

DATE: April 28th, 2021

REPORT NO: COA-012-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Michael and Susan Pepper
File No. A12/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Michael and Susan Pepper for the property legally known as Concession 7 Part Lot 11, RP 30R-15574; Part 1; in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. Municipally known as 8538 Twenty Road.
- It is important to note that this property just recently finished going through a surplus farm dwelling severances and was rezoned from Agricultural to Rural Residential 'RuR'.
- The new owners of the property have now submitted for this Minor Variance application, which requests three variances for a proposed accessory garage.
- The first variance that is required is to permit an accessory garage to be built 2.81 meters (9.22 feet) in front of the property's main dwelling whereas Table 1-2 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 1.4 meters (4.59 feet) taller than the maximum height allowed whereas Table 1-2 of the Township Zoning Bylaw 2017-70, as amended, identifies that an accessory garage cannot be built higher than 5 meters.
- The third variance that is required is to permit an accessory garage to be built 271.55 square meters (2,922.94 square feet) larger than the maximum ground floor area allowed for accessory garage on a property zoned Rural Residential 'RuR' whereas Table 1-2 of the Township Zoning Bylaw 2017-70, as amended, identifies that the maximum ground floor area for accessory buildings on a RuR zoned property is 100 square meters.
- The applicants are proposing the three variances to build the garage in a way to store the classic cars.
- This application has been reviewed against the four tests of a Minor Variance and cannot be recommended for approval.

RECOMMENDATION:

1. THAT, the application for the first Minor Variance made by Michael and Susan Pepper as outlined in Report COA-012-21, to permit an accessory building located 2.81 metres closer to the front lot line than the main building, NOT BE APPROVED;
2. THAT, the application for the second Minor Variance made by Michael and Susan Pepper as outlined in Report COA-012-21, to permit an accessory building be built 1.4 metres taller than the maximum height allowed, BE MODIFIED and APPROVED at 0.5 metres taller than the maximum height, with a maximum total height of 5.5 metres;
3. THAT, the application for the third Minor Variance made by Michael and Susan Pepper as outlined in Report COA-012-21, to permit an accessory building be built 271.55 square metres (2,922.94 square feet) larger than the maximum ground floor area allowed, BE MODIFIED and APPROVED at 100 square metres larger than the maximum ground floor area allowed, with a maximum total ground floor of 200 square metres.

BACKGROUND:

The subject lands are situated on the south side of Twenty Road, west of Castor Centre Road and north of Sixteen Road, being legally described as Concession 7 Part Lot 11, RP 30R-15574; Part 1; in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. The subject property is municipally known as 8538 Twenty Road (See attachment 1 for a site sketch)

The subject property is approximately 1.43 acre (0.58 hectares) in size. The property has Good General Agricultural designation and is zoned Rural Residential. The surrounding properties to 8538 Twenty Road are designated as part of both Good General Agricultural and Natural Heritage System. In addition, the surrounding properties are zoned Agricultural, Agricultural Purpose Only, and Agricultural-Related.

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 2.81 metres (9.22 feet) in front of the property's main dwelling whereas Table 1-2 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 1.4 metres (4.59 feet) taller than the maximum height allowed whereas Table 1-2 of the Township Zoning Bylaw 2017-70, as amended, identifies that an accessory garage cannot be built higher than 5 metres. The third variance that is required is to permit an accessory garage to be built 271.55 square metres (2,922.94 square feet) larger than the maximum ground floor area allowed for accessory garage on a property zoned Rural Residential 'RuR' whereas Table 1-2 of the Township Zoning Bylaw 2017-70, as amended, identifies that the maximum ground floor area for accessory buildings on a RuR zoned property is 100 square metres. The applicants are proposing the three variance to build the garage in a way to store the classic cars.

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

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.

Section 18.13.2 of the Township's Official Plan speaks about severances in agricultural designated properties. Consents are not allowed in West Lincoln if they have the effect of creating lots for nonfarm uses. Non-farm rural residential lots will not be allowed with the exception of Surplus Farm Dwelling severances. Under the previous owner of the property, the subject property recently finished going through a surplus farm dwelling severances. The previous property was zoned agricultural and the new severed portioned of land is zoned Rural Residential 'RuR'.

The minor variance application is proposing to increase the maximum ground floor area by 271.55 square metres (2,922.94 square metres) or by 272%, to permit a proposed accessory garage to be located 2.81 metres (57.41 feet) in front of the property's main dwelling, and to be built 1.4 metres (16.40 feet) taller than currently permitted. The applicants are proposing the three variance to build the garage in a way to store the classic cars.

Township Planning Staff are of the opinion that the requested minor variances meet the general intent and purpose of the Official Plan.

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

Yes, as modified

The subject land is zoned Rural Residential 'RuR' in the Townships Zoning By-law 2017-70, as amended, and is 1.43 acre (0.58 hectares) in size. The Rural Residential zone permits single detached dwellings and their associated accessory buildings. The proposed accessory building is a permitted use under the regulations of the Rural Residential 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.

The Township's Zoning By-law 2017-70, as amended, identifies that Rural Residential zoned properties permit a maximum of two accessory buildings each with a maximum size of 100 square metres (1,076.39 square feet). However, the applicant is proposing

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to build one accessory garage that is 371.55 square metres, which 272% larger than what is currently permitted. Due to the size of their proposed garage they are then requesting that the garage be built 2.81 metres (57.41 feet) in front of the property's main dwelling, and to be built 1.4 metres (16.40 feet) taller than currently permitted for the building garage door.

Township staff do not believe that the size of the proposed accessory building allows it to be considered an accessory building. This observation comes from the fact that the current single detached dwelling is only 119.7 square metres in size. The Zoning By-law permits the single detached dwelling as the principal use on the property and a garage as an accessory use. However, the proposed garage is 210% larger than the single detached dwelling and therefore cannot be considered an accessory use. The front yard and height variance are solely required due to the size and design the 371.55 square metres sized accessory garage.

Since Rural Residential zoned properties permit a maximum of two accessory buildings each with a maximum size of 100 square metres (1,076.39 square feet) Township staff would support modifying the request and increasing the proposed accessory building to a maximum size of 200 square metres. If the applicant wishes to increase, there accessory garage greater than 200 square metres they will need to apply for a rezoning application as a garage of 371.55 square metres does not meet the general intent of the Township Zoning Bylaw.

If the applicants modify their accessory building to a maximum size of 200 square metres, there would no longer be a need for a variance to build their accessory garage closer to the front lot line than their dwelling.

Furthermore, Township staff would support modifying the request and increasing the proposed accessory building's height to a maximum of 5.5 metres. Similarly, to the size of the accessory garage Township staff believe that if the applicant would like to build their accessory garage higher than 5.5 metres they will be required to apply for a rezoning application. A rezoning application would be required as the maximum height for an accessory building in a commercial or institutional zone is 6 metres, therefore Township staff believe that a height of more than 5.5 metres would not meet the general intent of the Township Zoning Bylaw.

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

Yes, as modified

The applicant has proposed to construct a 371.55 square metres sized accessory garage. Due to the size of the proposed accessory building being 272% larger than what is permitted and being 210% larger than the primary use of the property Planning Staff are of the opinion that the requested variance is not appropriate development and use of the land.

Township staff believe that if the application is modified to the proposed accessory building having a maximum size of 200 square metres and a maximum height of 5.5 metres it will no longer be overbearing on the streetscape or on the property.

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Furthermore, if the accessory garage is reduced to a maximum size of 200 square metres it will no longer require a variance to be located closer to the front lot line than the dwelling.

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

Is the proposal minor in nature?

Yes, as modified

The applicant has proposed to construct a 371.55 square metres sized accessory garage. Due to the size of the proposed accessory building being 272% larger than what is permitted and being 210% larger than the primary use of the property Planning Staff are of the opinion that the requested variance is not minor in nature.

In order to ensure minimal impact on others and for a request to be minor in nature Township staff would be in support of modifying this application. Since Rural Residential zoned properties permit a maximum of two accessory buildings each with a maximum size of 100 square metres (1,076.39 square feet) Township staff would support modifying the request and increasing the proposed accessory building to a maximum size of 200 square metres. This increase of 100% would be less impactful as the property currently allows for two accessory buildings to be built that would total 200 square metres in size.

Furthermore, Township staff believe modifying the height variance to a maximum of 5.5 metres. Township staff believe the increase of 0.5 metres is minor for a property that is zoned Rural Residential.

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 have not yet provided comments on this application.

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

The Niagara Peninsula Conservation Authority (NPCA) has no objections or comments to provide on this application.

The Niagara Region have indicated that the subject property exhibits potential for the discovery of archaeological resources due to proximity to watercourses within 300 metres. 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 accessory garage has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Prior to the construction of the proposed accessory 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.

In addition the Niagara Region has indicated that the subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Twenty Mile Creek Provincially Significant Wetland Complex (PSW), Significant Woodland, Significant Valleyland, and Type 1 (Critical) Fish Habitat. The property is also mapped as part of the Growth Plan (2019) Provincial Natural Heritage System (PNHS), which identifies these features as Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF) and the natural heritage policies identified in the Provincial Growth Plan apply accordingly. Growth Plan policies typically require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 metres (m) of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 120 m of PSW, 50 m of Significant Woodland/Significant Valleyland and 30 m of Type 1 Fish Habitat. Growth Plan policies also require that a minimum 30 m Vegetation Protection Zone (VPZ) as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF/KHF or its VPZ. The proposed accessory garage is within 120 m of KNHF/KHF; however, Growth Plan policies allow for accessory structures provided that there is no expansion into KNHF/KHF or their VPZs. The proposal meets these requirements. As such, there are no study requirements from an Environmental Planning perspective

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:

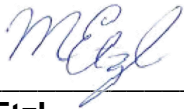
A Minor Variance application has been submitted by Michael and Susan Pepper for the property municipally known as 8538 Twenty Road. The Minor Variance application is submitted to permit a proposed accessory garage to be located in-front of the front wall

of the main dwelling, to be constructed 271.55 square meters larger than permitted, and for it to be built 1.4 metres taller than permitted. Planning staff are of the opinion that this application should be modified to permit an accessory building that has a maximum size of 200 square metres and has a maximum height of 5.5 metres. With the modifications Planning staff believes the application 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



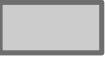
Brian Treble, RPP, MCIP
Director of Planning and Building



Location Map
8538 Twenty Road



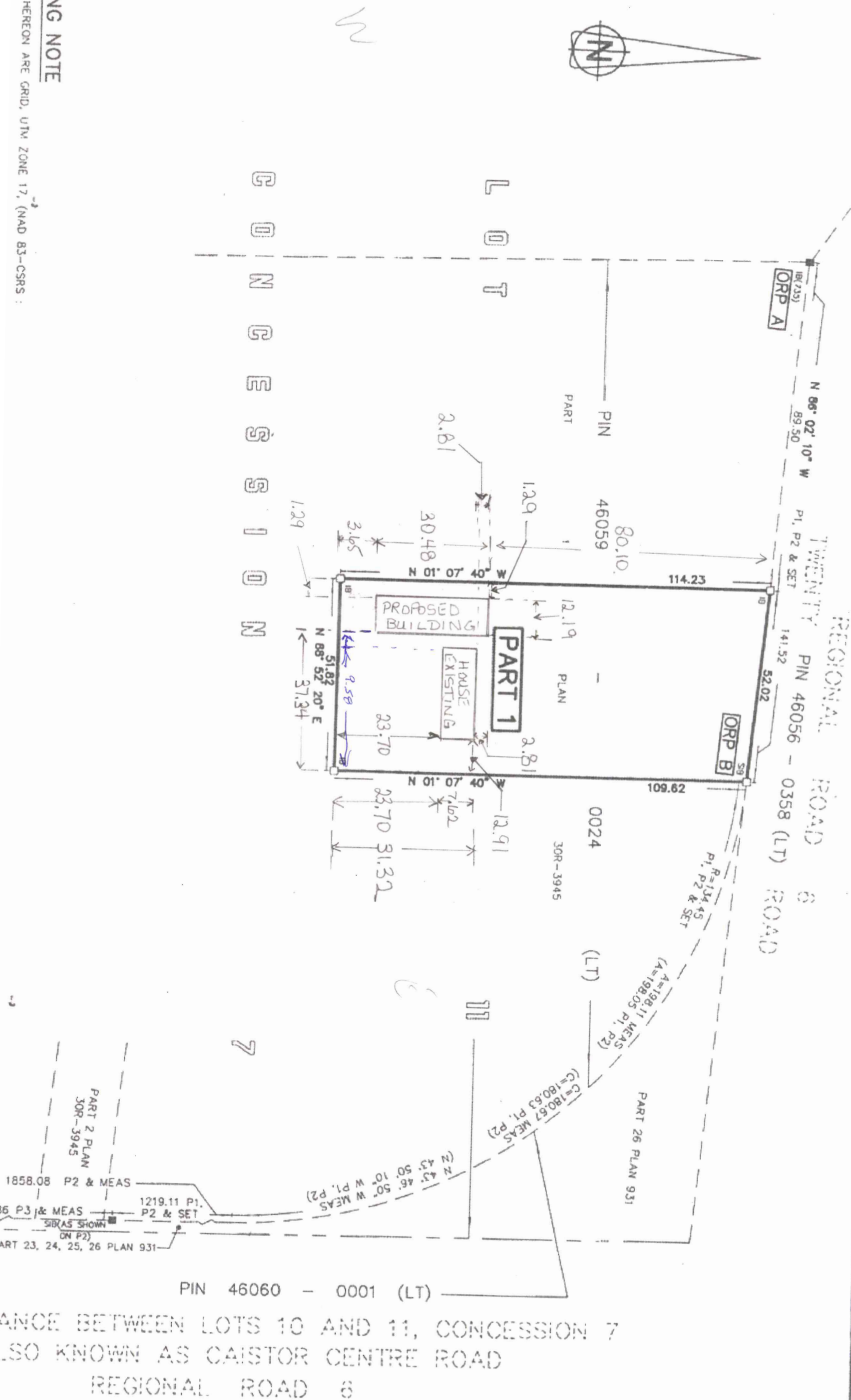
Legend



Subject Property

BEARING NOTE

BEARINGS HEREON ARE GRID, UTM, ZONE 17, (NAD 83-CSRS :



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 or 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 or 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: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Sent: April 20, 2021 12:37 PM
To: Meghan Birbeck
Cc: Karlewicz, Lori; Development Planning Applications
Subject: RE: Notice of Hearing - A092021WL - Michael and Susan Pepper

Hi Meghan,

Regional Planning and Development Services staff has reviewed the Minor Variance application at 8538 Twenty Road in West Lincoln, for a proposed accessory garage, and provide the following comments:

- The subject property exhibits potential for the discovery of archaeological resources due to proximity to watercourses within 300 metres. 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 accessory garage has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Prior to the construction of the proposed accessory 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.
- The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Twenty Mile Creek Provincially Significant Wetland Complex (PSW), Significant Woodland, Significant Valleyland, and Type 1 (Critical) Fish Habitat. The property is also mapped as part of the Growth Plan (2019) Provincial Natural Heritage System (PNHS), which identifies these features as Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF) and the natural heritage policies identified in the Provincial Growth Plan apply accordingly. Growth Plan policies typically require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 metres (m) of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 120 m of PSW, 50 m of Significant Woodland/Significant Valleyland and 30 m of Type 1 Fish Habitat. Growth Plan policies also require that a minimum 30 m Vegetation Protection Zone (VPZ) as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF/KHF or its VPZ. The proposed accessory garage is within 120 m of KNHF/KHF; however, Growth Plan policies allow for accessory structures provided that there is no expansion into KNHF/KHF or their VPZs. The proposal meets these requirements. As such, there are no study requirements from an Environmental Planning perspective.

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

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: April 21, 2021
Re: File A09/2021WL – Michael and Susan Pepper (8538 Twenty Rd)

A review has been completed of this minor variance application to permit an accessory garage to be built: ± 2.81 meters in front of the property's main dwelling; ± 1.4 meters taller than the maximum height allowed; and ± 271.55 square meters larger than the maximum ground floor area allowed in the Township Zoning Bylaw 2017-70.

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

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: April 23, 2021 9:12 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - A092021WL - Michael and Susan Pepper

Hello Meghan,

After further review, the NPCA's technical staff have determined that the proposed structure will not be impacted by any NPCA regulated features or hazards. As such, the NPCA will have no further objections to the proposed Minor Variance applications.

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 11:33 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>; Ray Vachon <rvachon@westlincoln.ca>
Subject: Notice of Hearing - A092021WL - Michael and Susan Pepper

Good afternoon,

Please find attached the above mentioned Notice of Hearing for the Minor Variance application for **A09/2021WL – Michael and Susan Pepper**.

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