

**TOWNSHIP OF WEST LINCOLN
PUBLIC MEETING UNDER THE PLANNING ACT MINUTES
AMENDMENT TO TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW**

July 26, 2021, 6:00 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario.

Council: Councillor William Reilly - Chair
Councillor Shelley Bradaric
Mayor Dave Bylsma
Councillor Cheryl Ganann
Councillor Harold Jonker
Councillor Jason Trombetta
Councillor Mike Rehner

Staff: Bev Hendry, CAO
Brian Treble, Director of Planning and Building
Jessica Dyson, Deputy Clerk
Gerrit Boerema, Planner II
Meghan Birbeck, Planner I
Roberta Keith, IT Manager

Others: Albert Witteveen, Regional Councillor
Matt Kernahan, Upper Canada Consultants (Giro Estates)*
Anita Merritt*
Pamela Blackwood, McNally House Hospice*
Murray Bain, McNally House Hospice*
Matt Robinson, Niagara Region*
Scott Fraser, Niagara Region*
Heather Talbot, Niagara Region*
Albino Giro*
Jowett Lau, Phelps Homes*
Linda Sivyer
Alf Connell
Moosa Imran, Niagara This Week*
Tristan Marks, News Now*

***IN ATTENDANCE PART TIME**

GIRO ESTATES (File No. 1601-010-21) - ZONING BY-LAW AMENDMENT

1. Application for Zoning By-law Amendment

The Chair advised that this public meeting was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under Section 34(12) of the Planning Act as submitted by Albino Giro et al., and Upper Canada Planning and Engineering Inc. (Agent) for the property legally described as Concession 6, Part Lot 22, Reference Plan 30R-3739 Part 1 formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5482 Twenty Mile Road.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

The intent of this rezoning application is to fulfill a condition of consent for severance file B04/2021WL, B05/2021WL, B06/2021WL, and B07/2021WL. The application proposes to rezone 2.1 hectares of land from Development 'D' to Residential Low Density – Type 1A 'R1A' with a site specific exceptions to reduce the minimum lot frontage to 6.4 metres for frontage for 3 new lots onto Meadow Court. In addition, the application proposes to rezone the remaining land zoned Development 'D' to Environmental Protection 'EP'.

2. Purpose of the Public Meeting

The Planning Act requires in Section 34(12) that before passing a Zoning By-law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendments.

The Chair stated that the purpose of this meeting was to give an opportunity for the public and Council Members to provide comments and/or ask questions regarding the Zoning By-law Amendment Application submitted by Albino Giro et al., and Upper Canada Planning and Engineering Inc. (Agent) for the property municipally known as 5482 Twenty Mile Road. (File No. 1601-010-21).

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires in Section 34(14) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Land Tribunal.

3. Public Meeting

The Chair requested that the Deputy Clerk advise of the method and dates by which notice of the public meeting was given.

The Deputy Clerk advised that proper notice was given by way of mail and email distribution to all agencies on Friday, July 2nd, 2021. A yellow sign was also

posted on the subject property on July 8th, 2021 and public notice was advertised on the Township's website.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment Application submitted by Albino Giro et al., and Upper Canada Planning and Engineering Inc. (Agent) for the property municipally known as 5482 Twenty Mile Road (File No. 1601-010-21).

The Chair asked the Planner I, Meghan Birbeck, to explain the purpose and reason for the proposed Zoning By-law Amendment.

The Planner provided an overview of the application as outlined in Staff Report PD-84-2021.

The Chair asked if the applicant or their authorized agent were present to speak to the application.

Mr. Matt Kernahan (Agent) provided an overview of the application along with a PowerPoint presentation, which can be found on page 12 of the [July 26, 2021 Council \(All Committee\) agenda](#). Mr. Kernahan was also available to answer any questions from the public and Members of Committee.

The Chair asked if there were any oral or written submissions from any members of the public present as part of the Zoom meeting that wished to provide comments at this time with respect to the Zoning By-law Amendment Application submitted by Albino Giro et al., and Upper Canada Planning and Engineering Inc. (Agent) for the property municipally known as 5482 Twenty Mile Road. (File No. 1601-010-21). The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

1. Alf Connell
2480 Meadow Court, St. Ann's

Mr. Connell raised concerns regarding the proposed building on lot 3 being too close to his property as well as the privacy between his property and the proposed building. Mr. Connell shared suggestions that may accommodate his concerns; one being that the proposed building be moved more westward, or to orientate the building on lot 3, similar to lot 4 & 5, which would create more distance between the two properties. Mr. Connell also requested that any trees and bushes remain as it stands currently which would not impinge on the privacy of both property owners. Mr. Connell stated that his comments have also been submitted to Planning Department staff.

The Chair asked if any Members of the Council had any oral or written submissions on the proposed Zoning By-law Amendment. The Chair advised that this may be the only Public meeting being held with respect to this application; therefore, he noted that if any Members of the Committee had any comments

they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

Councillor Ganann stated that she would have had a number of questions due to the location of the property and the involvement with the creek, however, Mr. Kernahan provided a great overview of the studies that need to be completed on the property and therefore she feels that her questions have been addressed. Councillor Ganann also stated that many of her questions were also clarified by the staff technical report which cross referenced any policies that would apply to the property in question.

Councillor Jonker stated that he had concerns with respect to privacy on lot 3 and suggested the possibility of relocating the weeping bed to the front of the property as opposed to the back of the property. Councillor Jonker also stated that it is good to see Meadow Court be used more and is excited to see St. Ann's growing.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Council (All Committee) meeting and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Joanne Scime at jscime@westlincoln.ca.

The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township Website after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with their mailing address and phone number.

4. Adjournment

The Chair advised that this public meeting with respect to the proposed Zoning By-law Amendment is concluded at the hour of 6:49 p.m.

RICHARD & ANITA MERRITT - GARDEN SUITE (File No. 1601-011-21) - ZONING BY-LAW AMENDMENT

1. Application for Zoning By-law Amendment

The Chair advised that this public meeting was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under Section 34(12) of the Planning Act as submitted by Richard & Anita Merritt for the property legally described as Concession 7, Part Lot 17 & Part Lot 18 RP30R10048 PTS 2, 4, & 5, formerly in the Township of Caistor, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 9397 Twenty Road.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

The rezoning application is requesting to temporarily permit a modular home (garden suite) on the property zoned Agricultural 'A' for a maximum of 10 years to allow the applicants son to reside and contribute to the farm. The Garden Suite will be a 1,070 square foot modular home. Accessory buildings in the Township's Zoning By-Law shall not be located closer to the front lot line than the main dwelling. This garden suite is proposed to be located with a 20 metre setback from the front lot line whereas the main dwelling is located with a 43 metre setback.

2. Purpose of the Public Meeting

The Planning Act requires in Section 34(12) that before passing a Zoning By-law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendments.

The Chair stated that the purpose of this meeting was to give an opportunity for the public and Council Members to provide comments and/or ask questions regarding the Zoning By-law Amendment Application submitted by Richard and Anita Merritt for the property municipally known as 9397 Twenty Road (File No. 1601-011-21).

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires in Section 34(14) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Land Tribunal.

3. Public Meeting

The Chair requested that the Deputy Clerk advise of the method and dates by which notice of the public meeting was given.

The Deputy Clerk advised that proper notice was given by way of mail distribution to all neighbouring properties within 120 metres of the subject property on June 30th, 2021. A yellow sign was also posted on the subject property on June 30th, 2021 and public notice was advertised on the Township's website.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment Application submitted by Richard and Anita Merritt for the property municipally known as 9397 Twenty Road (File No. 1601-011-21).

The Chair asked the Planner II, Gerrit Boerema, to explain the purpose and reason for the proposed Zoning By-law Amendment.

The Planner provided an overview of the application as outlined in Staff Report PD-82-2021.

The Chair asked if the applicant or their authorized agent were present to speak to the application.

Ms. Anita Merritt (Owner), started by thanking the Committee for receiving the application and shared a short history of the property stating that the family farm is currently in its fourth generation and is a century farm with hopes for carrying the tradition for many more generations and keeping with the heritage of the farm. Ms. Merritt also shared that they have been exploring ideas for the property outside the current crops that are on the land.

The Chair asked if there were any oral or written submissions from any members of the public present as part of the Zoom meeting that wished to provide comments at this time with respect to the Zoning By-law Amendment Application submitted by Richard and Anita Merritt for the property municipally known as 9397 Twenty Road (File No. 1601-011-21). The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

There were no oral or written submissions on the proposed Zoning By-law Amendment from any members of the public.

The Chair asked if any Members of the Council had any oral or written submissions on the proposed Zoning By-law Amendment. The Chair advised that this may be the only Public meeting being held with respect to this application; therefore, he noted that if any Members of the Committee had any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

Councillor Rehner thanked Ms. Merritt for her presentation and for sharing the importance of the family farm and its agriculture and the lifestyle it brings. Councillor Rehner stated that he will support anything that the family needs in order to support the family farm in the direction the applicant is moving towards.

Councillor Trombetta stated that the Township may see similar applications brought forward in the future due to the rising costs of living. Councillor Trombetta also stated that he is not opposed to this type of application adding the importance of family staying on the property and that the applicants have his support.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Council (All Committee) meeting and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Joanne Scime at jscime@westlincoln.ca.

The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township Website after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with their mailing address and phone number.

4. Adjournment

The Chair advised that this public meeting with respect to the proposed Zoning By-law Amendment is concluded at the hour of 7:01 p.m.



**JESSICA DYSON, DEPUTY
CLERK**

**COUNCILLOR WILLIAM REILLY,
CHAIR**