

DATE: February 24th, 2021

REPORT NO: COA-004-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Penny Poliquin
File No. A05/2021WL

CONTACT: Madyson Etzl, Planner II
Brian Treble, Director of Planning and Building

OVERVIEW:

- A minor variance application has been submitted by the Penny Poliquin for the property municipally known as 1486 Boyle Road.
- This application is requesting a minor variance to permit an increase in the maximum outside storage on the subject property to 30%, whereas Section 7.3 of the Township Zoning Bylaw 2017-70, as amended, permits a maximum of 5% of the lot area to be used for outdoor storage.
- There has already been work done on this site involving grading and the expanding of outdoor storage areas beyond what is currently permitted in the Township's 2019 Zoning By-law, as amended.
- However, it appears that some previous expansion to the outdoor storage was work was done prior to the Township's current Zoning By-law (2017) as the areal photography indicate that the expanded storage space pre-dates 2002.
- This application is to permit the work that has already been done and to increase the outside storage further for the company's rotating welding shipping inventory.
- Planning Staff recommend to support of this application with an amendment, which permits a maximum of 25% outdoor storage and adds a condition that the outdoor storage be adequately screened from Regional Road 20, and Boyle Road and that the screening measures be implemented through Site Plan Control.
- The amendment allows for the application to meet the four tests for a minor variance.

RECOMMENDATION:

1. THAT, the application for the Minor Variance made by Penny Poliquin as outlined in Report COA-004-21, as amended by staff, to permit the increase in the maximum outside storage on the subject property to 25% whereas Section 7.3 of the Township's Zoning Bylaw 2017-70, as amended, permits a maximum of 5% of the lot area, BE APPROVED, subject to the following condition:
 - i. That visual screenings (such as fencing, berms, and/ or trees) be installed to the satisfaction of the Planning Department and determined through the Site Plan procedure prior to expansion or utilization of the outdoor storage.

BACKGROUND:

The subject lands are legally described as Concession 3, Part of Lot 23, in the former Township of Gainsborough, now in the Township of West Lincoln. The property is located to the west of Boyle Road, south of Regional Road 20, east of Gee Road, and north of the CP Rail Line. The subject property is municipally known as 1486 Boyle Road.

The subject property is approximately 1.75 hectares (4.3 acres). The property is located within Township's Good General Agricultural designation. The adjacent north and east properties to 1486 Boyle Road also are located within the Good General Agricultural designation. While the property to the south west has a Good General Agricultural designation and is a part of the Township's Natural Heritage System.

The applicant has submitted an application requesting a minor variance to permit the increase in the maximum outside storage on the subject property to 30% (5,247 square metres) whereas Section 7.3 of the Township Zoning Bylaw 201770, as amended, permits a maximum of 5% (874 square metres) of the lot area. The application is to permit rotating shipping inventory to be located outside of the shop. Township staff recommend support of only a maximum of 25% outdoor storage subject to a condition requiring screening measures.

CURRENT SITUATION:

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

Does the proposal maintain the general intent and purpose of the Official Plan?
Yes

According to the Township's 2019 Consolidation of the Official Plan, the land use designation for the property in question is Good General Agricultural. The Good General agricultural area comprises those lands designated as the second highest level of protection and preservation for agricultural purposes. The 2019 Consolidation of the Official Plan further identifies that lands within the Good General Agricultural Designation shall be used for a full range of agriculture, agriculture-related secondary uses that can adapt to changing farming needs and practices.

While the property is within the Good General Agricultural designation the shape of property is not ideal for Agricultural practices. The property's 4.32 acres (1.75 hectares) is in the shape of a triangle and abuts two roads and the CP Rail tracks. Section 14.6 of the Township's 2019 Official Plan identifies a number of different setback requirements that properties have to follow when they abut CP Rail tracks. These setbacks further reduce the potential for agricultural production on this property.

There has already been work done on this site involving grading and the expanding of outdoor storage areas beyond what is permitted. This application is to permit the work that has already been done and to increase the outside storage further for the company's rotating welding ship inventory. The proposed further increase is proposed

to occur to north and west of the property. The property already has rotating storage occurring on site which supports the property's primary use.

While the proposed use is not agricultural the Official Plan identifies that limited non-agricultural uses are permitted within the agricultural area. Policy 4.4.2 g) of the Official Plan speaks to non agricultural uses expanding in agricultural areas. The policy states that within the Agricultural Designation there exist a number of legally established non-agricultural related uses, building and structures that have been recognized through the Township's Zoning By-law. These uses can continue to exist as legally established, any changes to these uses, buildings and structures shall be in accordance with the applicable policies of the Township's Official Plan and may require further approval through zoning by-law amendments, site plan approval, or other planning approvals as required. As this use is a legally permitted use according to the Zoning By-law, Township Planning Staff are of the opinion that the requested minor variance meets the general intent and purpose of the Official Plan. Additionally, site plan control is required to further control the location of the outdoor storage, grading and drainage, as well as screening.

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 property as Service Commercial with a site specific provision 'C3-27'. The site specific provision indicates that as per the parent zone, plus industrial use, limited to a welding shop and accessory uses, and except that a motor vehicle repair establishment shall not be permitted. Further more the site specific provision indicates that as per the parent zone, except parking areas and outside storage shall not be permitted in the front yard.

The proposed variance is to have the outside storage located to the north side yard and west rear yard of the property, which is in line with the intent of the Township's Zoning By-law 2017-70, as amended. However, the size of the proposed outdoor storage is substantial larger then the Township's Zoning By-law 2017-70, as amended, permits for this property. Section 7.3 of the Township Zoning Bylaw 2017-70, as amended, permits a maximum of 5% of the lot area be used for outside storage, however, the applicant is already using roughly 10% of their lot for outside storage. The applicant is requesting to have a variance that is 6 times greater then what the Township's 2019 Zoning By-law, as amended, currently permits.

It is important to note that the Township's aerial photography identifies that this property has had roughly 10% (1,750 square metres) of outside space dedicated to outside storage since 2002, which predates the Township's most recent Zoning By-law. Planning staff would like to purpose that the permitted outside storage be increased 25% (4,372 square metres) rather then 30% (5,246.8 square metres). This amendment is proposed because the applicant's site drawing indicates that 25% is all of the outside space that they require (see attachment 2). Planning staff would like to go with what the applicant actually requires as it would limit the amount of outside storage as much as possible while still allowing the applicant to grow their business. As such Township

Planning Staff are of the opinion that an amendment for a variance for 25% of outside storage does meet the general intent of the Township Zoning Bylaw.

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

The applicant has submitted an application requesting a minor variance to permit the increase in the maximum outside storage on the subject property to 30%. Whereas Section 7.3 of the Township Zoning Bylaw 201770, as amended, permits a maximum of 5% of the lot area be used for outside storage. The property already occupies 10% of their property with outdoor storage which is already double what is currently permitted on the property.

As mentioned, the space of the property is not conducive to agricultural production and as such the Official Plan and Zoning By-law permit it to be used for non-agricultural use. Furthermore, the property is bordered by two roads one being a busy local highway (Regional Road 20) and by an active rail line. The properties proximity to these transportation corridors along with its triangular shape make impractical for many uses. In light of this, Planning Staff are pleased that the property's current occupants are in a position to grow their operations on this property. As such, it is in the opinion of Township Planning Staff that the requested variance is appropriate for the subject property.

Is the proposal minor in nature?
Yes

The subject's minor variance application is requesting relief from Section 7.3 of the Township Zoning Bylaw 2017-70, as amended, permits a maximum of 5% of the lot area be used for outside storage. The property is currently using two times the permitted amount of the property for outside storage, which equates to roughly 10% of the property currently being used for outside storage. As mention this 10% of the lot being used for outside storage has been a practice on this property predating the Township's current Zoning By-law, as amended. See the Table below for a breakdown of the coverage that is existing, that is requested, and that the Township is proposing.

	Coverage (%)	Coverage (s.m.)	Coverage (acres)
Zoning By-law 2017-70	5%	874.48 s. m.	0.22 acres
Currently Existing (2018 imagery)	10%	1,748.95 s. m.	0.43 acres
Application request	30%	5,246.85 s. m.	1.30 acres
Township Proposal	25%	4,372.38 s. m.	1.08 acres
Total Lot Area	100%	17,489.51 s. m.	4.32 acres

The applicant is asking for an increased variance to allow the property to use 30% of the lot area for outside storage. While, the Township would like to limit the amount of outside storage as much as possible Planning Staff would still like to see the applicant

be in a position to grow their business. Therefore, the Planning Staff would like to purpose an alternative increase in outside storage. This alternative is for 25% of the property be used for outside storage. The applicant has identified through their site draw that 25% of outside storage is all that they require. Planning Staff are of the opinion that a two and half increase in outside storage is relatively minor in nature opposed to tripling increase.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on February 6rd, 2021.

Public Works have identified that they do not have any objection to this minor variance application. However, they have mentioned that as discussed at the pre-consultation meeting, staff will need to review the Site Plan and Stormwater Management Brief.

The Niagara Peninsula Conservation (NPCA) has no objection to the proposed Minor Variance. However, given that the proposed site alternation will fall within the NPCA's regulated area, they have indicated that the applicant will need to obtain a work permit from the NPCA.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands February 3rd, 2021. A notice was posted to the Township's website and a Yellow sign was posted on the property a minimum of 10 days before the hearing. No public comments have been received as of February 19th 2021, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by the Penny Poliquin requesting a variance for the property municipally known as 1486 Boyle Road. The Minor Variance application is proposing to grant relief from Section 7.3 of the Township Zoning Bylaw 2017-70, as amended, permits a maximum of 5% of the lot area. The applicant is requesting a variance to increase their outdoor storage space to 30%, which is 6 times then what is currently permitted on the property.


It is important to note that the property in question has utilized 10% of their property for outdoor storage since prior to 2002, which pre-dates the Township's current Zoning By-law, as amended. As the applicant's site draws indicate that they will only require 25% of their property be used for outside storage the Planning department believe that this number better reflects the general intent and purpose of the Township's planning documents. Furthermore, 25% is relatively much smaller than 30% and therefore is minor in nature. Planning staff are of the opinion that the proposed application to permit 30% of the subject property be used for outside storage cannot be recommended for

approval. However, planning staff are of the opinion that an amendment to the applicant's application to permit 25% of the subject property be used for outside storage can be recommended for approval subject to a condition requiring screening implemented through site plan control.

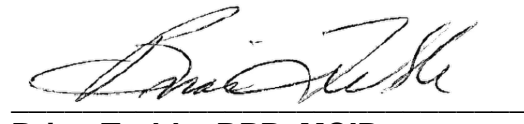
ATTACHMENTS:

1. Location Map
2. Site Drawing
3. Zoning Provisions
4. Agency comments

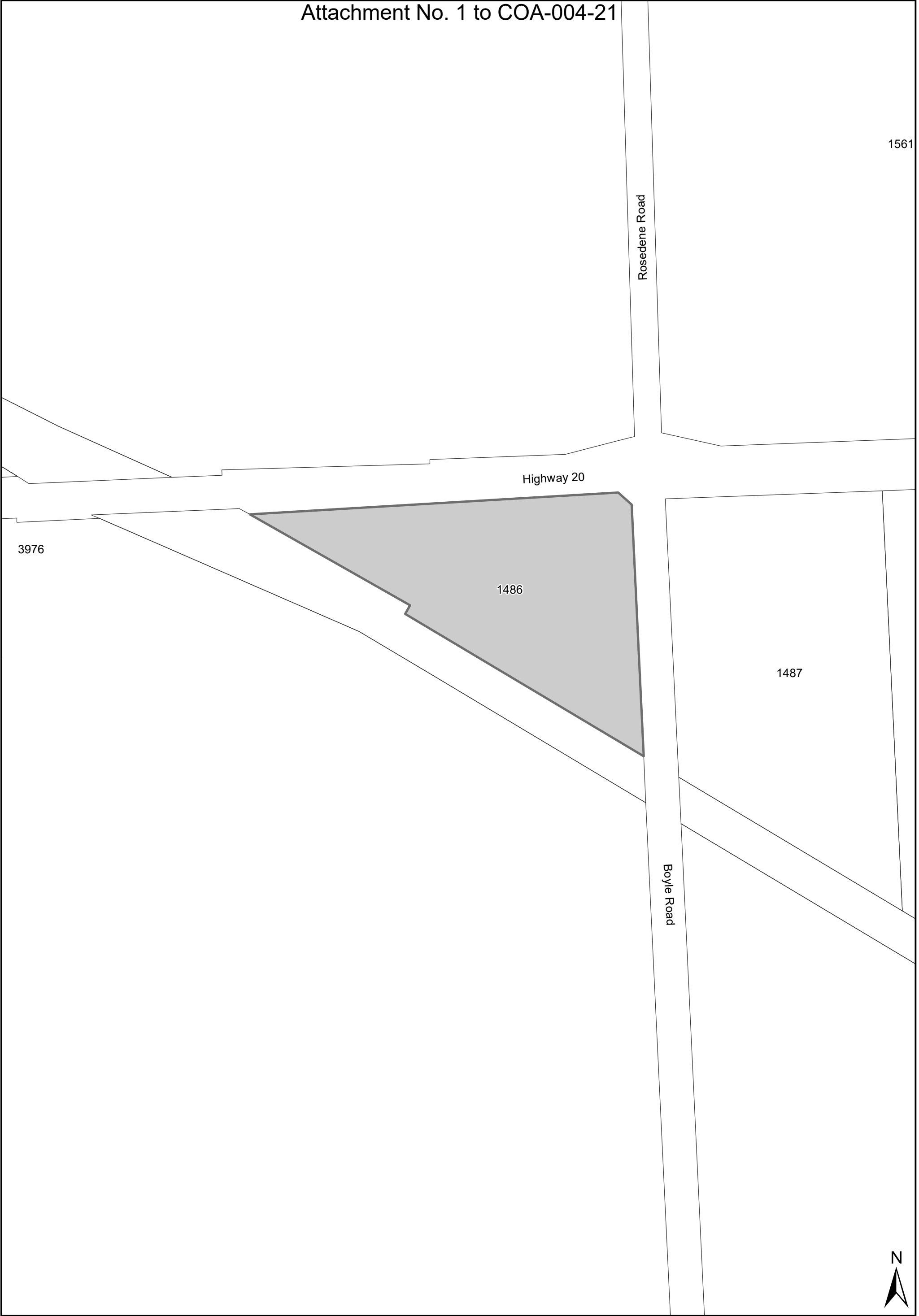
Prepared by:



Gerrit Boerema
Planner II



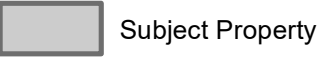
Brian Treble, RPP, MCIP
Director of Planning and Building



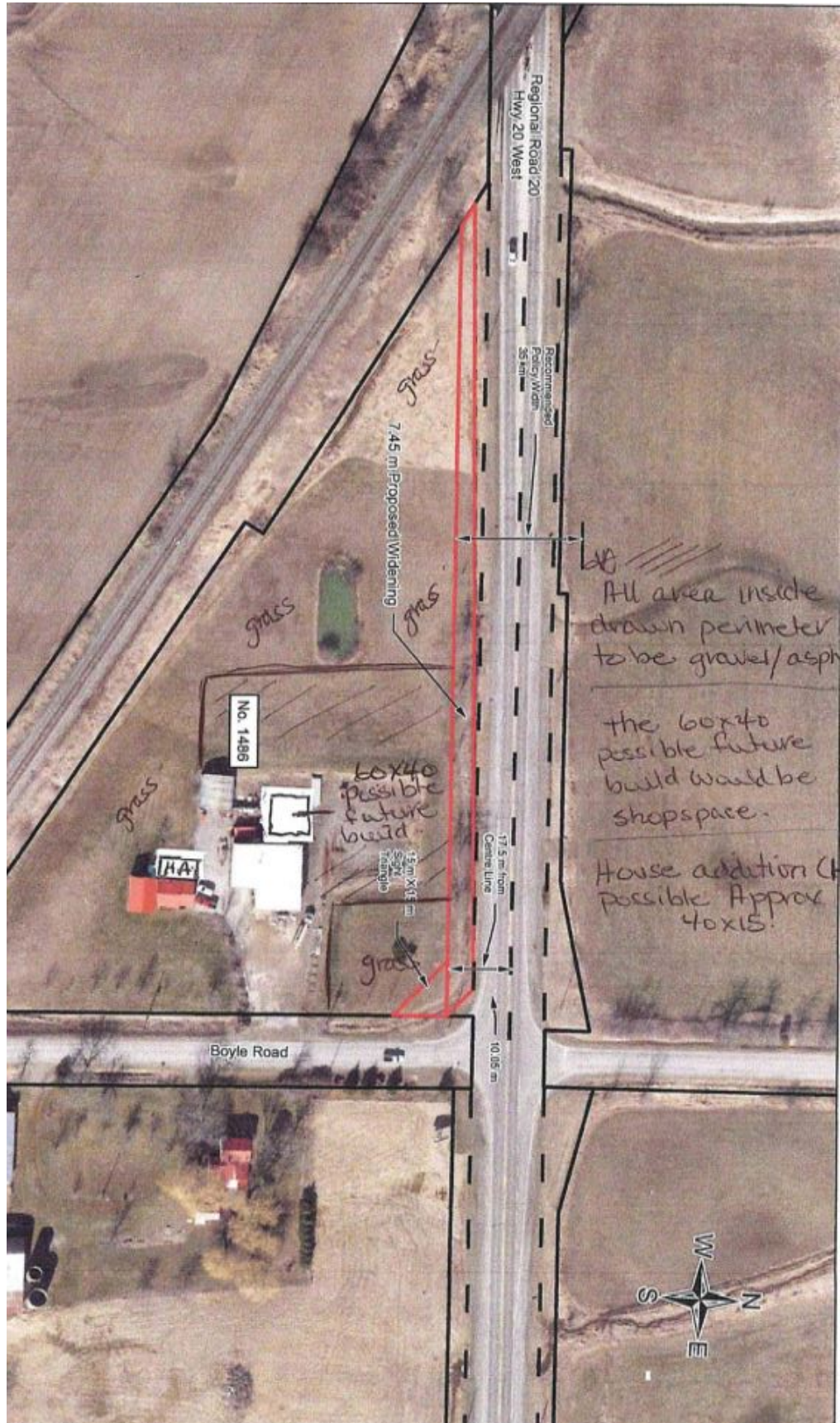
Location Map
1486 Boyle Road



Legend



Attachment No. 2 to COA-004-21



PART 7. COMMERCIAL ZONES

7.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 7 apply to land within the following *zones*:

Zone	Symbol
Core Commercial	C1
Neighbourhood Commercial	C2
Service Commercial	C3
Commercial Plaza	C4

These *zones* apply to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

7.2 PERMITTED USES

In the *zones* identified in Section 7.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 16.

Table 16: Permitted Uses in Commercial Zones

Uses	Zones where Permitted			
<i>Principal Uses</i>				
<i>Apartment dwelling</i>	C1			
<i>Art gallery</i>	C1			
<i>Commercial kennel</i> (see s. 3.8)			C3	
<i>Commercial school</i>	C1	C2	C3	C4
<i>Communications establishment</i>	C1		C3	C4
<i>Contractors establishment</i>			C3	
<i>Day care</i>		C2		
<i>Drive-through facility</i> (see s. 3.12)			C3	C4
<i>Dry cleaning/ laundry depot</i>	C1	C2	C3	C4
<i>Financial institution</i>	C1		C3	C4
<i>Funeral home</i>	C1		C3	
<i>Garden centre</i>			C3	C4
<i>Hotel/ motel</i>			C3	
<i>Motor vehicle dealership</i>			C3	
<i>Motor vehicle gasoline bar</i>			C3	C4
<i>Motor vehicle repair establishment</i>			C3	
<i>Motor vehicle service station</i>			C3	C4
<i>Motor vehicle washing establishment</i>			C3	C4
<i>Office, including a medical office</i>	C1	C2	C3	C4
<i>Personal service shop</i>	C1	C2	C3	C4

Uses	Zones where Permitted			
<i>Pet care establishment</i> (see s. 3.8)			C3	C4
<i>Place of entertainment</i>	C1		C3	C4
<i>Private club</i>	C1		C3	C4
<i>Recreation facility</i>	C1		C3	C4
<i>Restaurant</i>	C1	C2	C3	C4
<i>Retail store</i>	C1	C2	C3	C4
<i>Service shop</i>	C1		C3	C4
<i>Shopping center</i>				C4
<i>Studio</i>	C1	C2	C3	C4
<i>Veterinary clinic</i>	C1		C3	C4
<i>Wayside pit or quarry</i> (see s. 3.27)			C3	C4
Accessory Uses ⁽¹⁾				
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)	C1 ⁽¹⁾	C2 ⁽¹⁾	C3 ⁽¹⁾	C4 ⁽¹⁾
<i>Accessory dwelling units</i> (see s. 3.2)	C1 ⁽¹⁾			
<i>Outside display and sales area</i>			C3 ⁽¹⁾	C4 ⁽¹⁾
<i>Outside storage</i>			C3 ⁽¹⁾	C4 ⁽¹⁾
<i>Renewable energy system</i> (see s. 3.15)	C1 ⁽¹⁾	C2 ⁽¹⁾	C3 ⁽¹⁾	C4 ⁽¹⁾

⁽¹⁾ Denotes *uses* that are only permitted accessory to or in conjunction with a permitted *principal use*.

7.3 REGULATIONS

In the *zones* identified in Section 7.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Table 17.

Table 17: Regulations for Permitted Uses in Commercial Zones

Regulation		Zone Requirements			
		C1 ^{(1),(2)}	C2	C3	C4
Minimum <i>lot area</i>		-	500m ²	750m ²	900m ²
Minimum <i>lot frontage</i>		-	15m	25m	30m
Minimum <i>front yard</i>	Adjoining Regional Road 14 or 20	-	6m	9m	
	Other	6m			
Minimum <i>exterior side yard</i>	Adjoining Regional Road 14 or 20	-	6m		
	Other	6m			
Minimum <i>interior side yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	3m	5m	9m	
	Other	-	3m	6m	
Minimum <i>rear yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	6m	6m	9m	
	Other			6m	
Maximum <i>lot coverage</i>		-	45%	50%	
Maximum <i>height</i>		15m	10m		
Minimum <i>landscaped open space</i>		-	20%	10%	
Maximum <i>outside storage</i>		-		5% of <i>lot area</i> ⁽³⁾	

Regulation		Zone Requirements			
		C1 ^{(1),(2)}	C2	C3	C4
Maximum <i>gross leasable floor area</i>	Per <i>commercial use</i>	-	280m ²	-	
	Total % of <i>lot area</i>		45%	50%	

- ⁽¹⁾ An *apartment dwelling* in the C1 Zone shall be permitted as an exclusive *principal use* of a *main building* or shall be located above the first *storey* within a *main building* containing a permitted non-residential *principal use* on the ground floor, and shall be subject to the minimum *lot area*, minimum separation distance between *dwellings* on the same *lot* and minimum *amenity area* requirements of the RH Zone in accordance with Section 6.3, Table 15. All other requirements of the C1 Zone shall apply.
- ⁽²⁾ The maximum number of *accessory dwelling units* on a *lot* in the C1 Zone shall not exceed 1 *dwelling unit* per 120 m² of *lot area*.
- ⁽³⁾ *Outside storage* for purposes other than *outside display and sales areas* on the *lot* shall be located in a *rear yard* or *side yard* and screened from view from *public streets* and adjacent *lots*.

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: February 17, 2021 8:45 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - A052021WL

Good morning Meghan,

The NPCA will have no objection to the proposed Minor Variance at 1486 Boyle Road to increase outside storage from the required 5% to 30% for their rotating ship inventory.

However, given that the proposed site alteration will fall within the NPCA's regulated area, the applicant will need to obtain a work permit from the NPCA prior to beginning work on the proposed site alteration. All applicable permit fees will be required through the permitting process.

Sincerely,

Nikolas Wensing, B.A., MPlan
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 228
nwensing@npca.ca
www.npca.ca

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Friday, February 12, 2021 12:28 PM
To: Nikolas Wensing <nwensing@npca.ca>
Subject: RE: Notice of Hearing - A052021WL

Hi Nikolas,

Thank you for looking into this application. I am wondering if the NPCA has any comments / objections to the Notice in regards to this property's proposal to increase their outside storage from the required 5% to 30% for their rotating ship inventory?

Thank you so much,
Meghan

From: Nikolas Wensing [mailto:nwensing@npca.ca]
Sent: February 12, 2021 11:40 AM
To: Meghan Birbeck <mbirbeck@westlincoln.ca>

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: February 10, 2021
Re: File A05/2021WL – 1486 Boyle Rd

A review has been completed of this minor variance application to permit the increase in the maximum outside storage on the subject property to 30% whereas the Township Zoning By-law 2017-70 permits a maximum of 5% of the lot area.

Public Works has no objections to this application. As discussed at the pre-consultation meeting, staff will review the Site Plan and Stormwater Management Brief.