

DATE: April 28th, 2021

REPORT NO: COA-010-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by the Township of West Lincoln
File No. A08/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by the Township of West Lincoln for the property legally known as Concession 5, PT Lot 11, in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. Municipally known as 8635 Regional Road 65.
- This Minor Variance application has been applied for to permit a new fire station to be built with an east interior side yard setback of 2.5 metres whereas 7.5 metres is required.
- The new fire station is proposed to be built with an east interior side yard setback of 2.5 metres to allow a generous amount of space for fire trucks to manoeuvre around during the construction of the new fire station.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval if modified, as follows:
- Although site plan details are not fully presented it is apparent that the easterly site yard will require a swale for drainage purposes, which normally has a minimum 3 metres easement. This area aligns with the lease agreement for land that Bell Canada holds on the property.
- Therefore, planning staff recommend a minimum 3 metre setback on the easterly side yard.

RECOMMENDATION:

1. THAT, the application for Minor Variance made by the Township of West Lincoln as outlined in Report COA-010-21, to permit a new fire station to be built with an east interior side yard setback of 2.5 metres whereas 7.5 metres is the permitted minimum, BE MODIFIED and APPROVED at 3.0 metres for the following condition:
 - a. That the site plan for the property be reviewed and supported by Bell Canada prior to final site plan approval and building permit issuance.
 - b. That the applicant provides the NPCA with Floodplain mapping which demonstrates the full extent of the flood hazard on the subject property.
 - c. That the NPCA review the requested mapping and are satisfied that proposed structure is not located within a flood hazard.

BACKGROUND:

The subject lands are situated on the north side of Regional Road 65 (Bismark Road), being legally described as concession 5, Part Lot 11, in the former Township of Caistor, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 8635 Regional Road 65. (See attachment 1 for a site sketch)

The subject property is approximately 1.27 acres (0.51 hectares) in size. The property has Industrial Employment (M2) zoning. The surrounding properties are large agricultural parcels of land currently designated Good General Agriculture and currently being farmed.

This Minor Variance application has been applied for to request a variance for the east interior side yard setback to be 2.5 metres whereas Table 19 of the Township Zoning Bylaw 2017-70, as amended identifies that the minimum interior side yard setback is required to be 7.5 metres

It is important to note that the Township Fire Services are required to run as the construction of the new fire station occurs. The request for the reduction in required side yard setbacks of 5 metres will allow sufficient amount of space for the fire trucks to continue to manoeuvre around during the construction of the new fire station. Unfortunately, such a reduction places the building within the lands granted to Bell Canada subject to a lease agreement and also on land presumably required for a swale.

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, as modified

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 decrease the permitted interior side yard setback by 5 metres from the 7.5 required setback to 2.5 metres. This variance is to allow for the fire station to operate efficiently, and to allow for fire trucks to manoeuvre around the property while the new fire station is being constructed. Such a redevelopment must ensure minimal impact on neighboring properties and therefore must contain adequate space for a swale and not impede on the land granted to Bell Canada through a lease agreement.

Township Planning Staff are of the opinion that this minor variance meets the general intent and purpose of the Official Plan as the proposed use is 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, as modified

The subject land is zoned Industrial Employment 'M2' in the Townships Zoning By-law 2017-70, as amended. The parcel is 1.27 acres (0.51 hectares) in size. The Industrial Employment zone permits service stations and their associated accessory buildings of this nature. The proposed construction of the new fire station building is a permitted use under the regulations of the Agricultural Zone.

Under the Township's Zoning By-law 2017-70, as amended, all industrial employment buildings shall have a minimum interior side yard setback of 7.5 metres. This ensures that there is a large enough buffer for an industrial use if the property is abutting an agricultural or residential zone which may contain permitted residential dwellings. This buffer would normally be used to minimize the noise, smell, and vibration impacts to adjacent neighbours, is also to ensure that the property has enough space to manoeuvre around the buildings. Township planning staff recognize that this building has been on site for a number of years and that it is surrounded by large agricultural parcels that are currently being farmed. Therefore the impact to the immediate neighbours is very minimal. As such, Township staff are of the opinion that this application meets the general intent of the Township Zoning Bylaw, provided that the need for a swale and the lease agreement with Bell Canada are protected and therefore require a 3 metre side yard setback.

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

Yes, as modified

The applicant has proposed to construct a new fire station for the Township of West Lincoln. Due to the size and location of the newly proposed fire station and the location of the driveway where the emergency vehicles enter and exit the site, the applicants are requesting to reduce the easterly interior side yard setback 5 metres, from the required 7.5 metres setback to 2.5 metres.

The proposed building is generally located in an area that is located far away from neighbouring residential dwellings. As this has been the use of the subject parcel for numerous years, and the need for a second fire station in west Lincoln is necessary township staff feel that this is appropriate development or use of the land. In order to ensure that the site functions properly, a minimum 3 metre easterly side yard setback is required.

As such, Planning Staff are of the opinion that the requested variance as amended is appropriate development and use of the only land that can be used for this specific development on this property.

Is the proposal minor in nature?

Yes, as modified

The subject application is requesting to permit a proposed fire station that is located closer to the east interior side lot line than the required minimum setback. The variance

is requesting a 5 metre reduction in the required side yard setback from 7.5 metres to 2.5 metres. The variance is due to the need to have emergency vehicles enter and exit the site efficiently as construction of the new fire station occurs and the emergency services is still responding. In order to ensure minimal impact on others, room for a swale and avoidance of the land granted to Bell Canada through a lease agreement better align with a 3 metre easterly side yard setback. For this reason, a 3 metre easterly side yard setback is requested. This modified reduced setback should still allow firetrucks to manoeuvre in and out of the site. As the neighbouring property is currently a large agricultural parcel being farmed for cash crops. This variance has minimal impact on them. As such, planning staff are of the opinion that the requested variance 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 Township's Public Works understands there is a utility crossing through the east side of the site for which an agreement is in place with the Township.

A site grading plan has not been provided with this application but Public Works has been informed a drainage swale may be proposed along the east side of the site over the utility. Public Works would recommend a side yard setback at a minimum of 3m to accommodate a swale however the location of a swale in this area and the minimum width of the setback is subject to approval by the utility.

The Niagara Peninsula Conservation Authority (NPCA) has indicated that before they can determine if the proposed Minor Variance can be supported, the applicant shall provide the following to the NPCA for review and approval: Floodplain mapping which demonstrates the full extent of the flood hazard on the subject property. The floodplain mapping shall demonstrate to the satisfaction of the NPCA that the proposed structure does not fall within the flood hazard. Further indicating that they cannot support the variance if it proposed building is located within a flood hazard. The NPCA's full comments are attached.

Regional Planning and Development Services staff offers no objection to the Minor Variance application from a Provincial or Regional perspective, subject to the satisfaction of any local requirements. The Niagara Region's full comments are attached.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject

lands March 12th 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 March 24th, during the preparation of this report.


CONCLUSION:

A Minor Variance application has been submitted by the Township of West Lincoln for the property municipally known as 8635 Regional Road 65. This Minor Variance is submitted to permit a proposed new fire station with an interior side yard setback of 2.5 metres whereas 7.5 metres is required in an industrial employment zone. Planning staff are of the opinion that this application should be modified to 3 metres, which then allows the applicant to meet all four tests of a minor variance, and as such, can recommend approval of this application as modified.

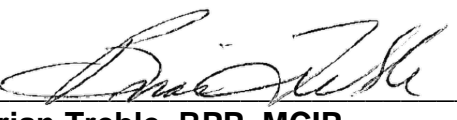
ATTACHMENTS:

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

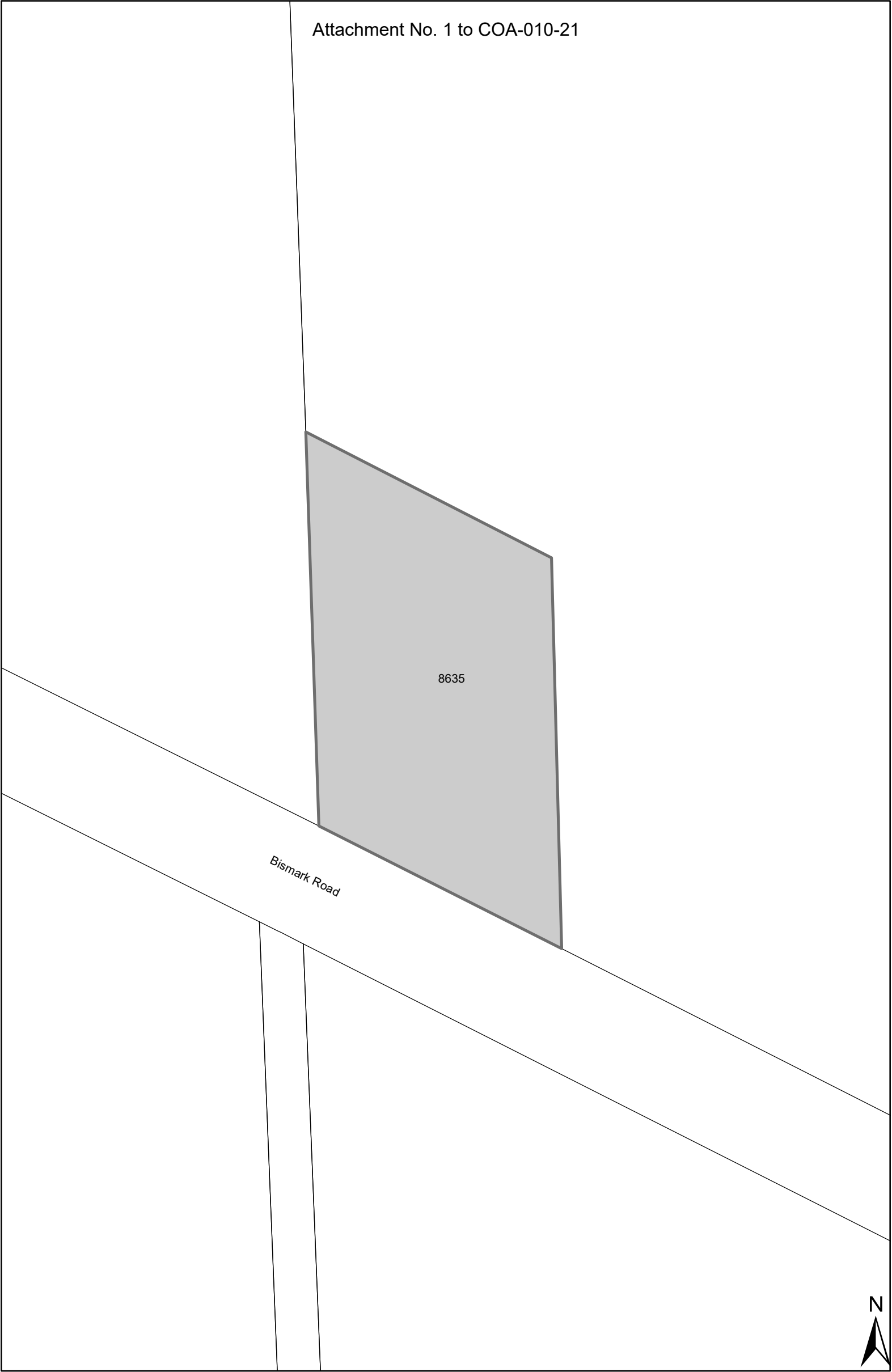
Prepared by:



Madyson Etzl
Planner I



Brian Treble, RPP, MCIP
Director of Planning and Building



Location Map
8635 Regional Road 65

0 12.5 25 50 Meters



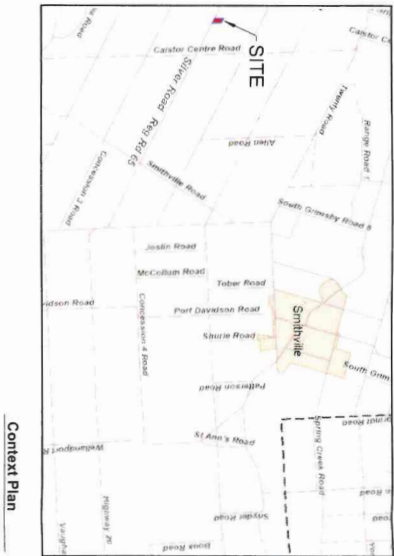
Legend



Subject Property

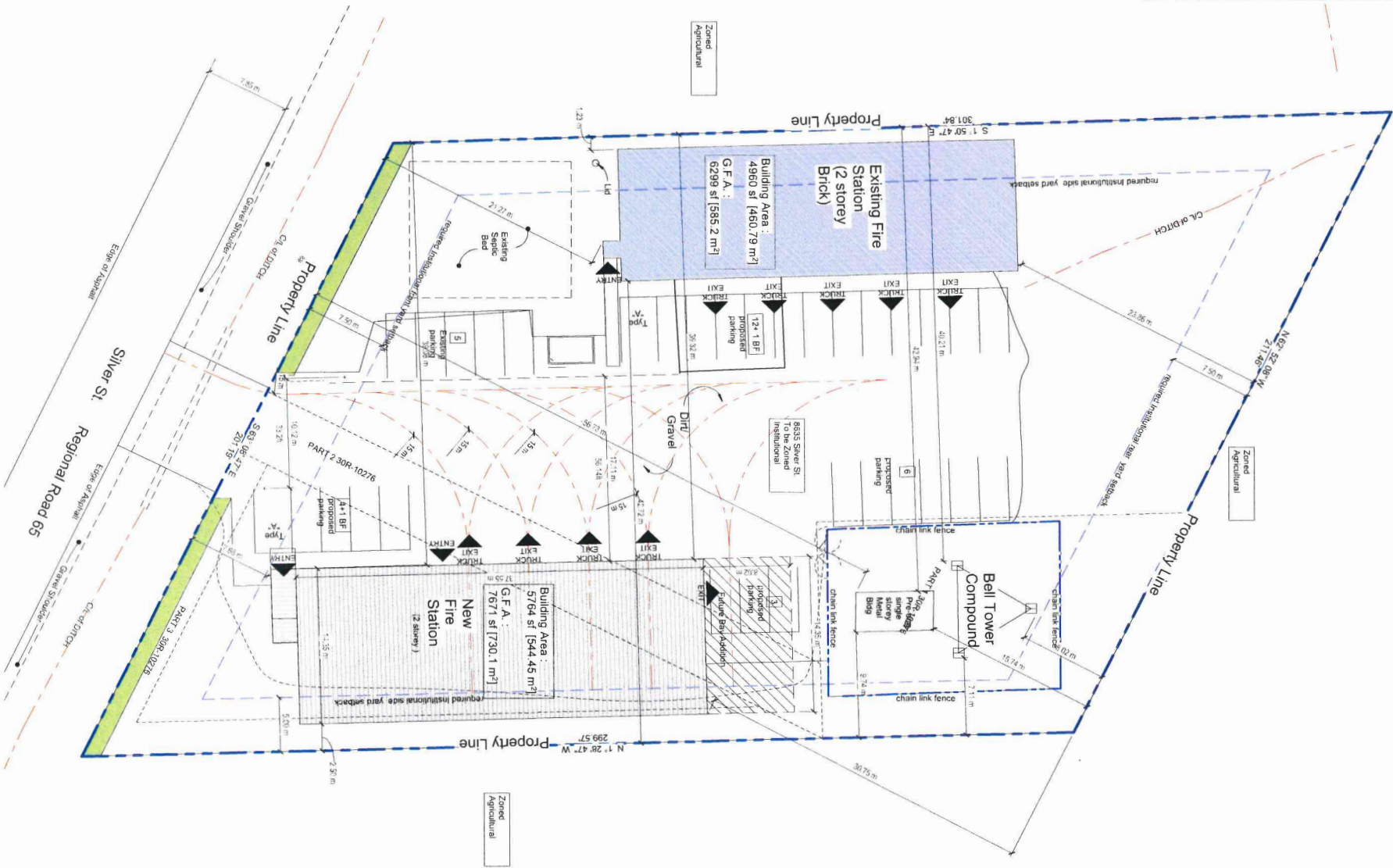
Site Plan and Building Statistics

Development Proposal	New Volunteer Fire Station				
Project Name	West Lincoln Fire Department - New Station No. 2				
Owner	Corporation of the Town of West Lincoln				
Municipal Address	8635 Silver Street				
Former Municipality					
Legal Description					
Official Plan Designation	Currently Zoned "I2" - Industrial Employment To be Re-zoned "I" - Institutional				
Zoning By-law Requirements for "I" - Institutional Zoning	Required (Metric)	Required (Imperial)	Provided (Metric)	Provided (Imperial)	
	Lot Frontage (Min.)	30 m	98.43 ft	+/- 63.44 m	- ft
	Lot Area (Min.)	2000 m ²	21527.82 ft ²	+/- 5323.38 m ²	- acres
	Interior Side Yard Setback (East)	5 m	16.4 ft	+/- 2.5 m	- ft
	Interior Side Yard Setback (West)	5 m	16.4 ft	+/- 1.43 m	- ft
	Front Yard Setback (Min.) (South)	7.5 m	24.61 ft	+/- 7.5 m	- ft
	Rear Yard Setback (Min.) (North)	7.5 m	24.61 ft	+/- 8 m	- ft
	Building Height (Max.)	15 m	49.21 ft	+/- 7.6 m	- ft
	Lot Coverage (Max.)	50 %		+/- 15.18 %	
	Landscape Open Space (Min.)	10 %	EXISTING	+/- 31.8 %	NEW
	Gross Floor Area	810.33 m ²	-	712.63 m ²	- ft ²
	Building Coverage	485.58 m ²	-	535.45 m ²	- ft ²
Parking - Minimum number of Spaces Required (Institutional Uses (not separately defined))	GFA 485.2m ² 585.2/100 = 5.85		GFA 712.6m ² 712.6/90 = 23.75		
Parking - Minimum number of Barrier Free Spaces Required	6 Parking Spaces Required		24 Parking Spaces Required		
Parking - Minimum number of Barrier Free Spaces Required	1 additional Type A Barrier Free space		1 additional Type A Barrier Free space		
1,25 parking spaces req. additional 1 type A and B					
25-50 spaces Req 2 type A or 1 type A and B					
Parking Provided	+/- 30 spaces		25 plus 1 additional Type "A" Barrier Free space		



Context Plan

Site Info



1 Site Plan

- | | | |
|---|-------------------|-----------------------------|
| A | February 24, 2021 | Issued For Discussion |
| B | Mar. 01, 2021 | Issued For Discussion |
| C | Mar. 11, 2021 | Bore Hole locations |
| D | March 12, 2021 | Issued For Pre-Consultation |
| E | March 24, 2021 | Issued For Discussion |
| F | March 26, 2021 | Issued For Minor Variance |



RAIMONDO + ASSOCIATES
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New Fire Station Smithville, Ontario
Township Of West Lincoln
8635 Silver Street, Regional Road 65

Overall Site Plan + Zoning Info

MBK
28/03/2021 8:39:13 PM
As Indicated
26-128

DRAWN BY
DATE
SCALE
PROJECT NO
CHECKED

DRAWINGS ARE NOT VALID FOR CONSTRUCTION UNTIL SEALED AND SIGNED BY THE ARCHITECT.
DO NOT SCALE DRAWINGS. REPORT ALL DIMENSIONS TO THE ARCHITECT BEFORE PROCEEDING. ALL DRAWINGS AND DESIGNS REMAIN THE PROPERTY OF THE ARCHITECT AND ARE PROTECTED UNDER COPYRIGHT.
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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: Lyle Killins <lkillins@live.com>
Sent: April 14, 2021 10:09 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - A102021WL - The Corporation of the Township of West Lincoln

Hi Meghan

The application as proposed does not impact on minimum separation distances of a sewage system to a structure as per Tables 8.2.1.6.A & B. Ontario Building Code. Thus, no objection to the application as proposed at this time.

Respectfully submitted.

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

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: April 12, 2021 12:14 PM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; susan.dunsmore@niagararegion.ca <susan.dunsmore@niagararegion.ca>; 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>; Ray Vachon <rvachon@westlincoln.ca>
Subject: Notice of Hearing - A102021WL - The Corporation of the Township of West Lincoln

Good afternoon,

Please find attached the above mentioned Notice of Hearing for the Minor Variance application for **A10/2021WL – The Corporation of the Township of West Lincoln**.

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

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: April 23, 2021
Re: File A10/2021WL – The Corporation of the Township of West Lincoln
(8635 RR65)

A review has been completed of this minor variance application to permit a new fire station to be built with an east interior side yard setback of ± 2.5 meters whereas the Township Zoning Bylaw 2017-70 identifies the minimum interior side yard setback is ± 7.5 meters.

Public Works understands there is a utility crossing through the east side of the site for which an agreement is in place with the Township.

A site grading plan has not been provided with this application but Public Works has been informed a drainage swale may be proposed along the east side of the site over the utility. Public Works would recommend a side yard setback at a minimum of 3m to accommodate a swale however the location of a swale in this area and the minimum width of the setback is subject to approval by the utility.

April 23, 2021

Meghan Birbeck, Planner I
318 Canborough St. P.O. Box 400
Smithville, ON L0R 2A0

VIA EMAIL ONLY

NPCA FILE NO.: PLMV202100517

**SUBJECT: NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA) COMMENTS FOR
MINOR VARIANCE APPLICATION AT 8635 REGIONAL ROAD 65 IN THE
TOWNSHIP OF WEST LINCOLN – FILE NO. A10/2021WL**

The NPCA has reviewed the proposed Minor Variance application at the subject property, 8635 Regional Road 65, West Lincoln. As part of the City's review process, the NPCA has been circulated the application for review due to the presence of Regulated Areas on the property. Based on our review, we offer the following comments.

1. The subject property falls within the development buffer of NPCA regulated Watercourses, and a Provincially Significant Wetland (PSW) associated with the Moores Creek Slough Forest Wetland Complex. In addition, the property to the west of the subject property is traversed by a tributary to Moores Creek. As such, development of this property in this general area would be subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (**O. Reg. 155/06**). In accordance with this regulation, development and site alterations are not permitted within a flood hazard.
2. The proposed structure does not fall within the 15-metre development buffer associated with the Watercourses located to the west of the subject property. In addition, please note that NPCA will not have concerns regarding the impact of development on the PSW to the south, as any impact would be mitigated by Bismark Road. Finally, please note that the proposed structure may fall within a flood hazard. Given the size of the upstream drainage area for the tributary to Moores Creek identified above, floodplain mapping will be required to be generated (at the landowner's expense) in support of the proposed development. This would be to ensure no new development or site alterations that could have a negative impact to the floodplain are located within the flood hazard.
3. Before the NPCA can determine if the proposed Minor Variance can be supported, the applicant shall provide the following to the NPCA for review and approval:
 - a. Floodplain mapping which demonstrates the full extent of the flood hazard on the subject property. The floodplain mapping shall demonstrate to the satisfaction of the NPCA that the proposed structure does not fall within the flood hazard. Please note that NPCA Policy is not supportive of the proposed structure if located within a flood hazard.
4. The NPCA would like to suggest that this Minor Variance application be deferred until we have had the opportunity to review the requested floodplain mapping mentioned above.



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

Attachment No. 4 to COA-010-21

1000 Lakeshore Blvd. East, Unit 200, Niagara Falls, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

Sincerely,

A handwritten signature in blue ink, appearing to read "Nikolas Wensing".

Nikolas Wensing, Watershed Planner
Niagara Peninsula Conservation Authority

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

April 21, 2021

File No.: D.17.12.MV-21-0039

Meghan Birbeck
Secretary Treasurer
Committee of Adjustment
Township of West Lincoln
318 Canborough Street
Smithville, ON, L0R 2A0

Dear Ms. Birbeck:

**Re: Minor Variance Application
Regional and Provincial Comments
Township File No.: A10/2021WL
Address: 8635 Regional Road 65, Township of West Lincoln**

Regional Planning and Development Services staff has completed a review for the above-mentioned Minor Variance application which has been applied for to permit the construction of a new fire station with an east interior side yard setback of 2.5 metres whereas the Township's Zoning By-law requires a minimum interior side yard setback of 7.5 metres. Region staff understand that the new fire station is requesting to be built with a decreased side yard setback to ensure there is sufficient space for fire trucks to maneuver around during the construction of the new fire station. The following Provincial and Regional comments are provided to assist the Committee in considering this application.

Core Natural Heritage System

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Type 2 (Important) Fish Habitat. Consistent with Regional Official Plan (ROP) Policy 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 15 m of Type 2 Fish Habitat.

The proposed development is located greater than 15 m from Type 2 Fish Habitat. Therefore no studies are required and there are no further Environmental Planning comments.

Regional Permit Requirements

Please be advised that the subject property has frontage along Regional Road 65 (Bismark Road). Prior to any construction works or entrance alteration taking place within the Regional road allowance, a Regional Construction Encroachment and/or Entrance Permit would be required. The required Regional Road Permits must be obtained from Niagara Region's Transportation Services Division, Public Works Department. Applications can be made online through the Region's website using the following link.

<http://niagararegion.ca/living/roads/permits/default.aspx>

Protection of Survey Evidence

The applicant is advised that survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property.

Regional Bicycle Network

The subject property has frontage on Regional Road 65 (Bismark Road) which is designated as part of the Regional Niagara Bicycling Network. If the bicycle routes are currently not established and identified with signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises. This may involve additional pavement width, elimination of on-street parking, etc.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- Recycling: Weekly Blue/Grey Boxes or Carts (8 Cart Maximum);
- Organic: Weekly Green Bins or Carts (8 Cart Maximum);
- Garbage: 8 Garbage Bags/Cans collected every-other-week.

Conclusion

Regional Planning and Development Services staff offers no objection to the Minor Variance application from a Provincial or Regional perspective, subject to the satisfaction of any local requirements. If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3268 or Susan Dunsmore, P. Eng., Manager, Development Engineering, at extension 3661.

Please send notice of the Committee's decision regarding this application.

Best Regards,

A handwritten signature in blue ink, appearing to read 'R. Alguire', is positioned below the closing text.

Robert Alguire, C.E.T.
Development Approvals Technician
Niagara Region

cc: Aimee Alderman, MCIP, RPP, Development Planner, Niagara Region
Lori Karlewicz, B. Sc., Planning Ecologist, Niagara Region