

DATE: April 28th, 2021

REPORT NO: COA-007-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Rocco and Kimberley Palumbo
File No. A07/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Rocco and Kimberley Palumbo for the property legally known as Concession Gore A, between 7th and 8th Concession, Part Lot 11, RP 30R6865; Part 1; in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara. Municipally known as 3166 South Grimsby Road 10.
- This Minor Variance application has been applied for to request three variances for a proposed accessory garage.
- The first variance that is required is to permit an accessory garage to be built 17.5 meters (57.41 feet) in front of the property's main dwelling whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that an accessory garage cannot be located closer to the front lot line than the main building.
- The second variance that is required is to permit an accessory garage to be built with a Type 3 accessory building classification to have a size of 120 square meters (1291.67 square feet) whereas Table 1-1 of the Township Zoning Bylaw 2017-20, as amended, identifies that Type 3 accessory buildings (greater than 100 square meters) are not permitted on lots with an area of 0.4 hectares or less.
- The third variance that is required is to permit a Type 3 accessory building to be built with a setback of 5 meters (16.40 feet) to the north interior side yard whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that a Type 3 accessory building cannot be located closer to the interior side lot line than 7.5 meters.
- Due to the location of the septic tank and propane tank on the property the applicant is unable to build a garage behind the property's dwelling, and use it to store vehicles.
- The septic tank is located between the house and the south side yard and the propane tank is located between the house and the north side yard.
- The first variance that was applied for has been reviewed against the four tests of a Minor Variance and can not be recommended for approval.

OVERVIEW CONTINUED:

- Township staff believe that the properties propane tank located towards the north lot line can be moved so that the proposed garage does not need to be located closer to the front lot line than the property's dwelling.
- The second variance that was applied for has been reviewed against the four tests of a Minor Variance and can be recommended for approval.
- The third variance that was applied for has been reviewed against the four tests of a Minor Variance and can not be recommended for approval.
- Township staff believe that once the properties propane tank is relocated and the garage is moved to be that is not closer to the front lot line than the dwelling that the applicant will no longer require the variance related to the side yard setback.

RECOMMENDATION:

1. THAT, the application for the first Minor Variance made by Rocco and Kimberley Palumbo as outlined in Report COA-007-21, to permit an accessory building located closer to the front lot line than the main building, NOT BE APPROVED.
2. THAT, the application for the second Minor Variance made by Rocco and Kimberley Palumbo as outlined in Report COA-007-21, to permit an accessory building be built with a Type 3 classification at a size of 120 square meters, BE APPROVED.
3. THAT, the application for the third Minor Variance made by Rocco and Kimberley Palumbo as outlined in Report COA-007-21, to permit an accessory building with a Type 3 classification at a size of 120 square meters to be built with a setback of 5 meters to the north interior side yard, NOT BE APROVED.

BACKGROUND:

The subject lands are situated on the west side of South Grimsby Road 10, north of Young Street and south of Concession Road 7, being legally described as Concession Gore A, between 7th and 8th Concession, Part Lot 11, RP 30R6865; Part 1, in the former Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 3166 South Grimsby Road 10. (See attachment 1 for a site sketch)

The subject property is approximately 1 acre (0.41 hectares) in size. The property has Good General Agricultural designation and is zoned Agricultural. The surrounding properties to 3166 South Grimsby Road 10 also share the Good General Agricultural designation and Agricultural zoning.

This Minor Variance application has been applied for to request three variances for a proposed accessory garage. The first variance that is requested is to permit a proposed accessory garage to be located 17.5 metres (57.41 feet) in front of the property's main dwelling whereas Table 1-1 of the Township's Zoning By-law 2017-70, as amended, identifies that an accessory building cannot be located closer to the front lot line than the main building. The second variance that is requested is to permit a proposed accessory garage to be built with a Type 3 accessory building classification, where the size is proposed to be 120 square meters (1,291.67 square feet), whereas Table 1-1 of

the Township's Zoning By-law 2017-70, as amended, identifies that Type 3 accessory buildings (greater than 100 square meters) are not permitted on lots with an area of 0.4 hectares. The third variance that is required is to permit a Type 3 accessory building to be built with a setback of 5 meters (16.40 feet) to the north interior side yard whereas Table 1-1 of the Township Zoning Bylaw 2017-70, as amended, identifies that a Type 3 accessory building cannot be located closer to the interior side lot line than 7.5 meters.

It is important to note that the applicant's dwelling is located approximately 26.50 meters (86.93 feet) from the front lot line. The property's propane tank is located between the dwelling and the north side lot line and the property's septic tank is located between the dwelling in the south side lot line. In order for the applicant to use the accessory building as a garage to store vehicles and avoid both the propane tank and the septic tank the applicant is proposing to build their garage in front of the main dwelling. The applicant is proposing to build their garage with a size of 120 square meters (±,291.67 square feet) to accommodate personal trucks and trailers.

CURRENT SITUATION:

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

**Does the proposal maintain the general intent and purpose of the Official Plan?
Yes, for the second requested variance**

The property is designated as Good General Agriculture under the Township's Official Plan. The Good General Agricultural Zone comprises those lands designated as the second highest level of protection and preservation for agricultural purposes. Residential and accessory residential uses are permitted in the Good General Agricultural designation.

The minor variance application is proposing to increase the maximum ground floor area by 20 square meters (65.62 square metres) or by 20%, to permit a proposed accessory garage to be located 17.5 metres (57.41 feet) in front of the property's main dwelling, and to be built with a setback of 5 meters (16.40 feet) to the north interior side yard. The proposed garage is accessory to the existing residence on the property, and would not significantly impact the environment nor negatively impact neighbouring residential properties.

It is important to note that the applicant's dwelling is located approximately 26.50 meters (86.93 feet) from the front lot line, where the minimum setback on the property for a dwelling is 15 meters (49.21 feet). The property's propane tank is located between the dwelling and the north side lot line and the property's septic tank is located between the dwelling in the south side lot line. To avoid both the propane tank and the septic tank the applicant is proposing to build their garage in front of the main dwelling. The applicant is proposing to build their garage with a size of 120 square meters (1,291.67 square feet) to accommodate personal trucks and trailers.

Township Planning Staff are of the opinion that the property's propane tank can be relocated which would allow the applicant to conform to the first and third requested

variance. Once the propane tank is relocated and the garage can be built no closer to the front lot line then the main dwelling it should no longer require the side yard setback variance that have ben requested.

Township Planning Staff are of the opinion that the second minor variance that has been requested, regarding size, meet the general intent and purpose of the Official Plan as the proposed uses are permitted and generally fits the character of the surrounding area.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?
Yes, for the second requested variance**

The subject land is zoned Agricultural 'A' in the Townships Zoning By-law 2017-70, as amended, and is 0.41 hectares (1 acre) in size. The agricultural zone permits single detached dwellings and their associated accessory buildings. The proposed accessory building is a permitted use under the regulations of the Agricultural Zone.

Under the Township's Zoning By-law 2017-70, as amended, accessory buildings shall be no closer to the front lot line than the main building. This ensures that there is a consistent streetscape throughout the Township of West Lincoln and that the main buildings on the lot are the prominent buildings, and the accessory buildings are seen as accessory.

As accessory buildings are permitted on Agricultural zoned property's and since the applicant would like to use the building to store vehicles the applicant proposing their accessory building in front of their dwelling, due to the location of the property's septic and propane tank. The applicant is requesting their accessory garage to be located 17.5 metres (57.41 feet) in front of the property's main dwelling which would result in the garage having a 9 metre setback from the front lot line.

Township Planning Staff are of the opinion that the property's propane tank can be relocated which would allow the applicant to conform to the first and third requested variance. Once the propane tank is relocated and the garage can be built no closer to the front lot line then the main dwelling it should no longer require the side yard setback variance that have ben requested.

In addition, the Township's Zoning By-law 2017-70, as amended, allows lots with a size of 0.4 ha or less to build Type 1 and Type 2 accessory buildings. Type 1 are buildings with a size of 0.1 to 10 square meters while Type 2 are buildings that are 10.1 to 100 square meters. Furthermore, properties with a size of 0.4 ha or less are allowed to have a maximum of three (3) Type 1 accessory buildings and two (2) Type 2 accessory buildings on their property, in accordance with their lot coverage requirements. Lots that have a size of 0.4 ha or less are permitted to have a maximum lot coverage of all accessory buildings or structure that is 8% of their lot area, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone. These requirements ensure that properties have enough space to maintain the primary function of the respective zone.

As such, Township Planning Staff are of the opinion that the second minor variance that has been requested, regarding size, meet the general intent and purpose of the Township Zoning Bylaw.

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

Yes, for the second requested variance

The applicant has proposed to construct a 120 square metre accessory building. Due to the size of the proposed accessory building and the location of the building being in front of the main dwelling planning staff have determined that the proposed accessory building has to be brought to the Committee of Adjustment's for approval. The building is proposed to be used for storage purposes, specifically personal trucks and trailers, which is permitted on an agricultural property. Township staff believe that if the propane tank is relocated and that the garage can be located no closer to the front lot line than the main dwelling that the requested variance regarding the size of the accessory building will not be overbearing on the streetscape or on the property.

As such, Planning Staff are of the opinion that the requested second variance, regarding the size of the accessory building, is appropriate development and use of the land on this property.

Is the proposal minor in nature?

Yes, for the second requested variance

The subject application is requesting to permit a proposed accessory building that is closer to the front lot line than the main building, that the accessory building be built 20 square metre larger than allowed on the property, and 5 metres from the north side lot line. The proposed accessory building is approximately 120 square metres in size and is located 17.5 metres (57.41 feet) in front of the property's main dwelling.

Township Planning Staff are of the opinion that the property's propane tank can be relocated. The relocation of the propane tank would allow the applicant to conform to the first and third requested variance. Once the propane tank is relocated and the garage can be built no closer to the front lot line than the main dwelling it should no longer require the side yard setback variance that have been requested. Moving the propane tank would then minimize the impact that a garage of 120 square metres would have on the property and streetscape.

As such, planning staff are of the opinion that the requested variance regarding the size of the proposed garage is minor in nature.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on April 9th 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector has no objections, as they have identified that the

proposed garage location does not negatively impact the existing sewage system.

The Public Works Department has no objections or comments to provide on this application.

The NPCA will have no objection to the proposed minor variances as there do not appear to be any NPCA regulated features or hazards which impact the subject property.

The Niagara Region have indicated that the subject property exhibits potential for the discovery of archaeological resources due to proximity to numerous registered archaeological sites. The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on available aerial imagery, it does not appear that the area of the proposed garage has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Prior to the construction of the proposed garage, the Committee should be satisfied that the location of any construction works has been subjected to ground disturbance or require the completion of at least a Stage 1 Archaeological Assessment to address cultural heritage policies. It is recommended that the applicant provide information (including the envelope of previous disturbance/construction works, location of any fill placed on the site, grading works, etc.) to the Committee to confirm the requirement for an archaeological assessment.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands April 9th 2021. A notice was posted to the Township's website on the same day, 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 April 23rd, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Rocco and Kimberley Palumbo for the property municipally known as 3166 Regional Road 10. The Minor Variance application is submitted to permit a proposed accessory garage to be located in-front of the front wall of the main dwelling, to be constructed with a size of 120 square meters, and for it to have a north side yard setback of 5 metres is permitted. Planning staff are of the opinion that this application should be modified so that only the variance for the increase size should be permitted. Planning staff are of the opinion that the property's propane tank can be moved and that the accessory building can be built in line with or behind the property's dwelling. Planning staff are of the opinion that the variance to permit 120 square metres meets all four tests of a minor variance, and as such, can recommend approval of this application.

ATTACHMENTS:

1. Location Map
2. Site Sketch
3. Accessory Building Zoning Provisions
4. Agency Comments

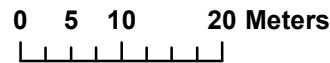
Prepared by:

Madyson Etzl
Planner I

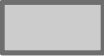
Brian Treble, RPP, MCIP
Director of Planning and Building



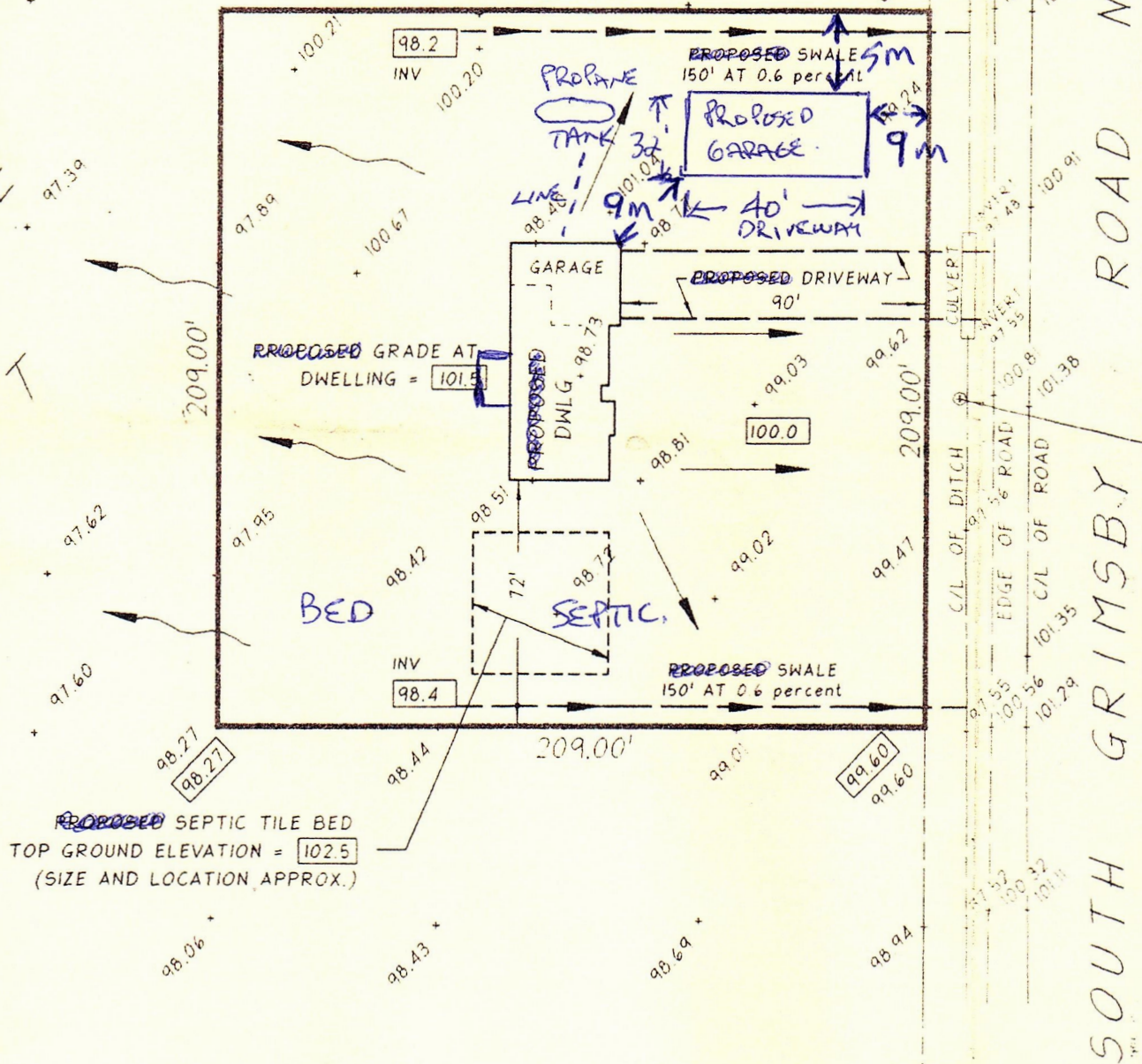
Location Map
3166 South Grimsby Road 10



Legend

 Subject Property

3 BAYS, ~~AVAILABLE~~ CARS &
STORAGE ^{ab.42} & ^{ab.61}



NOTE .
THIS PLAN IS PREPARED FROM COMPILED
AND CALCULATED INFORMATION, NOT
FROM AN ACTUAL SURVEY

PART 3. GENERAL PROVISIONS

3.1 ACCESSORY BUILDINGS OR STRUCTURES AND ACCESSORY USES

The following regulations apply to *accessory buildings or structures* and *accessory uses*:

- a) Where this By-law permits a *lot* to be used or a *building or structure* to be *erected* or used for a permitted *use*, that *use* shall include any *accessory building or structure* and any *accessory use*.
- b) An *accessory building or structure* shall not be used for human habitation or an occupation for gain or profit, except if specifically permitted by this By-law.
- c) An *accessory building or structure* and *accessory use* shall be located on the same *lot* as the *principal use* to which it is associated.
- d) An *accessory building or structure* shall not be *erected* on a *lot* prior to the *erection* of the *main building* on the *lot* or prior to the establishment of the *principal use* to which it is associated, except if specifically permitted by this By-law.
- e) An *accessory building or structure* or part thereof shall not be located within an easement that is in favour of a *public authority*.
- f) An *accessory building or structure* shall not include any storage or *pre-fabricated shipping container*, portable storage unit, repurposed *motor vehicle* or *trailer*, in whole or in part, except:
 - i. In the Service Commercial Zone outside of *settlement areas*, on a *lot* having a minimum *lot area* of 2 hectares, a maximum of 2 *pre-fabricated shipping containers* are permitted as *accessory structures* to be located in the *rear yard* or *interior side yard* only;
 - ii. In Employment Zones, in the *rear yard* or *interior side yard* only; and,
 - iii. In Agricultural Zones, a *pre-fabricated shipping container* is permitted as an *accessory structure*, accessory to an *agricultural use*, to a maximum of 1 *pre-fabricated shipping container* per 4 hectares of *lot area* and not exceeding a total of 5 *pre-fabricated shipping containers* on a *lot*. (Bylaw 2018-61)
- g) Certain *accessory buildings or structures* and *accessory uses* are subject to additional regulations contained in other Sections or Subsections of this By-law as follows:
 - i. *Accessory dwelling units*: refer to Subsection 3.2.1;
 - ii. *Accessory farm dwellings*: refer to Subsection 3.2.2;
 - iii. *Agri-tourism / value-added uses*: refer to Section 3.11;
 - iv. Allowable projections: refer to Section 3.3;
 - v. *Bed and breakfast establishments*: refer to Subsection 3.4;
 - vi. *Bicycle parking facilities*: refer to Subsection 3.12.4;
 - vii. *Drive-through facilities*: refer to Subsection 3.12.3;
 - viii. *Garden suites*: refer to Subsection 3.2.4;
 - ix. *Home occupations* and *home industries*: refer to Subsection 3.7;
 - x. *Landscaping* and *planting strips*: refer to Section 3.9;
 - xi. *On-farm diversified uses*: refer to Section 3.11;

- xii. Parking and loading facilities: refer to Section 3.12;
- xiii. *Private garages*: refer to Subsection 3.12.7;
- xiv. *Renewable energy systems*: refer to Section 3.15;
- xv. *Signs*: refer to Section 3.23;
- xvi. *Swimming pools*: refer to Subsection 3.24;
- xvii. *Waste storage enclosures*: refer to Section 3.26.

- h) In addition to the above, an *accessory building or structure* shall comply with the regulations in Tables 1-1 and 1-2 based on the applicable *zone*.

Table 1-1: Regulations for Accessory Buildings and Structures in Agricultural Zones

Regulation		Accessory Buildings or Structures in an Agricultural Zone		
		Type 1 (0.1 to 10m ²)	Type 2 (10.1 to 100m ²)	Type 3 (greater than 100m ²)
Maximum <i>ground floor area</i> per <i>building</i> or <i>structure</i>		10m ²	100m ²	Based on maximum <i>lot coverage</i> (see below)
Maximum number of <i>accessory buildings</i> or <i>structures</i> per <i>lot</i>	<i>Accessory buildings</i>	3	2	Based on maximum <i>lot coverage</i> (see below)
	<i>Accessory Structures</i>	Based on maximum <i>lot coverage</i> (see below)		
Permitted <i>yards</i>		All <i>Yards</i> except the <i>required front yard</i> or <i>required exterior side yard</i> , except that a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall be permitted in the <i>required front yard</i> and <i>required exterior side yard</i>		
Minimum setback to <i>front lot line</i>		No closer to the <i>front lot line</i> than the <i>main building</i> , and in accordance with the minimum <i>yard</i> requirements of the applicable <i>zone</i> , except that a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall not be located any closer than 6 metres to the <i>front lot line</i>		
Minimum setback to <i>exterior side lot line</i>		No closer to the <i>exterior side lot line</i> than the <i>main building</i> , except that a detached <i>private garage</i> in the <i>rear yard</i> shall not be located any closer than 6 metres to the <i>exterior side lot line</i> , and a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall not be located any closer than 6 metres to the <i>exterior side lot line</i>		
Minimum setback to <i>interior side lot line</i>		1.2 metres	2 metres	7.5 metres
Minimum setback to <i>rear lot line</i>				
Maximum <i>height</i>		3 metres	5.5 metres	10 metres
Maximum <i>lot coverage</i> of all <i>accessory buildings</i> or <i>structures</i> on the <i>lot</i>	<i>Lot area</i> 0.4 ha or less	8%, of the <i>lot area</i> , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		Not permitted on this <i>lot size</i>
	<i>Lot area</i> 0.5 ha to 2 ha	Greater of 5% or 320m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> 2.1 ha to 10 ha	Greater of 2.5% or 1,000 m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> greater than 10 ha	Greater of 1% or 2,500 m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
Minimum setback from <i>main building</i> ⁽¹⁾		1.5 metres	3 metres	
Maximum distance from a <i>main building</i>		The nearest point of a wall of the accessory building must be located within 50 metres of the <i>main building</i> (Bylaw 2018-61)		

⁽¹⁾ No projection shall be permitted into this required setback. This setback does not apply to a balcony, deck, fence, patio, porch, roof-mounted solar panels, satellite dish/antenna, steps, sunroom, walkway or other accessory structure normally appurtenant to a *main building*.

Table 1-2: Regulations for Accessory Buildings and Structures in Non-Agricultural Zones

Regulation		Accessory Buildings or Structures in a Residential Zone	Accessory Buildings or Structures in a Commercial, Institutional or Open Space Zone	Accessory Buildings or Structures in an Employment Zone
Maximum ground floor area per building or structure	RuR and R1A Zones	100m ²	Based on maximum <i>lot coverage</i> (see below)	
	All other Residential Zones	50m ²		
Maximum number of accessory buildings or structures per lot	Accessory buildings	2		
	Accessory Structures	Based on maximum <i>lot coverage</i> (see below)		
Permitted yards		Interior Side Yard Rear Yard	All Yards	
Minimum setback from <i>front lot line</i>		No closer to the <i>front lot line</i> than the <i>main building</i>	4.5 metres	15 metres
Minimum setback to <i>exterior side lot line</i>		No closer to the <i>exterior side lot line</i> than the <i>main building</i> , except that a detached <i>private garage</i> in the <i>rear yard</i> shall not be located any closer than 6 metres to the <i>exterior side lot line</i>		
Minimum setback to <i>interior side lot line</i>		1.2 metres, except that this shall not apply to prevent a permitted detached <i>private garage</i> which services two <i>dwellings</i> that are each on a separate <i>lot</i>	1.2 metres, or as required in the applicable <i>zone</i> where a lesser <i>interior side yard</i> is required for the <i>main building</i>	5 metres
Minimum setback to <i>rear lot line</i>			1.2 metres	7.5 metres
Maximum <i>height</i>		5 metres	6 metres	10 metres
Maximum <i>lot coverage</i>	RuR and R1A Zones	200m ² or 8% of the lot area, whichever is less, provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>	8% of the <i>lot area</i> , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>	
	All other Residential Zones	100m ² or 8% of the lot area, whichever is less, provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
Minimum setback from <i>main building</i> ⁽¹⁾		1.5 metres	3 metres	

⁽¹⁾ No projection shall be permitted into this required setback. This setback does not apply to a balcony, deck, fence, patio, porch, roof-mounted solar panels, satellite dish/antenna, steps, sunroom, walkway or other accessory structure normally appurtenant to a main building.

Meghan Birbeck

From: Lyle Killins <lkillins@live.com>
Sent: April 14, 2021 10:32 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - A072021WL - Rocco and Kimberley Palumbo(Adjourned from March to April)

Hi Meghan
Comments remain as per correspondence of March 23,2021.
Regards
Lyle Killins

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: April 12, 2021 10:21 AM
To: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Barb Behring <bbehring@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Jeni Fisher <jfisher@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>
Subject: Notice of Hearing - A072021WL - Rocco and Kimberley Palumbo(Adjourned from March to April)

Good afternoon,

Please find attached the above mentioned Notice of Hearing for the Consent application for **A07/2021WL – Rocco and Kimberley Palumbo**.

This applicant was adjourned last month until April's Committee of Adjustment meeting. If you have any new comments regarding this application I would appreciate if I could get them to me by Friday, April 23rd, 2021.

If you have any questions, please contact myself at 905-957-5140 or by email at mbirbeck@westlincoln.ca

Sincerely,
Meghan Birbeck

	<p>Meghan Birbeck</p> <p>Planner I</p> <p>Tel: 905-957-3346 ext. 5140 Email: mbirbeck@westlincoln.ca Web: www.westlincoln.ca</p> <p>  </p>
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Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: April 13, 2021
Re: File A07/2021WL – Rocco and Kimberley Palumbo (3166 South Grimsby Rd 10)

A review has been completed of this minor variance application to permit a garage to be built ± 17.5 meters in front of the property's main dwelling with an interior side yard setback of ± 5 meters and at a size of ± 120 square meters which does not comply with the Township Zoning By-law 2017-70.

Public Works has no objections or comments to provide on this application.

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: April 13, 2021 2:11 PM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - A072021WL - Rocco and Kimberley Palumbo(Adjourned from March to April)

Hello Meghan,

The NPCA will have no objection to the proposed minor variances as there do not appear to be any NPCA regulated features or hazards which impact the subject property.

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: Monday, April 12, 2021 10:21 AM
To: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Barb Behring <bbering@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Jeni Fisher <jfisher@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>
Subject: Notice of Hearing - A072021WL - Rocco and Kimberley Palumbo(Adjourned from March to April)

Good afternoon,

Please find attached the above mentioned Notice of Hearing for the Consent application for **A07/2021WL – Rocco and Kimberley Palumbo**.

This applicant was adjourned last month until April's Committee of Adjustment meeting. If you have any new comments regarding this application I would appreciate if I could get them to me by Friday, April 23rd, 2021.

If you have any questions, please contact myself at 905-957-5140 or by email at mbirbeck@westlincoln.ca

Sincerely,
Meghan Birbeck

Meghan Birbeck

From: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Sent: April 20, 2021 12:37 PM
To: Meghan Birbeck
Cc: Development Planning Applications
Subject: RE: Notice of Hearing - A072021WL - Rocco and Kimberley Palumbo(Adjourned from March to April)

Hi Meghan,

Regional Planning and Development Services staff has reviewed the proposed Minor Variance application at 3166 South Grimsby Road 10 in West Lincoln, for a proposed garage, and provide the following comments:

- The subject property exhibits potential for the discovery of archaeological resources due to proximity to numerous registered archaeological sites. The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on available aerial imagery, it does not appear that the area of the proposed garage has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Prior to the construction of the proposed garage, the Committee should be satisfied that the location of any construction works has been subjected to ground disturbance or require the completion of at least a Stage 1 Archaeological Assessment to address cultural heritage policies. It is recommended that the applicant provide information (including the envelope of previous disturbance/construction works, location of any fill placed on the site, grading works, etc.) to the Committee to confirm the requirement for an archaeological assessment.

Should you have any questions regarding the above comments, please contact me.

Thank you,

Aimee Alderman, MSc, MCIP, RPP
Development Planner

Planning and Development Services
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Email: aimee.alderman@niagararegion.ca

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Monday, April 12, 2021 10:21 AM
To: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Barb Behring <bbehring@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Jeni Fisher <jfisher@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian