



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

Wednesday, May 27, 2026, 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. B05/2026WL - Mill Street

4

This application has been submitted for the lands legally described as Lots 34 Registered Plan No. M89 Lots 34 Reference Plan 30BA-1686 30R-16478 Parts 2 and 3 located on Mill Street. The property currently has no municipal address. The purpose of this application is to sever and create two new lots and one retained lot for a 3-unit townhouse development.

The lands to be severed:

- Parcel 2: Lot area of approximately 172.3 square meters and lot frontage of 5.65 metres onto Mill Street.
- Parcel 3: Lot area of approximately 211 square metres and lot frontage of 6.93 metres on the Mill Street.

Lands to be retained:

- Parcel 1: Lot area of approximately 211.0 square meters and lot frontage of 6.93 metres onto Mill Street.

The effect of this consent if granted, is to create two (2) new lots and one (1) retained lot for residential purposes.

- b. B06/2026WL - 190 St. Catharines Street 9  
 This type of Consent application is only required if a private easement agreement over a piece of land is required for more than 21 years.
- This application will not result in the creation of a new lot. There is an existing 6 metre easement over 190 St. Catharines Street (e.g., right-of-way and emergency access, sewer, water, electricity) in favour of the Township however benefits 171 Mill Street – Legion Villa.
- The purpose of this application is to have a new private easement to include the private utilities (e.g., Gas, Cogeco, Bell) that will benefit and be in favour of 171 Mill Street – Legion Villa.
- c. A05/2026WL - 2848 South Grimsby Road 10 16  
 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. The variance sought under this submission:
- To increase the maximum garage width for an attached private garage from 50% (10.43 meters) to 53% (11 meters) (Section 3.12.7 h)
- The effect of this variance, if granted, is to facilitate the conversion of the existing attached private garage to living space and construct a new attached private garage to the main dwelling.
- d. A06/2026WL - 3982 Concession 1 27  
 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:
- To permit a Home Occupation in an accessory building in the Low Density Residential (R1A) Zone.
- The effect of this variance, if approved, is to permit a Home Occupation in an accessory building.
- e. A02/2026WL - 3416 South Grimsby Road 3 32  
 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. The variances sought under this submission are:
- To increase the maximum gross floor area of an accessory dwelling unit from 100 square metres to 119 square metres (Section 3.2.1 b)
  - To provide a separate driveway for the detached accessory dwelling (Section 3.2.1 k)

- To decrease the minimum interior side yard setback for the dwelling from 5 metres to 4.51 metres (Table 12)

The effect of this variance, if granted, is to facilitate the construction of detached Accessory Dwelling Unit and garage addition to the existing dwelling.

**5. MINUTES FOR APPROVAL**

- a. January 28th, 2026 - AGM 46
- b. February 25th, 2026 48

**6. NEW BUSINESS**

There is no new business at this time.

**7. ADJOURNMENT**

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

**DATE:** May 27, 2026

**REPORT NO:** COA-14-2026

**SUBJECT:** **Recommendation Report – Consent Application for Mill Street Townhouse Units – B05/2026WL**

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

**OVERVIEW:**

- A Consent Application has been submitted by Tri-Point Homes (Owner).
- Subject property is designated High Density Residential within the Smithville Intensification Area.
- Subject property is zoned site-specific Residential Medium Density (RM2-220) Zone.
- The application proposes to create 2 new lots (Parcel 2 and Parcel 3) and one retained lot (Parcel 1) for an existing street townhouse development.

**RECOMMENDATION:**

1. That, Consent Application B05/2026WL, submitted by Tri-Point Homes (Owner) as outlined in Report COA-14-2026, for the lands legally described as Lots 34 Registered Plan No. M89 Lots 34 Reference Plan 30BA-1686 30R-16478 Parts 2 and 3 for the create of two new lots (Parcels 2 and 3) and one retained lot (Parcel 1), **BE APPROVED**, subject to the following conditions:
  - a) That the approval applies to the transaction as applied for.
  - b) 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.
  - c) That the Owner/Applicant shall provide a copy of the transfer documents for the conveyance of the severed parcels (Parcels 2 and 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.
  - d) That the Owner/Applicant shall contribute 5% of the appraised value of the severed lands, Parcel 2 and Parcel 3, for parkland dedication purposes. An individual who is certified with the Accredited Appraiser of Canada Institute

- (A.A.C.I) designation shall undertake the appraisal.
- e) That the Owner/Applicant, at the time of Final Certification, provide a package of ALL fulfilled conditions of this consent with Final Certification Fee (payable to Township of West Lincoln), be submitted to the Secretary Treasurer.
  - f) 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 deemed to be refused.

**BACKGROUND:**

A consent application has been submitted by Tri-Point Homes (Owner) for the lands legally described as Lots 34 Registered Plan No. M89 Lots 34 Reference Plan 30BA-1686 30R-16478 Parts 2 and 3, located on Mill Street, Township of West Lincoln.

The subject property is located on the north side of Mill Street and is located within the Urban Intensification Settlement Area of Smithville. The subject property contains an existing 3-unit street townhouse development. The subject property also contains an existing sanitary easement, as shown on the sketch plan (Part 2, 5, and 8), in favour of the Township. The surrounding land uses are predominantly residential consisting of townhouses, apartments and single detached dwelling units.

The application proposes to sever and create two new lots and one retained lot for an existing 3-unit street townhouse development. The severed parcels will consist of Parcel 2 and Parcel 3. Parcel 2 is proposed to have a lot area of approximately 172.3 square metres and a lot frontage of 5.65 metres on Mill Street. Parcel 3 will have a lot area of approximately 211 square metres and a lot frontage of 6.93 metres on Mill Street. The retained lands (Parcel 1) will have a lot area of approximately 211 square metres and a lot frontage of 6.93 metres on Mill Street.

On February 23, 2023, Council passed a combined Official Plan and Zoning By-law Amendment to re-designate the lands from Medium Density Residential to High Density Residential and to rezone the lands from Residential Medium Density (RM2) Zone to the site-specific Residential Medium Density (RM2-220) Zone.

**CURRENT SITUATION:**

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

**Provincial Planning Statement**

The Provincial Planning Statement (PPS 2024) provides guidance on all land use planning matters. The subject property is located within the Urban Settlement Area of Smithville. The PPS directs municipalities to provide an appropriate range and mix of housing and intensification within settlement areas. The consent application proposes to create two new separately conveyable residential lots and one retained lot for the existing street

townhouse development for residential purposes. The proposed consent fosters efficient use of land and intensification within the Township's Urban Settlement Area.

Therefore, it is of the opinion that the proposed consent conforms to the PPS.

### **Township of West Lincoln Official Plan and Niagara Official Plan**

The subject property is designated High Density Residential within the Smithville Urban Intensification Area. The high-density designation permits a mix of low and mid-rise apartments, triplexes and townhouse dwelling units. The Intensification Area consists of lands within the built-up area that have already been developed and are areas intended to be designated to accommodate a higher density while maintaining the character of the surrounding area.

The application does not further intensify the area since no new dwellings are being constructed rather seeking the legal separation of the units. The existing street townhouse will continue to maintain the character of the surrounding neighbourhood.

Furthermore, the Niagara Official Plan supports infill development and a range and mix of housing types and lot sizes within settlement areas.

Based on the above, Planning Staff are satisfied that the proposed consent conforms with the general intent of the Township and Regional Official Plan policies.

### **Township of West Lincoln Zoning By-law**

The subject property is zoned Medium Density Residential (RM2-220) under the Township's Zoning By-law 2017-70, as amended. The parent RM2 Zone permits street townhouse dwellings with a minimum lot frontage of 6 metres and a minimum lot area of 180 square metres. The site-specific provisions of the RM2-220 Zone permits a reduced minimum lot area of 172 square metres and a minimum frontage of 5.6 metres for Parcel 2, a reduced interior side yard setback of 1.2 metres for Parcel 1, and a maximum garage width of 63% of the lot frontage for Parcel 3.

Parcel 1 will have a lot area of approximately 211 square metres and a frontage of 6.93 metres. Parcel 2 is proposed to have a lot area of approximately 172.3 square metres and a frontage of 5.65 metres. Parcel 3 will have a lot area of approximately 211 square metres and a frontage of 6.93 metres. As a result, Parcels 1, 2 and 3 will meet the requirements of the RM2-220 Zone.

Based on the above, Planning Staff are satisfied that the proposed consent conforms with the general intent of the Township's Zoning By-law 2017-70, as amended.

### **INTER-DEPARTMENTAL & AGENCY COMMENTS:**

Comments from internal and external agencies were received at the Official Plan and

Zoning By-law Amendment Application stage. No additional comments were received.

**PUBLIC COMMENTS:**

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

**CONCLUSION:**

Based on the above analysis, of Consent Application B05/2026WL, Planning Staff recommend **APPROVAL** for the creation of two new lots (Parcels 2 and 3) and one retained lot (Parcel 1) for residential purposes, subject to the conditions outlined in the beginning of this report.

**ATTACHMENTS:**

Schedule A – Survey Sketch Plan

**Prepared & Submitted by:**

**Robin Shugan, CPT, ACST  
Senior Planner**

**Approved by:**

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

# SCHEDULE A - COA-14-2026

SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL COPY IF EMBOSSED BY THE SURVEYOR'S SEAL, OR PDF CERTIFIED

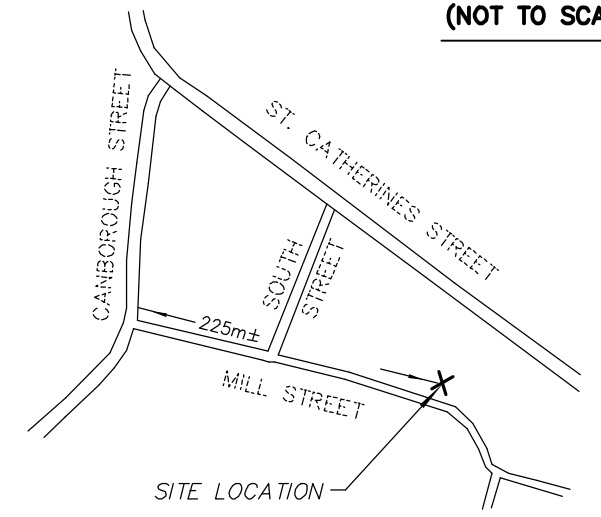
SKETCH FOR SEVERANCE APPLICATION  
VACANT LAND ON MILL STREET

TOWNSHIP OF WEST LINCOLN  
REGIONAL MUNICIPALITY OF NIAGARA

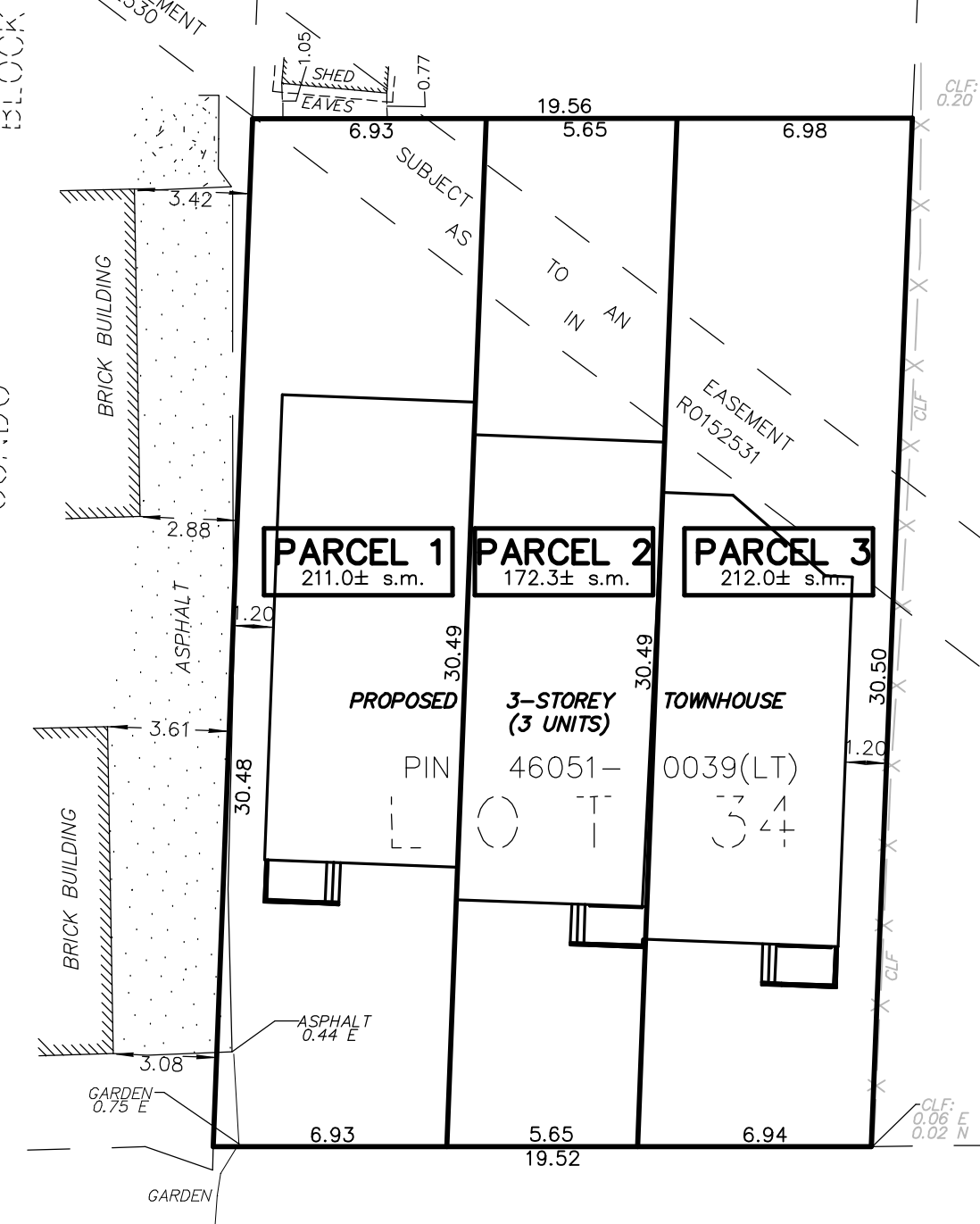
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SCALE 1 : 200  
RASCH & HYDE LTD.  
ONTARIO LAND SURVEYORS

KEY MAP  
(NOT TO SCALE)



NIAGARA NORTH CONDOMINIUM  
CONDO BLOCK  
PART 1, PLAN LR-101  
PART 2, PLAN LR-101  
PART 3, PLAN LR-101  
SUBJECT TO EASEMENT AS IN R0152530



KNOWN AS HIGHWAY NO. 20  
ST. CATHARINE STREET  
PIN 46050-0216(LT)

LOT 33  
PIN 46051-0038(LT)  
PLAN M-89

LOT 34  
PIN 46051-0040(LT)

MILL STREET  
PIN 46051-0025(LT)

**PROPERTY DESCRIPTION**

LOT 34, PLAN M-89  
(AS CONFIRMED BY PLAN 30BA-1686)  
TOWNSHIP OF WEST LINCOLN  
REGIONAL MUNICIPALITY OF NIAGARA  
PIN 46051-0039(LT)

**CAUTION**

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4. DISTANCES AND AREAS ARE APPROXIMATE.
5. FINAL BOUNDARY TO BE DERIVED FROM AS-CONSTRUCTED, CENTRELINE OF WALLS.

**LEGEND & NOTES**

PIN DENOTES PROPERTY IDENTIFICATION NUMBER  
CLF DENOTES CHAIN LINK FENCE  
N-NORTH; S-SOUTH; W-WEST; E-EAST

FIELD WORK COMPLETED: APRIL 25, 2022

JULY 21, 2022  
DATE  
*Harold Hyde*  
HAROLD D. HYDE  
ONTARIO LAND SURVEYOR

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<b>RASCH + HYDE LTD.</b> Ontario Land Surveyors	
P.O. Box 6, 1333 Highway #3 East, Unit B DUNNVILLE, ONT, N1A 2X1 905-774-7188 (FAX 905-774-4000)	P.O. Box 550, 74 Jarvis Street FORT ERIE, ONT, L2A 5Y1 905-871-9757 (FAX 905-871-9748)
HAROLD D. HYDE O.L.S.	
SCALE 1 : 200	SURVEY : 22-087 SEV
DRWN BY : J.H.	

**METRIC NOTE**

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

**DATE:** May 27, 2026

**REPORT NO:** COA-15-2026

**SUBJECT:** **Recommendation Report – Consent Application (New Private Easement) – 190 St. Catharines Street – B06/2026WL**

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

**OVERVIEW:**

- A Consent Application for a new private easement has been submitted by Quartek Group Inc. (Agent) on behalf of Brett Matthew Vanluik and Chanelle Jennifer DeBoer (Owners). The Owners have provided authorization for this private easement.
- A right-of-way easement (permitting persons, animals, and vehicles) exists on the subject lands located at 190 St. Catharines Street.
- This easement also provides access for electricity, water and sewer catch basin in favour of the Township however benefits the Legion Villa. While there is an existing gas line in the same area, it is not explicitly clear it is covered by this easement.
- Legion Villa is seeking site plan approval for a new 52-unit apartment building geared for affordable senior living and this application for a new private easement will formally include all infrastructure and utility services within a 6-metre corridor in favour of Legion Villa.
- The existing right-of-way easement remains valid for access for emergency and fire access that is also in favour of the Legion Villa.

**RECOMMENDATION:**

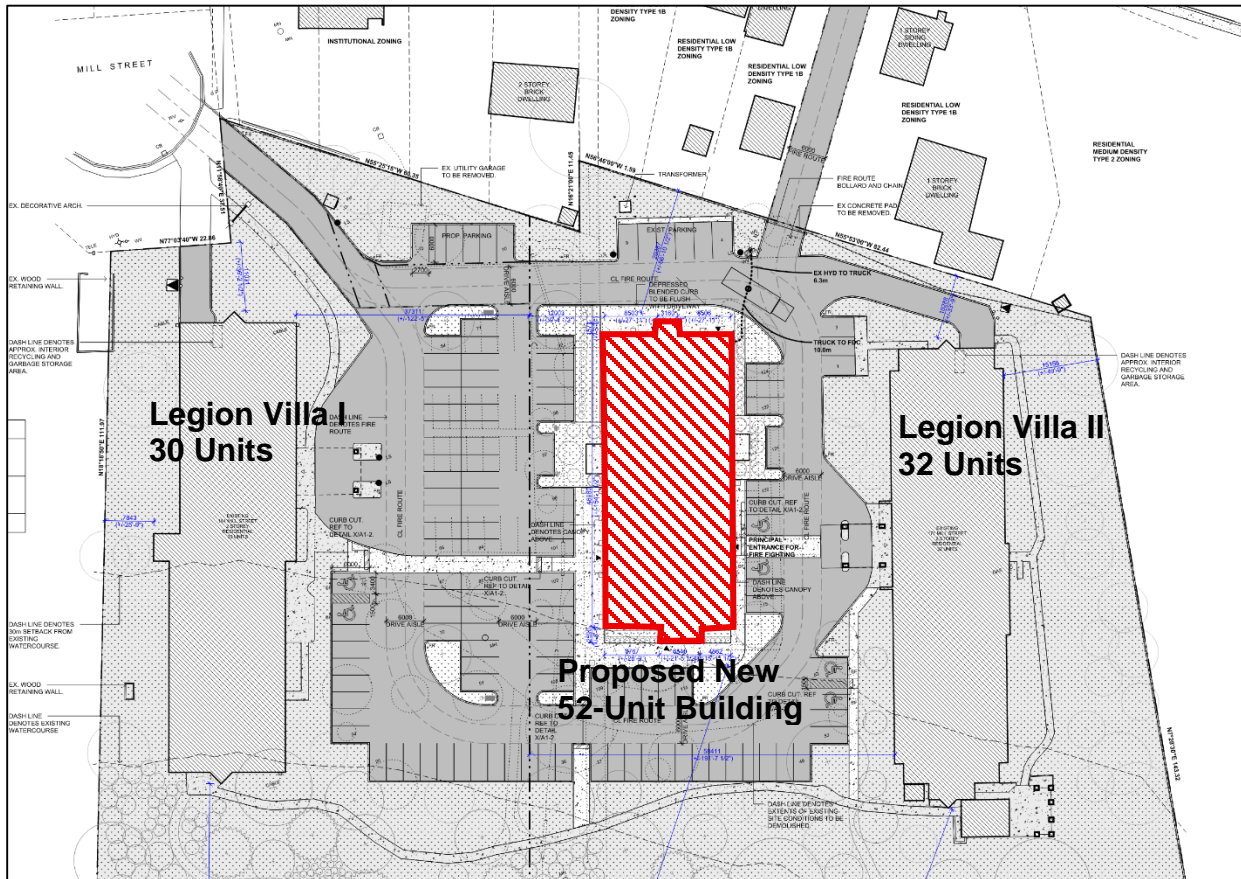
That, the Application for Consent (B06/2026WL), submitted by Quartek Group Inc. (Agent) on behalf of Brett Matthew Vanluik and Chanelle Jennifer DeBoer (Owners), as outlined in Report COA-15-2026, to permit the private easement for the continued use of underground infrastructure and utility services in favour of the Legion Villa, **BE APPROVED**, subject to the following conditions:

1. That the Owner/Applicant shall provide a copy of the reference plan and legal documentation that describes the private easement in favour of the Legion Villa for the private utility services including telecommunication, cable, and natural gas infrastructure.

**BACKGROUND:**

The Legion Villa Seniors Citizen apartment complex is located at 161 and 171 Mill Street and is positioned behind 190 St. Catharines Street (subject lands). Legion Villa located at 171 Mill Street has received Zoning By-law approval for a new 52-unit apartment building proposed to be constructed in between the existing 30-unit 2-storey apartment building located at 161 Mill Street (Legion Villa I) and the 32-unit 2-storey apartment building (Legion Villa II). This new apartment building is also subject to Site Plan Approval. Refer Figure 1 for the proposed site plan and building.

**Figure 1: Legion Villa Proposed 52-Unit Apartment Building**



Respecting Our Roots, Realizing Our Future

The subject lands located at 190 St. Catharines Street has an existing 6-metre wide easement to permit access for persons, animals and vehicles. This easement also has electricity, water, sewer and gas services in favour of the Township however benefits the Legion Villa.

**CURRENT SITUATION:**

Legion Villa submitted for Site Plan Approval for the proposed new 52-unit apartment building situated in between the two existing apartment buildings. Upon review of the application, Township Staff with assistance from the Legion Villa’s solicitor, discovered that private utilities (e.g., telecommunications, gas, electricity) were located in the Easement Lands (Instrument No. RO174941) located at 190 St. Catharines Street of which permits a registered right-of-way for ingress, egress, regress for persons, animals, and vehicles through, along and over the Easement Lands. This registered easement has the Township as the dominant tenement however is offering benefits in favour of Legion Villa although not explicitly described as being a beneficiary in the registered easement.

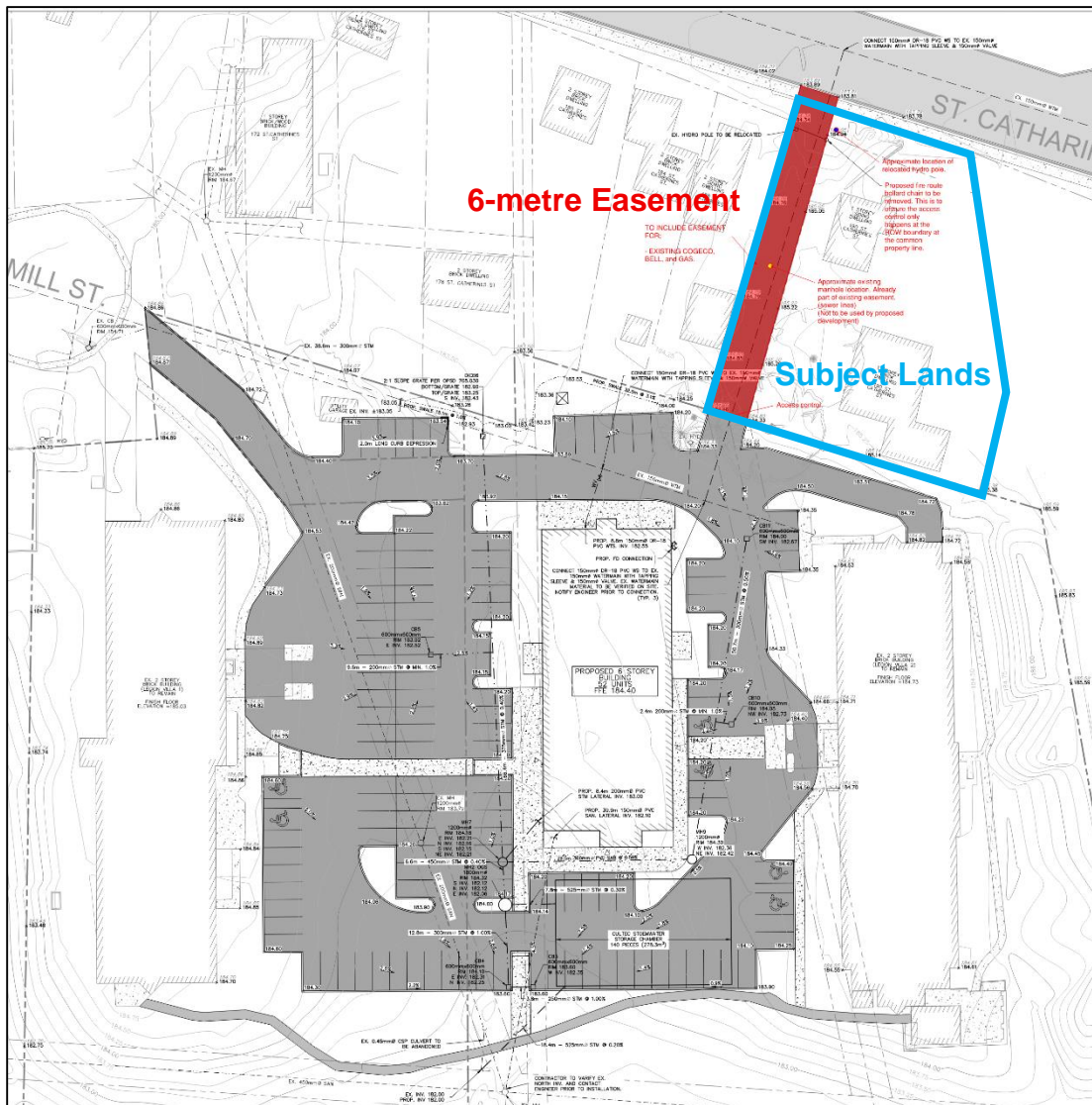
Refer to the following table that describes the existing services, dominant tenement and beneficiaries of the 6-metre easement over 190 St. Catharines Street.

<b>6 Metre Easement</b>	<b>Service</b>	<b>Favour of (Dominant Tenement)</b>	<b>Beneficiaries (Servient Tenement)</b>	<b>Description</b>
Right of Way	Persons, Animals, and Vehicles	Township	171 Mill Street and 190 St. Catharines Street	Registered right-of-way for ingress, egress and regress for persons, animals and vehicles through, along and over Instrument RO174941
Water	Municipal water	Township	171 Mill Street	Easement lands are already subject to an easement in favour of the Township for the installation and maintenance of electricity, water and sewer lines and control mechanisms in, over, along and upon the Easement Lands, as described in Instrument RO391066 and confirmed by Instrument RO405913
Sewer	Sanitary manhole (control mechanism)	Township	171 Mill Street	
Electricity	Hydro One	Township	171 Mill Street	

To rectify the situation, this application is seeking a new private easement to legalize the use of this 6-metre right-of-way easement for the private utilities (e.g., telecommunications, gas, electricity) that are intended to be in favour of the Legion Villa, in addition to the ingress and egress for emergency and fire access purposes only.

This application for a new private easement will supplement the Easement Lands described as Instrument No. RO174941 that will benefit 190 St. Catharines Street and Legion Villa. This easement is for the installation, operation, maintenance, repair, replacement and inspection for Enbridge Gas for the gas distribution infrastructure (including mains, service lines, valves, regulators) as well as the telecommunication services for Bell and Cogeco (including fibre optic lines, cables, conduits, pedestals, related equipment). Refer to Figure 2 and a larger version in Schedule A for the site plan that shows the easement through 190 St. Catharines Street.

**Figure 2: Site Plan with Proposed New Private Easement**



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

### **Provincial Planning Statement**

The Provincial Planning Statement (PPS 2024) provides guidance on all land use planning matters. The subject property is located within the Urban Settlement Area of Smithville. The PPS speaks to the efficient utilization of infrastructure that supports development that is compatible to the surrounding area.

Considering this is an existing easement for a registered right-of-way for ingress and egress as well as for buried infrastructure and services in favour of the Township and Legion Villa, this application is maintaining the intended use of the easement and legalizing it for the private use and benefit to the Legion Villa.

Improvements to the easement and relocation of an existing hydro pole located at the edge of the subject lands is required for the proposed development of the new Legion Villa apartment building, although the proposal will occur in an orderly and efficient manner and therefore Planning Staff are of the opinion that the application is consistent with the PPS.

### **Township of West Lincoln Official Plan and Niagara Official Plan**

The subject lands located at 190 St. Catharines Street is in the Urban Settlement Area of Smithville and the Townships' Official Plan (OP) designates the lands as 'Medium Density Residential'. According to Section 14.12 of the OP, the policy framework geared for utilities is to plan and coordinate and be cost effective to minimize disruption for access to utilities. In this situation, there is the existing easement that is within an existing private right-of-way and it is encouraging that this easement contained for the infrastructure for water and sanitary, and the utilities can be utilized through this private easement.

Similarly, the Niagara Region Official Plan encourages the utilization of existing infrastructure and utilities in the built up area and avoid or minimize land use conflicts. The owners of 190 St. Catharines Street have authorized the Legion Villa, who is the beneficiary of the easement for emergency access, and the private use of the utilities, to pursue this application to legitimately legalize the private easements for Bell, Cogeco, Enbridge Gas that currently are being utilized at the existing building and for the new building.

Therefore, Planning Staff are satisfied that the proposal conforms with the general intent of the Township and Regional Official Plans.

### **Township of West Lincoln Zoning By-law**

The Township's Zoning By-law 2017-70, as amended zones the subject lands as 'Low Density Residential' for the entire parcel including the location of the easement.

Considering there is no actual development occurring on the lands and this application is tied to the legalization of a private easement for ingress and egress and the use of infrastructure and utilities, Planning Staff are satisfied that the application conforms to the general intent of the Zoning By-law.

**INTER-DEPARTMENTAL & AGENCY COMMENTS:**

Since there are no physical changes being proposed with this application for consent (new private easement), and there are no agency comments to report on this application.

**PUBLIC COMMENTS:**

There are no formal written or verbal comments provided by members of the public at the time of writing this report.

**CONCLUSION:**

Based on the analysis above, Consent Application B06/2026WL, Planning Staff recommend **APPROVAL**, subject to the conditions outlined in the report.

**ATTACHMENTS:**

Schedule A: Easement Sketch

**Prepared & Submitted by:**

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



**DATE:** May 27, 2026

**REPORT NO:** COA-12-2026

**SUBJECT:** **Recommendation Report – Minor Variance Application  
A05/2026WL for 2848 South Grimsby Road 10**

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

**OVERVIEW:**

- A Minor Variance Application has been submitted by Darren Draaistra (Agent) on behalf of William and Tracy Ravensbergen (Owner).
- The subject lands are designated ‘Good General Agricultural and Natural Heritage System’ within the Township’s Official Plan.
- The subject lands are zoned Agriculture (A) and Environmental Protection (EP) in the Township’s Zoning By-law 2017-70, as amended.
- The requested variance is intended to facilitate the conversion of the existing attached private garage to living space and construct a new attached private garage to the dwelling.
- Relief is required from Section 3.12.7(h) of the Zoning By-law to permit an attached private garage width of 11 metres, whereas the maximum permitted is 50% of the total width of the main dwelling (calculated at 10.43 metres).
- Planning Staff have reviewed the application and recommend the application be supported as it meets the four tests of a minor variance and the general intent of the Provincial, Regional and Local policies.

**RECOMMENDATION:**

That, the Application for Minor Variance, submitted by Darren Draaistra (Agent), on behalf of William and Tracy Ravensbergen (Owner), as outlined in Report COA-12-2026, to permit an increased attached private garage width of 11 metres **BE APPROVED**, subject to the following conditions:

1. That the existing attached private garage be converted to living space prior to the issuance of a building permit for the proposed attached private garage.

**BACKGROUND:**

A Minor Variance Application has been submitted by Darren Draaistra (Agent) on behalf of William and Tracy Ravensbergen (Owner) for the lands municipally know as 2848 South Grimsby Road 10. The purpose of this application is to seek relief from Section 3.12.7(h) of the Township's Zoning By-law 2017-70, as amended to permit an attached private garage width of 11.0 metres whereas the maximum attached private garage width is 50% of the total width of the dwelling. In this instance, 50% of the total width of the dwelling following the conversion of the existing garage is 10.43 metres, whereas 11.0 metres or 53% is proposed.

The subject lands are located on the west side of South Grimsby Road 10, south of Highway 20 and north of Range Road 1. The subject lands have an area of approximately 0.4 hectares, with approximately 55 metres of frontage on South Grimsby Road 10. The subject lands contain an existing single detached dwelling and associated accessory buildings. The subject lands also contain natural heritage features and Niagara Peninsula Conservation Authority (NPCA) regulated areas in the southeastern portion of the property.

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

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

The subject lands are located outside of the Smithville Settlement Area and in the Agricultural Area. Policy 4.3.2(h) permits single detached dwellings, accessory structures and buildings on legally established lots and zoned as such prior to December 2004.

In this instance, the dwelling was established prior to 2004 and the proposed attached private garage is intended to replace the existing attached garage, which is to be converted to living space. The proposed garage will have a width of approximately 11.0 metres, representing approximately 53% of the total width of the dwelling. Planning Staff are of the opinion that the proposal remains visually balanced with the dwelling and does not result in the garage dominating the front façade.

Accordingly, Planning Staff are satisfied that the proposed variance maintains the general intent of the Township's Official Plan.

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

The proposed attached private garage complies with the applicable setback requirements of the Agriculture (A) Zone in Section 5.3 and Table 12.

Section 3.12.7 of the by-law establishes regulations for private garages. Relief is required from Section 3.12.7(h), which requires the maximum garage width for an attached private

garage to be no greater than 50% of the total width of the dwelling on the lot. Based on the proposed conversion of the existing attached garage to living space, the total width of the dwelling will be approximately 20.85 metres, meaning the maximum permitted garage width is approximately 10.43 metres. The proposal seeks permission for a garage width of 11.0 metres, which represents approximately 53% of the total width of the dwelling and an increase of approximately 0.57 metres, or roughly 3%, beyond the permitted width.

Planning Staff are of the opinion that the requested variance maintains the general intent of the Zoning By-law. The intent of the garage width regulation is to ensure that attached private garages remain subordinate to the dwelling and do not dominate the front façade. In this case, the proposed addition to the garage will remain visually integrated with the dwelling. The proposal therefore maintains 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 conversion of the existing attached garage to living space, together with the construction of a new attached private garage, represents a logical and functional improvement to the property. The proposed garage is designed as an addition to the existing dwelling and will maintain the overall character of the home and surrounding area.

Planning Staff are satisfied that the proposal will not result in adverse impacts and is desirable for the appropriate development and use of the subject lands.

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

The requested increase is approximately 0.57 metres beyond the maximum permitted garage width, representing an increase from 50% to approximately 53% of the total width of the dwelling.

Planning Staff are of the opinion that the proposal also results in no anticipated adverse visual impacts on the streetscape or surrounding area and the requested relief is minor in nature and appropriate.

**INTER-DEPARTMENTAL & AGENCY COMMENTS:**

Niagara Peninsula Conservation Authority (NPCA)

Based on the current NPCA mapping, the subject property is mapped to be impacted by an NPCA Regulated floodplain hazard area. With consideration to the current map screening layer being more conservative, the works do not encroach within the current mapped floodplain limits, and the proposed works are not to increase the risks on the property (such as by adding a dwelling unit), the NPCA can confirm that the proposed works would not require an NPCA Permit prior to the start of works as the NPCA have no objections to offer.

**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 A05/2026, to allow an increased attached private garage width of 11m, subject to the conditions outlined in this report.

**ATTACHMENTS:**

Schedule A – Site Drawings  
Schedule B – Agency Comments

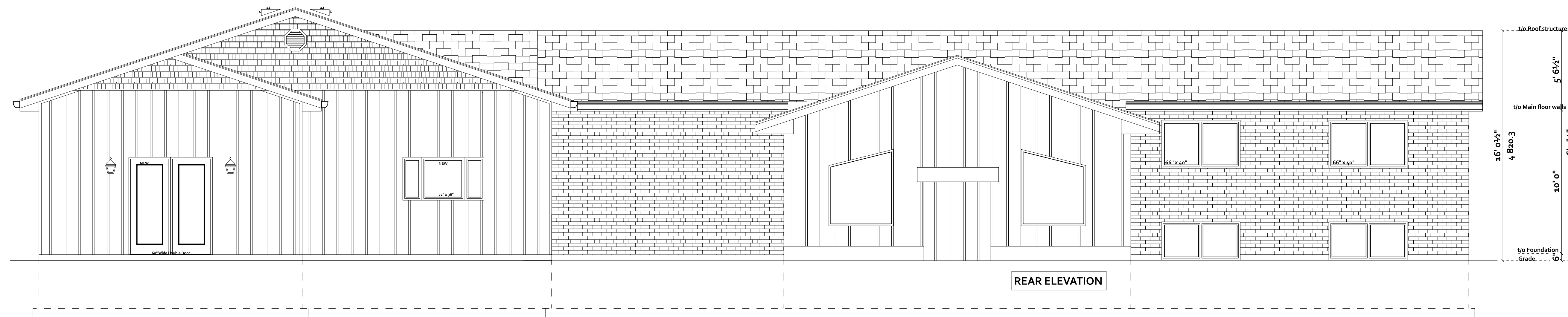
**Prepared & Submitted by:**

**Marcus Ruggiero**  
**Intermediate Planner**

**Approved by:**

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

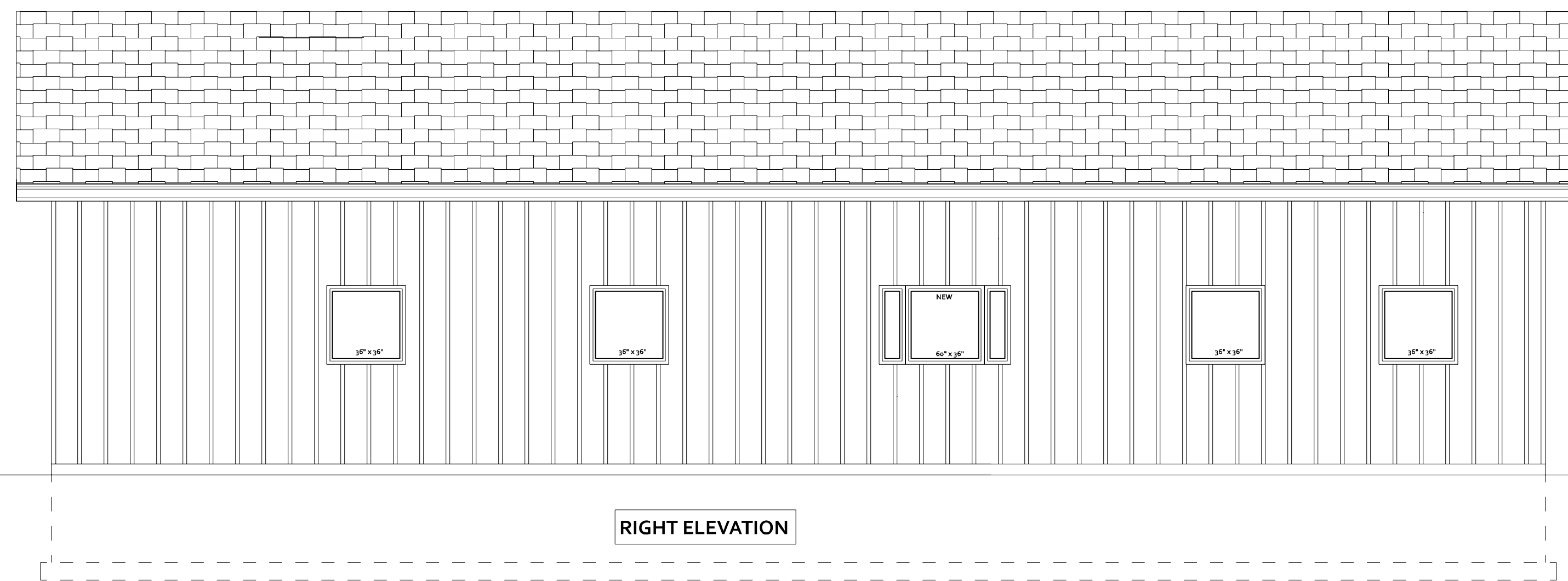




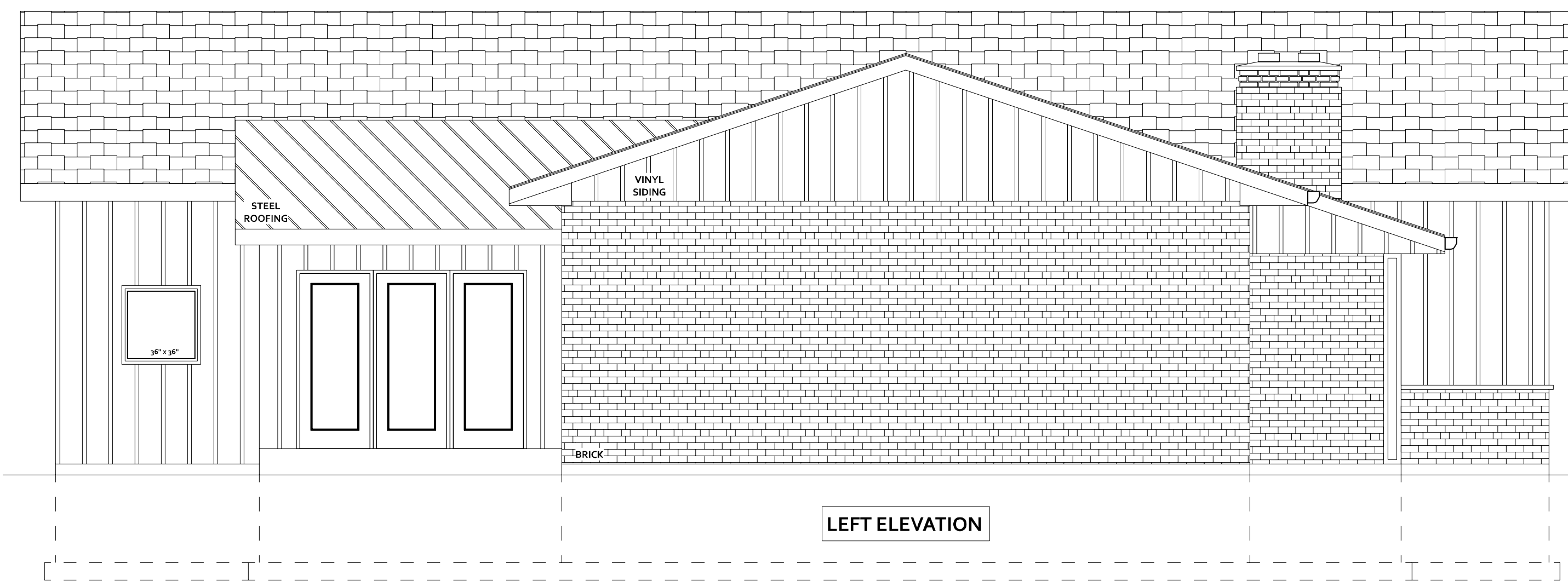
REAR ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

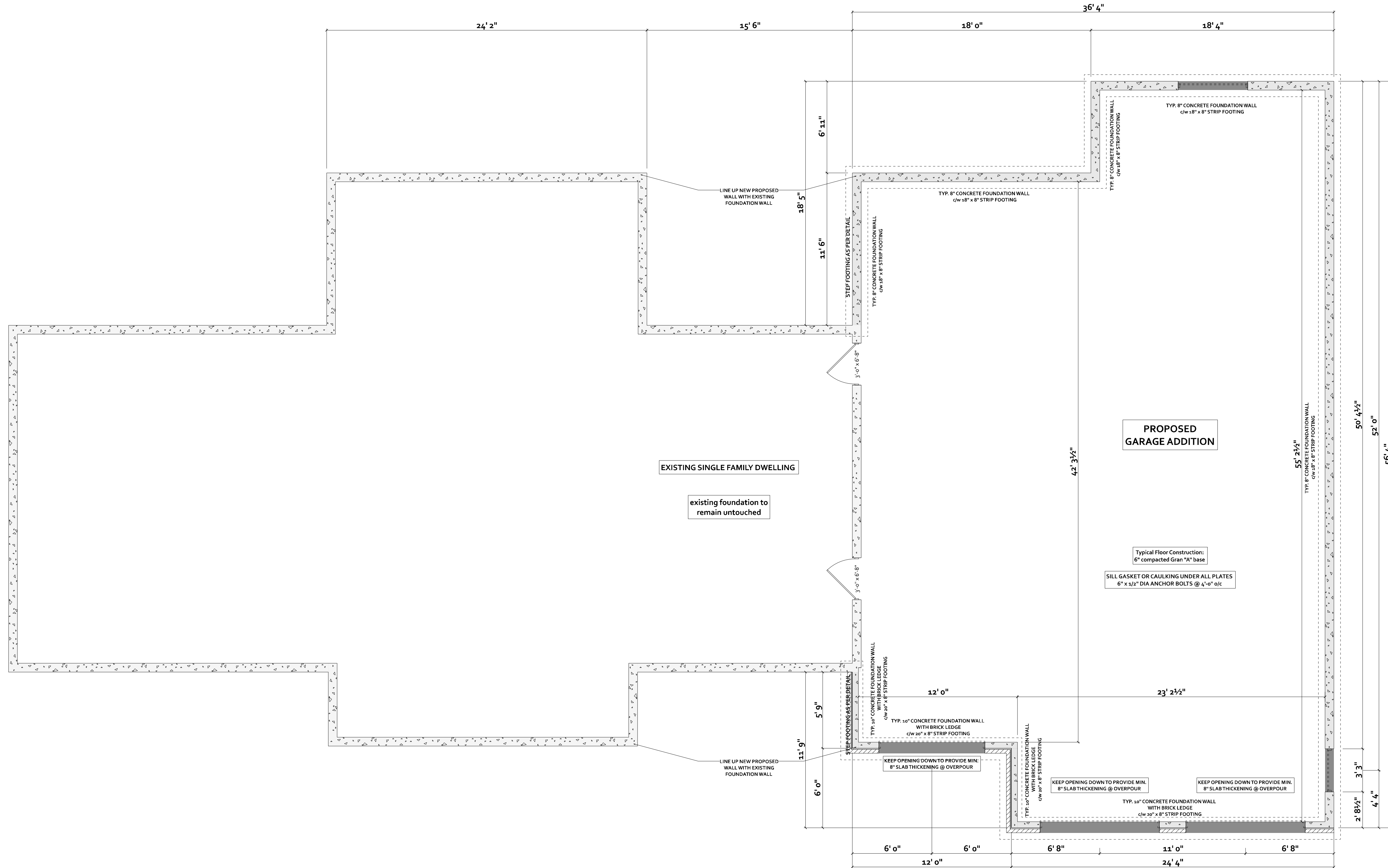
Proposed Elevations  
SCALE: 1/4" = 1'-0"

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SCALE: 1/4" = 1'-0" DATE: March 17, 2016  
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Foundation plan  
SCALE: 1/4" = 1'-0"

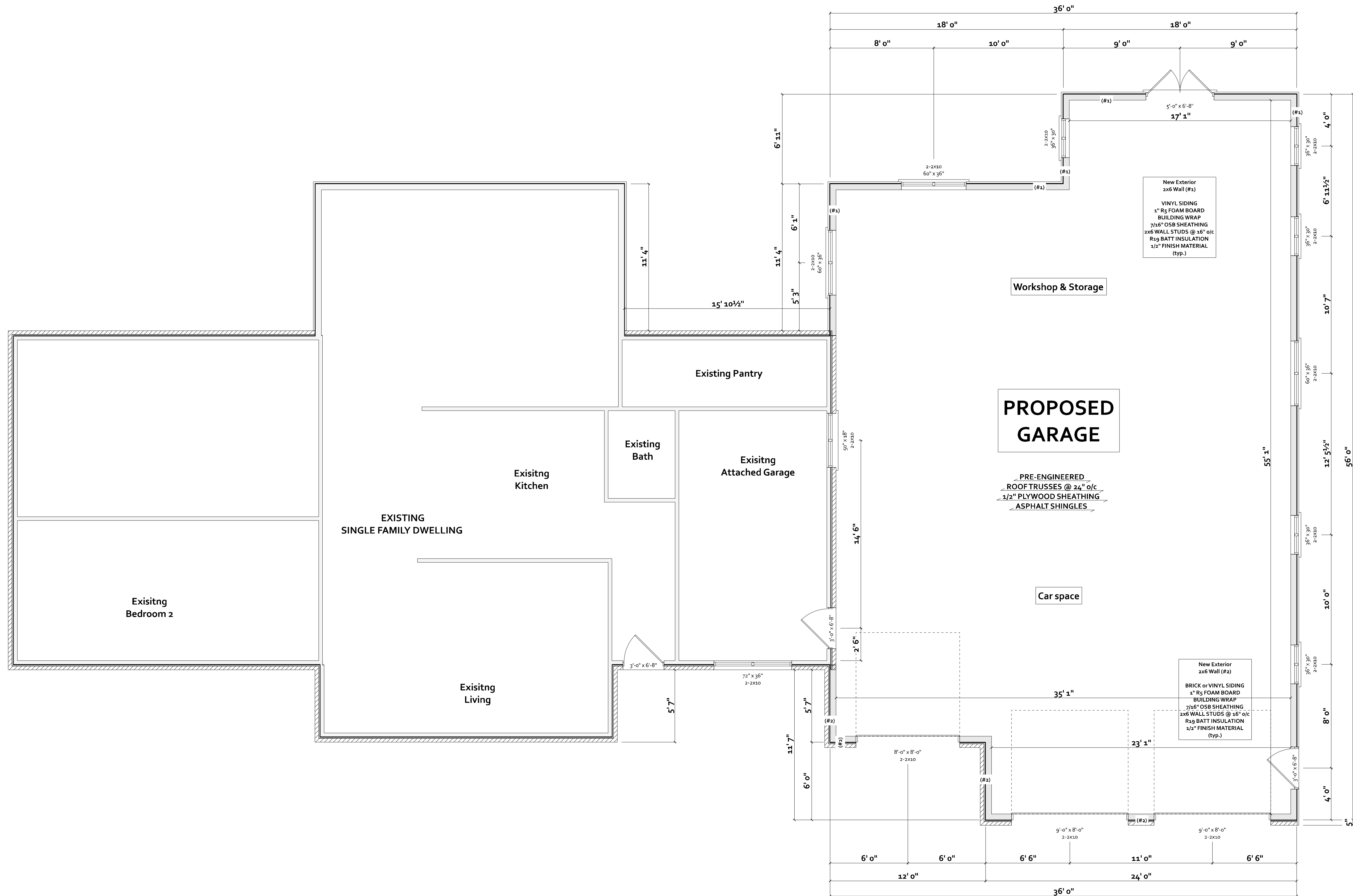
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New Exterior  
2x6 Wall (#2)  
VINYL SIDING  
1" R5 FOAM BOARD  
BUILDING WRAP  
7/16" OSB SHEATHING  
2x6 WALL STUDS @ 16" o/c  
R19 BATT INSULATION  
1/2" FINISH MATERIAL  
(typ.)

New Exterior  
2x6 Wall (#2)  
BRICK or VINYL SIDING  
1" R5 FOAM BOARD  
BUILDING WRAP  
7/16" OSB SHEATHING  
2x6 WALL STUDS @ 16" o/c  
R19 BATT INSULATION  
1/2" FINISH MATERIAL  
(typ.)

PRE-ENGINEERED  
ROOF TRUSSES @ 24" o/c  
1/2" PLYWOOD SHEATHING  
ASPHALT SHINGLES

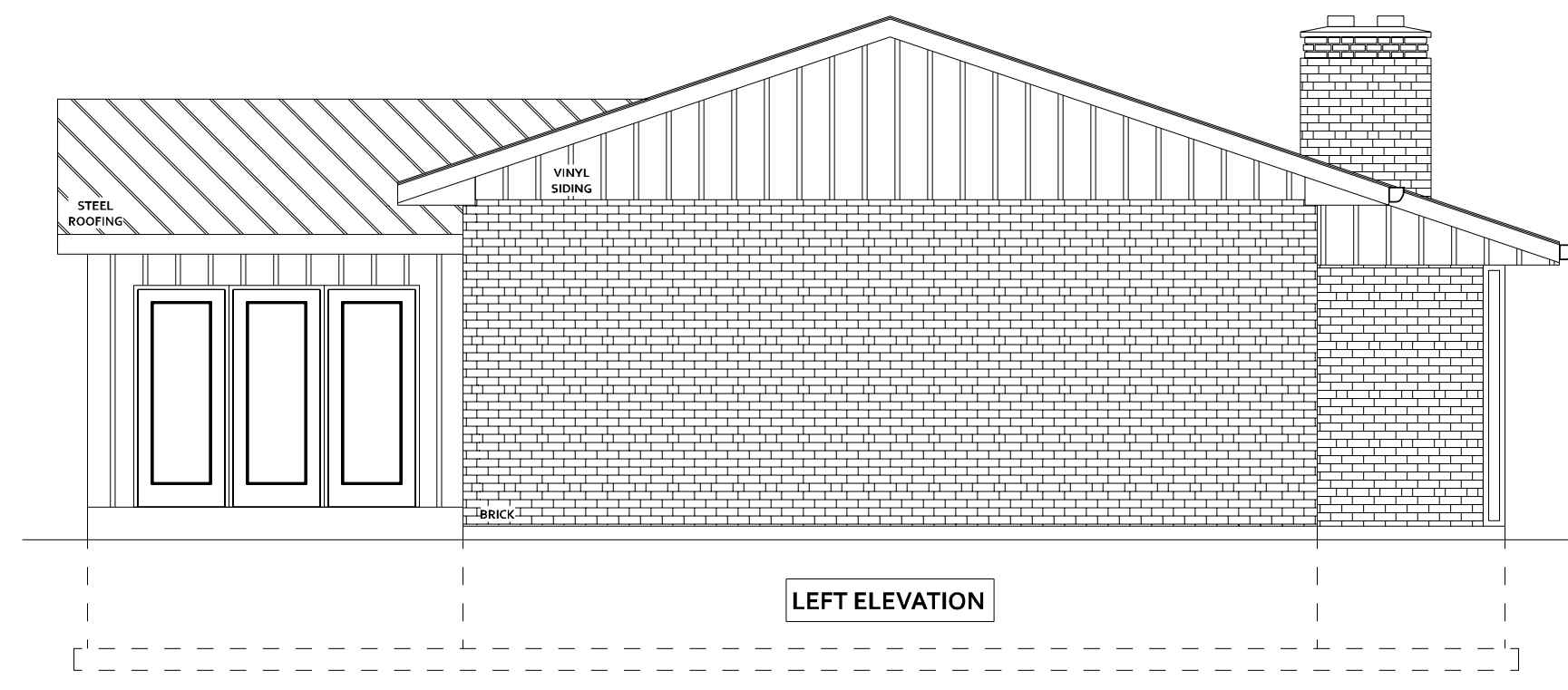
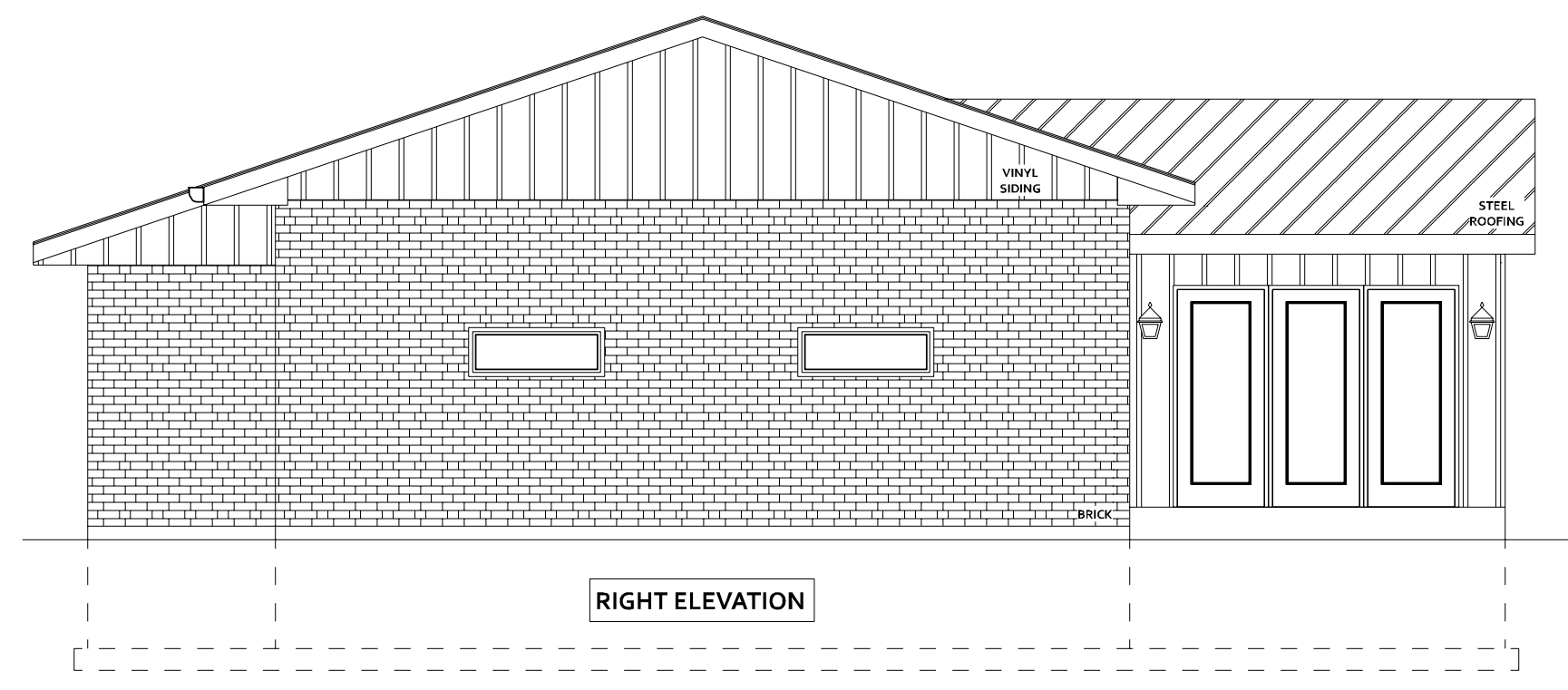
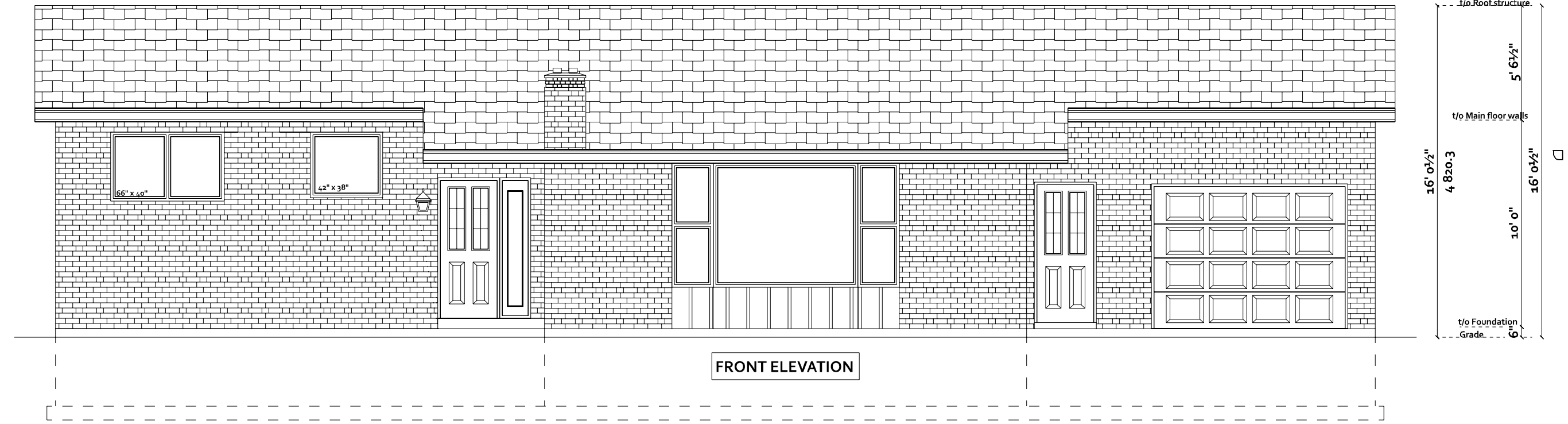
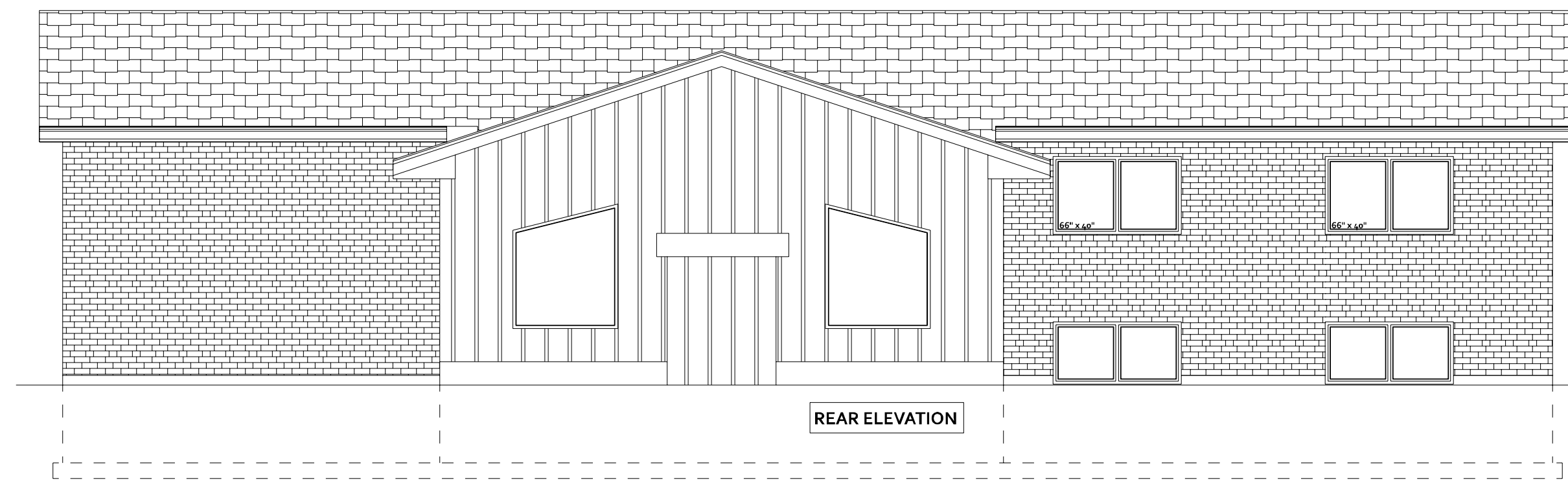
Garage Floor plan  
SCALE: 1/4" = 1'-0"

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 SCALE: 3/16" = 1'-0"  
 DATE: March 17, 2025

# SCHEDULE B - COA-12-2026

for the Minor Variance as there would appear to be sufficient space for servicing and amenities outside.

## **A05/2026WL - 2848 South Grimsby Road 10**

- Based on the current NPCA mapping, the subject property is mapped to be impacted by an NPCA Regulated floodplain hazard area with a flood elevation of 189.65 m (CGVD2013).
- Following the conversion of floodplain datums the Regulatory flood elevation, the floodplain would be less (lower) on the parcel; therefore, the scope of works would be outside of floodplain limits and most of the area on the subject property would be outside of the hazard limits.
- With consideration to the current map screening layer being more conservative, the works do not encroach within the current mapped floodplain limits, and the proposed works are not to increase the risks on the property (such as by adding a dwelling unit), the NPCA can confirm that the proposed works would not require an NPCA Permit prior to the start of works as the NPCA have no objections to offer.
- Should the homeowner wish to obtain an accurate delineation of the floodplain limits onto the subject property and to update the NPCA mapping, a topographic survey would then be required from a licensed surveyor. Depending on the scope, nature, and location of any future works, the NPCA may require a topographic survey to be completed.
- In conclusion, the NPCA can offer no objections to the Minor Variance or proposed development activities on the subject property as outlined within the application.

Thank you,



**Paige Pearson** (She/Her)  
Watershed Planner

**Niagara Peninsula Conservation Authority (NPCA)**  
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 205

[www.npca.ca](http://www.npca.ca)

[ppearson@npca.ca](mailto:ppearson@npca.ca)

# 2848 South Grimsby Road 10, West Lincoln - NPCA Map

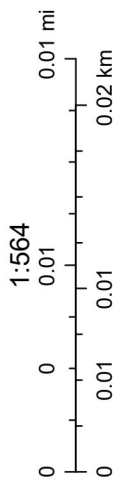


5/13/2026, 10:44:38 AM

SWOOP 2020 NPCA LIO - Wetland DRAFT

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3
- Evaluated-Provincial
- Roads
- NPCA APPROXIMATE REGULATION LANDS

- Regulation Wetlands
- Evaluated-Provincial
- Regulated Floodplain Extent
- Regulated
- Cross Sections Inventory
- Cross Section
- Assessment Parcels



NPCA Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Web AppBuilder for ArcGIS

**DATE:** May 27, 2026

**REPORT NO:** COA-13-2026

**SUBJECT:** **Recommendation Report – Minor Variance Application  
A06/2026WL for 3982 Concession 1 Road**

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

**OVERVIEW:**

- A Minor Variance Application has been submitted by Katherine Ransom and Jeffery Carter (Owner).
- The subject property is designated 'Hamlet Settlement Area' (Hamlet of Boyle).
- The subject property is zoned Low Density Residential (R1A) Zone.
- The variance request is to permit a Home Occupation within an accessory building.

**RECOMMENDATION:**

That, the Application for Minor Variance A06/2026WL, submitted by Katherine Ransom and Jeffery Carter (Owner), as outlined in Report COA-13-2026, **BE APPROVED** as submitted.

**BACKGROUND:**

A Minor Variance application has been submitted for the land municipality known as 3982 Concession 1 Road, in the Township of West Lincoln. The subject property is located within the Hamlet of Boyle on the east of Boyle Road and south side of Concession 1 Road. The subject property has a lot of frontage of approximately 50 metres on Boyle Road and a lot area of approximately 0.4 hectares. The subject property contains an existing single detached dwelling and accessory building.

The purpose of this application is to permit a Home Occupation in an accessory building in the Low Density Residential (R1A) Zone. The home occupation is for the retail sale of jam products produced on the subject property.

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 located within the Hamlet Settlement Area of Boyle. The Hamlet Settlement Area designation permits the use of single detached dwellings, accessory buildings and other uses including home occupations that are considered necessary to serve hamlet areas. The proposed home occupation located within an existing accessory building and given the small scale of the operation, this is considered to not negatively impact the neighbouring residential uses.

Therefore, Planning Staff are of the opinion that proposal meets the general intent and purpose of the Township's Official Plan.

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

The subject property is zoned Low Density Residential (R1A). The R1A Zone permits single detached dwellings, accessory buildings and structures, and home occupation within the principal/main dwelling.

The variance request is to permit a home occupation for the retail sale of items produce on the lot, in this instance the retail sale of jam produced on site within an existing accessory building. The home occupation provision Section 3.7.2 (e) of the Township's Zoning By-law does not permit home occupations within accessory buildings.

The general intent to permit home occupations within dwelling units is to allow residents to carry out small-scale economic activities while maintaining the residential character and limiting the scale of the business to reduce neighbourhood impacts such as parking and noise. The proposed home occupation will be located within an existing accessory building and will occupy a maximum floor area of 13 square metres. Section 3.7.2 (d) states that home occupations shall occupy a maximum of 25% of the gross floor area of the dwelling unit. The dedicated floor area of 13 square metres within the accessory building will remain below the permitted 25% threshold, representing approximately 6% of the gross floor area of the main dwelling unit. Furthermore, the home occupation will comply with all other applicable Home Occupation provisions of Township's Zoning By-law.

Therefore, Planning Staff are of the opinion that proposal meets the general intent and purpose of the Township's Zoning By-law.

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

The subject property is designated and zoned for residential uses including the accessory use of home occupations. The proposed variance is to permit a home occupation within the existing accessory building. The home occupation for the retail sale of jam produced on site is consistent with the type of permitted uses as a home occupation.

Home occupations are restricted to the principal dwelling, however, the proposed use within the existing accessory building the intent of the home occupation provisions. The proposed scale of the home occupation is limited in size and will remain subordinate to the residential use of the subject property and is not anticipated to create any negative impacts to the surrounding residential area.

Therefore, Planning Staff are of the opinion that proposal is desirable and appropriate development on the subject property.

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

The requested minor variance to locate a home occupation within an accessory building is consider minor in nature as it maintains the residential character of the property and neighbourhood. Additionally, the location of the home occupation within the existing accessory building does not increase the scale and intensity and will not create negative impacts to the surrounding residential neighbourhood. Furthermore, the proposed home occupation within an accessory building will not further increase parking, noise or odour concerns and will not result in adverse impacts to adjacent residential privacy.

Therefore, Planning Staff are of the opinion that the proposal is minor in nature.

**INTER-DEPARTMENTAL & AGENCY COMMENTS:**

Niagara Peninsula Conservation Authority (NPCA)

Based on the current NPCA mapping, the subject property does not contain and is not impacted by NPCA regulated areas. As such, the NPCA can offer no objections to the Minor Variance Application.

**PUBLIC COMMENTS:**

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

**CONCLUSION:**

Based on the above analysis, Planning Staff recommend that Minor Variance A06/2026WL **BE APPROVED** as submitted.

**ATTACHMENTS:**

Schedule A – Survey Sketch Plan

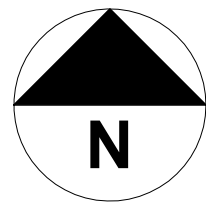
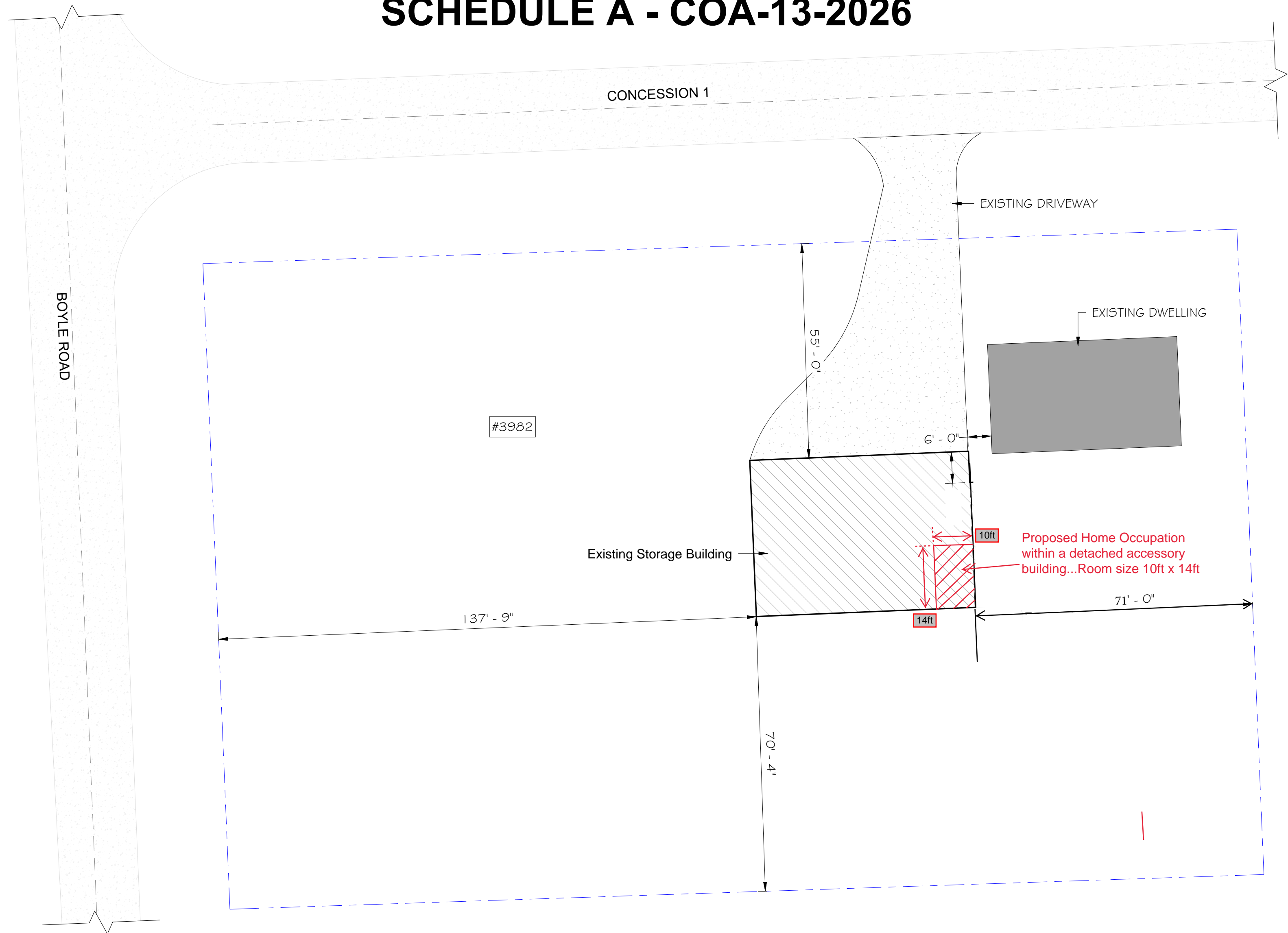
**Prepared & Submitted by:**

**Robin Shugan CPT, ACST  
Senior Planner**

**Approved by:**

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

# SCHEDULE A - COA-13-2026



3982 CONCESSION 1, FENWICK, ON.	
LOT AREA	1.0 ACRES
ZONING	R1A - RESIDENTIAL LOW DENSITY
MIN. SIDE YARD	6 m (19.7 ft)
MIN. FRONT YARD	7.5 m (24.6 ft)
MIN. REAR YARD	10 m (32.8 ft)
MAX. BUILDING HEIGHT	10 m (32.8 ft)
ROLL NUMBER	2602-020-006-17100
BLDG FOOTPRINT	2623 ft <sup>2</sup>
IDENTIFIED USING NIAGARA GIS MAPPING & WEST LINCOLN ZONING BY-LAW No. 2017-70	

**DATE:** May 27, 2026

**REPORT NO:** COA-11-2026

**SUBJECT:** **Recommendation Report – Minor Variance Application  
A02/2026WL for 3416 South Grimsby Road 3**

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

**OVERVIEW:**

- A Minor Variance Application has been submitted by John Verdonk (Agent) on behalf of Tom Nicholls (Owner).
- The subject lands are designated as ‘Good General Agricultural’ and ‘Natural Heritage System’ within the Township’s Official Plan.
- The subject lands are zoned Agriculture (A) and Environmental Protection (EP) in the Township’s Zoning By-law 2017-70, as amended.
- The application seeks relief from the maximum gross floor area provisions for an accessory dwelling unit, in addition to the requirement for a detached accessory dwelling unit to share the same driveway as the principal dwelling.
- Relief is also sought from the minimum interior side yard setback requirement for the proposed private attached garage.
- The requested variances are intended to facilitate the construction of a detached accessory dwelling unit and private garage addition to the existing dwelling.
- Planning Staff have reviewed the application and recommend the application be supported as it meets the four tests of a minor variance and the general intent of the Provincial, Regional and Local policies and general intent of the Township’s Zoning By-law.

**RECOMMENDATION:**

That the Application for Minor Variance, submitted by John Verdonk (Agent), on behalf of Tom Nicholls (Owner), as outlined in Report COA-11-2026, to permit:

- a. An accessory dwelling unit with a gross floor area of 119 square metres, whereas Section 3.2.1(b) permits a maximum gross floor area of 100 square metres;
- b. A separate driveway for the detached accessory dwelling unit, whereas Section 3.2.1(k) requires parking for an accessory dwelling unit to be provided from the same driveway as the principal dwelling; and

- c. An interior side yard setback of 4.51 metres for the proposed private attached garage, whereas Table 12 requires a minimum interior side yard setback of 5.0 metres.

**BE APPROVED**, subject to the following condition:

1. That the applicant submit an updated site plan and septic design, to the satisfaction of the Township, Niagara Peninsula Conservation Authority, and Region of Niagara, demonstrating that the proposed private sewage system for the accessory dwelling unit is located outside of the mapped natural heritage feature (e.g., woodland, potential wetland).

**BACKGROUND:**

A Minor Variance Application has been submitted by John Verdonk (Agent), on behalf of Tom Nicholls (Owner) for the lands municipally known as 3416 South Grimsby Road 3. The purpose of this application is to seek relief from Section 3.2.1 (b) of the Township's Zoning By-law 2017-70, as amended, to permit an accessory dwelling unit with a gross floor area of 119 square metres. Section 3.2.1(b) permits an accessory dwelling unit to have a maximum gross floor area equal to the lesser of 100 square metres or 40% of the gross floor area of the principal dwelling. In this case, the maximum permitted gross floor area would be 100 square metres. The accessory dwelling unit is also proposed to be serviced by a separate private sewage system on the property, as the applicant has indicated that the existing private sewage system cannot be safely altered to connect the accessory dwelling unit.

In addition, the application also seeks relief from Section 3.2.1(k) of the Township's Zoning By-law 2017-70, as amended, to permit a separate driveway for the proposed accessory dwelling unit, whereas the Zoning By-law requires parking for an accessory dwelling unit to be provided from the same driveway as the principal dwelling. Finally, the application seeks relief from the minimum interior side yard setback requirement of the Agricultural (A) Zone to permit an attached private garage with an interior side yard setback of 4.51 metres, whereas 5 metres is required.

The subject lands are located on the north side of South Grimsby Road 3, south of Mud Street East and north of Concession 7 Road. The subject lands have an area of approximately 0.455 hectares, with approximately 65 metres of frontage on South Grimsby Road 3. The subject lands contain an existing single detached dwelling and associated accessory buildings.

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 ‘Good General Agricultural’ and ‘Natural Heritage System’ in the Township’s Official Plan. As the lands are located within the Greenbelt Plan Area, the proposal must be reviewed within the context of the Township’s natural heritage policies. The property also contains significant woodland in the northern portion of the subject lands, as delineated on Schedule C3 of the Township’s Official Plan.

Policy 4.2.1 (a)(iii), general policies for the Agricultural Areas permit residential uses. Policy 10.7.2(c) states that environmental protection areas include significant woodlands. Further, Policy 10.7.2(k) states that within environmental protection areas and the Greenbelt Area, development and site alteration shall generally not be permitted, except for limited uses that will have no significant negative impact on natural features or ecological functions.

The proposed accessory dwelling unit (ADU) and attached private garage are located within the existing developed area of the property and represent an expansion of the existing residential use of the lands. The proposed development does not introduce a new land use and is not anticipated to negatively impact the Natural Heritage System, provided the location of development and site alteration are directed away from the mapped natural heritage feature (significant woodland).

The applicant has proposed a separate private sewage system for the ADU located in the northwest corner of the property. Based on the mapping reviewed by Staff, the proposed septic location is located within the mapped significant woodland area. Based on the comments received by the Region and NPCA, development and site alteration within the significant woodland would not be supported, and a condition of approval is requiring the proposed septic system to be relocated outside of the mapped regulated area to a more appropriate location to the satisfaction of the Township, NPCA, and Region of Niagara.

Section 17.1 of the Official Plan provides policies for alternative forms of housing, including accessory apartments. These policies recognize the need to provide opportunities for alternative and affordable forms of housing within the Township, provided that such uses are appropriately located and comply with applicable policies and regulations. Section 17.1.1 requires that an accessory apartment be subordinate in size to the main dwelling. The proposed ADU would support a form of gentle residential intensification on an existing residential lot.

Accordingly, Planning Staff are satisfied that the proposed variances maintain the general intent of the Township’s Official Plan.

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

The Township’s Zoning By-law 2017-70, as amended zones the subject lands Agricultural (A) Zone and Environmental Protection (EP) Zone. Sections 3.1 and 3.2 of the Zoning By-

law establish regulations for accessory buildings and accessory dwelling units.

Section 3.2.1(b) establishes a maximum gross floor area for accessory dwelling units equal to the lesser of 100 square metres or 40% of the gross floor area of the principal dwelling. The intent of this provision is to ensure that accessory dwelling units remain secondary and subordinate to the principal dwelling. The proposed ADU would have a gross floor area of 119 square metres, representing an increase of 19 square metres beyond the maximum permitted 100 square metres. While the proposed unit exceeds the maximum permitted gross floor area, it remains smaller than and subordinate to the principal dwelling. The applicant has indicated that the additional floor area is required to accommodate accessibility needs and support aging in place.

Planning Staff note that the proposed covered porch and carport have not been included in the gross floor area calculation in accordance with the definitions of the by-law for gross floor area, subject to these structures remain unenclosed. Should these areas be enclosed in the future, they would be included in the gross floor area calculation and would result in a further increase to the size of the ADU. Staff do not support the enclosure of these areas, as doing so would further increase the gross floor area of the AUD and would not maintain the intended subordinate nature of the use.

Section 3.2.1(k) requires parking for an ADU to be provided from the same driveway as the principal dwelling. The intent of this provision is to ensure that ADUs remain functionally associated with the principal dwelling and to avoid unnecessary additional entrances. In this case, the proposed separate driveway would provide access to the detached ADU while avoiding the need to extend the existing driveway across the property, which would reduce potential disturbance to existing vegetation. The proposed driveway is not anticipated to negatively impact the function of the property or the surrounding area.

The application also seeks relief from the minimum interior side yard setback requirement for the attached private garage. The Agricultural (A) Zone requires a minimum interior side yard setback of 5 metres, whereas the proposed attached private garage would provide an interior side yard setback of 4.51 metres. This represents a reduction of 0.49 metres, or approximately 9.8%, from the required setback. The intent of the interior side yard setback requirement is to provide adequate separation from neighbouring properties, maintain access around buildings, and reduce potential impacts related to massing, drainage, and compatibility.

Overall, Planning Staff are satisfied that the proposed variances maintain the general intent and purpose of the Township's Zoning By-law.

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

The proposal is desirable for the appropriate development and use of the land. The proposed ADU and attached garage addition would support the continued residential use of the property and represent a modest expansion of existing residential uses on the lands.

While the subject lands are located within the Greenbelt, the proposed development is located within the existing developed area of the property and is intended to support the construction of an accessible ADU. The additional gross floor area for the ADU is proposed to accommodate accessibility needs and support aging in place, while also providing a form of gentle intensification on an existing residential lot.

The requested variance to permit a separate driveway for the ADU is also considered desirable, as it would reduce the need to extend the existing driveway across the property and would help avoid unnecessary tree removal. Overall, the proposed variances would facilitate appropriate residential development while limiting additional site disturbance.

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

Planning Staff are of the opinion that the proposed variance is minor in nature. The requested increase to the maximum gross floor area of the accessory dwelling unit would permit a unit size of 119 square metres, whereas 100 square metres is permitted. This represents an increase of 19 square metres beyond the maximum permitted gross floor area is limited in scale and would not alter the appeal or appearance of the ADU and principal dwelling on the property.

The requested variance to permit a separate driveway for the accessory dwelling unit is also considered minor, avoiding the need to extend the existing driveway across the property and would help limit additional site disturbance and tree removal. The separate driveway is not anticipated to create adverse impacts on the surrounding area or the function of the property given the location is on a low travelled road with minimal traffic.

The proposed interior side yard setback variance for the attached private garage is also minor in nature. The garage is proposed to have an interior side yard setback of 4.51 metres, whereas 5.0 metres is required. This represents a reduction of 0.49 metres, or approximately 9.8%, from the required setback. The reduction is limited in scale and is not anticipated to create adverse impacts on drainage since there is sufficient space for runoff, still maintains an appropriate separation between property lines, and the location of the neighbour's house is +/- 70 metres away and the reduced setback will not create any privacy intrusion concerns.

Overall, the proposed variances are limited in scope and would facilitate the continued residential use of the property. The proposed ADU and garage addition are compatible with the existing rural residential character of the lot and surrounding area. As such, the proposed variances are considered minor in nature.

### **INTER-DEPARTMENTAL & AGENCY COMMENTS:**

#### Region of Niagara

The subject property is impacted by the Natural Environment System (NES) of the Niagara Official Plan (NOP), consisting of a Life Science Area of Natural and Scientific Interest

(ANSI) and Significant Woodland. The property is also within the Greenbelt Provincial Natural Heritage System (PNHS). Regional staff are satisfied that the proposed ADU meets the intent of the NOP policies however, recommend that the Township require the applicant to relocate the septic system outside of the ANSI and significant woodland. The revised location must be situated as close to the existing development footprint as possible. Refer to Schedule C for the fulsome Regional comments.

Niagara Peninsula Conservation Authority (NPCA)

Based on the NPCA current mapping, the subject property contains an area of potential unevaluated wetlands within the north portion of the site.

Due to the scope, nature, and location of works being well outside of the potential unevaluated wetlands, the NPCA can offer no objection to the development activities especially if the private septic system is positioned as close to the ADU as possible and not inside the potential wetlands, the NPCA would be satisfied. Refer to Schedule C for the fulsome NPCA comments.

**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 A02/2026WL, to permit an accessory dwelling unit with a gross floor area of 119 square metres, a separate driveway for the detached accessory dwelling unit, and an interior side yard setback of 4.51 metres for the proposed private attached garage, subject to the conditions outlined in this report.

**ATTACHMENTS:**

- Schedule A – Survey
- Schedule B – Proposed Septic Location
- Schedule C – Agency Comments

**Prepared & Submitted by:**

**Marcus Ruggiero**  
Intermediate Planner

**Approved by:**

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

# SCHEDULE A - COA-11-2026

SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL COPY IF EMBOSSED BY THE SURVEYOR'S SEAL, OR PDF CERTIFIED

## SKETCH SHOWING TOPOGRAPHICAL INFORMATION 3416 SOUTH GRIMSBY ROAD 3 TOWNSHIP OF WEST LINCOLN

0 10 20 30 40 50m

SCALE 1:500

RASCH & HYDE LTD.  
ONTARIO LAND SURVEYORS

© COPYRIGHT, Rasch & Hyde Ltd., OLS's, 2026

### AS CONSTRUCTED GRADING

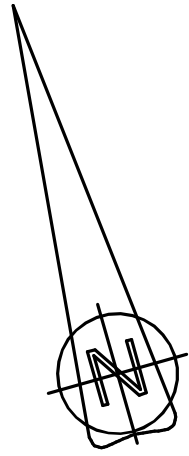
I HEREBY CERTIFY THAT I HAVE TAKEN THE FINISHED ELEVATIONS SHOWN ( ) WITH RESPECT TO THE GRADING OF THIS LOT  
FURTHER, I HEREBY CERTIFY THAT THE LOT GRADING AS CONSTRUCTED SATISFIES THE OBJECTIVES OF THE LOT GRADING AND DRAINAGE POLICY OF THE MUNICIPALITY.

DATE LEVELS TAKEN \_\_\_\_\_  
NAME \_\_\_\_\_  
SIGNATURE \_\_\_\_\_  
DATE \_\_\_\_\_  
ACCEPTED BY MUNICIPALITY \_\_\_\_\_  
DATE \_\_\_\_\_

### PROPOSED GRADING

I HEREBY CERTIFY THAT THE PROPOSED BUILDING WILL BE COMPATIBLE WITH THE PROPOSED GRADING AND THE OBJECTIVES OF THE LOT GRADING AND DRAINAGE POLICY.  
FURTHER, I CERTIFY THAT THE EXISTING DRAINAGE ONTO THIS PROPERTY HAS BEEN ACCOMMODATED AND THAT ALL DRAINAGE SHALL BE DIRECTED TO AN ACCEPTABLE OUTLET.

DATE LEVELS TAKEN JUNE 4, 2025  
NAME HAROLD D. HYDE O.L.S.  
SIGNATURE *Harold Hyde*  
DATE FEBRUARY 18, 2026  
ACCEPTED BY MUNICIPALITY \_\_\_\_\_  
DATE \_\_\_\_\_



EAST GORE

EAST GORE

J,

LOT

PIN 46048 - 0002 (LT)

AND Q, EAST GORE (LT)

0089

PIN 46048 - 0012 (LT)

GORE

### LOT COVERAGE

TOTAL LOT AREA:	4554.1 s.m.
EXISTING DWELLING:	142.8 s.m. (3.1%)
EXISTING SHED:	21.7 s.m. (0.5%)
EXISTING FRONT DECK:	21.7 s.m. (0.5%)
EXISTING REAR DECK:	18.7 s.m. (0.4%)
PROPOSED ADU:	119.0 s.m. (2.6%)
PROPOSED CARPORT:	31.9 s.m. (0.7%)
PROPOSED COVERED PATIO:	41.5 s.m. (0.9%)
PROPOSED GARAGE ADDITION:	57.6 s.m. (1.3%)

### LEGEND

PIN	DENOTES PROPERTY IDENTIFIER NUMBER
AC	DENOTES AIR CONDITIONER
C-L	DENOTES CENTRELINE
FFE	DENOTES FINISHED FLOOR ELEVATION
GFE	DENOTES GARAGE FLOOR ELEVATION
HM	DENOTES HYDRO METER
HP	DENOTES HYDRO/UTILITY POLE
OUL	DENOTES OVERHEAD HYDRO/UTILITY POLE LINE
*	DENOTES CONIFEROUS TREE (CANOPY NOT TO SCALE)
○	DENOTES DECIDUOUS TREE (CANOPY NOT TO SCALE)
+100.00	DENOTES EXISTING GROUND ELEVATION
100.00	DENOTES PROPOSED ELEVATION
→	DENOTES DIRECTION OF DRAINAGE
•DS	DENOTES DOWNSPOUT
RWL	DENOTES DIRECTION OF DRAINAGE
S/D	DENOTES SUMP DISCHARGE
N	N=NORTH, S=SOUTH, E=EAST, W=WEST

### ELEVATION NOTE

ELEVATIONS ARE GEODETIC, DERIVED BY GPS OBSERVATIONS, REFERRED TO MINISTRY OF TRANSPORTATION ONTARIO BENCHMARK 00819708344 HAVING AN ELEVATION OF 182.568m (CGVD-1928:1978)

LOCATION: TWO STOREY RED BRICK HOUSE ON SOUTH SIDE OF HWY 20, 2.7 KM EAST OF UNITED CHURCH IN HAMLET OF SMITHVILLE, 33.5 M WEST OF PATTERSON RD AND 43.0 M SOUTH OF CENTRELINE OF HWY 20. TABLET IS SET HORIZONTALLY IN EAST FACE OF CONCRETE AND STONE FOUNDATION, 1.19 M SOUTH OF N. E. CORNER, 24 CM BELOW BRICKWORK.

ALL FUTURE GRADE WORK ON SITE TO BE BASED ON SITE BENCHMARK. ANY ELEVATION DISCREPANCIES TO BE REPORTED TO RASCH & HYDE LTD.

### PROPERTY DESCRIPTION

PART OF LOT Q, PART OF THE ROAD ALLOWANCE BETWEEN LOTS J AND Q, EAST GORE, GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY, TOWNSHIP OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA  
ALL OF PIN 46048-0011 (LT); PART OF PIN 46048-0089 (LT)

### CAUTION

- THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
- THIS SKETCH IS PROTECTED BY COPYRIGHT ©
- THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH THE SURVEYOR'S SEAL, OR PDF CERTIFIED.

### BOUNDARY NOTE

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY OFFICE RECORDS, PLAN 30R-16493 AND ACTUAL FIELD WORK.

### METRIC NOTE

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

**RASCH + HYDE LTD.**  
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B  
DUNNVILLE, ONT, N1A 2X1  
DUNNVILLE: 905-774-7188 FORT ERIE: 905-871-9757  
(FAX 905-774-4000)

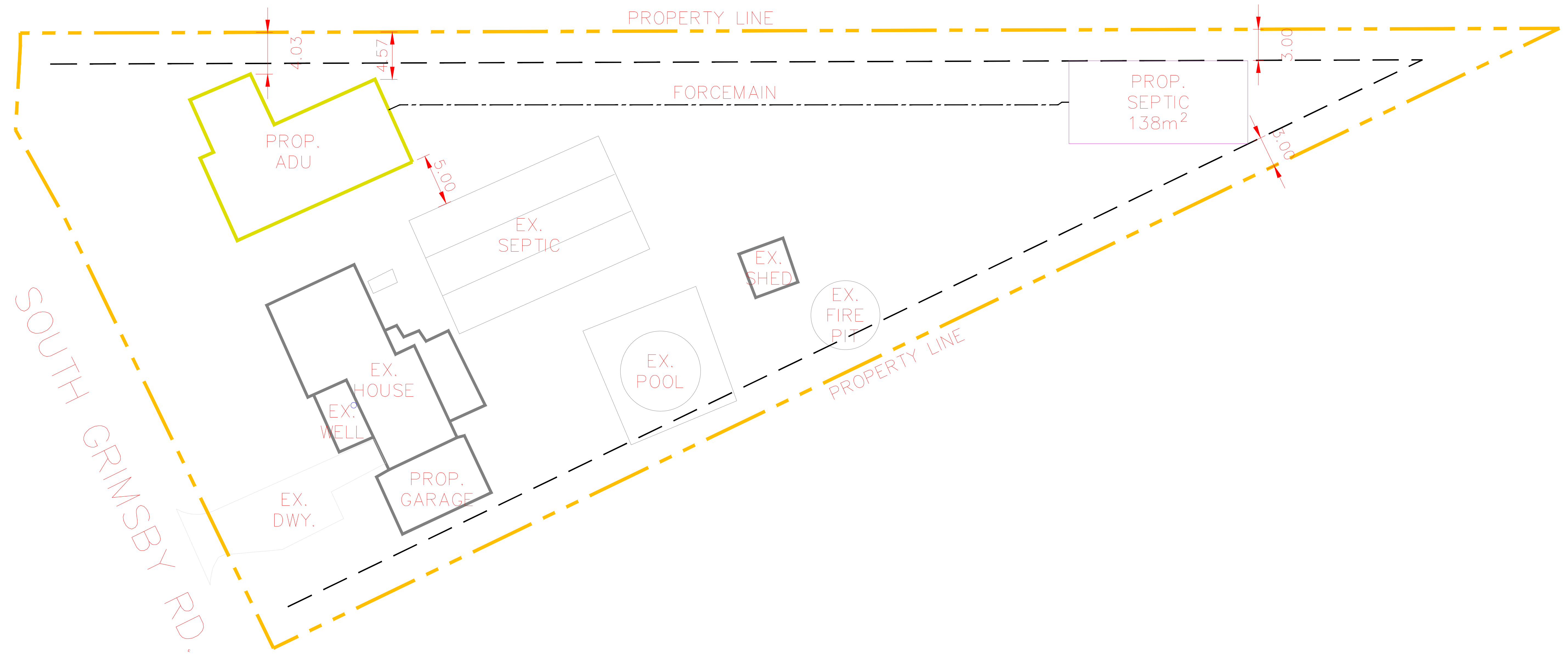
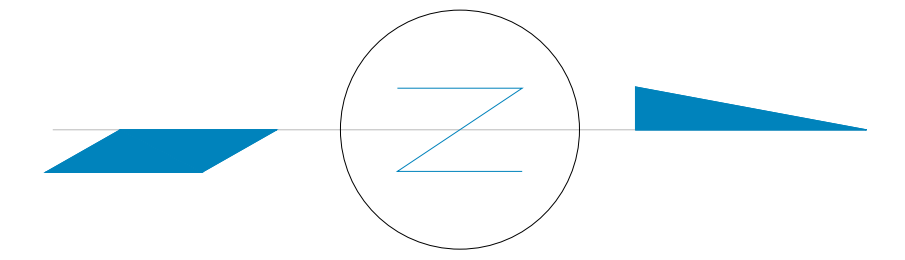
HAROLD D. HYDE O.L.S.

SCALE 1 : 500

SURVEY : 25-106

DRWN BY : T. Matheson

# SCHEDULE B - COA-11-2026



**SITE PLAN**  
SCALE = 1:200

Legend:



Project: 3416 SOUTH GRIMSBY RD.  
for JOHN VERDONK  
Adress: 3416 SOUTH GRIMSBY RD.  
WEST LINCOL, ON.

Date:  
Scale: AS NOTED

Dsgn: BRHJ  
Dwg: BRHJ  
Dwg. No.: SP-01

# SCHEDULE C - COA-11-2026



## 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

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### Via Email Only

May 19, 2026

Region File: PLMV202600575

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: A02/2026WL**  
**Applicant/Owner: Tom Nicholls**  
**Agent: John Verdonk**  
**3416 South Grimsby Road 3**  
**Township of West Lincoln**

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Regional Infrastructure Planning and Development staff has reviewed the minor variance application for lands municipally known as 3416 South Grimsby Road 3 in the Township of West Lincoln. The minor variance application is required to facilitate the construction of a detached accessory dwelling unit (ADU) and garage addition to the existing dwelling, by granting relief from the following provisions:

- To increase the maximum gross floor area of an accessory dwelling unit from 100 square metres to 119 square metres (Section 3.2.1 b)
- To provide a separate driveway for the detached accessory dwelling (Section 3.2.1 k)
- To decrease the minimum interior side yard setback for the dwelling from 5 metres to 4.51 metres (Table 12)

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

### Regional Comments

No pre-consultation meeting was held for this proposal. The following comments

pertaining to natural environment system are provided as advice under the Planning Services Agreement (PSA) between the Region and Township of West Lincoln to assist Township staff in their review of the application. The application does not affect any Regional interests under the Memorandum of Understanding (MOU) between the Region and the Township; therefore, no comments are provided in this regard.

## **Natural Environment System**

The subject property is impacted by the Natural Environment System (NES) of the Niagara Official Plan (NOP), consisting of a Life Science Area of Natural and Scientific Interest (ANSI) and Significant Woodland. The property is also within the Greenbelt Provincial Natural Heritage System (PNHS). NOP Policy 3.1.9.7.1 requires the completion of an Environmental Impact Study (EIS) where development or site alteration is proposed within 120 metres of these features.

Further, NOP policies require that a minimum 30 metre Vegetation Protection Zone (VPZ) be established as natural self-sustaining vegetation. Development or site alteration is generally not permitted within features or their associated VPZ.

However, NOP Policy 3.1.5.5(g) states that within the Greenbelt PNHS, development and site alteration is not permitted within features or their VPZ, except for:

- Accessory structures and uses, subject to demonstration that the use does not expand into the features of VPZ unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure.

Regional staff are satisfied that the proposed ADU meets the intent of this policy; however, the proposed septic system does not meet the intent based on additional information received showing the proposed septic system in the northerly corner of the property. Staff recommend that the Township require the applicant to relocate the septic system outside of the ANSI and Significant Woodland. The revised location must be situated as close to the existing development footprint as possible.

Once a revised septic location has been identified, staff can work with the Township to determine an appropriate VPZ width to be restored and maintained with natural self-sustaining vegetation.

## **Conclusion**

Regional Infrastructure Planning and Development staff recommend that the Township require the applicant to relocate the proposed septic system outside of the ANSI and Significant Woodland and establish an appropriate VPZ width. Staff offer no objections to the proposed minor variance application, subject to this recommendation. Implementation of this recommendation is at the discretion of the Township.


May 19, 2026

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

Please send notice of the Committee's decision on the application when available.

Kind regards,

A handwritten signature in black ink that reads "Allie Reddon". The signature is written in a cursive style and is positioned over a light blue rectangular background.

Allie Reddon  
Development Planner

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

---

**GROWTH AND SUSTAINABILITY DEPARTMENT  
BUILDING DEPARTMENT MEMO**

**DATE:** May 22, 2026  
**TO:** Growth and Sustainability Department (Committee of Adjustment)  
Jeni Fisher – Acting Secretary Treasurer  
**FROM:** Lyle Killins, Septic Inspector  
**SUBJECT:** A02/2026WL – 3416 South Grimsby Road 3

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Dear Ms. Fisher,

Please be advised the proposed application has been reviewed as well as documentation submitted by Dynamic Excavating (Mark Heeg), and appropriate file searches completed.

The application as proposed would allow compliance with the requirements of Part 8 (Sewage Systems) Ontario Building Code.

Thus, I have no objection to the application as proposed.

We trust the preceding serves as required, however, should additional information and/or clarification be required please contact this office.

Yours truly,

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

**From:** [Paige Pearson](#)  
**To:** [Marcus Ruggiero](#); [alexandra.reddon@niagararegion.ca](mailto:alexandra.reddon@niagararegion.ca); [adam.boudens@niagararegion.ca](mailto:adam.boudens@niagararegion.ca)  
**Cc:** [Susan Smyth](#)  
**Subject:** RE: A02/2026WL - 3416 South Grimsby Road 3  
**Date:** May 21, 2026 3:18:09 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[NPCA Policy Document Apr 15 2024.pdf](#)  
[3416 South Grimsby Rd 3 - NPCA Map.pdf](#)

---

Hi Marcus,

Following our meeting last week, the NPCA technical staff have reviewed and provided their insight.

As discussed, the septic system would be directed to be outside of the potential wetlands (area in purple) as the NPCA does not permit development activities inside a wetland should this be present. The Township discussed that they would propose they reconfigure the placement of the septic to be as close to the ADU as possible to avoid any encroachment; should the septic system be outside (entirely) the NPCA would be supportive of this.

Please note that if the proposed septic is to be located within the area of potential wetland (purple area), the NPCA would require a site visit and if wetlands should be found to be present on subject lands, a constraints analysis would be required to be completed by a Qualified Professional. Furthermore, a staking exercise would then need to be completed. However, if the applicant should choose to construct their septic system and ADU outside the naturalized area in the north, the above items would be waived.

As per the current policy document (8.2.3.3), all private sewage disposal systems are to be located a minimum of 15 metres from the wetland and a minimum of 0.9 metres above the water table. The wetlands at this time are yet to be verified as present and to what boundary, therefore, if the septic is positioned as close to the ADU as possible and not inside the potential wetlands, the NPCA would be satisfied. The NPCA can certainly review further once the site plan with the new septic system has been provided.

Thank you,

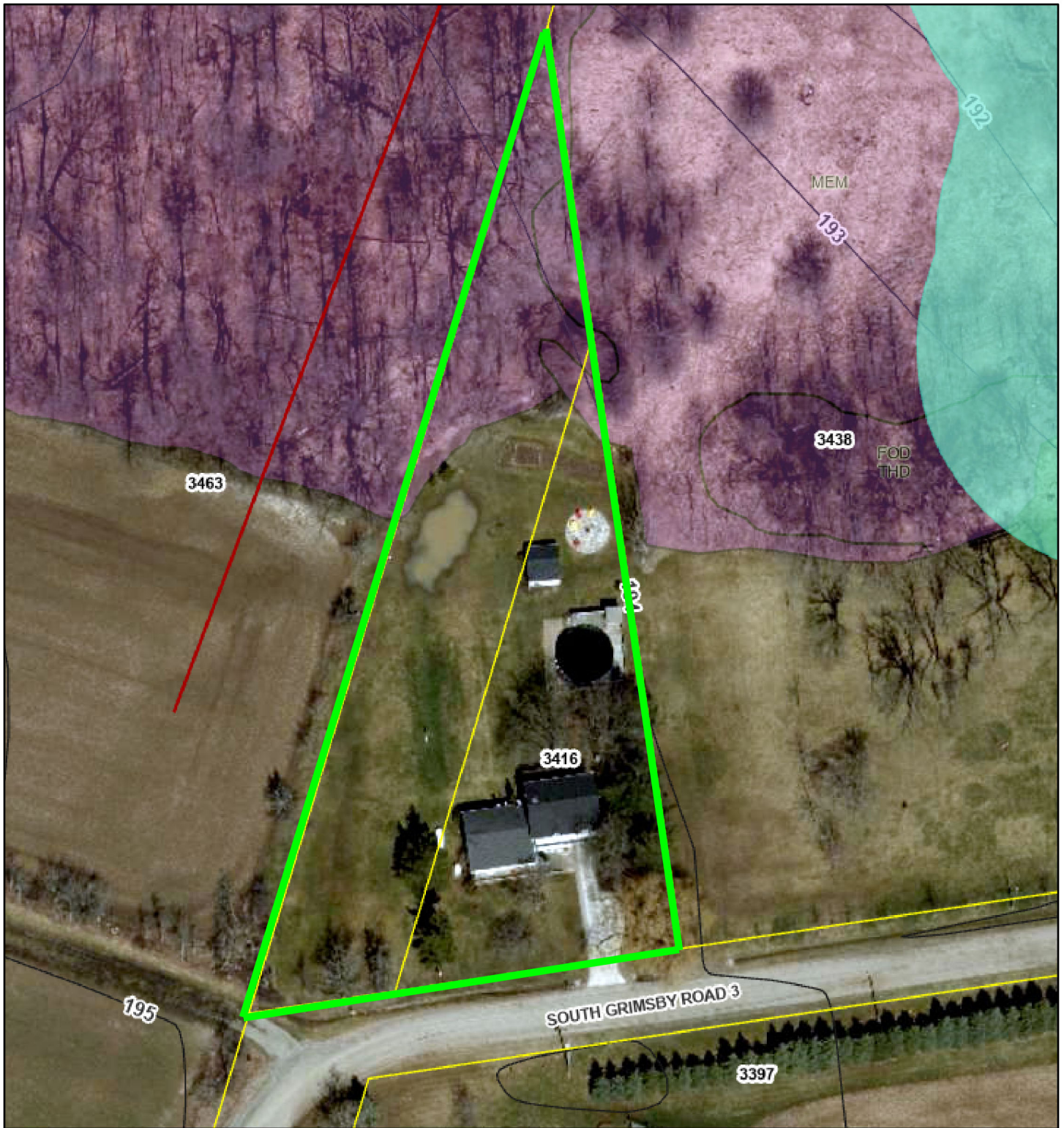


**Paige Pearson (She/Her)**  
Watershed Planner

**Niagara Peninsula Conservation Authority (NPCA)**  
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 205  
[www.npca.ca](http://www.npca.ca)  
[ppearson@npca.ca](mailto:ppearson@npca.ca)

# 3416 S. Grimsby Road 3, West Lincoln - NPCA Map



5/13/2026, 10:37:31 AM

1:1,128

**SWOOP 2020 NPCA**

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3
- Override 1

Roads

■ NPCA APPROXIMATE REGULATION LANDS

■ Wetland Allowance

Cross Sections Inventory

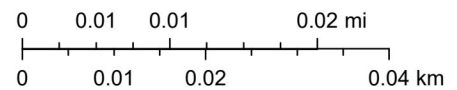
— XSCutline

— Assessment Parcels

■ ELC 2020 NPCA

Niagara Region Ortho 2023

■ Red: Red



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

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

**Wednesday, January 28, 2026 6:30p.m.**

Present Members:

Deborah Coon-Petersen (Chair)  
Bonnie Baarda  
Kim Willis  
Peggy Cook

Staff:

Susan Smyth, Manager, Community Planning and Design  
Robin Shugan, Senior Planner  
Jeni Fisher, Acting Secretary-Treasurer

Absent:

Peter Forsberg

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**1. CHAIR**

The meeting was called into Order 6.30 PM.

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

There were no disclosures of pecuniary interests and/or conflicts of interest.

**3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT**

N/A

**4. ITEMS**

- a) Schedule of Hearing  
No changes were made to the Schedule of Hearings.
- b) Schedule of Sitting Members  
No changes were made to the Schedule of Sitting members.
- c) Vote in 2026 Chair  
All members in attendance agreed to leave the current Chair and Vice Chair the same. Therefore, the 2026 Chair will continue to be Member Coon-Petersen.

d) Vote in 2026 Vice Chair

All members in attendance agreed to leave the current Chair and Vice Chair the same. Therefore, the 2026 Vice Chair will continue to be Member Willis.

**5. MINUTES FOR APPROVAL**

- a) November 26, 2025
  - a. Motioned for Approval: Member Cook
  - b. Seconded: Member Willis
- b) December 9, 2025
  - a. Motioned for Approval: Member Baarda
  - b. Seconded: Chair Coon-Petersen

**6. NEW BUSINESS**

**- circulation of full packages**

All Committee members in attendance agreed that they would like to Notices of Hearing as well as full packages and agenda circulated to all members, even if they were not sitting at that meeting.

**-time of CoA hearing – post election**

Member Coon-Petersen advised she would be fine with the meeting start time moving up to 6pm but said it might be hard on farmers to make the meetings.

Member Willis and Member Cook both said that a 6pm start time would be feasible.

**7. ADJOURNMENT**

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

That, this Committee does now adjourn at the hour of 6:54pm.

---

DEBORAH COON-PETERSEN  
CHAIR

---

JENI FISHER,  
ACTING SECRETARY-TREASURER



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

**Wednesday, February 25, 2026 7:00p.m.**

Present Members:

- Deborah Coon-Petersen (Chair)
- Peter Forsberg
- Bonnie Baarda

Staff:

- Gerrit Boerema, Director, Growth and Sustainability
- Susan Smyth, Manager, Community Planning and Design
- Jeni Fisher, Acting Secretary-Treasurer

Public:

- Paul Bellavia (Owner/Applicant)
- Julie DeSalvo (Tenant)
- Yuri Benjaminoc (Tenant)
- Adam Moote (Planning Consultant)

**1. CHAIR**

The meeting was called into Order 7:05pm.

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

There were no disclosures of pecuniary interests and/or conflicts of interest.

**3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT**

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

**4. APPLICATION(S)**

**a) A01/2026WL – 8373 Silver Street – Christina and Paul Bellavia**

Susan Smyth, Manager of Community Planning and Design, provided an overview of the application. The presentation is attached to this set of minutes as Schedule A.

Adam Moote, Planning Consultant – ADM Consultants Land Planning Services, made a presentation. The presentation is attached to this set of minutes as Schedule B.

Chair Coon-Petersen asked Planning Consultant, Adam Moote, that when the building permit was applied for the new main dwelling, was the owner not made aware of the issues regarding its location in regard to the location of the previous dwelling?

The owner, Paul Bellavia, advised the chair that the existing proposed “ADU” did not exist in 2022/2023, as it was the main dwelling at that time.

Planning Consultant, Adam Moote, advised that during the process of building the new main dwelling, Provincial Policy had changed permissions allowing for accessory dwelling units be located above a garage.

Director of Growth and Sustainability, Gerrit Boerema, stated that the 2014 Official Plan allowed for attached and detached accessory dwelling units in the agricultural area. The Director noted that in response to Provincial changes in December 2024, the Township did amend the zoning by-law to reflect these Provincial changes by increasing the number of permitted accessory dwelling units from one to two.

Director of Growth and Sustainability, Gerrit Boerema, also stated that the Township would not have allowed the previous main dwelling to be an accessory dwelling unit (ADU) at time of building permit issuance as ground floor ADUs were not permitted at that time, as well as other zoning issues.

Chair Coon-Petersen asked whether this was brought to the attention of the owners?

Director of Growth and Sustainability, Gerrit Boerema, advised that planning staff based on Township records show, were told at time of building permit issuance that the original dwelling would have to be removed and that a conditional permit and agreement were provided to the owners stating that the existing dwelling would be required to be demolished within 180 days after getting occupancy in order to have the conditional permit deposit returned. Director of Growth and Sustainability, Gerrit Boerema, stated that Township Building staff did not originally have a signed copy of the original conditional permit agreement, but later received it as part of a septic replacement application for the original dwelling that was to be demolished. A new conditional permit agreement was generated granting an extension to allow for the minor variance application and signed by the owner.

Director, Gerrit Boerema, stated that Township staff met with Christina and Paul Bellavia in November/December 2025 to discuss if there was a

possible way for them to keep the new main dwelling and the original dwelling. Staff advised the owners that if they wanted to keep the dwelling they would need to apply for Planning approvals and that they should retain a planning professional to produce a PJR. Township staff agreed to extend the date as to when the original dwelling would need to be torn down, as per the conditional permit agreement, while the planning process occurred.

Owner, Paul Bellavia, said he asked staff many times and was only advised that the existing proposed "ADU" being on the ground floor was an issue and not advised of the other issues.

Chair Coon-Petersen stated to Director of Growth and Sustainability, Gerrit Boerema, that Hydro One is an important stakeholder and that they should have had the staff suggested relocation document (see Schedule A).

Director of Growth and Sustainability, Gerrit Boerema, advised Chair Coon-Petersen and Committee that staff had only reached out to Hydro One a few days earlier as this was a possible option to relocate the unit closer.

Director of Growth and Sustainability, Gerrit Boerema, read the response from Hydro One out loud:

*"We would need to submit through technical review, we would need to see a site plan for the driveway and grading plan if there are changes - please see attached submission requirements checklist.*

*There is also a 1500+HST non refundable fee for the review."*

*"It's possible but it would be up to our technical stakeholders, since there are no structures within 15m I don't see any glaring issues, but it would also depend on if you are increasing grade."*

Director of Growth and Sustainability, Gerrit Boerema, noted the applicant would have to follow the appropriate process with Hydro One, if they chose to continue the new main dwelling driveway through the Hydro One easement to access the proposed new ADU. Director of Growth and Sustainability, Gerrit Boerema, also mentioned that he shared this information with the applicant's Planning Consultant, Adam Moote.

Member Forsberg asked the Owner, Paul Bellavia, on whether the property was currently being farmed?

Owner, Paul Bellavia, stated that the property had not been farmed in 2-3 years and that he believed it was soybeans that had been previously planted.

Member Baarda addressed the Owner, Paul Bellavia, and advised the Owner that she is a farmer and the land he owns has no commercial potential to make money or break even for farming, more land is needed than what you have to make a profit.

Planning Consultant, Adam Moote, commented that although the property is not large enough to make a lot of money, the Provincial Policy Statement (PPS) does not recognize profit, just to protect. This is not a consideration of making money, just the viability and protection of land.

Member Baarda stated that as a farmer she did not believe the property to be viable farmland. Member Baarda also stated that you do not make a piece of farmland viable by putting an accessory dwelling on it.

Planning Consultant, Adam Moote, advised that cash crops aren't the only type of agriculture and that there are other types of uses, such as, apiaries.

Owner, Paul Bellavia, stated that he does not have \$300,000-\$400,000 to build a new ADU or move the house and questioned the environmental impact tearing down the house. He then questioned why is 180 metres bad for the separation distance between the main dwelling and proposed accessory dwelling unit.

Member Baarda asked Owner, Paul Bellavia, why he has not torn the house down?

Owner, Paul Bellavia, stated to the Committee that the current tenants, Yuri Benjaminoc and Julie DeSalvo, needed a place to live.

Member Baarda commented that a house shouldn't be rented out if it is supposed to be torn down and that she believed that Owner, Paul Bellavia, violated the planning rules of that time and violated the conditional permit agreement that was signed.

Owner, Paul Bellavia, asked for clarification if he had violated any rules?

Member Baarda questioned the Owner, Paul Bellavia, if he rented the house before or after he signed the conditional permit agreement?

Owner, Paul Bellavia, stated that the current Tenant, Yuri Benjaminoc, had moved in before signing the conditional permit agreement and was helping build the new house.

Director of Growth and Sustainability, Gerrit Boerema, stated that the Zoning By-law only allows one single detached dwelling on an agricultural lot and when a conditional permit and agreement is issued that, typically, the Owner lives in the existing main dwelling while the new main dwelling is being built. Director of Growth and Sustainability, Gerrit Boerema, commented that this is usually what happens, however, he does not believe the conditional permit agreement states that the owners need to live there, but that is the intent of what occurs in these types of situations involving conditional permits and agreements.

Director of Growth and Sustainability, Gerrit Boerema, noted that the Township of West Lincoln did extend the conditional permit agreement removal date from February 10<sup>th</sup>, 2026 to April 2026 to allow for the proper planning process to occur.

Director of Growth and Sustainability, Gerrit Boerema, also advised that the Township Building and Planning Departments became aware of the property being listed for sale in 2025 and that is what triggered the Township to reach out to the Owners.

Chair Coon-Petersen inquired what would have happened if the property was sold?

Director of Growth and Sustainability, Gerrit Boerema, advised that the new conditional permit agreement would not allow the property to be transferred until the conditional permit agreement had been fulfilled.

Chair Coon-Petersen asked if anyone else in the gallery would like to speak to this application.

Tenant, Yuri Benjaminoc, stated that he and his wife, Julie DeSalvo, had been living in the original house for 3 years. He told the Committee that they fell in love with the land and works with the neighbour, previous owner, to cut the grass and is raising chickens to try to be self sustainable. Tenant, Yuri Benjaminoc, advised the Committee that his wife, Julie DeSalvo, has no ability to work due to her yoga studio closing. He noted the could rot or continue to be a home for him. Tenant, Yuri Benjaminoc, commented that an apartment is not big enough as he has a large dog and has to make sure his animals are safe and that he cannot buy a new house. He advised that the septic tank had just been replaced.

Chair Coon-Petersen asked the Committee members if there were any questions for Tenant, Yuri Benjaminoc.

Member Baarda and Member Forsberg did not have any questions for Tenant, Yuri Benjaminoc.

Tenant, Julie DeSalvo, stated she would like to reiterate what her husband, Yuri Benjaminoc, said. Tenant, Julie DeSalvo, advised that although the field was not successful, she has been able to start a hobby farm with chickens, including breeding and egg laying and has a personal interest in the land.

Member Baarda asked Tenant, Julie DeSalvo, how many chickens she has?

Tenant, Julie DeSalvo, stated she has 80 chickens but would not have more than 100 at one time and understands the regulations around chickens. She advised the Committee of future hopes she has to expand the hobby farm and noted that the original house has no basement, the walls shift and that she did not see it moving.

Chair Coon-Petersen asked the Committee members if there were any questions for Tenant, Julie DeSalvo.

Member Baarda and Member Forsberg did not have any questions for Tenant, Julie DeSalvo.

Member Forsberg then questioned if the original house could be moved?

Tenant, Yuri Benjaminoc, advised that the original house is built on rocks and that the old septic system fell apart but is working properly now.

Member Forsberg commented that some older homes can be moved and since it is not a large distance on the same property it could be possible. Member Forsberg stated it is unfortunate that this was not properly investigated.

No further questions were raised.

Chair Coon-Petersen noted it is time to vote on the minor variances for this application. Chair Coon-Petersen read each variance individually and the members motioned to grant or deny each variance separately, as follows:

- a) **To permit an Accessory Dwelling Unit closer to the front lot line than the main dwelling unit. (Section 3.2.1. g).**

Member Forsberg made a motion to **deny** this variance.

Member Baarda seconded the motion.

- b) **To decrease the front yard setback for an Accessory Dwelling Unit from the required 15 metre setback to 5.0 metres (Section 3.1 Table 1-1).**

Member Baarda made a motion to **deny** this variance.

Member Forsberg seconded the motion.

- c) **To increase the maximum ground floor area of an Accessory Dwelling Unit from 100 square metres to 106.56 square metres. (Section 3.2.1.b).**

Member Forsberg made a motion to **grant** this variance.

Member Baarda seconded the motion.

- d) **To increase the maximum distance from a main building to an Accessory Dwelling Unit from 50 metres to 180.73 metres. (Section 3.2.1.h).**

Member Baarda made a motion to **deny** this variance.

Member Forsberg seconded the motion.

- e) **To increase the maximum distance from a main building to an Accessory Dwelling Unit from 50 metres to 60 metres. (Section 3.2.1.h).**

Member Baarda made a motion to **grant** this variance.

Member Forsberg seconded the motion.

- f) **To permit an Accessory Dwelling Unit to have separate and independent access and parking by utilizing the existing driveway (Section 3.2.1.k).**

Member Forsberg made a motion to **grant** this variance.

Member Baarda seconded the motion.

All in favour.  
Carried.

**Acting 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**

- N/A

## **6. NEW BUSINESS**

Director, Gerrit Boerema, advised the Committee members that an in-camera session regarding Parking would be held with Township staff and Committee of Adjustment members sometime within the next couple of months.

## **7. ADJOURNMENT**

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

That, this Committee does now adjourn at the hour of 8:12 pm.

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DEBORAH COON-PETERSEN  
CHAIR

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JENI FISHER,  
ACTING SECRETARY-TREASURER

# Minor Variance Application

File: A01/2026WL

8373 Regional Road 65/Silver Street/Bismark Road

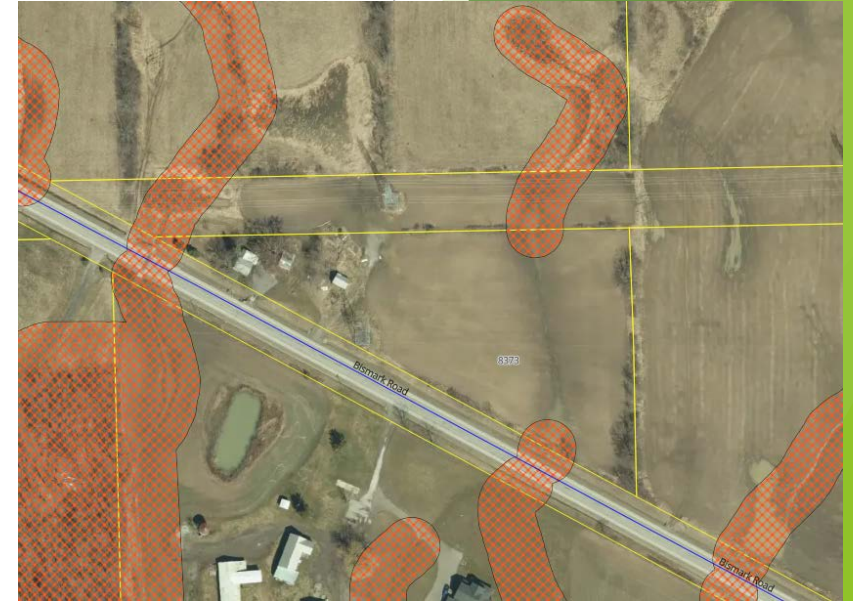
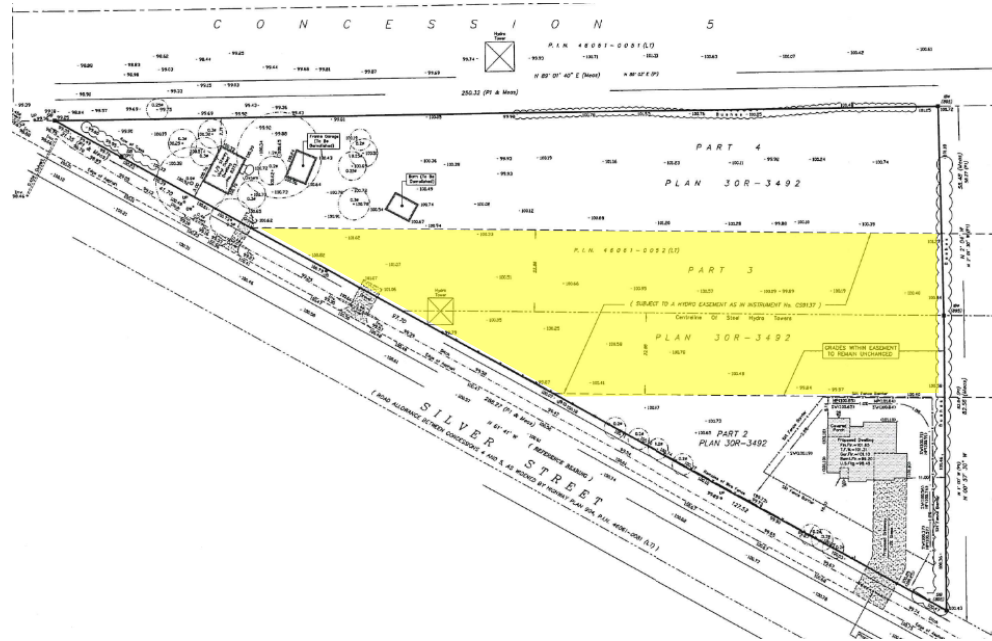
## DESCRIPTION OF SUBJECT LANDS

- Irregular triangular piece of land located on the north side of Silver Street/Bismark Road.
- Lot area of 1.75 hectares and lot frontage of 268 metres.
- Contains two single detached dwelling units (blue dwelling – original house proposed to be converted to ADU and grey dwelling newly constructed in 2024-2025 considered as the main dwelling); two accessory structures with one being a pre-fabricated shipping container.
- Conditional permit was provided in 2023 to construct new dwelling with an agreement to demolish the original house.
- Owners decided to pursue the conversion of original house to an ADU subject to relief of the zoning by-law regulations of Section 3.2.1.



## EXISTING CONDITIONS

- Hydro towers and easements
- NPCA regulated features (watercourse tributary)

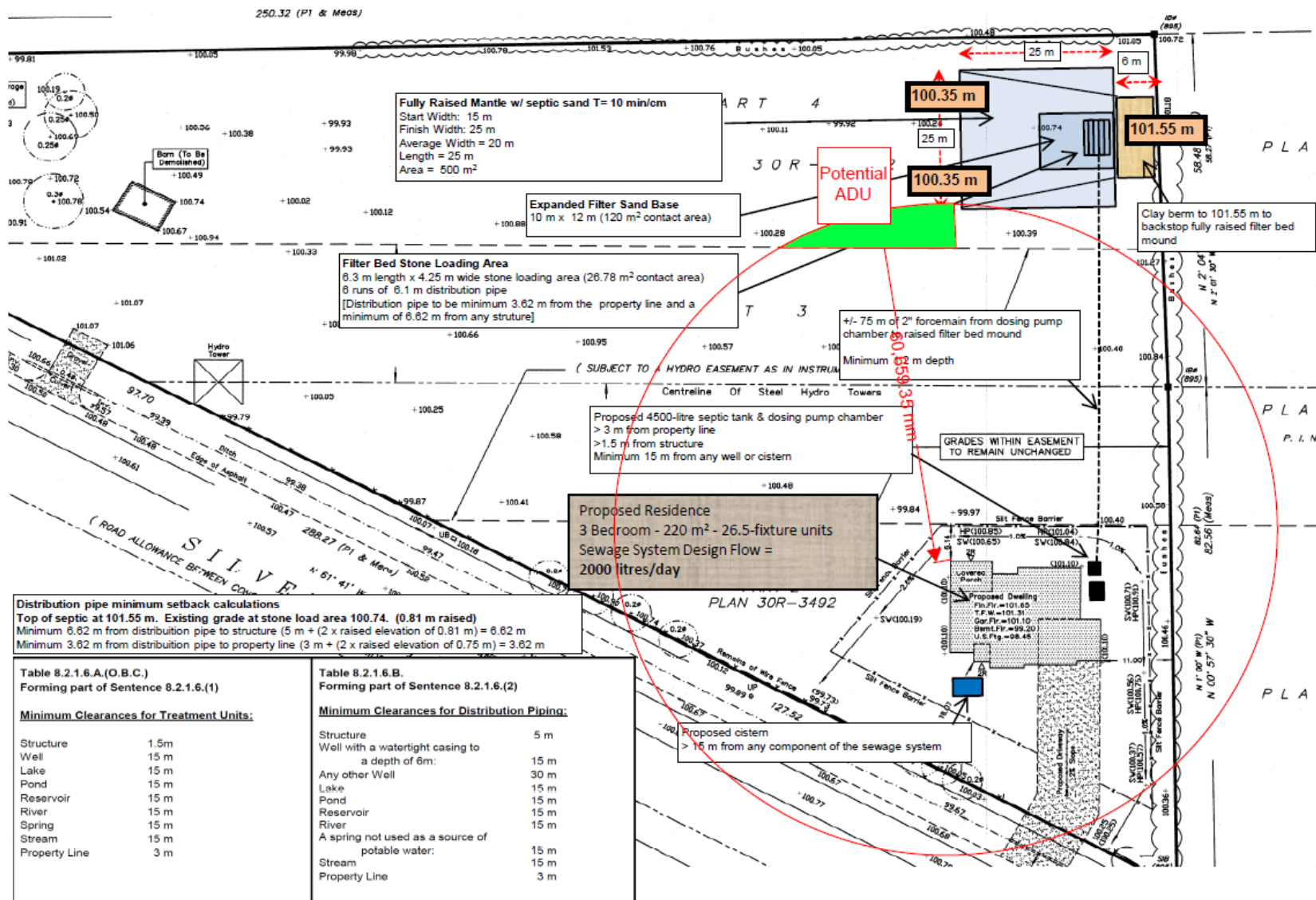


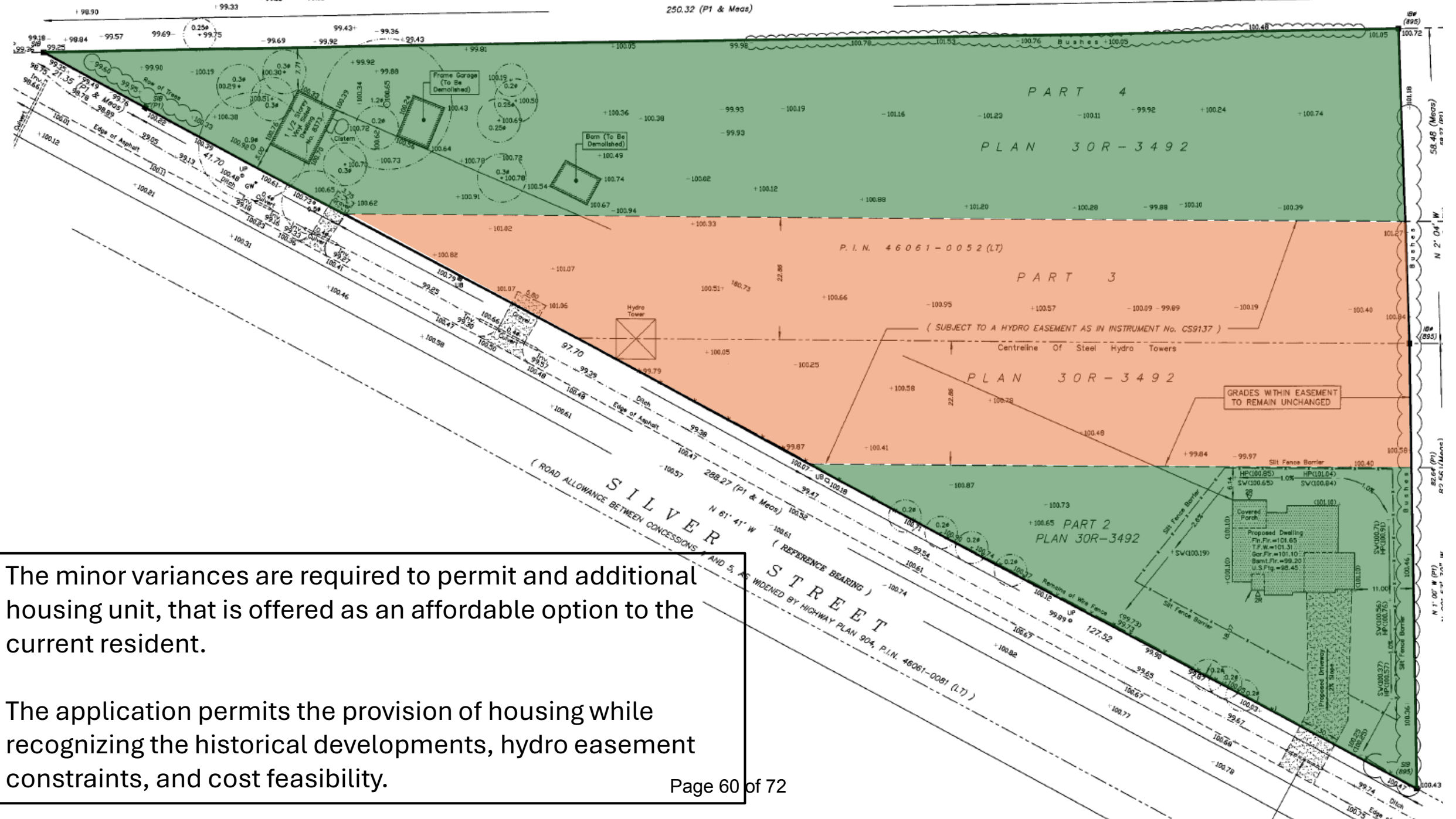
## REQUESTED VARIANCES

1. To permit an Accessory Dwelling Unit closer to the front lot line than the main dwelling unit
2. To decrease the front yard setback for an Accessory Dwelling Unit from the required 15 metre setback to 5.0 metres
3. To increase the maximum ground floor area of an Accessory Dwelling Unit from 100 square metres to 106.56 square metres
4. To increase the maximum distance from a main building to an Accessory Dwelling Unit from 50 metres to 180.73 metres
5. To permit an Accessory Dwelling Unit to have separate and independent access and parking by utilizing the existing driveway



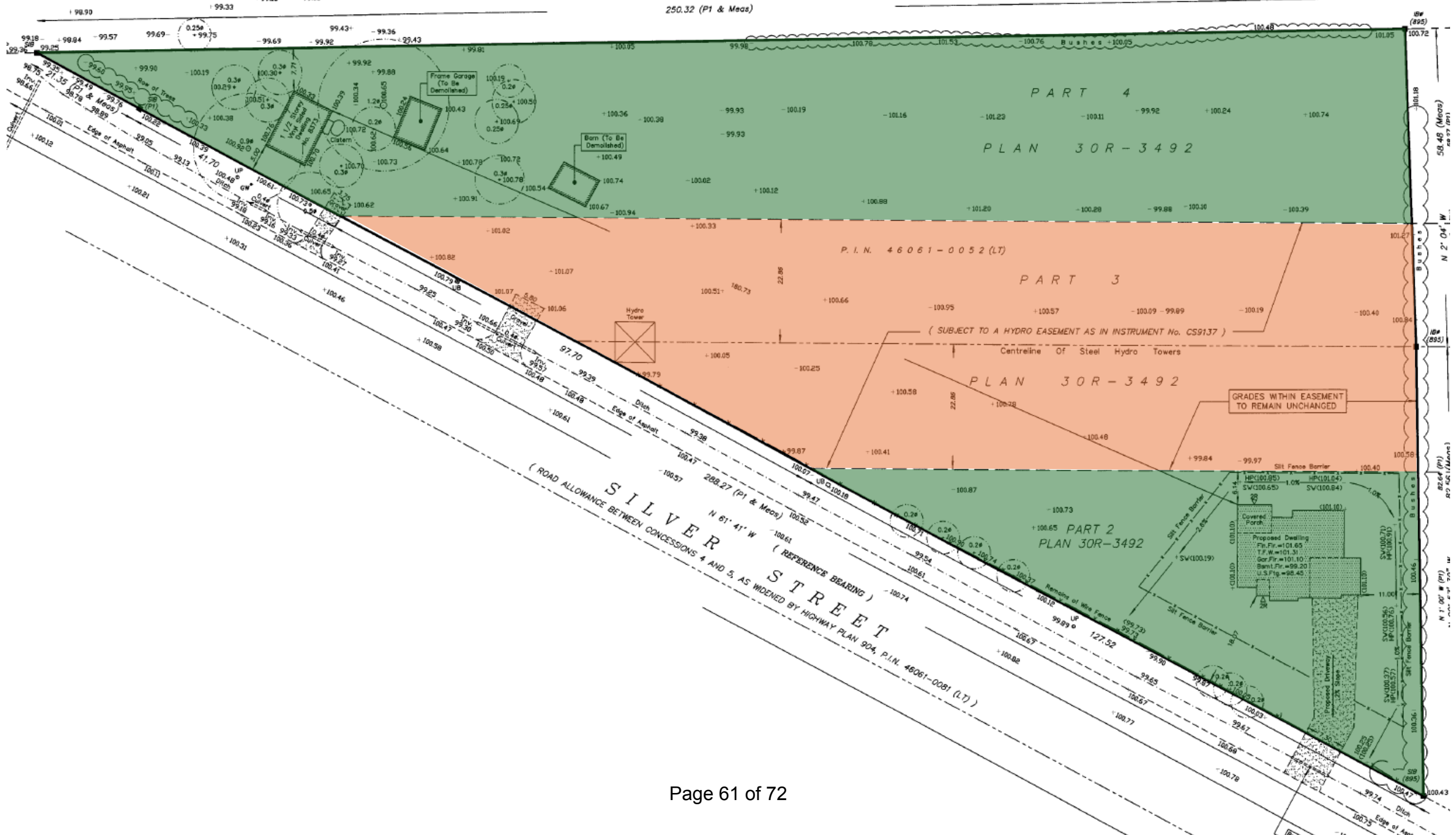
# STAFF RECOMMENDATION





The minor variances are required to permit and additional housing unit, that is offered as an affordable option to the current resident.

The application permits the provision of housing while recognizing the historical developments, hydro easement constraints, and cost feasibility.



## Provincial Planning Statement:

The Planning Act requires that all decisions made by the Committee of Adjustment shall be consistent with the provincial policy. Section 4.3.2.5 of the Provincial Planning Statement (PPS) permits up to two additional residential units and shall be permitted in accordance with provincial guidance, provided that, where two additional residential units are proposed, at least one of these additional residential units is located within or attached to the principle dwelling and any additional residential units. They must comply with the minimum distance separation formula, must be compatible with, and not hinder surrounding agricultural operations, have appropriate sewage and water services, address any public health and safety concerns, are of limited scale and are located within, attached or in close proximity to the principle dwelling or farm building cluster, and minimize land taken out of agricultural production.

In this situation, the proposed ADU is not within close proximity to the principle dwelling being over 180 metres away. Furthermore, the subject lands are 1.75 hectares in size and the Applicant indicated that the lands have not been actively used for agricultural uses for the last few years, therefore the placement of an ADU closer to the newly constructed primary dwelling would not be taking land out of agricultural production.

Additionally, due to the size of the property and the impacts that the new dwelling has already had on the property, the impacts to potential farmland that a new ADU would have closer to the main dwelling are minimal for this site.

As the images show, the opportunity to cluster is severely limited by the hydro easement.

Any relocation of the ADU would ultimately have the effect of removing ag lands from potential production, by new siting, new driveway.

And may not be permitted by Hydro One.

## Official Plan

The proposed converted ADU would be subordinate in size to the newly constructed main dwelling, however would not be within the same cluster as the main building on the property, would not comply with the zoning regulations for size and setbacks. This is due to the new dwelling that was recently built, was constructed at the opposite end of the property, south of the hydro easement, with the requirement that the original house and accessory buildings be removed. The converted ADU has a gross floor area of 106.56 square metres whereas 100 square metres is the maximum and the ADU is located 5 metres front the front yard whereas 15 metres is required.

Recognizing that there are limitations on the property mainly due to the Hydro easement, planning staff are recommending that the ADU be permitted within 60 metres of the main dwelling, allowing an ADU to be located closer to the main dwelling while eliminating the need for the balance of the variances requested.



Hydro is an existing condition. So is the ADU build form. Septic is located where staff have proposed the ADU be relocated to.

The new dwelling could not have been built elsewhere either due to the hydro corridor, and the existing build environment.

The permissions would provide an affordable housing unit, without creating undo costs, which would impact the feasibility for it to be affordable.

## Zoning By-law

### Variance #3 –

planning staff do recognize this increase as a minor enlargement to what the zoning provides and is generally in keeping with the zoning bylaw

### Variance #4

The intent of the maximum distance setback for an accessory building to the main dwelling is to cluster the accessory buildings, including detached ADU's, protecting agricultural land and practices, and keeping ADU's subordinate to the main dwelling. This is in alignment and regards to Provincial Policy and the Township Official Plan policy which seeks to

As stated previously in this report, a policy found both within the Provincial Planning Policy and within the Township's Official Plan is that ADU's be located within the cluster and in close proximity to the main dwelling. Planning staff in review of the application have determined that there are alternative locations which align with Provincial and Local planning policy, that do not require as significant variances.

There is an existing hydro easement that bisects the property, limiting the options for where an ADU could be located, however, there are locations on the property where an ADU could be located which would significantly reduce the separating distance between the ADU and the dwelling, as well as remove the need for the balance of the variances.

The opportunity to clustered is negated by the Hydro easement; there is no opportunity to re-locate the ADU while protecting ag land, and respecting the hydro easement. **If you take the hydro easement into account as non buildable areas then the buildings are clustered.**

The Township's recommended area for the ADU is occupied by the new septic.

Additionally the driveway would need to traverse the Hydro One easement (on an angle, which isn't permitted), or ag land to the north of the easement.

*Variance #5 – Permit Accessory Dwelling Unit to have independent access and parking*

Section 3.1.2 k) of the Zoning By-law states *that access to the required parking for the accessory dwelling unit shall be provided from the same driveway that provides access to the principle dwelling unit on the same lot.* Despite there is an existing driveway for the ADU, there is a new driveway entrance to the newly constructed primary dwelling that can be extended to an ADU set to the rear past the hydro easements approximately 60 metres.

Therefore based on other available locations that come closer to meeting the zoning requirements and provincial and local policy, a separate driveway entrance is not necessary since the new dwelling driveway could be utilized.

The Township has no authority to permit or restrict development or access through Hydro One's easement.

The Township consulted Hydro One yesterday, but Hydro One could not confirm nor deny it is possible, nonetheless it appears to not be preferred. However it is clear in their checklist that angled roadways or drives are not permitted (Hydro One Compatibility Review Checklist).

Further, given that both dwelling units, accessory buildings and driveways all respect the Hydro One easement, it stands to reason that any development (driveway or septic) would be problematic.

Planning Staff recognizes the desire by the applicants to retain the original dwelling as an ADU, however, there are other locations on the property where a detached ADU could be located that is more appropriate in maintaining provincial and local planning policy. **Once the original dwelling and accessory buildings are removed, there would be opportunity to utilize that land for farming and farmland, if that was the desire of the applicant.**

**Is the proposal minor in nature? No**

**The proposal to permit an increased distance from the main dwelling unit to the converted ADU from 50 metres to 180.73 metres is not considered minor as it is over three times the distance permitted in the Township's zoning bylaw and does not meet the intent of the PPS or Township's OP policies for clustering to the main buildings on the land.** Additionally, there are alternative locations on the property where an ADU could be located which does not require as significant an increase to the setback, and where the balance of the variances would not be required.

**Staff have reviewed the property and has determined that a new ADU could be located north of the existing dwelling and hydro easement within 60 metres of the new main dwelling.**

**The variance requested for the enlarged ADU from 100 sq. m. to 106.56 square meters is being requested to accommodate the existing dwelling. As mentioned previously in the report, while there is not significant justification for this, and a willingness to reduce the size of the ADU, staff can see this variance as minor.**

Due to the easement and Hydro one requirements the northern area of the property will be required to run the driveway, which would remove ag land from potential production.

The basis of whether a variance is minor or not is not based on a numerical evaluation but rather whether it would have significant impacts on neighbors. The existing location of the ADU has been there since 1934, no impacts are caused by it remaining.

This area is located by the septic bed.

Staff do agree that the ADU is a suitable size.

**INTER-DEPARTMENTAL & AGENCY COMMENTS:**

**NPCA – No objections**

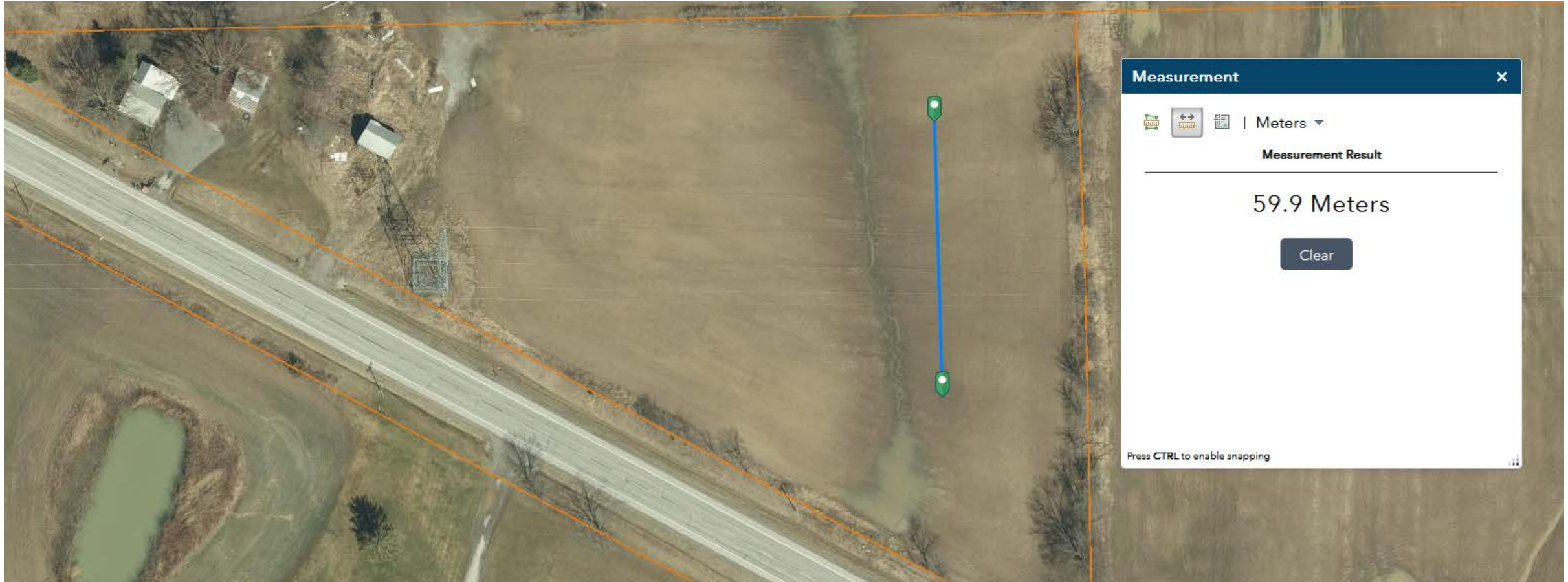
**Niagara Region – They were consulted and offered that they had no comments on the application.**

**Building & Septic – would require permits**

**Public Comments – None received**

**Hydro One – Not formally circulated and it is suggested it is no preferred.**

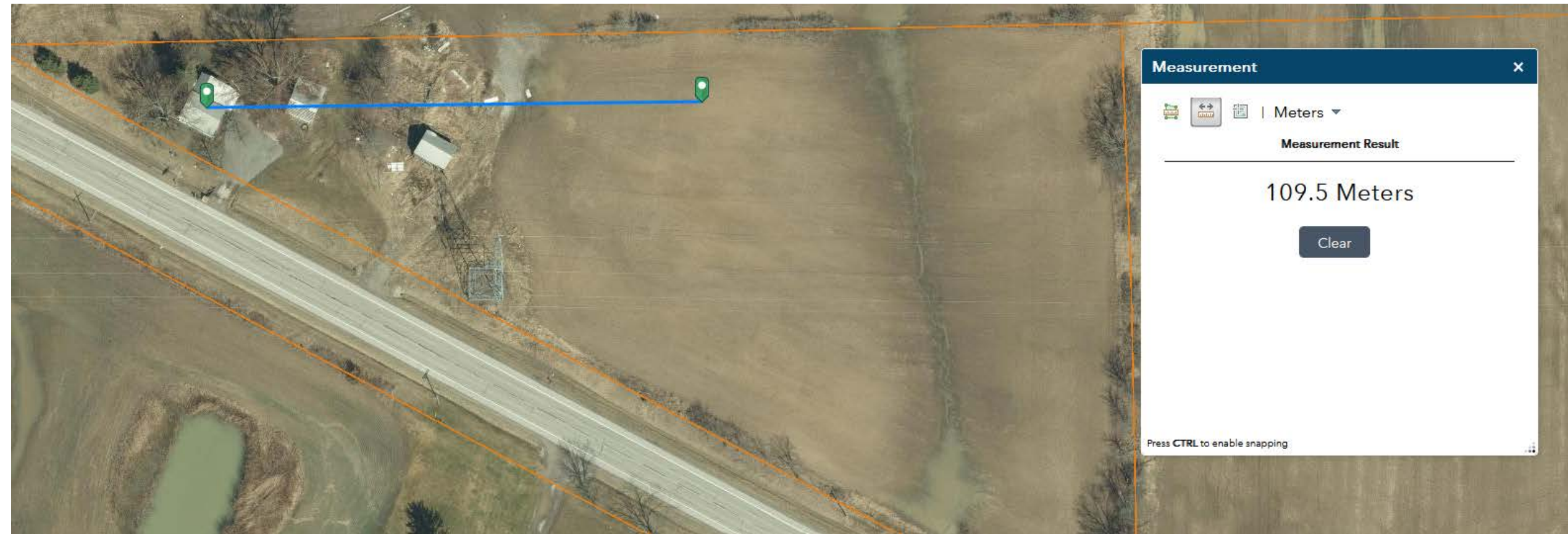




Location unsuitable due to septic location



Location unsuitable because of Hydro One requirements



Cost feasibility is unreasonable to move dwelling approximately 110 metres

**Conclusion:**

The minor variances are required to permit an additional housing unit, that is offered as an affordable option to the current resident. The application permits the provision of housing while recognizing the historical developments, septic location, and hydro easement constraints.

The PPS stated objective is to facilitate the constructing at least 1.5 million homes by 2031, and to support a diverse range of housing options to address the needs of present and future residents. This is subject to clustering nearby the main dwelling. As stated the Hydro easement negates this opportunity. But the intent of additional housing options is maintained. It complies with the PPS.

The proposal complies with the Niagara Region Official, and is supported by its policies. The NOP is now an Official Plan of the Township and needs to be comply with it. NOP conformity was not assessed in the staff report.

The Township OP is also supportive of housing, however this is complicated by the clustering of buildings. But as repeatedly noted, this is not achievable due to the Hydro easement. Given that constraint, there is still an opportunity to provide housing, which is supported by the Province, Region, and Township.

The justification report demonstrates that each request is minor in nature (no new impacts), appropriate and desirable for the area (ADUs permitted, and awkward lot shape with constraints), and maintains the general intent and purpose of both the Township's Official Plan (provides a range and mix of housing options) and general use of the Zoning By-law (ADUs are permitted uses).