

DATE: Sept 22nd, 2021

REPORT NO: COA-031-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Stephanie & Bohdan Krywiak
File No. A21/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Stephanie & Bohdan Krywiak for the property legally known as Concession 5, Part Lot 22, RP 30R7668; PART 1; in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. Municipally known as 9758 Concession Road 5.
- This Minor Variance application has been applied for to request a variance to permit a total lot coverage of 12.5% for a proposed accessory building whereas Table 12 of the Township Zoning Bylaw 2017-70, as amended, identifies that an agricultural property can have a maximum lot coverage of 10%.
- The property already has two existing accessory building, a garage and greenhouse, and are now hoping to build a pool cabana.
- Currently the property has a lot coverage of 12.24% and to help reduce the degree to which the pool cabana would further increase the lot coverage and to avoid requesting a second variance for a third accessory building the applicants have agreed to remove their greenhouse (garden shed).
- Removing the greenhouse (63.92 square metres) and adding the pool cabana (71.38 square metres) results in a lot coverage of 12.42%.
- It should be noted that the greenhouse was built somewhere between 2006 and 2010, and that no building permits were found for its erection.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval; subject to a condition
- Specifically, that the greenhouse (garden shed) be removed prior to the applicant applying for a building permit for the pool cabana.

RECOMMENDATION:

1. THAT, the application for the Minor Variance made by Stephanie & Bohdan Krywiak as outlined in Report COA-031-21, to permit an accessory building to be built resulting in a total lot coverage of 12.5 percent, BE APPROVED; subject to the following conditions:
 - a. That, the greenhouse (garden shed) be removed prior to the applicant applying for a building permit for the pool cabana.

BACKGROUND:

The subject lands are situated on the south side of Concession 5 Road, east of Westbrook Road and west of Burns Road, being legally described as Concession 5, Part Lot 22, RP 30R7668; PART 1, in the former Township of Caistor, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 9758 Concession Road 5. (See attachment 1 for a site sketch)

The subject property is approximately 1 acre (0.4 hectares) in size. The property has is designation as Agricultural and is zoned Agricultural. The surrounding properties to 9758 Concession Road 5 also share the same designation and zoning.

This Minor Variance application has been applied for to request a variance to permit a total lot coverage of 12.5% for a proposed accessory building whereas Table 12 of the Township Zoning Bylaw 2017-70, as amended, identifies that an agricultural property can have a maximum lot coverage of 10%.

The property already has two existing accessory building, a garage and greenhouse, and are now hoping to build a pool cabana. Currently the property has a lot coverage of 12.24% and to help reduce the degree to which the pool cabana would further increase the lot coverage and to avoid requesting a second variance for a third accessory building the applicants have agreed to remove their greenhouse (garden shed). Removing the greenhouse (63.92 square metres) and adding the pool cabana (71.38 square metres) results in a lot coverage of 12.42%. It should be noted that the greenhouse was built somewhere between 2006 and 2010, and that no building permits were found for its erection.

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 agricultural property in question is considered to be a small holding property as it is approximately 1 acre (0.4 hectares) in size.

The minor variance application is proposing to increase the total maximum lot coverage on their property by 2.5% (101.21 square metres) and increasing the current lot coverage by 0.18% (7.47 square metres), to permit a proposed accessory building (pool cabana) to have a lot coverage of 12.5% (506.04 square metres). The proposed building would be accessory to the existing residence on the property, and would not significantly impact the environment nor negatively impact neighbouring residential properties.

Township Planning Staff are of the opinion that the requested minor variance meets the general intent and purpose of the Official Plan as the proposed uses are permitted and generally fits the character of the surrounding area, subject to the condition that keeps coverage to 12.5%.

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, and is 1 acre (0.4 hectares) in size. The Agricultural zone permits single detached dwellings and their associated accessory buildings. The proposed accessory building is a permitted use under the regulations of the Agricultural Zone.

Under Table 12 of the Township's Zoning By-law 2017-70, as amended, it indicates that the total lot coverage on an Agricultural zoned property is 10% of the lot area. Currently this property has a lot coverage of 12.24% and is requesting a lot coverage of 12.5%. Prior to the 2017 compressive review the lot coverage may have allowed for the current lot coverage to be greater than 10%. However, the Township cannot actually find a building permit for the greenhouse (garden shed), which was built somewhere between 2006 and 2010. To help reduce the degree to which the pool cabana would further increase the lot coverage and to avoid requesting a second variance for a third accessory building the applicants have agreed to remove their greenhouse (garden shed). Removing the greenhouse (63.92 square metres) and adding the pool cabana (71.38 square metres) results in a lot coverage of 12.42%.

As such, 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 has proposed to construct an accessory building that would exceed the total lot coverage on their property. By removing the greenhouse (garden shed) and, if granted, building the pool cabana the total lot coverage will only be increasing by 0.18% (7.47 square metres). In addition, the total number of accessory buildings on the property will not change as the existing detached garage (98.03 square metres) will remain and the proposed pool cabana (71.38 square metres) would replace the existing greenhouse (63.92 square metres).

As such, Planning Staff are of the opinion that the requested variance is appropriate development and use of the land.

Is the proposal minor in nature?
Yes

The subject application is requesting to permit a proposed accessory building to increase the total lot coverage on the property. Initially the applicants wanted to build their proposed pool cabana and keep both of their other accessory buildings, garage and greenhouse. With doing this the applicant would have required two variances; the first for a third accessory building and the second to allow a total lot coverage of 14%.

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Planning staff discussed this initial scenario with the applicants and indicated that they did not believe the initial request was minor as the property was already over the total lot coverage and at their max number of allowable accessory buildings.

The applicants have now tried to reduce the degree to which they are requesting to deviate from the Township's Zoning By-law by indicating that they would remove the greenhouse if they are able to build their pool cabana. By removing the greenhouse, the applicants are only requesting to increase the current lot coverage by 0.18% (7.47 square metres) but in order to conform to the Township's current Zoning by-law they are requesting to increase the lot coverage by 2.5% (101.21 square metres) as the Township's Zoning By-law maximum lot coverage requirement is 10%.

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 September 2nd, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

Niagara Peninsula Conservation Authority (NPCA) staff have reviewed the photos of the subject property which were submitted for NPCA review and approval. Based on NPCA's staff's review of the submitted photos, NPCA staff are satisfied that the proposed cabana will not interfere with any NPCA regulated features. As such, the NPCA will have no objections to the proposed minor variance application.

The Township's Septic Inspector and Public Works Department both do not object to this application.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands September 2nd 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 Sept 17th, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Stephanie & Bohdan Krywiak for the property municipally known as 9758 Concession Road 5. The Minor Variance application is submitted to permit a total lot coverage of 12.5% for a proposed accessory building whereas Table 12 of the Township Zoning Bylaw 2017-70, as amended, identifies that an agricultural property can have a maximum lot coverage of 10%. 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 subject to a condition that the existing greenhouse is removed prior to construction of the pool cabana.

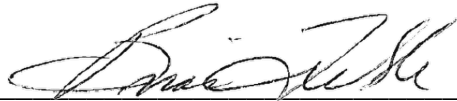
ATTACHMENTS:

1. Site Sketch
2. Zoning Provisions
3. Comments

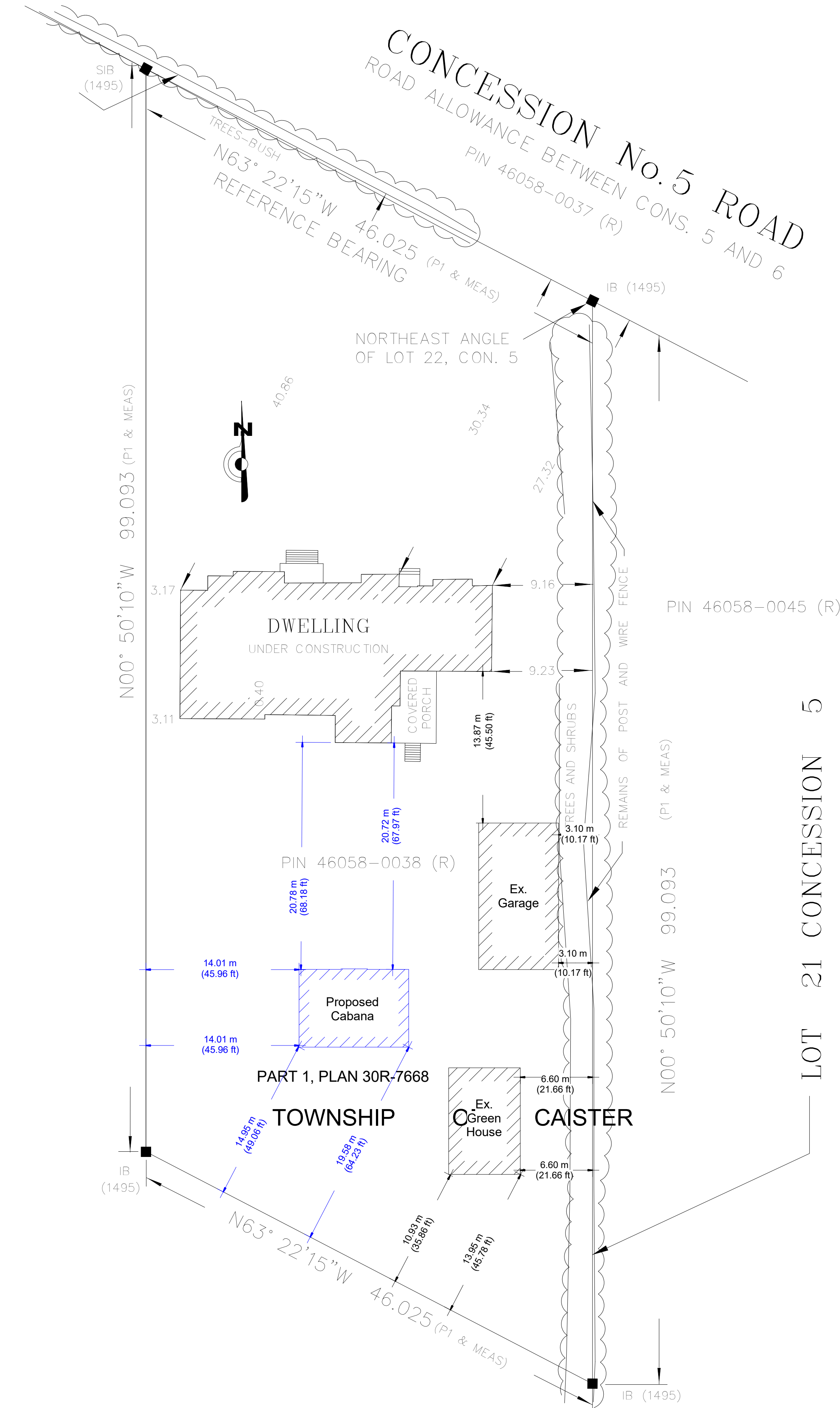
Prepared by:



Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



① Site Plan
3/64" = 1'-0"

9758 Concession 5 Road, Zoning By-Law 2017-70					
Building Information		Area			
		Existing		Proposed	
		SF	SM	SF	SM
Lot Area		43575.67	4048.31	NC	NC
Building Areas	Garage	1055.15	98.03	1055.15	98.03
	Greenhouse	688.00	63.92	688.00	63.92
	Poolhouse	N.A.	N.A.	768.38	71.38
	Subtotal	1743.15	161.94	2511.53	233.33
Total Lot Coverage of Accessory Buildings		Allowed		Proposed	
		1076.39	100.00	2511.53	233.33
Number of Accessory Buildings		2		3	
* Lot coverage of all buildings must not exceed 8% of the lot area (5.76% proposed)					
Distances		Allowed		Proposed	
		(ft)	(m)	(ft)	(m)
Building Height		18.04	5.50	17.85	5.44
N - Main Building Setback		9.84	3.00	67.95	20.71
S - Minimum Rear Yard Setback		6.56	2.00	49.51	15.09
W - Minimum Side Yard Setback		6.56	2.00	46.95	14.31
E - Minimum Side Yard Setback		6.56	2.00	54.17	16.51
* Must be within 50m of main building (20.71m proposed)					
* Cannot be closer to side or front yards than main building					



887 King St W Hamilton, Ontario ~ 905-865-6355
N-Cubed Services Inc, operating as N-Cubed Designs

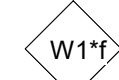
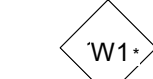
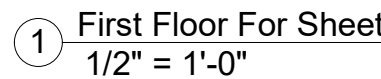
Krywiak Poolhouse
9758 Conc. 5

Site Plan

Project number	Project Number
Date	Issue Date
Drawn by	DDN
Checked by	CN

A0.2

Scale 3/64" = 1'-0"

[illegible]

1	8' - 0"	8' - 0"	
1	8' - 0"	8' - 0"	
2	9' - 9 1/2"	7' - 7"	
3	3' - 0"	8' - 0"	

[illegible]

897 King St W Hamilton, Ontario ~ 905-865-5355
N-Cubed Services Inc, operating as N-Cubed Designs

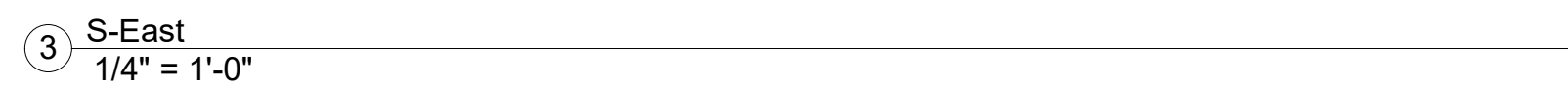
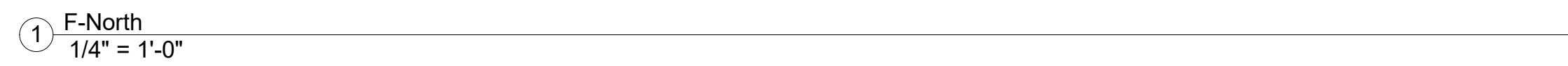
Krywiak Poolhouse
9758 Conc. 5

First Floor Plan

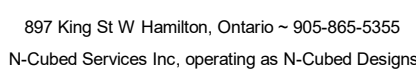
Project number	Project Number
Date	Issue Date
Drawn by	DDN
Checked by	CN

A1.1

Scale	As indicated
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<h1>Elevations</h1>	
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Date	Issue Date
Drawn by	DDN
Checked by	CN
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Scale	1/4" = 1'-0"

PART 5. AGRICULTURAL ZONES

5.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 5 apply to land within the following *zones*:

Zone	Symbol
Agricultural Zone	A
Agricultural Purposes Only Zone	APO
Agriculture-Related Zone	AR

These *zones* apply to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

5.2 PERMITTED USES

In the *zones* identified in Section 5.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 11.

Table 11: Permitted Uses in Agricultural Zones

Uses	Zones where Permitted		
Principal Uses			
<i>Agricultural use</i>	A	APO	
<i>Agriculture-related use</i>			AR ⁽²⁾
<i>Agricultural service and supply establishment</i>			AR ⁽²⁾
<i>Commercial kennel</i> (see s. 3.8)			AR ⁽²⁾
<i>Contractors establishment</i>			AR ⁽²⁾
<i>Garden centre</i>			AR ⁽²⁾
<i>Pet care establishment</i> (see s. 3.8)			AR ⁽²⁾
<i>Private kennel</i> (see s. 3.8)			AR ⁽²⁾
<i>Service shop</i>			AR ⁽²⁾
<i>Single detached dwelling</i>	A		
<i>Veterinary clinic</i>			AR ⁽²⁾
<i>Wayside pit or quarry</i> (see s. 3.27)	A	APO	AR
Accessory Uses ⁽¹⁾			
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)	A ⁽¹⁾	APO ⁽¹⁾	AR ⁽¹⁾
<i>Accessory dwelling unit</i> (see s. 3.2)	A ⁽¹⁾		
<i>Accessory farm dwelling</i> (see s. 3.2)	A ⁽¹⁾		
<i>Garden suite</i> (see s. 3.2)	A ⁽¹⁾		
<i>Group home</i> (see s. 3.6)	A ⁽¹⁾		
<i>Home occupation</i> (see s. 3.7)	A ⁽¹⁾		
<i>On-farm diversified uses</i> (see s. 3.11), including:	A ⁽¹⁾		
<i>Agriculture-related use</i> (see s. 3.11)	A ⁽¹⁾		

Uses	Zones where Permitted		
<i>Agricultural service and supply establishment</i> (see s. 3.11)	A ⁽¹⁾		
<i>Agri-tourism / value-added use</i> (see s. 3.11)	A ⁽¹⁾		
<i>Bed and breakfast establishment</i> (see s. 3.4)	A ⁽¹⁾		
<i>Home industry</i> (see s. 3.7)	A ⁽¹⁾		
<i>Home occupation</i> (see s. 3.7)	A ⁽¹⁾		
<i>Pet care establishment</i> (see s. 3.8)	A ⁽¹⁾		
<i>Private kennel</i> (see s. 3.8)	A ⁽¹⁾		
<i>Service Shop</i> (see s. 3.11)	A ⁽¹⁾		
<i>Veterinary Clinic</i> (see s. 3.11)	A ⁽¹⁾		
<i>Outside display and sales area</i>			AR ⁽¹⁾
<i>Outside storage</i>	A ⁽¹⁾	APO ⁽¹⁾	AR ⁽¹⁾
<i>Pet care establishment</i> (see s. 3.8)	A ⁽¹⁾		
<i>Private kennel</i> (see s. 3.8)	A ⁽¹⁾		
<i>Renewable energy system</i> (see s. 3.15)	A ⁽¹⁾	APO ⁽¹⁾	AR ⁽¹⁾

⁽¹⁾ Denotes uses that are only permitted accessory to or in conjunction with a permitted *principal use*.

⁽²⁾ These permitted *principal uses* in the AR Zone shall be directly related to *agricultural uses* in the area, require a location that is in close proximity to *agricultural uses*, and directly provide products and/or services to *agricultural uses* as the primary business.

5.3 REGULATIONS

In the *zones* identified in Section 5.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Table 12.

Table 12: Regulations for Permitted Uses in Agricultural Zones

Regulation		Zone Requirements		
		A	APO	AR
Minimum <i>lot area</i>		40 ha	39 ha	0.4 ha
Minimum <i>lot frontage</i>		100m		50m
Minimum <i>front yard</i>	<i>Dwelling</i>	15m		-
	<i>Greenhouse</i>	30m		
	<i>Mushroom farm building</i>	150m ⁽¹⁾		-
	<i>Other main building</i>	20m		10m
Minimum <i>exterior side yard</i>	<i>Dwelling</i>	15m	-	-
	<i>Greenhouse</i>	30m		
	<i>Mushroom farm building</i>	150 m ⁽¹⁾		-
	<i>Other main building</i>	20m		10m
Minimum <i>interior side yard</i>	<i>Dwelling</i>	5m	-	-
	<i>Greenhouse</i>	15m ⁽²⁾		
	<i>Mushroom farm building</i>	75m ⁽¹⁾		-
	<i>Other main building</i>	15m		7.5m

Regulation		Zone Requirements		
		A	APO	AR
Minimum <i>rear yard</i>	<i>Dwelling</i>	15m	-	-
	<i>Greenhouse</i>	15m ⁽²⁾		
	Mushroom farm <i>building</i>	75m ⁽¹⁾		-
	Other <i>main building</i>	20m		7.5m
Maximum <i>lot coverage</i>	<i>Greenhouses</i>	70%		40%
	Other <i>buildings or structures</i>	10%		
Maximum <i>height</i>		15m		15m
Minimum <i>landscaped open space</i>		No minimum		10%
Maximum <i>outside storage</i>		5% of <i>lot</i> area ⁽³⁾		10% of <i>lot</i> area ⁽³⁾

⁽¹⁾No *building* or *structure* used for the growing of mushrooms shall be located closer than 150 metres to the nearest main wall of a *dwelling* on a separate *lot* or any *street line*, and 300 metres to the nearest boundary of an Institutional *Zone* or a Residential *Zone* other than the Rural Residential *Zone*.

⁽²⁾The minimum *interior side yard* and *rear yard* for a *greenhouse* shall be 25 metres where one or more ventilating fans exhaust into the respective *yard*.

⁽³⁾*Outside storage* for purposes other than *outside display and sales areas* on the *lot* shall be located in a *rear yard* or *side yard* and screened from view from *public streets* and adjacent *lots*. No manure, compost or equipment storage area shall be permitted within 30 metres of a *street line* or a *lot line* of a separate *lot* that contains a *residential use* or the top of bank of a *municipal drain* or watercourse.

PART 3. GENERAL PROVISIONS

3.1 ACCESSORY BUILDINGS OR STRUCTURES AND ACCESSORY USES

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

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

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

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

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

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

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

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

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

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

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: September 17, 2021 1:29 PM
To: Bob Krywiak
Cc: Meghan Birbeck; Madyson Etzl
Subject: Re: Niagara Peninsula Conservation Authority (NPCA) inquiry on minor variance application A212021WL

Hello Bob,

Thank you very much for sending along the photos, it is greatly appreciated. I can confirm that they have been received and reviewed by NPCA staff.

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: Bob Krywiak <bobkrywiak@gmail.com>
Sent: Thursday, September 16, 2021 10:11 AM
To: Nikolas Wensing <nwensing@npca.ca>
Cc: Meghan Birbeck <mbirbeck@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>
Subject: Re: Niagara Peninsula Conservation Authority (NPCA) inquiry on minor variance application A212021WL









Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: September 17, 2021 2:25 PM
To: Meghan Birbeck
Subject: Re: Sept 22nd West Lincoln Committee of Adjustment Notice of Hearing
Attachments: 3. Full Package - B122021WL (4).PDF

Hello again Meghan,

I now have finalized comments ready for 7807 Concession Road 3 and 9758 Concession Road 5, please see below.

7807 Concession Road 3

- It is the understanding of the NPCA that the proposed Consent application is for a lot addition, not lot creation. It is the understanding of the NPCA that the applicants are proposing to sever Parcel 2 and retain Parcel 3, and that Parcel 2 will merge with Parcel 1 as shown on the attached plans.
- The NPCA's regulated mapping indicates the presence of Provincially Significant Wetlands, Watercourses and a potential Flood Hazard on the subject property. While the NPCA is not able to support lot creation within Wetlands and Flood Hazards, NPCA Policy is supportive of lot additions and boundary adjustments within these features and hazards where it can be demonstrated to the satisfaction of NPCA staff that there is sufficient space outside of the features and hazards to accommodate a building envelope, including space for servicing and amenities.
- Given that Parcel 2 will merge with Parcel 1, NPCA staff are satisfied that there is sufficient space outside of the features and hazards on site to accommodate a building envelope. As such, NPCA staff will not object to the proposed lot addition. Please note that any additional proposed development on the subject properties should be circulated to the NPCA for review and approval.

9758 Concession Road 5

- NPCA staff have reviewed the photos of the subject property which were submitted for NPCA review and approval. Based on NPCA's staff's review of the submitted photos, NPCA staff are satisfied that the proposed cabana will not interfere with any NPCA regulated features. As such, the NPCA will have no objections to the proposed minor variance application.

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: Nikolas Wensing <nwensing@npca.ca>
Sent: Tuesday, September 7, 2021 3:47 PM
To: Meghan Birbeck <mbirbeck@westlincoln.ca>
Subject: Re: Sept 22nd West Lincoln Committee of Adjustment Notice of Hearing

Hello Meghan,

Thank you for letting me know regarding the fee payment, I appreciate it.

Regarding the four application you have circulated to me, I have the following questions and/or comments thus far:

7807 Concession Road 3

- I note that on the application, it is noted that the proposed severance will be a lot addition. It is worded as though Parcel 2 will become a part of Parcel 1 as shown on the Severance Plan. Can you confirm that this is the case? The Severance Plan appears to indicate that Parcel 2 will be a standalone lot. I note that the proposed southern lot line for Parcel 2 bisects a Provincially Significant Wetland (PSW), and that it may bisect a Flood Hazard. The NPCA is not able to support lot creation within a PSW or Flood Hazard, however, the NPCA may be able to support a lot addition. Some further clarity regarding the proposed lot configuration is requested.

9758 Concession Road 5

- I note that the proposed cabana is located overtop of a mapped watercourse. I have included mapping which illustrates that a watercourse may be present (thin blue line shown on the mapping). However, the NPCA's aerial imagery seems to indicate that this Watercourse may no longer be present. At this time, the NPCA would like to request photos of the subject property where the cabana is proposed so that we may confirm whether a Watercourse is present.

679 Boyle Road

- The NPCA's regulated mapping does not indicate the presence of any NPCA regulated features or hazards on the subject property. As such, the NPCA will have no objections to the proposed dwelling.

3982 Concession Road 1

- The NPCA's regulated mapping does not indicate the presence of any NPCA regulated features or hazards on the subject property. As such, the NPCA will have no objections to the proposed storage building.
-

Sincerely,

Nikolas Wensing, B.A., MPlan
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2



Application Number:	A21/2021WL
Date:	September 16, 2021
Property Address:	9758 Concession Road 5.
Project:	Pool Cabana

Planning Staff,

Please be advised the application as proposed does not negatively impact the requirements of Part 8 (Sewage Systems) O.B.C. Thus, no objection to the proposed application.

Be further advised that the right is reserved to make additional comment with regard to this application should any additional information be made available. Any further requests of this office should be directed to the undersigned.

Respectfully,

Lyle Killins, C.P.H.I.(c)
Part 8, O.B.C., Septic System Inspector Manager
Building and Bylaw Enforcement Services Department