

DATE: July 21st, 2021

REPORT NO: COA-023-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Twenty View Farms
File No. A14/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Twenty View Farms for the property legally known as Concession 7, Part Lot 2, RP 30R14933 Parts 8 to 10, in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. The property is municipally known as 7224 Twenty Road.
- This Minor Variance application has been submitted to permit an accessory building to be located 75 metres (246.06 ft) from the property's main agricultural building whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the nearest point of a wall of an accessory building must be located within 50 metres (164.04 ft) of the main building.
- This variance is required as the applicants are hoping to construct an addition on their main building in the future and this variance would allow the large farm equipment to successfully maneuver around the buildings.
- Table 1-1 of the Township's Zoning By-Law states accessory buildings shall be located within 50 metres of the main agricultural building on the property.
- This application has now been reviewed against the four tests of a Minor Variance and

RECOMMENDATION:

1. THAT, the application for a Minor Variance made by Twenty View Farms as outlined in Report COA-023-21, to recognize a proposed 334.5 square metre accessory building and future building expansion to be located 75 metres from the main agricultural building whereas Table 1-1 of the Township's Zoning By-Law requires accessory buildings to be located within 50 metres of the main building on the property, BE APPROVED.

BACKGROUND:

The subject lands are situated on the south side of Twenty Road, west of Smithville Road and east of Allen Road, being legally described as Concession 7, Part Lot 2, RP 30R14933 Parts 8 to 10, in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. The property is municipally known as 7224 Twenty Road. (See attachment 1 for a site sketch)

This application for Minor Variance has been applied for to permit an accessory building

to be located 75 metres from the property's main agricultural building, whereas Table 1-1 of the Townships Zoning By-law states that "The nearest point of a wall of the accessory building must be located within 50 metres of the main building. The applicants are proposing to construct a 334.5 metre squared accessory building for storage for the agricultural operation as well as a future building addition to this specific building. The applicant is requesting the 25 metre additional setback to allow for the large farming equipment to turn around and access the existing buildings without any obstructions.

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. The proposed 334.5 square metre agricultural accessory building is accessory to the existing agricultural buildings on the property, and would not significantly impact the environment, ability to farm, nor negatively impact neighbouring residential properties.

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 a permitted agricultural building and use and generally fits the character of the surrounding area.

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

Yes

The subject land is zoned Agricultural 'A' in the Township's Zoning By-law 2017-70, as amended. The parcel is 34.46 hectares (85.15 acres). The agricultural zone permits main agricultural buildings and their associated accessory buildings. The proposed accessory building (storage building) is a permitted use and structure under the regulations of the Agricultural Zone.

Under Table 1-1 of the Township's Zoning By-law accessory buildings shall be no further than 50 metres from the main building on the property. This ensures that the buildings are constructed in clusters to preserve agricultural land and to minimize the potential for large accessory buildings to be used to operate large businesses out of. (Please see attached site sketch) As this is for storage purposes for a large agricultural business in West Lincoln. Township staff are of the opinion that this application meets the general intent of the Township Zoning Bylaw.

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

Yes

The applicant is proposing to construct a 334.5 square metre agricultural accessory building on the property located at 7224 Twenty Road. The building is proposed to be located 75 metres from the existing main agricultural building whereas 50 metres is required from the nearest wall of the main building to nearest wall of the accessory buildings.

The accessory building is proposed to be used for the agricultural business that the applicants have ran from this property for numerous years. Building locations are intended to be clustered so that farmers are able to maximize their yield through careful crop planning, planting, monitoring, and harvesting, all using the most advanced equipment. Surrounding properties are also zoned agricultural and are currently being cash cropped. Planning staff are of the opinion that this building aids in helping this business grow and the agricultural sector in West Lincoln grow as well. Therefore staff feel that this is appropriate development of the land and that the building location is appropriate in this situation.

Is the proposal minor in nature? Yes

The subject application is requesting to permit a proposed accessory building to be located 75 metres from the main agricultural building whereas 50 metres is the required maximum distance from the setback. The purpose of the Township's Zoning By-law 2017-70 requiring accessory buildings to be located within 50 metres is to ensure that uses are expanding in clusters to preserve agricultural land and to minimize the potential for large accessory buildings to be used to operate large businesses out of. (Please see attached site sketch)

As this agricultural operation is large in size, has large farming equipment, extra space between buildings is required. Twenty View farms is an Agri-Service company helping local farms maximize their yield. The location of this building supports a legitimate agricultural operation expansion. The applicants do this through careful crop planning, planting, monitoring, and harvesting.

Planning staff note that as this property is a large agricultural property, and therefore has limited neighbours, the setback can be considered minor in nature, and will not affect neighbouring properties. For the reasons above and as detailed in this report, Staff is of the opinion that this 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 Monday July 5th 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township Public Works Department, Septic Inspector and Building Department have no objections for this application

The Region's comments have been attached to the bottom of this report.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on Monday July 5th 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 July 16th 2021 as of the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Twenty View Farms for the property municipally known as 7224 Twenty Road. The Minor Variance application was submitted to permit an agricultural accessory building to be located 75 metres from the main agricultural building whereas Table 1-1 of the zoning bylaw requires that accessory buildings shall be no further than 50 metres. Planning staff are of the opinion that this application meets all four tests of a minor variance, and as such, can recommend approval of this application.

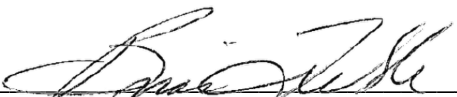
ATTACHMENTS:

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

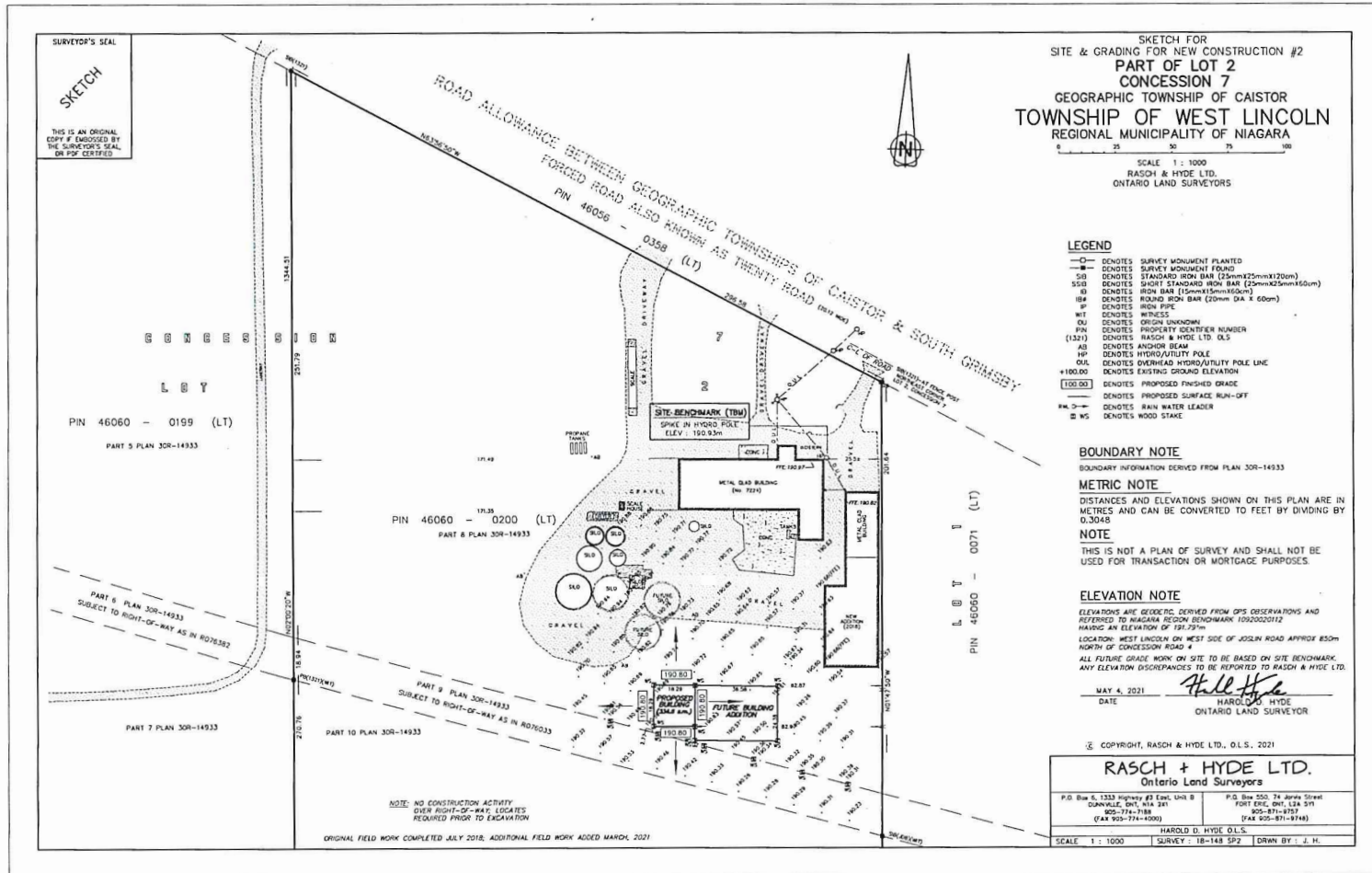
Prepared by:



Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



- 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*.

Meghan Birbeck

From: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Sent: July 14, 2021 8:09 AM
To: Meghan Birbeck
Cc: Development Planning Applications; Karlewicz, Lori
Subject: Regional Response - 7224 Twenty Road, West Lincoln

Hi Meghan,

Regional Planning and Development Services staff has reviewed the proposed Minor Variance for 7224 Twenty Road in West Lincoln, to permit an accessory building further from the property's main dwelling than the Township's Zoning By-law permits. The following comments are offered from a Provincial and Regional perspective:

The subject property exhibits potential for the discovery of archaeological resources due to proximity to a watercourse to the south of the proposed accessory building. 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 building has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Prior to the construction of the proposed accessory building, 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 Lower Twenty Mile Creek Provincially Significant Wetland Complex (PSW), Significant Woodland and Type 2 (Important) Fish Habitat. Consistent with Regional Official Plan (ROP) Policy 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 120 metres of PSW, 50 metres of Significant Woodland and 15 metres of Type 2 Fish Habitat. The proposed accessory building is located outside of the above-noted setbacks and, as such, Environmental planning staff offer no objection to the proposed Minor Variance.

Should you have any questions regarding the above comments, please do not hesitate to contact me.

Thank you,

Aimee Alderman, MSc, MCIP, RPP
Senior Development Planner
Planning and Development Services
Regional Municipality of Niagara | www.niagararegion.ca

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: July 15, 2021
Re: File A16/2021WL – Twenty View Farms

A review has been completed of this minor variance application for 7224 Twenty Rd to permit an existing accessory building to be located 75m from the property's main dwelling whereas the Township's Zoning By-law 2017-70 requires an accessory building to be located within 50m of the main building.

Public Works has no objection to this application.

Meghan Birbeck

From: Lyle Killins <lkillins@live.com>
Sent: July 14, 2021 1:16 PM
To: Meghan Birbeck
Subject: Re: West Lincoln, Notice of Hearing for July 21

Hi Meghan,

The three applications specifically A14,A15 and A16/2021WL fulfill the requirements of Tables 8.2.1.6. A and B., Part 8 Ontario Building Code.

Thus, no objection to the applications as proposed.

Please call should additional information be required.

Regards .

Lyle Killins C.P.H.I.(c)

BCIN #11112

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: July 5, 2021 12:46 PM
To: Lyle Killins <lkillins@live.com>
Subject: FW: West Lincoln, Notice of Hearing for July 21

Good afternoon,

There are three rural applications to be heard at the Township of West Lincoln's July 21st Committee of Adjustment Hearing.

1. Minor Variance – A14/2021WL – Velekoop – 3828 Concession 4 Rd
2. Minor Variance – A15/2021WL – Vandermeulen – 4552 Sixteen Rd
3. Minor Variance – A16/2021WL – Twenty View Farms – 7224 Twenty Rd

Please see find the full package for the applications attached. I will also print them and place them in your folder.

Thank you so much,
Meghan

	<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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