

**TOWNSHIP OF WEST LINCOLN  
PUBLIC MEETING UNDER THE PLANNING ACT MINUTES  
AMENDMENT TO TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW**

**February 8, 2021, 6:30 p.m.**

**Township Administration Building**

**318 Canborough Street, Smithville, Ontario**

Council: Councillor William Reilly (Chair)  
Councillor Shelley Bradaric  
Mayor Dave Bylsma  
Councillor Cheryl Ganann  
Councillor Harold Jonker  
Councillor Jason Trombetta  
Councillor Mike Rehner

Staff: Bev Hendry, CAO  
Brian Treble, Director of Planning and Building  
Jessica Dyson, Deputy Clerk  
Madyson Etzl, Planner II  
Gerrit Boerema, Planner II  
Meghan Birbeck, Planner I

Other Members: Albert Witteveen, Regional Councillor  
Kenneth Martin\*  
William & Cathy Vitucci\*  
Fred VanderVelde\*  
Jennifer Musca\*  
Sidney Thompson\*  
Michelle Baya\*  
Dan Currie\*  
Jowett Lau\*

**\* IN ATTENDANCE PART TIME**

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**(A) KENNETH MARTIN - ZONING BY-LAW AMENDMENT**

**1. Application for Zoning By-law Amendment**

The Chair advised that this public meeting was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under Section 34(12) of the Planning Act as submitted by Kenneth Martin for the property legally described as Concession 1, Part of Lot 3, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 6800 Elcho Road (File No: 1601-001-21).

**EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:**

The intent of this rezoning application is to fulfill a condition of consent for severance file B05/2020WL. The application proposes to rezone ±0.178 hectares of the recently severed parcel of land from Agricultural Purpose Only 'APO' to Rural Residential 'RUR', refer to Parcel 2 on the attached survey for location. In addition, the application proposes to rezone the remaining residential land from Agricultural 'A' to Rural Residential 'RUR', refer to Parcel 1 on the attached survey for location.

**2. Purpose of Public Meeting**

The Planning Act requires in Section 34(12) that before passing a Zoning By-law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendments.

The Chair stated that the purpose of this meeting was to give an opportunity for the public and Council Members to provide comments and/or ask questions regarding the Zoning By-law Amendment Application submitted by Kenneth Martin for the property legally described as Concession 1, Part of Lot 3, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 6800 Elcho Road (File No: 1601-001-21)

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires in Section 34(13) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Local Planning Appeal Tribunal (LPAT).

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**3. Public Meeting**

The Chair requested that the Deputy Clerk advise of the method and dates by which notice of the public meeting was given.

The Deputy Clerk advised that proper notice was given by way of mail distribution to neighbouring properties within 120 metres of the subject property and public notice circulation to agencies on January 15<sup>th</sup>, 2021. Additionally, a yellow sign was posted on the subject property on January 20<sup>th</sup>, 2021 as well as advertised on the Township's website.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment Application submitted by Kenneth Martin for property 6800 Elcho Road (File No.1601-001-21).

The Chair asked the Planner, Meghan Birbeck, to explain the purpose and reason for the proposed Zoning By-law Amendment.

The Planner provided an overview of the application.

The Chair asked if the applicant or their authorized agent were present to speak to the application.

Mr. Kenneth Martin (Applicant) was present at the Public Meeting and stated that he had no further comments to add.

The Chair asked if there were any oral or written submissions from any members of the public present as part of the Zoom meeting that wished to provide comments at this time with respect to the Kenneth Martin (File No. 1601-001-21) Zoning By-law Amendment. The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as LPAT may not consider comments made during any other Council and/or Committee meetings.

There were no oral or written submissions on the proposed Zoning By-law Amendment from any public members present.

The Chair asked if any Members of the Committee had any oral or written submissions on the proposed Zoning By-law Amendment. The Chair advised that this may be the only Public meeting being held with respect to this application; therefore, she noted that if any Members of the Committee had any comments they should state them now as the Local Planning Appeal Tribunal (LPAT) may not consider comments made during any other Council and/or Committee meetings.

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There were no oral or written submissions on the proposed Zoning By-law Amendment from any Members of the Committee.

The Chair stated that a Technical Report was being considered by Committee later as part of this evening's Committee meeting, and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council have made a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Joanne Scime at [jscime@westlincoln.ca](mailto:jscime@westlincoln.ca).

The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested that the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township Website at 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with your mailing address and phone number.

**4. Adjournment**

The Chair advised that this public meeting with respect to the proposed Zoning By-law Amendment is concluded at the hour of 6:39 p.m.

**(B) CATHY & WILLIAM VITUCCI - ZONING BY-LAW AMENDMENT**

**1. Application for Zoning By-law Amendment**

The Chair advised that this public meeting was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under Section 34(12) of the Planning Act as submitted by Cathy and William Vitucci for the property legally described as Concession 4, Part Lot 13, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5291 Regional Road 20. (File No.1601-002-21).

**EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:**

The intent of this rezoning application is to fulfill a condition of consent for severance file B04/2020WL. The application proposes to rezone ±0.4 hectares of

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land from Agricultural 'A' to Rural Residential 'RuR' with no site specific exceptions. In addition, the application proposes to rezone the remaining agricultural land from Agricultural 'A' to Agricultural Purposes Only 'APO' with a site specific exception to prevent any residential development in perpetuity. The site specific exception proposes to recognize a deficient lot area of 31ha (76.6 acres) whereas 40ha (100acres) is the minimum required.

**2. Purpose of the Public Meeting**

The Planning Act requires in Section 34(12) that before passing a Zoning By-law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendments.

The Chair stated that the purpose of this meeting was to give an opportunity for the public and Council Members to provide comments and/or ask questions regarding the Zoning By-law Amendment Application submitted by Cathy and William Vitucci for the property legally described as Concession 4, Part Lot 13, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5291 Regional Road 20. (File No.1601-002-21).

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires in Section 34(13) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Local Planning Appeal Tribunal (LPAT).

**3. Public Meeting**

The Chair requested that the Deputy Clerk advise of the method and dates by which notice of the public meeting was given.

The Deputy Clerk advised that proper notice was given by way of mail distribution to neighbouring properties within 120 metres of the subject property and public notice circulation to agencies on January 15<sup>th</sup>, 2021. Additionally, a yellow sign was posted on the subject property as well as advertised on the Township's website.

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The Chair advised that this was a public meeting to consider a Zoning By-law Amendment Application submitted by Cathy and William Vitucci for property 5291 Regional Road 20. (File No.1601-002-21).

The Chair asked the Planner II, Madyson Etzl, to explain the purpose and reason for the proposed Zoning By-law Amendment.

The Planner provided an overview of the application.

The Chair asked if the applicant or their authorized agent were present to speak to the application.

Ms. Cathy Vitucci and Mr. William Vitucci (Applicants) were present at the Public Meeting and stated that they had no further comments to add.

The Chair asked if there were any oral or written submissions from any members of the public present as part of the Zoom meeting that wished to provide comments at this time with respect to the Cathy and William Vitucci (File No. 1601-002-21) Zoning By-law Amendment. The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as LPAT may not consider comments made during any other Council and/or Committee meetings.

There were no oral or written submissions on the proposed Zoning By-law Amendment from any public members present.

The Chair asked if any Members of the Committee had any oral or written submissions on the proposed Zoning By-law Amendment. The Chair advised that this may be the only Public meeting being held with respect to this application; therefore, she noted that if any Members of the Committee had any comments they should state them now as the Local Planning Appeal Tribunal (LPAT) may not consider comments made during any other Council and/or Committee meetings.

There were no oral or written submissions on the proposed Zoning By-law Amendment from any Members of the Committee.

The Chair stated that a Technical Report was being considered by Committee later as part of this evening's Committee meeting, and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council have made a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there

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was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Joanne Scime at [jscime@westlincoln.ca](mailto:jscime@westlincoln.ca).

The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested that the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township Website at 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with your mailing address and phone number.

**4. Adjournment**

The Chair advised that this public meeting with respect to the proposed Zoning By-law Amendment is concluded at the hour of 6:47 p.m.



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**JESSICA DYSON, DEPUTY CLERK**

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**COUNCILLOR WILLIAM REILLY, CHAIR**