature? Yes

Minor Variance # 1- Reduce Rear Yard Setback

The Applicant is requesting to reduce the required rear yard setback from 15 metres to 10.8 metres. The proposed addition maintains sufficient private amenity space as well as access and maintenance. The proposed 10.8 metre setback will not create any privacy concerns as the lands to the north are used for agricultural purposes only and the proposed addition for the private garage is setback over 30 metres to the east from neighbouring property. Planning Staff are satisfied that the requested variance is minor in nature.

Minor Variance #2- Maximum Height of Private Garage Doors

The Applicant is requesting to increase the maximum height of a private garage door. The proposed increase in height is modest and will allow for recreational vehicles and equipment to be stored indoors. The proposed garage doors are orientated to face the east and will not be visible from the street which will not result in impacts to the streetscape or neighbouring properties and is therefore considered minor in nature.

Minor Variance #3- Maximum Width of an Attached Private Garage

The Applicant is requesting to increase the maximum width of an attached private garage. The proposed attached private garage and increase in width will remain secondary to the principal use as the intent of the attached private garage is to store recreational vehicles and equipment. The proposed width will maintain overall massing as lot coverage and height are maintained. Additionally, the orientation the proposed attached private garage does not face the street, therefore, will not result in adverse impacts to the streetscape. Planning Staff are satisfied that the requested variance is minor in nature.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Niagara Peninsula Conservation Authority

The subject property limits do not contain and are not impacted by NPCA Regulated Features. Therefore, the NPCA would have no objection to the Minor Variance application.

Niagara Region

The subject property is impacted by the Natural Environment System of the NOP consisting of Other Woodland and Other Wetland.

The proposed building is within 120 metre of the Other Wetland and 50 metres of the Other Woodland, however, is separate from the feature by existing development. Regional Staff offer no recommendations for an environmental perspective.

Regional Infrastructure Planning and Development staff offer no objections to the application.

No objections from building, fire or development engineering departments although a new entrance permit is required for the new driveway.

PUBLIC COMMENTS:

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

CONCLUSION:

Based on the above analysis, Planning Staff recommend **APPROVAL** of Minor Variance A15/2025WL subject to the recommended conditions to permit the construction of a private attached garage.

ATTACHMENTS:

Schedule A – Survey Sketch Plan

Schedule B – Agency Comments

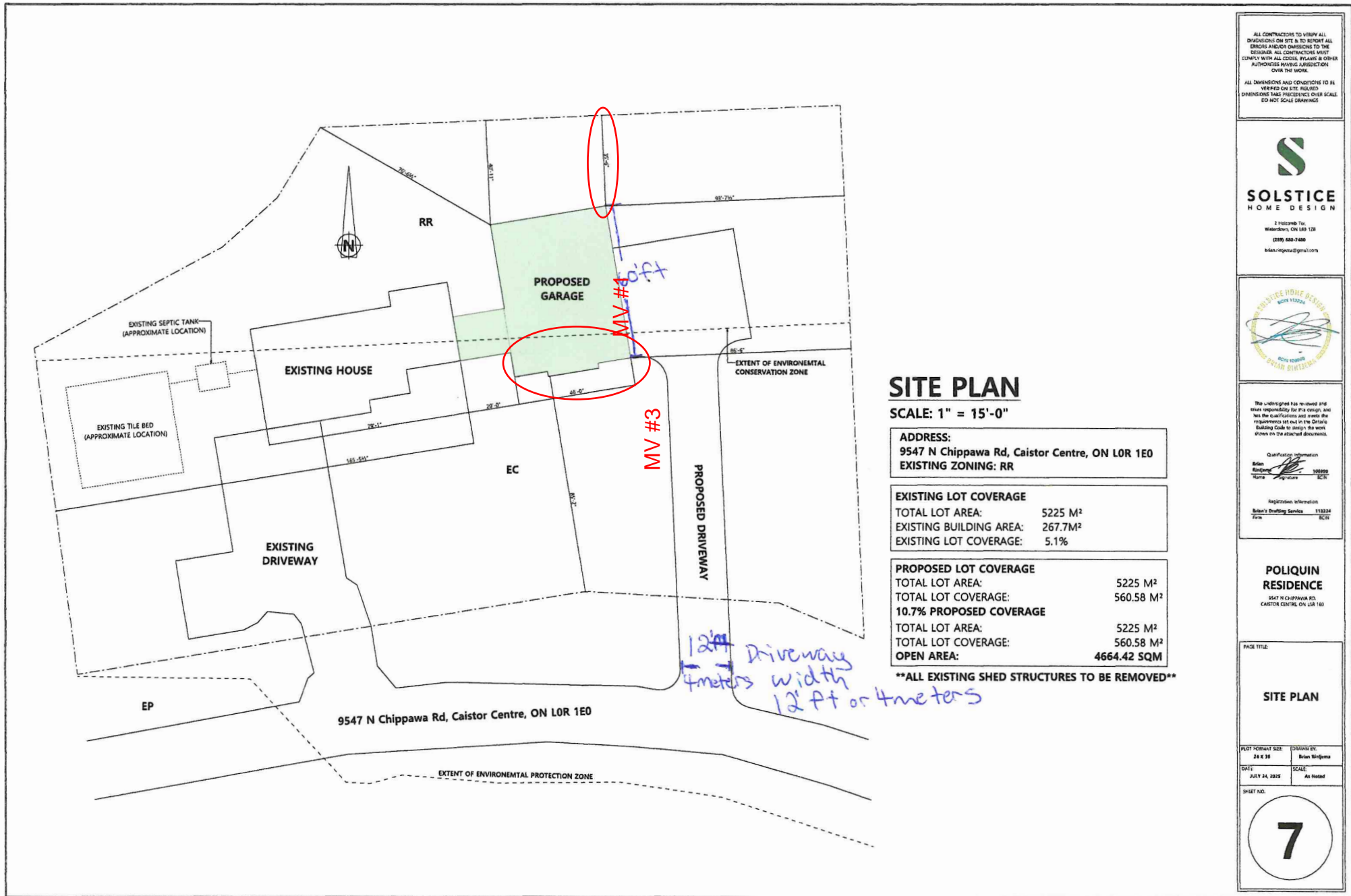
Prepared & Submitted by:

Robin Shugan CPT, ACST
Senior Planner

Approved by:

Susan Smyth CPT
Manager, Community Planning and Design

Schedule A - COA-21-2025



Memo

To: Jeni Fisher, Acting Secretary Treasurer to Committee of Adjustment
From: Jennifer Bernard, Manager, Civil Land Development
Date: November 17, 2025
Re: A15/2025WL - Poliquin - 9547 North Chippawa Rd

A review has been completed of this minor variance application to facilitate the construction of an attached private garage to a single detached dwelling.

A review of the Site Plan provided, dated July 24, 2025, shows a proposed driveway to the garage, this would require an Entrance Permit, the application can be found on the Township's website. There are no further comments to provide.

November 18, 2025

VIA EMAIL ONLY

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

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

Subject: Application for Minor Variance, A15/2025WL
Cody Van Suelen, CAV Construction Inc. (Authorizing Agent)
9547 North Chippawa Road, West Lincoln, ON
ARN 260201000323607

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 260201000323607** and notes that the subject property limits do not contain and are not impacted by NPCA Regulated features. Therefore, the NPCA would have no objection to **Minor Variance Application, A15/2025WL**, or the proposed development activity on this property.

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

Yours truly,



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

Public Works – Infrastructure Planning and Development Division

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

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

Via Email Only

November 19, 2025

Region File: PLMV202502334

Jeni Fisher

Interim Secretary Treasurer of the Committee of Adjustment

Township of West Lincoln

318 Canborough Road

Smithville, ON L0R 2A0

Dear Ms. Fisher:

Re: Regional Comments

Application Type: Minor Variance

Township File Number: A15/2025WL

Applicant: Chantel and Cody Poliquin

9547 North Chippawa Road

Township of West Lincoln

Regional Infrastructure Planning and Development staff has reviewed the minor variance application for lands municipally known as 9547 North Chippawa Road in the Township of West Lincoln. The application is required to:

1. Reduce the required minimum rear setback for the Rural Residential Zone from 15 m to 10.8 m.
2. Increase the maximum height of a private garage door from the required 2.6 m to 3.1 m.
3. Increase the maximum width of an attached private garage from the required 9.2 m to 14 m.

This variance would facilitate the construction of an attached private garage to a single detached dwelling.

A pre-consultation meeting was not held for this proposal.

Planning Act Changes

Staff advise pursuant to the *Planning Act*, as of March 31, 2025, Niagara Region became an upper-tier municipality without planning responsibilities. The council of an upper-tier municipality, on conditions agreed upon with the council of a local

municipality, may provide advice and assistance to local municipalities in respect of planning matters generally. Niagara Region has entered into a 'Planning Services Agreement' (PSA) with the Township of West Lincoln to continue providing support and advice to the Township for planning review with respect to natural environment system policies.

Please be advised that through a related change to the *Planning Act*, the *Niagara Official Plan, 2022* (NOP) is effectively an official plan of the Township of West Lincoln which remains in effect until the Township revokes or amends it to provide otherwise. As such, Township staff should be satisfied that the application conforms to NOP policies.

On this basis, the following comments pertaining to natural environment system policies are provided as advice to assist the Township in their review of the application. Under the Memorandum of Understanding for Engineering Review between the Township and the Region (MOU), comments related to Regional infrastructure and/or waste collection, where applicable, are considered Regional requirements with respect to the Region's interests. This application does not affect any Regional interests under the MOU and, therefore, Regional staff offers no comments or requirements in this regard.

Natural Environment System

The subject property is impacted by the Natural Environment System (NES) of the NOP, consisting of Other Woodland and Other Wetland.

NOP policy 3.1.5.7.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of Other Wetland and within 50 m of Other Woodland. The proposed building is within this setback but is separated from the feature by existing development. As such, Regional staff offer no recommendations from an environmental review perspective.

Conclusion

Regional Infrastructure Planning and Development staff offer no objections to or requirements of the proposed minor variance application to facilitate the construction of an attached private garage to a single detached dwelling.

Please be advised that through changes to the *Planning Act*, the NOP is effectively an official plan of the Township of West Lincoln, which remains in effect until the Township revokes or amends it to provide otherwise. As such, Township staff should be satisfied that the application conforms to NOP policies.

If you have any questions regarding the above comments, please contact the undersigned at Alexandra.Reddon@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Please send notice of the Township's decision on this application.

Kind regards,

A handwritten signature in black ink, appearing to read "Allie Reddon", is positioned above the typed name.

Allie Reddon
Development Planner

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

DATE: November 26, 2025

REPORT NO: COA-22-2025

SUBJECT: **Recommendation Report – Minor Variance A16/2025WL 5288
Sixteen Road**

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

OVERVIEW:

- A Minor Variance application has been submitted by Draasitra Contracting Inc. (Agent) on behalf of Schuller Farms Ltd. (Owner).
- The subject property is designated 'Good General Agriculture' and 'Natural Heritage System'.
- The subject property is zoned Agriculture (A) Zone.
- The variance requests are to facilitate the construction of an accessory building with an additional dwelling unit.
- Requested variances are:
 - To increase the maximum distance of an accessory building/accessory dwelling unit to the main dwelling unit from 50 metres to 68 metres. (Section 3.2.1 h)
 - To increase the maximum coverage of all accessory buildings on the lot from 1,000 square metres to 2,442 square metres (Table 1-1 lot area 2.1 hectares)

RECOMMENDATION:

That, the Application for Minor Variance A16/2025WL submitted by Draasitra Contracting Inc. on behalf of Schuller Farms Ltd., as outlined in Report COA-22-2025, be APPROVED.

BACKGROUND:

A Minor Variance application has been submitted by Draasitra Contracting Inc. (Agent) on behalf of Schuller Farms Ltd. (Owner) for the lands municipally known as 5288 Sixteen Road in the Township of West Lincoln. The subject property is located on the south side of Sixteen Road approximately 500 metres from the St. Ann's Hamlet Settlement Area. The subject property has a lot frontage of approximately 200 metres and lot area of approximately 0.71 hectares. The property contains an existing single

detached dwelling, farm help house and several accessory building and structures. The surrounding land use is predominantly agricultural and rural residential with single detached dwellings.

The purpose of this application is to permit the construction of an accessory building with an additional dwelling unit located on the second floor. The variances requested are as follows:

- To increase the maximum distance of an accessory building/accessory dwelling unit to the main dwelling unit from 50 metres to 68 metres. (Section 3.2.1 h)
- To increase the maximum coverage of all accessory buildings on the lot from 1,000 square metres to 2,442 square metres. (Table 1-1 lot area 2.1 hectares to 10 hectares)

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' and 'Natural Heritage System' in the Township's Official Plan. The Good General Agricultural designation allows for a use of single detached dwellings, farm help houses, accessory buildings and structures including accessory dwelling units (ADUs).

The proposed accessory building and ADU will utilize the former location of the existing accessory building adjacent to the farm help house which will preserve the agricultural land and will have less impact on land consumption and the agricultural use on the subject lands. Furthermore, the proposed location of the accessory building and ADU will utilize the existing private water and existing private sanitary systems.

The proposed accessory building and ADU is outside the Natural Heritage System designation and will not negatively impact any environmental features.

Therefore, Planning Staff are satisfied that proposal meets the general intent and purpose of the Official Plan.

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

The subject property is zone Agriculture (A) Zone. The Agricultural (A) Zone permits a single detached dwelling unit, farm help houses, accessory buildings and structures, and accessory dwelling units (ADUs).

Variance #1- Increase the maximum distance of an accessory building/accessory dwelling unit to the main dwelling

The general intent and purpose of the maximum distance setback for an accessory building to the main dwelling is to cluster the accessory buildings, and to preserve agricultural land and minimize land consumption. The proposed distance from the main dwelling to the accessory building is 68 metres, whereas 50 metres is the required maximum distance. The subject property currently contains a single detached dwelling, farm help house, accessory buildings and structures and two driveways. The proposed accessory building and ADU will be located adjacent to the existing farm help house, approximately 4 metres and will utilize the existing private water and sanitary system and driveway used for the farm help house. The proposed accessory building and ADU's location is constrained by the existing private sanitary system located in between the existing farm help house and main dwelling unit, which requires the increased distance from the nearest point of a wall to the main building being the principal dwelling.

Variance #2- Increase the maximum coverage of all accessory buildings on the lot

The general intent of maximum lot coverage regulations is to ensure that lots maintain a balance of developed and undeveloped lands, sufficient space for maintenance and drainage and private amenity space, and massing. In this case, the applicant is seeking to increase the maximum coverage of all accessory buildings from 1,000 square metre to 2,442 square metres. The property currently contains several existing accessory building and structures that covers 2,320.8 square metres. The increase of 120.4 square metres is to accommodate the proposed accessory building and ADU which utilizes the area of the existing garage. Additionally, the proposed increase will not further consume agricultural production lands. Furthermore, the development does not exceed the lot coverage percentage of 2.5% for all accessory buildings and does not exceed the total overall maximum lot coverage of the Agricultural Zone.

Therefore, Planning Staff are satisfied that the 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 subject property is zoned and designated to permit accessory building and accessory dwelling units (ADUs). The requested variance to increase the maximum distance from the proposed accessory building and ADU to the single detached dwelling will maintain the cluster as it is located adjacent to the existing farm help house and will utilize the existing driveway and private septic and water services. The existing accessory buildings and structures have a combined lot coverage of 2,320 square metres, which currently exceeds the maximum permitted 1,000 square metres.

With the addition of 120.4 square metres for the proposed accessory building and ADU, the proposed total of 2,442 square metres will remain within the permitted lot coverage percentage of 2.5% for accessory buildings and structures, as well as within the overall lot coverage requirements (10%) for the Agricultural Zone. The additional building coverage being proposed will not have a negative impact on maintaining adequate

amenity space, access, maintenance, and drainage, and will not result in the loss of additional agricultural lands.

Therefore, Planning Staff are satisfied that the proposal is considered desirable for the appropriate development and use of the land and building.

Is the proposal minor in nature? Yes

Variance #1- Increase the maximum distance of an accessory building/accessory dwelling unit to the main dwelling

The applicant is requesting to increase the maximum permitted distance of an accessory building with an ADU from 50 metres to 68 metres. The 18 metre increase would allow the proposed accessory building/ADU to utilize the area of the existing garage and be clustered with the existing farm help house. The 18 metre increase will allow the proposed accessory building/ADU to utilize the area of the existing garage and be clustered with the existing farm help house. The proposed location is also constrained by the placement of the private septic system that services the main dwelling and the farm help house, which limits alternative locations.

Variance #2- Increase the maximum coverage of all accessory buildings on the lot

The subject property has an existing lot coverage of 2,320.8 square metres for accessory building and structures. The proposed 120.4 square metre accessory building and ADU will replace the existing 66.6 square metre garage. The increase in lot coverage will not impact drainage or maintenance or create any massing concerns. Furthermore, the proposed increase will not negatively impact the existing agricultural production operation.

Therefore, Planning Staff are satisfied that the proposed minor variances are considered minor in nature.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Niagara Peninsula Conservation Authority

The subject property contains a watercourse with an associated 15 metre buffer area, floodplain hazard area, Sixteen Mile Creek located south of the property, 30 metre buffer area from the north adjacent Provincially Significant Wetland, Lower Twenty Mile Creek Wetland Complex. Due to the existing public roadway, Sixteen Road, the subject property would no longer be of a regulated buffer area. The NPCA offer no objection to the proposed minor variance application.

The subject property contains the following NPCA Regulated features:

- Watercourse with an associated 15-meter buffer area from the watercourse top of

bank

- A floodplain hazard area, Sixteen Mile Creek (100-year storm event), located to the south of the property limits (approximately 181.4553 CGVD28:78)
- The 30-meter buffer area from the north adjacent Provincially Significant Wetland (PSW), Lower Twenty Mile Creek Wetland Complex. Due to the existing public roadway, Sixteen Road, dissecting this buffer, the remaining 30-meter buffer area that extends onto the north portion of the subject property would no longer be of a regulated buffer area.

The intent of the Minor Variance is to increase the maximum distance of the proposed Additional Dwelling Unit (ADU) and Garage to the main dwelling unit and to permit an increase in the maximum coverage of the proposed ADU. The NPCA can offer no objection to the Minor Variances as outlined within the application, A16/2025WL.

As the proposed works does not encroach within the NPCA regulated features as identified above, based on the scope, nature and location of the proposed the NPCA can offer no objection to the proposed ADU and Garage. Should the propose placement of the ADU and garage change or, any future works occur on-site, the NPCA would require circulation for prior review and approval.

Niagara Region

The subject property is impacted by the Natural Environment System of the NOP consisting of Other Woodland and Other Wetland. The proposed building is within 120 metre of the Other Wetland and 50 metres of the Other Woodland, however, is separate from the feature by existing development. Regional Staff offer no recommendations for an environmental perspective.

Regional Infrastructure Planning and Development staff offer no objections to the application.

There are no issues raised by the building, fire or development engineering departments on the proposed ADU and garage addition.

PUBLIC COMMENTS:

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

CONCLUSION:

Based on the above analysis, Planning Staff recommend **APPOVAL** of Minor Variance A16/2025WL as submitted to permit the construction of the accessory building with an additional dwelling unit located 68 metres from the main dwelling unit and to increase the lot coverage for accessory buildings and structures to 2,442 square metres.

ATTACHMENTS:

Schedule A – Survey Sketch Plan
Schedule B – Agency Comments


Prepared & Submitted by:

Robin Shugan CPT, ACST
Senior Planner

Approved by:

Susan Smyth CPT
Manager, Community Planning and Design

[illegible]



DRAAISTRA
CONTRACTING

74066 WELLANDPORT ROAD,
WELLANDPORT, ONTARIO

Darren Draaistra
Designer - Sales
289-455-8310
darren@draaistracontracting.ca

Gerald & Tracy Schuller

5288 Sixteen Road,
Smithville
Ontario

MOBILE: 905-531-6290
schullerfarmsmtd@gmail.com

DRAWN BY: D. DRAAISTRA

SCALE: As Noted

DATE: November 7, 2025

PAGE: **1 / 1**

SITE PLAN

Schedule B - COA -22-2025



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

November 18, 2025

VIA EMAIL ONLY

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

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

Subject: Application for Minor Variance, A16/2025WL
5288 Sixteen Road
West Lincoln, ON
ARN 260202000427500

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 260202000427500** and notes that the subject property contains the following NPCA Regulated features:

- Watercourse with an associated 15-meter buffer area from the watercourse top of bank
- A floodplain hazard area, Sixteen Mile Creek (100-year storm event), located to the south of the property limits (approximately 181.4553 CGVD28:78)
- The 30-meter buffer area from the north adjacent Provincially Significant Wetland (PSW), Lower Twenty Mile Creek Wetland Complex. Due to the existing public roadway, Sixteen Road, dissecting this buffer, the remaining 30-meter buffer area that extends onto the north portion of the subject property would no longer be of a regulated buffer area.

The intent of the Minor Variance is to increase the maximum distance of the proposed Additional Dwelling Unit (ADU) and Garage to the main dwelling unit and to permit an increase in the maximum coverage of the proposed ADU. The NPCA can offer no objection to the Minor Variances as outlined within the application, **A16/2025WL**.

As the proposed works does not encroach within the NPCA regulated features as identified above, based on the scope, nature and location of the proposed the NPCA can offer no objection to the proposed ADU and Garage. Should the propose placement of the ADU and Garage change or, any future works occur on-site, the NPCA would require circulation for prior review and approval.

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

Public Works – Infrastructure Planning and Development Division

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

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

Via Email Only

November 19, 2025

Region File: PLMV202502335

Jeni Fisher

Interim Secretary Treasurer of the Committee of Adjustment

Township of West Lincoln

318 Canborough Street

Smithville, ON L0R 2A0

Dear Ms. Fisher:

Re: Regional Comments

Application Type: Minor Variance

Township File Number: A16/2025WL

Applicant: Schuller Farms Ltd.

5288 Sixteen Road

Township of West Lincoln

Regional Infrastructure Planning and Development staff has reviewed the minor variance application for lands municipally known as 5288 Sixteen Road in the Township of West Lincoln. The application is required to increase the maximum distance of an accessory building/accessory dwelling unit to the main dwelling unit from 50 m to 68 m. The application is also required to increase the maximum coverage of all accessory buildings on the lot from 1000 square m to 2442 square m. This variance would facilitate the construction of an accessory building with an accessory dwelling unit.

A pre-consultation meeting was not held for this proposal.

Planning Act Changes

Staff advise pursuant to the *Planning Act*, as of March 31, 2025, Niagara Region became an upper-tier municipality without planning responsibilities. The council of an upper-tier municipality, on conditions agreed upon with the council of a local municipality, may provide advice and assistance to local municipalities in respect of planning matters generally. Niagara Region has entered into a 'Planning Services Agreement' (PSA) with the Township of West Lincoln to continue providing support and advice to the Township for with regard to natural environment system policies.

Please be advised that through a related change to the *Planning Act*, the *Niagara*

Official Plan, 2022 (NOP) is effectively an official plan of the Township of West Lincoln, which remains in effect until the Township revokes or amends it to provide otherwise. As such, Township staff should be satisfied that the application conforms to NOP policies.

On this basis, the following comments pertaining to natural system environment policies are provided as advice to assist the Township in their review of the application. Under the Memorandum of Understanding for Engineering Review between the Township and the Region (MOU), comments related to Regional infrastructure and/or waste collection, where applicable, are considered Regional requirements with respect to the Region's interests. This application does not affect any Regional interests under the MOU and, therefore, Regional staff offers no comments or requirements in this regard.

Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Other Wetland and a Permanent or Intermittent Watercourse.

NOP policy 3.1.5.7.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of these features. The proposed development is outside of this setback and separated from the features by existing development. As such, Regional staff offer no recommendations from an environmental review perspective.

Conclusion

Regional Infrastructure Planning and Development staff offer no objections to or requirements of the proposed minor variance application to facilitate the construction of an accessory building with an accessory dwelling unit.

Please be advised that through changes to the *Planning Act*, the NOP is effectively an official plan of the Township of West Lincoln, which remains in effect until the Township revokes or amends it to provide otherwise. As such, Township staff should be satisfied that the application conforms to NOP policies.

If you have any questions regarding the above comments, please contact the undersigned at Alexandra.Reddon@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Please send notice of the Township's decision on this application.

Kind regards,



Allie Reddon
Development Planner

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



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

COMMITTEE OF ADJUSTMENT MINUTES

Wednesday, May 28, 2025 at 7:00 p.m.

Present Members:

Deborah Coon-Petersen (Chair)
Peggy Cook (Sitting member)
Peter Forsberg (Sitting member)

Staff:

Susan Smyth, Manager of Community Planning and Design
Stephanie Pouliot, Secretary/Treasurer to the Committee of Adjustment

Public:

Carol Gumbert
Jeremy Brown
Marten Lowden

1. CHAIR

The meeting was called into Order at 7 :08pm.

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

There were none at this time.

3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT

Secretary Stephanie Pouliot noted that there were no requests at this time.

4.a) A04/2025WL - Gumbert (Agent, Jeremy Brown –Niagara Planning Consultants)

Property: 8501 Young Street

Manager of Community Planning and Design, Susan Smyth, provided the presentation overview of the application.

Chair Coon-Petersen asked if the owners or agent are present and if they would like to address the Committee?

The agent, Jeremy Brown, took oath and provided a presentation overview of the requested variances. The agent noted that they had no issues with the staff recommendation. The purpose is legalizing the property for the existing outbuildings to bring the property into compliance prior to submitting building permits for internal renovations or a detached garage.

Chair Coon-Petersen asked the sitting members if they have any questions?

Member Forsberg asked what the purpose of the existing three outbuildings serve? What are their uses?

The agent advised that they provide storage space for the residential property. All are being used in relation to the residential use on the property.

Chair Coon-Petersen asked will the building permit process also capture the CBO concerns?

Manager of Community Planning and Design, Susan Smyth responded that yes, it would be the normal building permit process for the existing buildings. The fire rating requirement will also be addressed at that time.

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

Member Forsberg motioned to approve the application with the included condition of approval that the applicant submit a building permit application for the existing detached garage to the satisfaction of the Township's Building and Planning Departments.

Member Cook seconded the motion.

All in favour.

Carried.

Secretary Stephanie Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date.

b. A06/2025WL – Lowden (Agent, Cody Van Soelen–Cav Construction Inc.)

Property: 8457 Silver Street

Manager of Community Planning and Design, Susan Smyth provided the overview of the presentation.

Chair Coon-Petersen asked if the owners or agent are present and if they would like to address the Committee?

The applicant, Marten Lowden, took oath and noted that he is available for any questions. The applicant also mentioned that the relief for the building is required as he will be storing a 1960 trailer from his in-laws which requires the additional height

and space.

Chair Coon-Petersen asked the sitting members if they have any questions?

There were no questions from sitting members.

Member Cook motioned to approve the application with the included condition for a building permit application to the satisfaction of the Township's Building and Planning Departments.

Member Forsberg seconded the motion.

All in favour.

Carried.

Secretary Stephanie Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date.

5. MINUTES FOR APPROVAL

Secretary Stephanie Pouliot noted that it is time for a motion for the Annual General Meeting minutes.

a. January 29th, 2025 Committee of Adjustment Annual General Meeting (AGM) Minutes

Chair Coon-Petersen motioned to approve.
Member Forsberg seconded the motion.

All in favour.
Carried.

Secretary Stephanie Pouliot noted that it is time for a motion for the January 29th set of minutes.

b. January 29th, 2025 Committee of Adjustment Hearing Minutes

Member Forsberg motioned to approve.
Chair Coon-Petersen seconded the motion.

All in favour.
Carried.

Secretary Stephanie Pouliot noted that it is time for a motion for the February 26th set of minutes.

c. February 26th, 2025 Committee of Adjustment Hearing Minutes

Chair Coon-Petersen motioned to approve.
Member Forsberg seconded the motion.

All in favour.
Carried.

6. NEW BUSINESS

There was no new business brought forward by members of the Committee.

7. ADJOURNMENT

Member Cook motioned to adjourn. Member Forsberg seconded the motion.

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

DEBORAH COON-PETERSEN,
CHAIR

STEPHANIE POULIOT,
SECRETARY-TREASURER



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

Wednesday, July 30, 2025 at 7:00 P.m.

Present Members:

Deborah Coon-Petersen (Chair)
Peggy Cook (Sitting member)
Peter Forsberg (Sitting member)

Staff:

Robin Shugan, Senior Planner
Stephanie Pouliot, Secretary/Treasurer to the Committee of Adjustment

Public:

Jeremy Brown
Mark Zuidersma
Ross Griffin
Paul Griffin
Dave VanderWier

1. CHAIR

The meeting was called into Order at 7:02pm.

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

There were none at this time.

3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT

Secretary Stephanie Pouliot noted that there were no requests at this time.

4. a) B01/2025WL – Zuidersma (Agent, Jeremy Brown, – Niagara Planning Consultants

Property: 1538 Regional Road

Senior Planner, Robin Shugan, provided the presentation overview of the application and noted the revised road widening condition from the Region.

Chair Coon-Petersen asked if the owners or agent are present and if they would like to address the Committee?

The agent, Jeremy Brown took oath and introduced himself and provided a presentation overview of the proposal and noted he is available for any questions.

Chair Coon-Petersen asked the sitting members if they have any questions?

Member Forsberg asked if the owner intends to build on the severed lands?

The agent, Jeremy Brown responded yes, in the future there will be a proposed building to the most southerly portion of the property for the owner's father.

Member Cook asked about the Regional road requirement of 9.88 metres and whether the issue has been dealt with?

Secretary Stephanie Pouliot responded that it has and the decision has been changed to reflect the revised width of 5.48m from the Region.

The agent, Jeremy Brown asked for clarification on the septic conditions in the report.

Secretary Stephanie Pouliot responded that it was a clerical error, for both this application and the next being heard. The documentation condition has been removed as documentation was provided and Lyle Killins, the Township's septic inspector has no objections. The septic application condition is still included which is required at a later time. The report originally had 11 conditions, now only 10 conditions are applicable.

Chair Coon-Petersen asked if there was anyone from the public who wished to address the Committee? There were no public comments.

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

Member Forsberg motioned to approve the application as indicated by staff with the 10 conditions.

Member Cook seconded.

All in favour.

Carried.

Secretary Stephanie Pouliot noted the last day for filing an appeal for Consent is 20 days from the mailing date, being 20 days from tomorrow.

b. B05/2025WL – Ross Griffin (Agent, Paul Griffin)

Senior Planner, Robin Shugan, provided the presentation overview of the application.

Secretary Stephanie Pouliot noted that written comments have been provided earlier today by the agent Paul Griffin regarding the report and he is available to speak more to his concerns.

Chair Coon-Petersen asked if the owners or agent are present and if they would like to address the Committee?

The agent, Paul Griffin took affirmation and introduced himself and spoke to his written concerns regarding a couple of the conditions including the septic recommendations.

Secretary Stephanie Pouliot noted that the decision will be updated to correct the clerical error.

The agent, Paul Griffin, also advised the Committee of amended drawings that were submitted to the planning department. In the report, there is reference to the earlier drawing however, both parts will even out to 0.4 hectares (4047 square metres). The frontages will be 53.2 metres for Part 1 and 62.46 metres for Part 2. He also asked if condition 9 will be removed or edited in regards to Regional entrance permit?

Secretary Stephanie Pouliot noted that the condition has been edited to reflect the Township's entrance permit.

The agent, Paul Griffin asked for clarification on the zoning amendment application.

Secretary Stephanie Pouliot responded that it will be one application to address both severances.

Chair Coon-Petersen asked the sitting members if they have any questions?

Member Forsberg asked if they will be building on these lots or selling to a developer?

The agent, Paul Griffin responded that it is undetermined at this time. We might build on one of the lots and sell the other as an empty lot, not 100 percent sure.

Member Cook asked for the one potentially being built on by yourself, would this be a single residence?

The agent, Paul Griffin responded yes it would be.

Chair Coon-Petersen asked if there was anyone from the public who wished to address the Committee? There were no public comments.

Member Forsberg noted the written public comments received from the neighbours. Those kinds of issues are not typically in front of this committee but the parties involved.

Chair Coon-Petersen noted that it would be primarily dealt with at the building permit stage, Robin can you please clarify?

Senior Planner, Robin Shugan responded that it would be subject to the zoning bylaw and what's permitted. It will need to meet the zoning bylaw requirements. Shadow impact studies are typically reversed for 5 storeys or more when required. There will also be a public process at Council for the zoning bylaw amendments where the public can voice their concerns.

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

Member Cook motioned to approve Part 2 application with the 11 conditions.

The agent, Paul Griffin advised he had a question regarding the septic recommendation and whether it has been removed or still applicable?

Chair Coon-Petersen noted that the septic condition will be removed from the recommendation as it was a clerical error and asked Committee to render their decision with 10 conditions specifically removing condition 7 from the recommendation.

Member Cook motioned to approve Part 2 with the 10 conditions, removing condition 7.

Member Forsberg seconded the motion.

All in favour.

Carried.

Chair Coon-Petersen noted that it is time for a motion for Part 1.

Member Cook motioned to approve Part 1 with the 10 conditions, removing condition 7.

Member Forsberg seconded the motion.

All in favour.

Carried.

Secretary Stephanie Pouliot noted the last day for filing an appeal for Consent is 20 days from the mailing date, being 20 days from tomorrow.

Secretary Stephanie Pouliot updated the decision to reflect condition 7 being removed.

5. MINUTES FOR APPROVAL

Secretary Stephanie Pouliot noted there are no minutes for approval at this time.

6. NEW BUSINESS

Secretary Stephanie Pouliot noted Robin Shugan is the new senior planner who has joined the planning team.

There was no new business brought forward by members of the Committee.

7. ADJOURNMENT

Member Cook motioned to adjourn. Member Forsberg seconded the motion.

That, this Committee does now adjourn at the hour of 7 : 4 5 pm.

DEBORAH COON-PETERSEN,
CHAIR

STEPHANIE POULIOT,
SECRETARY-TREASURER



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

September 24, 2025, 7:00p.m.

Present Members:

Deborah Coon-Petersen (Chair)
Peggy Cook
Bonnie Baarda

Staff:

Robin Shugan, Senior Planner
Jeni Fisher, Assistant Secretary-Treasurer

Public:

Lynn and Len Snippe
Jared Marcus, Arcadis
Anthony Chiarella, Marz Homes (Smithville West) Inc
Brian Breukelman (via Zoom)

1. CHAIR

The meeting was called into Order 6:59pm.

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) B08/2025WL – Leonard and Lynn Snippe

Senior Planner, Robin Shugan, provided an overview of the application.

There were no comments from the Chair or sitting Committee members. The applicant did not speak to the application.

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

Member Baarda made a motion to approve the application with all 11 conditions.

Member Cook seconded the motion.

All in favour.

Carried.

Assistant Secretary-Treasurer Jeni Fisher noted the last day for filing an appeal for a Consent is 20 days from the date of mailing of the Notice of Decision.

b) A12/2025WL – Brian Breukelman – 5399 Concession 4 Road

Senior Planner, Robin Shugan, provided an overview of the application.

There were no comments from the Chair or sitting Committee members.

The applicant, Brian Breukelman, joined via Zoom. The applicant advised Chair and Committee that his daughter moved into his house and that was why he requested a Minor Variance to allow for more space in regard to the proposed Accessory Dwelling Unit (ADU).

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

Member Cook 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.

c) A11/2025WL – Marz Homes (Smithville West) Inc. – Thrive Subdivision

Senior Planner, Robin Shugan, provided an overview of the application.

There were no comments from the Chair or sitting Committee members. The applicant did not speak to the application.

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

Member Baarda made a motion to approve the application.

Member Cook 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 Cook. Member Baarda seconded the motion.

That, this Committee does now adjourn at the hour of 7:22 pm.

DEBORAH COON-PETERSEN
CHAIR

JENI FISHER,
ASSISTANT SECRETARY-TREASURER