

DATE: September 13, 2021

REPORT NO: PD-106-2021

SUBJECT: Recommendation Report
Giro Estates - Zoning By-law Amendment
File No. 1601-010-21

CONTACT: Meghan Birbeck, Planner I
Brian Treble, Director of Planning & Building

OVERVIEW:

- An application for rezoning was submitted by Upper Canada Consultants on behalf of the owners of the property.
- The applicants are referring to this development as 'Giro Estates'.
- The subject property is municipally known as 5482 Twenty Mile Road/ Regional Road 69.
- This application for rezoning is required as a condition within each of the four consents for lot creation severance applications (B04/2021WL, B05/2021WL, B06/2021WL, and B07/2021WL) that were conditionally approved by the Township of West Lincoln's Committee of Adjustment on May 12th, 2021 for the Giro Estates development.
- The proposed development design is depicted in the attachment.
- This rezoning application proposes to rezone 2.1 hectares of the land from Development 'D' to Residential Low Density – Type 1A 'R1A', with a site specific exception to reduce the minimum frontage for the three new lots that fronts onto Meadow Court to 6.4 metres each.
- In addition, this application proposes to rezone the remaining land zoned Development 'D' to Environmental Protection 'EP'.
- A public meeting was held via Zoom on July 26th 2021. One member of public commented during this meeting.
- The comment was in regard to the setback of a possible dwelling to their property at 2480 Meadow Court.
- Staff have reviewed the proposed zoning by-law amendment against the relevant Provincial, Regional and Local policy and can recommend approval of this application.

RECOMMENDATION:

1. That, report PD-106-2021, regarding “Giro Estates Zoning By-law Amendment File No. 1601-010-21”, dated Sept 13th 2021, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, an application for Zoning By-law Amendment 1601-010-21 submitted by Upper Canada Consultants and a corresponding Zoning By-law be APPROVED and passed; and
4. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3

- Strategic, Responsible Growth

BACKGROUND:

An application has been submitted by Upper Canada Consultants on behalf of the Giro Estate to request a Zoning By-law Amendment. The subject lands that the Zoning By-law Amendment applies to are legally described as Concession 6, Part of Lot 22, Reference Plan No. 30R-3739 Part 1 in the former Township Gainsborough, in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5482 Twenty Mile Road/ Regional Road 69 (see attachment 1 for a survey sketch).

This application for rezoning has been submitted as it is required as a condition within each of the four consents for lot creation severance applications (B04/2021WL, B05/2021WL, B06/2021WL, and B07/2021WL) that were conditionally approved by the Township of West Lincoln’s Committee of Adjustment on May 12th, 2021 for the Giro Estates development.

The Zoning By-law Amendment proposes to rezone 2.1 hectares of the land from Development ‘D’ to Residential Low Density – Type 1A ‘R1A’, with a site specific exception to reduce the minimum frontage for the three new lots that front onto Meadow Court to 6.4 metres. In addition, the application proposes to rezone the remaining land zoned Development ‘D’ to Environmental Protection ‘EP’.

A public meeting was held for the proposed application on July 26th 2021. One member of the public submitted both a written comment and spoke at the public meeting. This member of the public shares a property line with lot 3 of the Giro Estate and are located at 2480 Meadow Court. The comments that were provided asked that the Township consider adding a site specific provision onto the rezoning to prevent a future dwelling on lot 3 from being able to see into their rear yard.

Township staff aimed to address this comment during the properties consent application by adding into the conditions the requirement of a privacy fencing along the lot boundaries of 2480 and 2481 Meadow Court, but not extending into the floodplain. Further to this, the agent at Upper Canada Consultants put together a new map that

identifies where the dwelling on 2480 Meadow Court is located in relationship to Lot 3. The map shows that Lot 3 of the Giro Estate does not in fact look into the rear yard of 2480 Meadow Court and show a possible dwelling being located 66.87 m (219.39 ft) from the dwelling at 2480 Meadow Court.

CURRENT SITUATION:

1. Provincial Policy Statement (PPS) (2020)

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS.

Policy 1.1.3.1 identifies “*settlement areas shall be the focus of growth and development.*” This is expected to be done to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are urban areas and rural areas, and include cities, towns, villages and hamlets.

The property in question which is proposed to be rezoned is within the Township’s St. Ann’s Hamlet and therefore one of the Province’s intended areas to increase growth, when possible.

Policy 1.1.3.2.a. identifies that the “*land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.*” As growth is to be focused in settlement areas, including hamlets, where possible lot creation should then occur to efficiently use the land for growth. The property in question is very large in relation to the neighbouring properties and underutilized for residential use. Rezoning the property in question to permit residential lots similar to those found in the neighbourhood would then be in alignment with the PPS.

Policy 1.1.4.1.h. identifies that “*healthy, integrated and viable rural areas should be supported by conserving biodiversity and considering the ecological benefits provided by nature.*”

The applications are in accordance with this policy as the proposed rezoning will conserve the biodiversity and natural areas located on site through the application of appropriate development setbacks and the naturalization of the Provincially Significant Wetland buffer.

Section 2.1 of the PPS, natural features and areas are to be protected for the long term. These features include significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest and coastal wetlands. The subject property includes a portion of the Lower Twenty Mile Creek Provincially Significant Wetland Complex and a small portion of a Provincially Significant Woodland. Significant Wildlife Habitat associated with two snapping turtle nests was also identified through the field studies conducted by the consulting biologist. Natural features on the site will be protected for the long term through site design and the implementation of the mitigation measures recommended in the Environmental Impact Study.

Policy 2.2.1.f. indicates that “*Planning authorities shall protect, improve or restore the quality and quantity of water by implementing necessary restrictions on development and site alteration to: 1. protect all municipal drinking water supplies and designated vulnerable areas; and 2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions.*”

In relation to this policy, sensitive surface water features are to be protected from the impacts of development. The subject property is located within a Highly Vulnerable Aquifer and is adjacent to a sensitive surface water feature. The hydrogeological study and Environmental Impact Study have demonstrated that the proposed rezoning and development will not affect these features or their hydrologic functions with the implementation of the proposed mitigation measures and recommendations.

Section 3.1 requires that development shall generally be directed to areas outside of hazardous lands adjacent to rivers and streams, which are impacted by flooding hazards. The area of the property below the 1-in-100-year flood line would meet this definition. As all proposed development, including the creation of new lot lines is proposed outside of this area; the consent applications and rezoning are consistent with Provincial Policy 3.1.

2. A Place to Grow – Provincial Growth Plan (P2G) (2019)

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. Section 2. of the Growth Plan provides policy direction related to where and how to grow throughout the Greater Golden Horseshoe (GGH). In relation to the proposed severance applications Section 2.2. (Policies for Where and How to Grow) of the P2G applies.

Policy 2.2.1.2.b. identifies that “*growth will be limited in settlement areas that: i. are rural settlements; ii. are not serviced by existing or planned municipal water and wastewater systems; or iii. are in the Greenbelt Area.*”

The introduction of four new residential building lots on an infill basis is considered limited residential development and therefore conforms to the policy.

Policy 2.2.1.2.e. identifies “*development will be generally directed away from hazardous lands.*”

The flood plain of the Twenty Mile Creek is considered hazardous lands. As no development is proposed within the flood plain therefore the consent applications conform to the policy.

Policy 2.2.9.6 identifies “*new multiple lots or units for residential development will be directed to settlement areas, but may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006.*”

The four consecutive multiple lots for residential development is in alignment with this policy because while the property in question is part of Township's rural landscape it is also part of one of the Township's settlement areas.

3. Greenbelt Plan

Applications must conform to the Greenbelt Plan if they fall within the mapping provided with the Greenbelt Plan. Since the subject lands are outside the area designated in the Greenbelt Plan, the Greenbelt Plan does not apply.

4. Regional Policy Plan (RPP)

The Regional Official Plan (ROP) is the guiding planning document for the physical, economic and social development of the Niagara Region. Policies and objectives for the Region's Hamlets are contained within Section 4 of the ROP.

Policy 4.H.1.1 identifies that "Hamlets are settlement areas that play an important housing, social, cultural, and economic role for the people within the hamlet community and in the surrounding Agricultural and Rural Areas. Hamlets shall provide for the range of housing, social, cultural and economic land uses within their boundaries".

The applications will facilitate the rezoning and development of a total of five (5) residential lots. These new lots will provide additional housing supply in a Hamlet area and therefore conform to the policy.

Policy 4.H.1.3 identifies that *"Hamlets are currently serviced by sustainable on-site private services..."*

The proposed residential lots will have private septic systems and cisterns for potable water. A hydrogeological assessment was completed that verified that the proposed lot sizing is adequate for the provision of on-site private services without impact to the environment or public health and safety. The recommendations of the hydrogeological study will be implemented on each lot through the development agreement indicated in the conditions.

Policy 4.H.1.4 identifies that *"Hamlets are generally lower density communities designed to support the surrounding agricultural and rural landscape and to service the historical development that has occurred in the Hamlet Community. Hamlet design shall maintain and enhance the distinctive character of the hamlet, maintain and enhance a recognizable image for the hamlet and municipality, enhance the quality of life through appropriate design of commercial and public space areas, and promote greater economic vitality. Municipalities are encouraged to create and implement hamlet secondary plans with specific land use designations and hamlet design policies."*

The rezoning application will facilitate an infill development that is consistent with the existing character of the St. Ann's Hamlet. The proposed lots on Twenty Mile Road will appear as a continuation of the residential development along this road. The lots with frontage on Meadow Court will appear as a continuation of the development of the Meadow Court Subdivision by completing development around the cul-de-sac at the terminus of the street. The rezoning application is therefore considered to conform to the policy.

Policy 4.H.3.3 identifies that *“development in Hamlets will be permitted by plan of subdivision or by consent. Development will be encouraged in depth rather than in strips along roads...”*

The proposed rezoning and development is infilling in nature and while it is along two existing roads, it fills in an underutilized area in a pattern that is not characteristic of strip development. The consent application is therefore considered to conform to the policy.

Policy 4.H.3.4 identifies that *“proposals for development will be carefully reviewed by both the local municipality and the Region to ensure that the development is orderly and well planned, that adequate services such as school bussing and fire protection can be provided, that the added development will not interfere with the operation of the arterial road system and that existing problems such as pollution, inadequate water supply or conflicting land uses will not be aggravated.”*

The rezoning application will not have a negative impact on the provisions of community services like bussing or fire, or negatively affect the roadway. The proposed development will result in one new driveway access onto Twenty Mile Road and three new driveway accesses to Meadow Court. These driveway accesses will not have any significant impact on these roadways. The rezoning application is therefore considered to conform to the policy.

Policy 4.H.3.5 identifies that *“development must be on lots having an adequate water supply and suitable for private waste disposal systems in accordance with the requirements of the Ministry of the Environment and the Medical Officer of Health. The minimum lot size for new lots in Villages and Hamlets should be 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment facilities for long term operation. In all cases, a minimum of 1 acre of useable lot area for septic system purposes shall be provided.”*

As noted, the conclusion of the Hydrogeological study was in support of the rezoning application. The potable water supply for the new lots will be provided by cisterns. The rezoning application is therefore considered to conform to the policy.

Section 5 identifies that some opportunities for development, including residential, commercial, industrial, and recreation uses compatible with the rural environment are possible alongside agriculture in Hamlets. Hamlets and other small rural settlement areas offer a distinctive small town lifestyle to Niagara residents. Therefore, when new lots are created within hamlets it is important that they meet the same characteristics as the ones already in existence. Low density development is permitted on private services in all of these areas.

Policy 5.C.6.4.i. identifies that *“proposals for rural residential development must ... have a minimum lot size shall normally be about 0.4 hectares (1 acre) and the minimum frontage 46 metres (150 feet), but this is variable depending on local conditions or on special design proposals. For residential development consisting of up to three lots the*

minimum lot size will be 1 hectare unless it is determined through a hydrogeological study that considers potential cumulative impacts that a smaller size lot will adequately accommodate private water and sewage treatment facilities for long term operation. Applications for three lots or less should be accompanied by a drainage plan and should be subject to site plan approval.”

As noted, the conclusion of the Hydrogeological study was in support of the rezoning application. The potable water supply for the new lots will be provided by cisterns. The rezoning application is therefore considered to conform to the policy

Section 7 employs environmental policies that consider a broad Healthy Landscape approach to environmental conservation and restoration.

Policies 7.A.1 identifies that *“in making decisions concerning planning, development and conservation the Region shall employ an ecosystem approach addressing: a) the interrelationships among air, land, water, plant and animal life, and human activities; b) the health and integrity of the broader landscape, including impacts on the natural environment in neighbouring jurisdictions; and c) the long term and cumulative impacts on the ecosystem.”*

Policy 7.A.2 identifies that *“development should maintain, enhance or restore ecosystem health and integrity. First priority is to be given to avoiding negative environmental impacts. If negative impacts cannot be avoided then mitigation measures shall be required.”*

Policies 7.A.1 and 7.A.2 of the Region of Niagara Official Plan relate to Policies for a Healthy Landscape. The development proposal is consistent with these policies as it will maintain and enhance the integrity of the natural landscape. The proposed rezoning and development avoids all Significant Natural Features. All development on the subject property, including lot lines, will be setback a minimum of 30 m from the Provincially Significant Wetlands and significant wildlife habitat, and outside of the woodlot and flood plain. These features will be protected through the existing restrictive zoning, which is not proposed to be changed. The buffer of the Provincially Significant Wetland will be enhanced. While this area is currently subject to agricultural operations with ploughing right to the edge of the wetland, the area will be naturalized through regeneration.

ROP Policies contained in Section 7.A.2 pertain to Water Resources. Policy 7.A.2 states that development or site alteration shall only be permitted if it will not have negative impacts on water resources.

Policy 7.A.2.1 identifies that *“development and site alteration shall only be permitted if it will not have negative impacts, including cross-jurisdictional and cross-watershed impacts, on: a) The quantity and quality of surface and ground water; b) The functions of ground water recharge and discharge areas, aquifers and headwaters; c) The natural hydrologic characteristics of watercourses such as base flow; d) Surface or ground water resources adversely impacting on natural features or ecological functions of the Core Natural Heritage System or its components; e) Natural drainage systems, stream forms and shorelines; and f) Flooding or erosion.”*

The proposed rezoning and development conforms to this policy as the hydrogeological study completed by Tera-Dynamics concludes that the proposed severances will not result in negative impacts with the implementation of the measures outlined in the report being implemented through a development agreement. In addition, the Environmental Impact Study completed by LCA Environmental concludes that with the implementation of the proposed mitigation measure to naturalize the 30 m buffer of the Provincially Significant Wetland, the function and health of this feature will be improved.

The findings of the EIS completed by LCA Environmental identifies the Provincially Significant Wetland and the area surrounding the nests of snapping turtles within the wetland buffer as Environmental Protection Area. No development or site alteration are proposed within lands identified as Environmental Protection. The EIS concludes that with the implementation of the mitigation measures proposed by the EIS, development on lands adjacent to the Environmental Protection Areas will not result in significant impacts to the Environmental Protection Areas and with the proposed mitigation measures will actually enhance the function of the wetland buffer. Based on the assessment of the function of the stream corridor included in the EIS completed by LCA Environmental, it is concluded that the proposed development outside of the flood plain will not have any significant impact on the function of the Environmental Conservation Area. The proposed development can therefore be considered consistent with Regional Policy 7.B.1.10, 7.B.1.11 and 7.B.1.13 as it relates to Environmental Protection Areas and Natural Heritage Corridors.

5. Township of West Lincoln Official Plan (OP)

The subject lands are designated as a Hamlet with Natural Heritage System overlay in the Township's Official Plan (OP). Section 7 of the Township Official Plan identifies that the purpose of the Township's Hamlet Settlement Areas is to provide residential and associated commercial, institutional, recreational and open space land uses within existing and established hamlet settlement areas. The OP further identifies that the predominant use of land in this category shall be single-detached dwellings.

Policy 7.2.3.e. identifies that *“new development that proposes to create multiple new lots shall be by plan of subdivision and shall be in accordance with the policies of this plan including Section 17.6. Residential development shall be low density, shall proceed in a controlled and progressive manner so that new development will be contiguous to existing development and every lot in such Plan of Subdivision shall be of an area deemed sufficient to provide an adequate supply of potable water and an adequate area for septic disposal. Infill opportunities may be supported through the Consent process where deemed appropriate and shall be subject to Section 18.13 of this plan. This shall include a minimum lot area requirement of 1.0 hectares per lot unless a hydrogeological assessment determines that a smaller lot size is adequate as outlined in 18.13.5.a.”*

The agent chose to proceed with the consent application process as opposed to a subdivision plan and has submitted a hydrogeological assessment along with their applications. The municipal and public interest with respect to private sewage and water services and lot grading and drainage can be assured through the consent and development agreement process. These processes are the appropriate means to

implement the lot grading and drainage plan and the recommendations of the hydrogeological study. The appropriate process for the development to proceed is therefore consent with an associated development agreement and therefore the applications for consent and rezoning are consistent with this policy.

Policy 7.2.3.g. identifies that *“all development within the Hamlet designation shall be supported by private waste sewage disposal systems and private water supply in accordance with the requirements of Township of West Lincoln and/or the applicable Ministry.”*

The Hydrogeological Study submitted with these applications supports the proposed lot sizes so the rezoning application conform to this policy. The recommendations within the hydrogeological study will be registered on each individual property through the development agreement required in the conditions of consent.

Policy 7.2.3.h. identifies that *“lots that exist on the date of passage of Official Plan Amendment 15 (OPA #15), shall generally have a minimum frontage of 45 metres and be a minimum of 0.4 hectares in size or an alternative size as required for the adequate provision of services and protection of the environment. Existing lots which are deficient from these provisions can be recognized in the Zoning By-law.”*

A condition of the consent applications is that the applicants apply, pay, and receive a Zoning Bylaw Amendment. It will be a condition that Lots 3, 4, and 5 receive a site specific provision allowing their frontages to be less than 45 metres. Through this rezoning application the applicants are moving forward to meet the conditions of the consent applications.

Policy 7.2.3.i. identifies that *“development shall comply with Natural Heritage policies of this plan and Schedule ‘C’ (‘C-1’ to ‘C-4’). Where detailed natural heritage and natural hazard mapping is not currently available, development applications may be required to complete necessary studies and analysis prior to development approval. In addition, all development will be subject to Regulation 155/06 of the Niagara Peninsula Conservation Authority when development is within or adjacent to the lands that are subject to their regulation.”*

The Environmental Impact Study submitted with the application confirms that the development conforms to applicable natural heritage policies.

Policy 8.3.5 requires an archaeological survey of lands proposed for development that exhibit archaeological potential as well as the preservation or rescue excavation of significant archaeological resources. A Stage 1-2 Archaeological Assessment accompanied the applications for consent. A condition for the consent applications was that the applicant conduct a Stage 3 Archaeological Assessment and submit it to the Ministry of Heritage Sport, Tourism and Cultural Industries for clearance.

Section 18.13 of the Township Official Plan identifies the policies associated with land severances throughout the Township of West Lincoln.

Policy 18.13.1.a. identifies that *“development will be in accordance with the designated uses as shown on the Official Plan Land Use Maps and the provisions of the Zoning Bylaw.”*

The proposed development is permitted by the Hamlet Residential designation of the Official Plan. The subject Application for Zoning By-law Amendment requests a change in Zoning to a site-specific R1A Zone that will permit the proposed single detached dwellings and will address the proposed lot frontages that are deficient from the requirements of the R1A Zone for lots on private services. Through this rezoning application the applicants are moving forward to meet their conditions of the consent applications.

Policy 18.13.1.b. identifies *“any lot or remnant parcel created must have adequate frontage on a public road that is maintained year-round and is of an adequate standard of construction to provide access for the intended use.”*

Two proposed lots have frontage on Twenty Mile Road, which is a Regional Road (#69), and two proposed lots and the remnant lot have frontage on Meadow Court, which is a local road. Both roads are maintained all year and are of an adequate standard for the proposed residential use. A condition of the consent applications is for the properties that have frontages on Meadow Court to receive a site specific provision in their zoning by-law amendment as they will not meet their frontage requirements. Through this rezoning application the applicants are moving forward to meet their conditions of the consent applications.

Policy 18.13.1.c. identifies that *“no land severance shall create a traffic hazard, or have limited sight lines on curves or grades.”*

The proposed accesses do not appear to create any traffic hazards associated with sight lines or road geometry. Three of the new accesses are proposed at the terminus of a low volume local road. The one new and one existing access on Twenty Mile Road are not in an area that would cause a traffic hazard.

Policy 18.13.1.d. identifies that *“access to a Provincial Highway, a Regional road or a local road shall be in accordance with the access provisions of the appropriate road authority.”*

A condition for the consent applications is that any new accesses will be subject to entrance permits either with the Township or Region.

Policy 18.13.1.e. identifies that *“consents will not be granted when any parcel involved requires access to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades or in proximity to intersections. The geometric and safety requirements of the applicable road authority shall apply.”*

As stated above, the consents do not result in a traffic hazard.

Policy 18.13.1.f. identifies that *“consents will be granted only when it has been established that for all parcels involved, soil and drainage conditions are suitable to*

permit the proper siting of a building, to obtain a sufficient and potable water supply where applicable and permit the installation of an adequate means of sewage disposal. Consents requiring installation of septic tank systems, or other private sewage disposal systems will meet appropriate standards of the Ontario Building Code.”

The hydrogeological study that accompanies this application substantiates that the proposed lots have suitable soil conditions for the installation of private septic systems in accordance with Ontario Building Code requirements.

Policy 18.13.1.g. identifies that *“consents will be granted only when confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services.”*

This policy is not applicable, as the proposed lots will not be connected to municipal services.

Policy 18.13.1.h. identifies that *“no land severance shall be permitted in any hazardous area that is subject to flooding, erosion or steep slopes except for a severance, which meets the satisfaction of the Ministry of Natural Resources or the Niagara Peninsula Conservation Authority. This may include a requirement for an adequate setback from stable top of slope.”*

The proposed lots are not located in a hazardous area. The remnant lot contains a portion of the flood plain associated with the Twenty Mile Creek but adequate space (i.e. 0.42 ha) is available outside of the flood plain for the proposed single detached dwelling, associated amenity area and private services. No development is proposed within the flood plain.

Policy 18.13.1.i. identifies that *“no land severance shall be permitted unless adequate lot grading and drainage can be addressed. Further, no land severance shall be permitted unless drainage can be properly outlet from the area, without impacting neighbouring properties, to the satisfaction of the Township.”*

A condition for the consent applications is that the Public Works Department identifies that there is adequate lot grading and drainage on these lots. This will be implemented through the development agreement review process.

Policy 18.13.1.j. identifies that *“any consent will be required to conform with the policies of this plan and the provisions of the Zoning By-law.”*

Policy 18.13.1.k. identifies that *“where a consent is granted which does not conform with the Plan or Zoning By-law, the Municipality may appeal the decision to the Ontario Municipal Board.”*

The Application for Zoning By-law Amendment has been submitted concurrently with the Applications for Consent to bring the proposed severances into conformity with the Zoning Bylaw to address Official Plan policies 18.13 j) and k).

Policy 18.13.5.a. identifies that *“the minimum lot size for lots created in a Hamlet designation shall be approximately 1.0 hectare as required to satisfy the Township Building Department and Part 8 of the Ontario Building Code for long term operation of a waste disposal system, unless a hydrogeological assessment determines that a smaller lot size will be adequate to accommodate private water and sewage treatment facilities.”*

The Hydrogeological Assessment completed by Terra-Dynamics and submitted with the applications has determined that the proposed 0.42 ha lot sizes will be adequate to accommodate private water and sewage treatment facilities.

6. Township of West Lincoln Zoning By-Law (ZBL)

The property is currently zoned Development ‘D’. Severing the existing property in the way that the agent has proposed has the effect then of creating four new lots on the property. As the property is currently zoned Development ‘D’ the applicant has submitted this rezoning application as a condition of their consents so that the new lots and remnant lot will match the zoning of the area. Specifically, it is the intent of Township Staff that the lots proposed to be severed be re-zoned to Residential Low Density – Type 1A ‘R1A’.

As Policy 7.2.3 of the Township’s OP identifies that lots shall have a general frontage of 45 metres and the site drawing provided indicates that Lots 3, 4, and 5 will not be meeting this frontage requirement, Township Staff are requiring that the agent further request a Site Specific Provision that addresses the required frontage not being met. The approximate frontage for these lots are just over 6 metres each.

Specifically, the Zoning By-law Amendment proposes to rezone 2.1 hectares of the land from Development ‘D’ to Residential Low Density – Type 1A ‘R1A’, with a site specific exception to reduce the minimum frontage for the three new lots onto Meadow Court to 6.4 metres. In addition, the application proposes to rezone the remaining land zoned Development ‘D’ to Environmental Protection ‘EP’.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Agencies were notified by way of e-mailed and mailed notice on Friday July 2nd 2021. Notice was also posted on the Municipality’s website and through the posting of a Yellow Sign on the subject property once the notice was sent out to the public. The Niagara Region, Township Building Department, Septic Inspector, Public Works Department, and Drainage Superintendent have no objection to the application as submitted.

PUBLIC COMMENTS

Public Notice was provided via regular mail to all property owners within a 120m distance of the property lines on July 8th 2021.

A public meeting was held for the proposed application on July 26th 2021. A member of the public submitted both a written comment and spoke at the public meeting. This member of the public shares a property line with lot 3 of the Giro Estate development and is located at 2480 Meadow Court. The comments that were provided asked that the Township consider adding a site specific provision onto the rezoning to prevent a future dwelling on lot 3 from being able to see into their rear yard.

Township staff had previously aimed to address this comment during the creation of the lots by consent application by adding into the conditions the requirement of a privacy fence along the lot boundaries of 2480 and 2481 Meadow Court, but not extending into the floodplain. Further to this, the agent at Upper Canada Consultants put together a new map that identifies where the dwelling on 2480 Meadow Court is located in relationship to Lot 3. The map shows that Lot 3 of the Giro Estate does not in fact look into the rear yard of 2480 Meadow Court and shows that a new dwelling is likely to be located approximately 66.87 m (219.39 ft) from the dwelling at 2480 Meadow Court. The concerned neighbour has been shown the updated sketch and the neighbour has indicated that the updates helps to ease the worry that they initially were concerned about.

Therefore, staff advise that application should proceed as initially submitted, without any additional site specific provisions.

CONCLUSION:

Township staff have completed a preliminary review of this application against the applicable planning policy.

Township Staff believe that 2.1 hectares of the recently severed parcel of land will need to be rezoned from Development 'D' to Residential Low Density – Type 1A 'R1A', with a site specific exception to reduce the minimum frontage for the three new lots onto Meadow Court to 6.4 metres. In addition, the application proposes to rezone the remaining land zoned Development 'D' to Environmental Protection 'EP'.

ATTACHMENTS:

1. Survey Sketch
2. Comments
3. Draft By-law
4. New survey sketch showing the relationship with the dwelling on 2480 Meadow Court

Prepared & Submitted by:

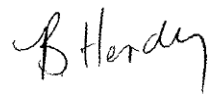


Meghan Birbeck
Planner I



Brian Treble
Director of Planning & Building

Approved by:

A handwritten signature in black ink, appearing to read "Bev Hendry". The signature is written in a cursive, flowing style.

Bev Hendry
CAO