

DATE: Sept 29th, 2021

REPORT NO: COA-035-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Dobrucki Farms
File No. A24/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Dobrucki Farms for the property legally known as Concession 1, Part Lot 15, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. Municipally known as 873 Collver Road.
- This Minor Variance application has been applied for that request two variances to permit the property owner to build a proposed accessory building over top of an existing concrete pad on property.
- The first variance that is required is to permit a proposed accessory building to be permitted in the exterior side yard whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an agricultural accessory building is not permitted in the exterior side lot.
- The second variance that is required is to permit a proposed agricultural accessory building to be built between the road and the property's main buildings with an exterior side lot line setback of 10 metres (32.81 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory agricultural building cannot be built closer to the exterior lot line than the property's main buildings.
- The owners are requesting these variances to use an existing concrete pad from a previous building as flooring of the proposed accessory building and to utilize the existing nearby driveway to access the proposed accessory building.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval.

RECOMMENDATION:

1. THAT, the first Minor Variance made by Dobrucki Farms as outlined in Report COA-035-21, to permit an agricultural accessory building to be permitted in the exterior side yard, BE APPROVED; and
2. THAT, the second Minor Variance made by Dobrucki Farms as outlined in Report COA-035-21, to permit an agricultural accessory building to be built closer to the

road than of the property's main buildings with an exterior side lot line setback of 10 metres (32.81 feet), BE APPROVED;

BACKGROUND:

The subject lands are situated on the east side of Collver Road, south of Elcho Road, west of Heaslip Road, and north of Canborough Road, being legally described as Concession 1, Part Lot 15, in the former Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 873 Collver Road. (See attachment 1 for a site sketch)

The subject property is approximately 88.65 acre (35.88 hectares) in size. The property is designated as Good General Agricultural and is a part of the Natural Heritage System. The property has Agricultural, Environmental Conservation, and Environmental Protection zoning. The majority of the surrounding properties to 873 Collver Road also share the same designation and zoning.

This Minor Variance application has been applied for to request two variances to permit the property owner to build a proposed accessory building over top of an existing concrete pad on property. The first variance that is required is to permit a proposed agricultural accessory building to be permitted in the exterior side yard whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an agricultural accessory building is not permitted in the exterior side lot. The second variance that is required is to permit a proposed agricultural accessory building to be built between the road and the property's main buildings with an exterior side lot line setback of 10 metres (32.81 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that an accessory agricultural building cannot be built closer to the exterior lot line than the property's main buildings.

The applicant's initially applied for a building permit on June 14, 2021 to build a Type 3 570 square metres (6,135.43 square feet) agricultural accessory building. Planning staff indicated to the owners that due to the proposed located that Staff would not be able to provide zoning clearance for their initial permit as it did not comply with the Township's Zoning By-law 2017,70, as amended. After speaking with Planning Staff the owners have chosen to proceed with a minor variance application as the location is important for the functionality of the proposed agricultural accessory building. The owners are requesting the variances to use an existing concrete pad from a previous building as flooring of the proposed accessory building and to utilize the existing nearby driveway to access the proposed accessory building. The proposed building will act as storage for the nearby barns.

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 designation 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. As well agricultural main and agricultural accessory buildings are also permitted in Good General Agricultural areas. The agricultural property in question is approximately 88.65 acres (35.88 hectares) in size.

The property is also a part of the Natural Heritage System. Development shall comply with Natural Heritage policies of the Township's Official Plan. 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 the development approval. In addition, all development will be subject to Regulation 155/06 of the Niagara Peninsula Conservation Authority when a development is within or adjacent to the lands that are subject to their regulations.

The two requested minor variances are to permit the property owner to build a proposed accessory building over top of an existing concrete pad on property between the Collver Road and the property's main buildings. The proposed agricultural accessory building is not proposed on the Natural Heritage System and is proposed on the Good General Agricultural designation where accessory buildings, especially agricultural accessory buildings, are permitted. While proposed accessory building is in front of the main buildings it allows the building to be clustered together and not taking up valuable agricultural land. In addition, the location is practical for storage relating the location of the existing main agricultural buildings on the property.

Township Planning Staff are of the opinion that the requested minor variances meet the general intent and purpose of the Official Plan as the proposed use is permitted and generally fits the character of the surrounding area.

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

The subject land is zoned Agricultural 'A' in the Township's Zoning By-law 2017-70, as amended, and is 88.65 acres (35.88 hectares) in size. The Agricultural zone permits single detached dwellings and their associated accessory buildings. The zone also permits main and accessory agricultural buildings. The proposed agricultural building is a permitted use under the regulations of the Agricultural Zone, and is considered accessory as the use of the building is to assist the function of the property.

Under Table 1-1 of the Township's Zoning By-law 2017-70, proposed agricultural accessory buildings are not permitted within a property's front or exterior side yard and are not permitted to be located closer to a front or exterior side lot line than a property's main building. The purpose of these regulations are to ensure that there is a consistent streetscape throughout the Township of West Lincoln and that the main buildings on the lot are the prominent buildings and the accessory buildings are seen as an accessory structure and use.

The subject property is a corner lot. The Township's Zoning By-law identifies that for a corner lot the shortest of the lot lines divides the lot from the public street shall be deemed to be the front lot line. In the case of 873 Collver Road the front lot line is Elcho Road and the exterior side lot line is Collver Road. However, this property effectively utilizes Collver Road as their front lot as all of their buildings and their driveway entrance are located off of Collver Road. Because of this, the applicants require a minor variance to permit the accessory agricultural building within the exterior side yard and not the front yard even though the exterior side yard acts as the front yard.

The property currently has five entrances on to Collver Road the two most northerly entrances allow the property owner to maneuver around their main livestock buildings. The two driveways make a horse shoe shape from Collver Road to the livestock barns. There is currently underutilized land in the middle of the horseshoe, previously the property had a building located in the middle of the horseshoe that was removed between 2010-2015. A concrete pad remains from the previous agricultural accessory building.

The property owners are now hoping to build a new accessory building in the place of the previous building. The location is beneficial to the property owners for their agricultural operations as there is an existing driveway and that the location is central to the other agricultural barns on site. The proposed use of the accessory building is for storage of agricultural equipment that is needed for the function of the main agricultural buildings.

As the rebuild is in the general location of a previous accessory building and is in proximity to the main agricultural barns on the property, staff support locating the proposed building in the exterior side yard and closer to the lot line than the main buildings on the property. Township staff are of the opinion that this application meets the general intent of the Township Zoning Bylaw, as the proposed building will help assist the principal agricultural use and buildings on the property. Further the location of the building will not impede the function of Collver Road and Public Works has not reported any concern with the proposed setback.

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

The applicant has proposed to construct an accessory agricultural building on the property. The property is entitled to as many type three accessory buildings that fit within the maximum lot coverage for accessory buildings and for the property. The proposed accessory building is both within the lot coverage for accessory buildings and for the lot, however it is closer to the exterior lot line than the main buildings.

The property previously had an accessory agricultural building located within the same general location, however it was removed from the spot between 2010-2015. Both the previous accessory building and the proposed accessory building function to support

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the principal agricultural buildings as a storage building.

The proposed accessory agricultural building will have three of its sides fully enclosed and will have its fourth side entirely open. The side that is designed to be entirely open would typically be considered as the proposed building's back wall. However, the applicants are treating it as the front wall and as they are proposing to have it open up onto into the crescent of their driveway, facing the main agricultural buildings. The closest wall of the proposed accessory building has a setback of 10 metres to the exterior side lot line while the furthest point of the proposed accessory building has a setback of 28.5 metres.

The fact that the proposed accessory building opens away from the road and towards the main agricultural buildings showcases its accessory nature to the main agricultural buildings. The open wall will allow those farming on the property to easy store agricultural equipment related. If built the proposed accessory building will be directly west of the crescent of the property's agricultural driveway while the main agricultural buildings will be directly east of the crescent of the property's agricultural driveway. The main agricultural buildings have a setback of roughly 49.5 metres.

As the agricultural accessory building is proposed to be located within the exterior side yard with a setback of 10 metres will help to support the overall agricultural function of the property, 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 agricultural building to be located in the exterior side yard. The applicants are asking to have the agricultural accessory building to be located with a 10 m setback from the exterior side yard. Main agricultural buildings would be required to have a front and exterior side yard setback of 20 metres while a main dwelling would be required to have front and exterior side yard setback of 15 metres.

The proposed agricultural building is much smaller than the main agricultural building on the property. In addition, the accessory agricultural building will be opening and functioning inwards on the property and not opening out on to the exterior side yard.

As such, Township Staff believe the request for the proposed accessory building to be located in the exterior side yard with a setback of 10 metres 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 9th, 2021. A yellow sign was also posted on the property a minimum of 10 days before the

hearing.

The Township's Septic Inspector and Public Works department have no objections to the proposed application.

The Niagara Peninsula Conservation Authority has no objections to the proposed application.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands September 9th, 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 24th, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Dobrucki Farms for the property municipally known as 873 Collver Road. The Minor Variance application is submitted to permit the property owners to re-build a proposed agricultural accessory building on the property's exterior side lot with a setback of 10 metres. Planning staff are of the opinion that this application meets all four tests of a minor variance.

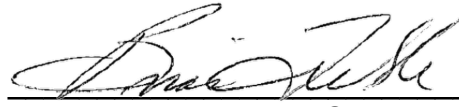
ATTACHMENTS:

1. Site Sketch
2. Zoning Provisions
3. Comments

Prepared by:



Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building

THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Ordinance 1976, Section 16.03

(55474 P1)

— — PART OF LOT 15
CONCESSION 1
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 500
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①

LEGEND

[illegible]

ELEVATION NOTE

ELEVATIONS ARE GEODETIC, DERIVED BY GPS OBSERVATIONS, REFERRED TO MTD BENCHMARK 00819028.308 (AKA 385-82) HAVING AN ELEVATION OF 177.861m (CGVD-1928/1973)

LOCATION: ONE STOREY FRAME ADDITION TO AN UNUSED BRICK CHURCH
(OWNED BY MR. S. SKOUDNISH) ON SOUTH SIDE OF HWY 3, 7.4 KM
WEST OF JCT OF HWY 3 AND 3A, AND FORKES RD IN THE HAMLET OF
CHAMBERS CORNERS, 12.5 M EAST OF FLANNAGAN RD AND 14 KM
SOUTH OF CENTERLINE OF HWY 3. TAILSET IS SET HORIZONTALLY IN
WEST FACE OF CONCRETE FOUNDATION, 8.05 M NORTH OF S.W.
CORNER AND 9 CM BELOW FRAMING.

ALL FUTURE GRADE WORK ON SITE TO BE BASED ON SITE BENCHMARK.
ANY ELEVATION DISCREPANCIES TO BE REPORTED TO RASCH & HYDE LTD.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THIS SURVEY WAS COMPLETED ON THE 28TH DAY OF MARCH 2018.

2. THIS SURVEY WAS COMPLETED ON THE 29TH DAY OF MARCH 2019.

JUNE 9, 2021
DATE

Harold Hyde
HAROLD D. HYDE
ONTARIO LAND SURVEYOR

RASCH + HYDE LTD.

P.O. Box 8, 1333 Highway #3 East, Unit B MARIANVILLE, ONT. N1A 2X1 905-774-7188	P.O. Box 550, 74 Jorda Street FORT ERIE, ONT. L2A 5Y1 905-871-6757
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(FAX 905-774-4000)		(FAX 905-871-9746)	
HAROLD D. HYDE OLA			
SCALE 1 : 500	FILE NAME: 19-065 SP2	DRAWN BY: J. H.	

BEARING NOTE

BEARINGS HEREON ARE GRID, UTM ZONE 17, (NAD 83-OSRS 1
CBVNS (Epoch 2010.0)) DERIVED FROM OBSERVED REFERENCE POINTS
(ORPs) USING THE CAN-NET VRS NETWORK AND ARE REFERRED TO
THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE)

ROTATION NOTE

FOR THE PURPOSES OF COMPARISON THE ASTRONOMIC BEARINGS ON P1 HAVE BEEN ROTATED 01°00'30" COUNTER-CLOCKWISE AND THE BEARINGS ON P2 HAVE BEEN ROTATED 01°04'00" COUNTER-CLOCKWISE

METRIC NOTE

DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RICK DOBRUCKI
STORAGE BUILDING

909 COLLVER RD.
WELLANDPORT, ONT

APPROVED DRAWINGS
MUST BE AVAILABLE ON SITE
FOR INSPECTOR

ELECTRICAL SAFETY AUTHORITY (ESA)

PERMIT REQUIRED

All electrical wiring is under the jurisdiction of the ESA. Permits must be obtained and inspections completed in accordance with their requirements. For information call the **Hamilton Processing Center** at 905-318-4899 OR 877-372-7233

Ontario One-Call

Call Ontario One-Call for locates before you proceed with any excavation as it is the law.

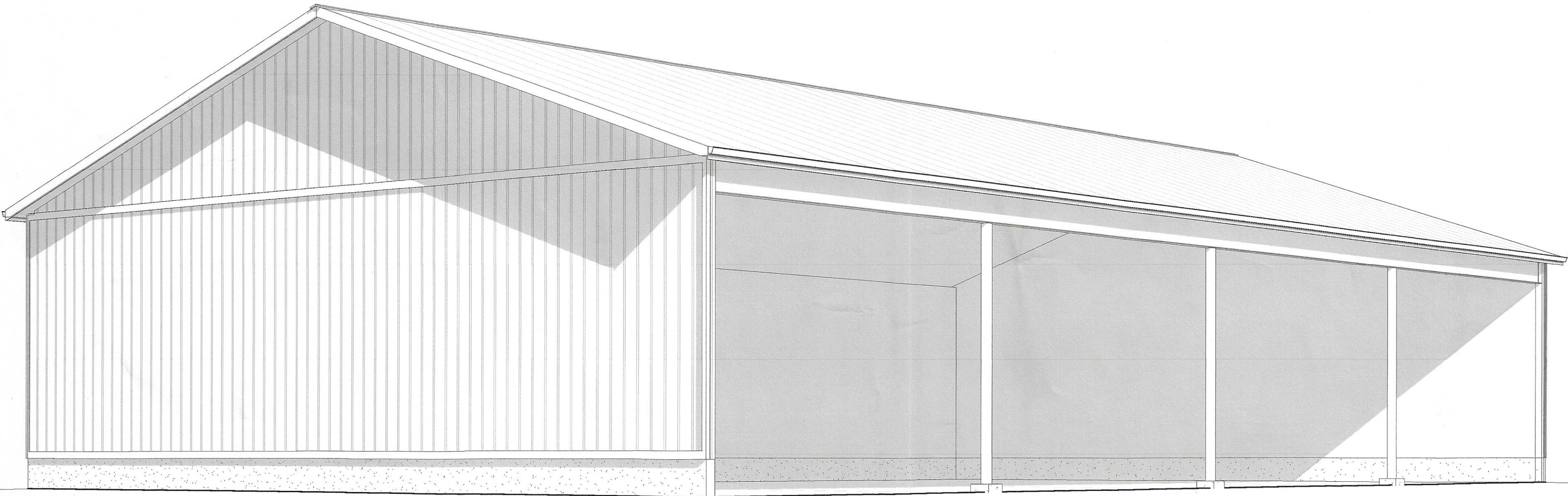
Local: (519) 265-8006 Toll Free: 1-844-257-9490

West Lincoln - Building & Enforcement Dept.

APPROVED FOR PERMIT

approval for permit issuance subject to revisions marked hereon or on attached deficiency list

reviewed by: 



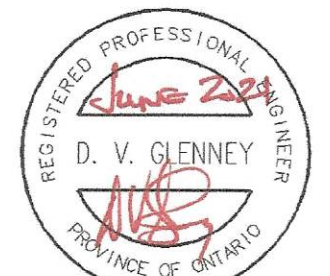
SHEET LIST	
SHEET NUMBER	SHEET NAME
1	TITLE
2	ELEVATIONS
3	FOUNDATION PLAN
4	FLOOR PLAN
5	SECTIONS & DETAILS
6	TRUSS LAYOUT & DETAILS
7	BEAM & PEIR DETAILS



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DRAWING

TITLE

SCALE

V37-21-225

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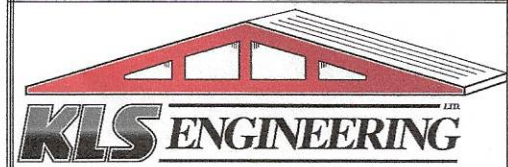
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W.DYKSTRA

DATE
MAY 25/21

SHEET
1 OF 7

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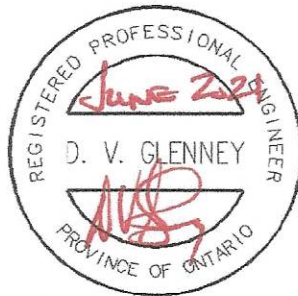
S-1



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As indicated V37-21-225

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DRAWN BY W.DYKSTRA	DRAWING NUMBER S-2
DATE MAY 25/21	
SHEET 2 OF 7	

GENERAL NOTES:

- DO NOT SCALE DRAWINGS.
- ALL DIMENSIONS TO BE VERIFIED BY CONTRACTOR
- ANY ERRORS / OMISSIONS TO BE REPORTED TO ENGINEER PRIOR TO CONSTRUCTION
- ALL WORK TO CONFORM TO O.B.C. 2012
- FIRE STOP IN CONCEALED ATTIC SPACE NOT TO EXCEED 98'-0" O.C.
- NOTIFY ENGINEER 48 HRS. IN ADVANCE FOR INSPECTION OF FOOTING EXCAVATION AND FRAMING.
- REMOVE ALL TOP-SOIL AND ORGANIC MATERIAL.
- ALL FOOTINGS TO BE ON UNDISTURBED SOIL AND MIN. OF 4'-0" BELOW LINE OF FINISHED GRADE
- SOIL BRG. CAPACITY TO SUSTAIN A MIN. 3000 P.S.F.

LUMBER NOTES:

- ALL LUMBER TO BE GRADE #2 OR BETTER
- LUMBER EXPOSED TO MOISTURE TO BE PRESSURE TREATED
- ALL FASTENERS IN CONTACT WITH PRESSURE TREATED MATERIAL TO BE COMPATIBLE WITH PRESSURE TREATED CHEMICALS
- ALL STEEL SIDING IN CONTACT WITH PRESSURE TREATED WOOD TO BE ISOLATED WITH A LAYER OF ICE & WATER SHIELD OR EQUAL.
- SUBMIT ENGINEERED TRUSS DRAWINGS
- TRUSS BRACING AND STRAPPING AS SPECIFIED BY ENGINEERED TRUSS DRAWING
- TRUSS TIE DOWN TO SUSTAIN UPLIFT SHOWN ON TRUSS DESIGN AND TO BE CONTINUOUS ON FOUNDATION WALL
- ALL LINTELS TO BE 2 - 2" x 10" UNLESS OTHERWISE SPECIFIED

CONCRETE NOTES:

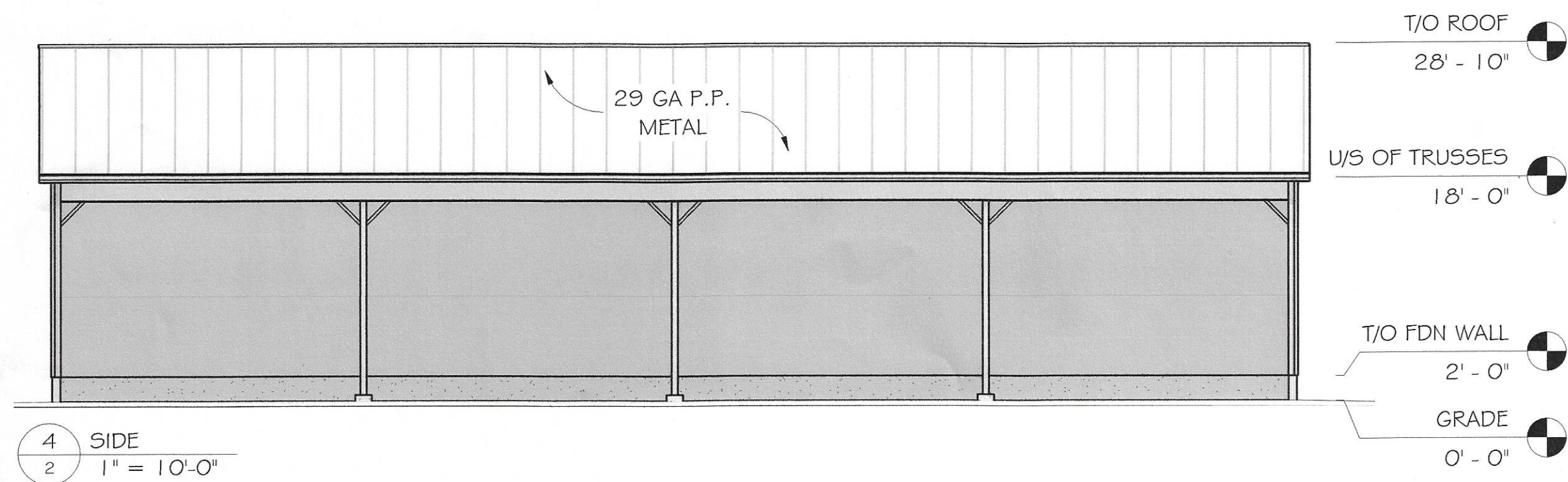
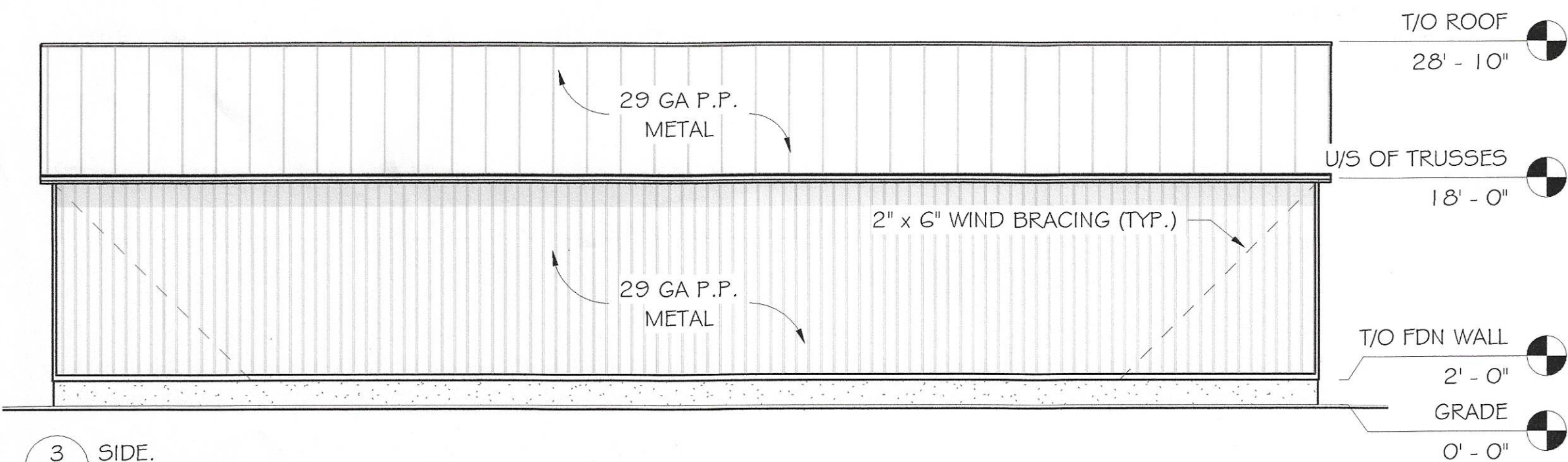
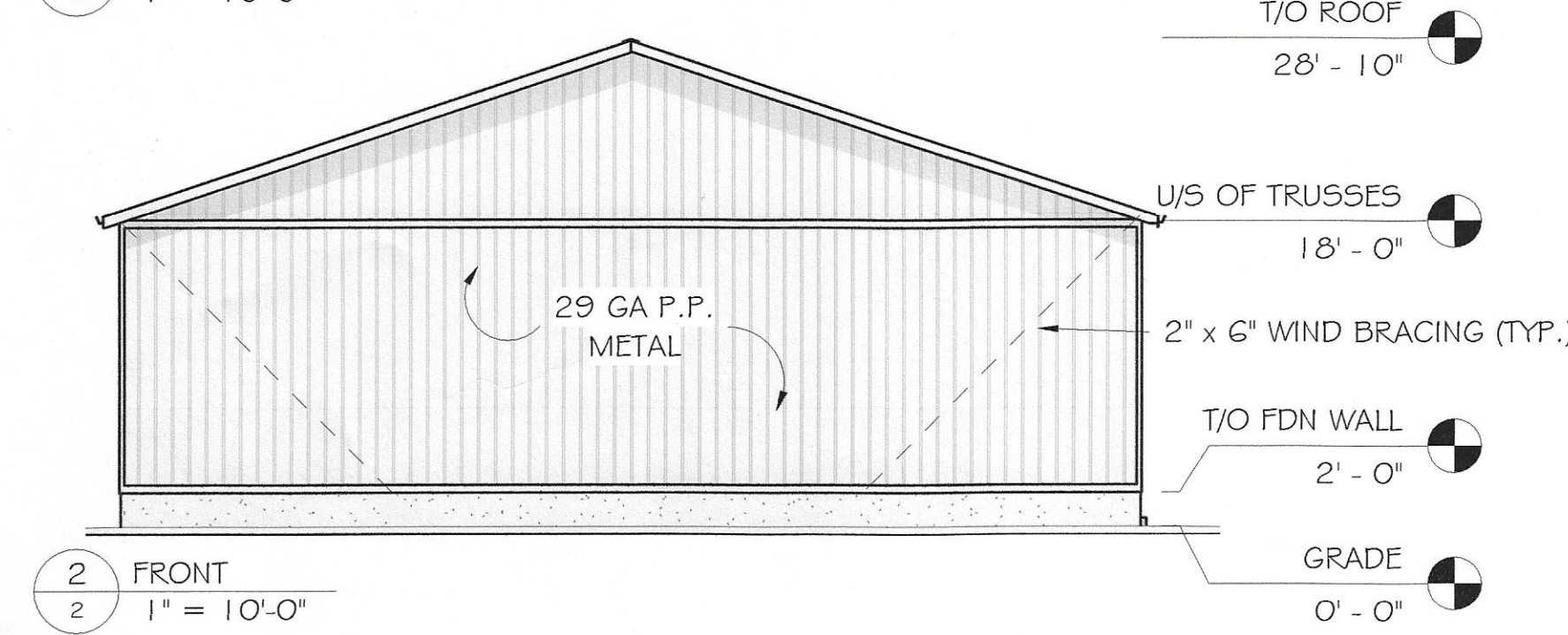
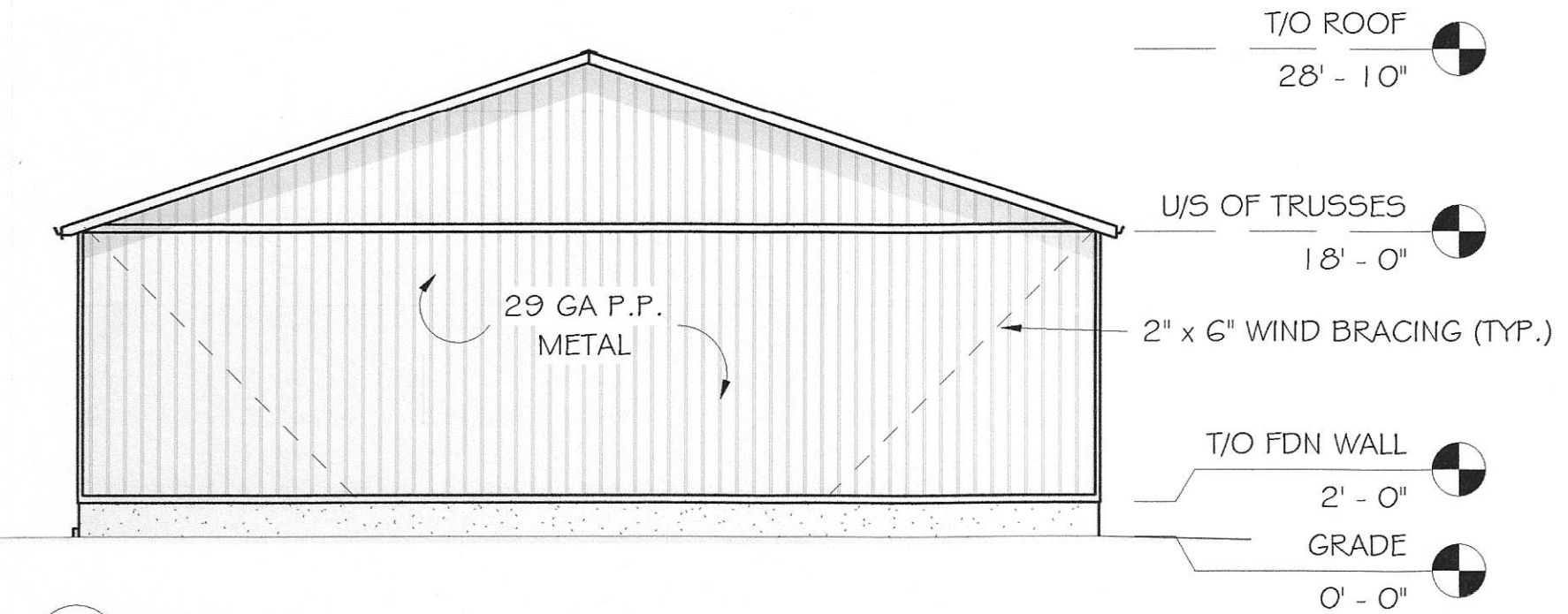
- ULTIMATE COMPRESSIVE STRENGTH @ 28 DAYS
- 32 MPA FOR SLAB ON GRADE
- 25 MPA FOR WALLS AND FOOTINGS
- SLUMP 3" +/- 1"
- MAX WATER CEMENT RATIO .45 (USE WATER REDUCING AGENT TO IMPROVE WORKABILITY NO WATER TO BE ADDED ON SITE) USE VIBRATORY EQUIPMENT TO ACHIEVE UNIFORM DENSITY
- AIR ENTRAINMENT 5% - 8%
- REINFORCING STEEL TO HAVE MIN. YIELD STRENGTH OF 400 MPA WITH MIN. 3" COVER
- MINIMUM SPLICE LENGTH (10M - 18") (15M - 24")

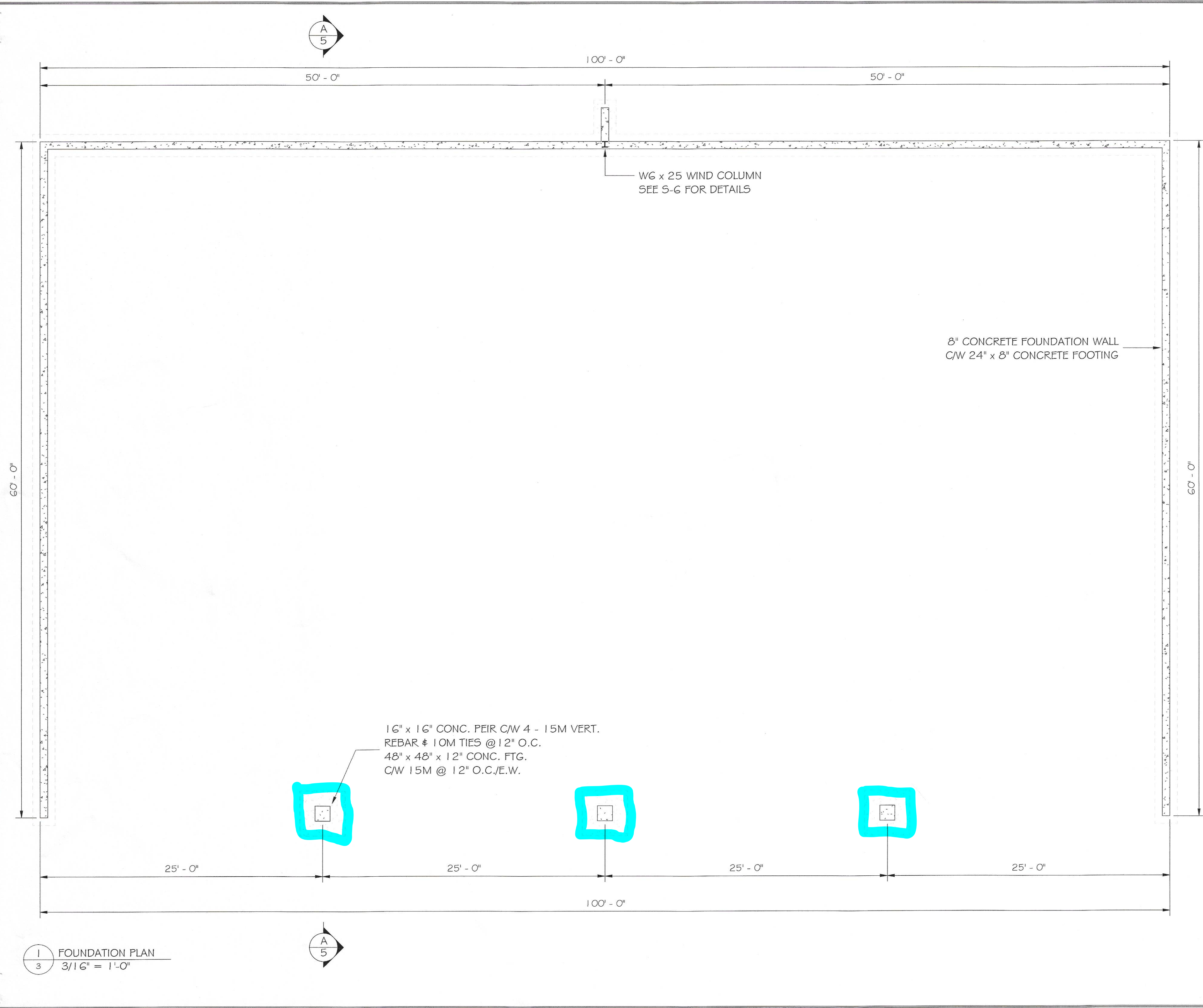
STRUCTURAL STEEL NOTES:

- STRUCTURAL STEEL TO BE INSPECTED BY THE ENGINEER PRIOR TO COVERING.
- CONNECTION BOLTS TO BE HIGH STRENGTH ASTM A325
- WELDING TO CONFORM TO CSA W59.
- STRUCTURAL STEEL TO CONFORM TO G40.21 350W.
- REINFORCING STEEL TO HAVE YIELD STRENGTH OF 400 MPA. CSA G30.18
- MINIMUM SPLICE LENGTH (10M - 18") (15M - 24")

SPECIFIED ROOF TOP CHORD LOADS: SMITHVILLE

- SNOW LOAD = 1.5 kPa (31.3 psf)
- RAIN LOAD = 0.4 kPa (8.4 psf)
- HOURLY WIND PRESSURE (1/50) = 0.42 kPa
- DEAD LOAD = 0.20 kPa (4.2 psf)

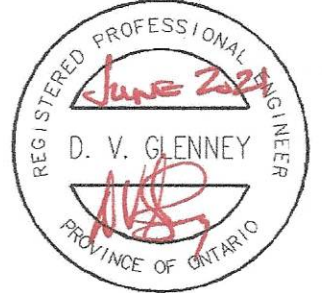




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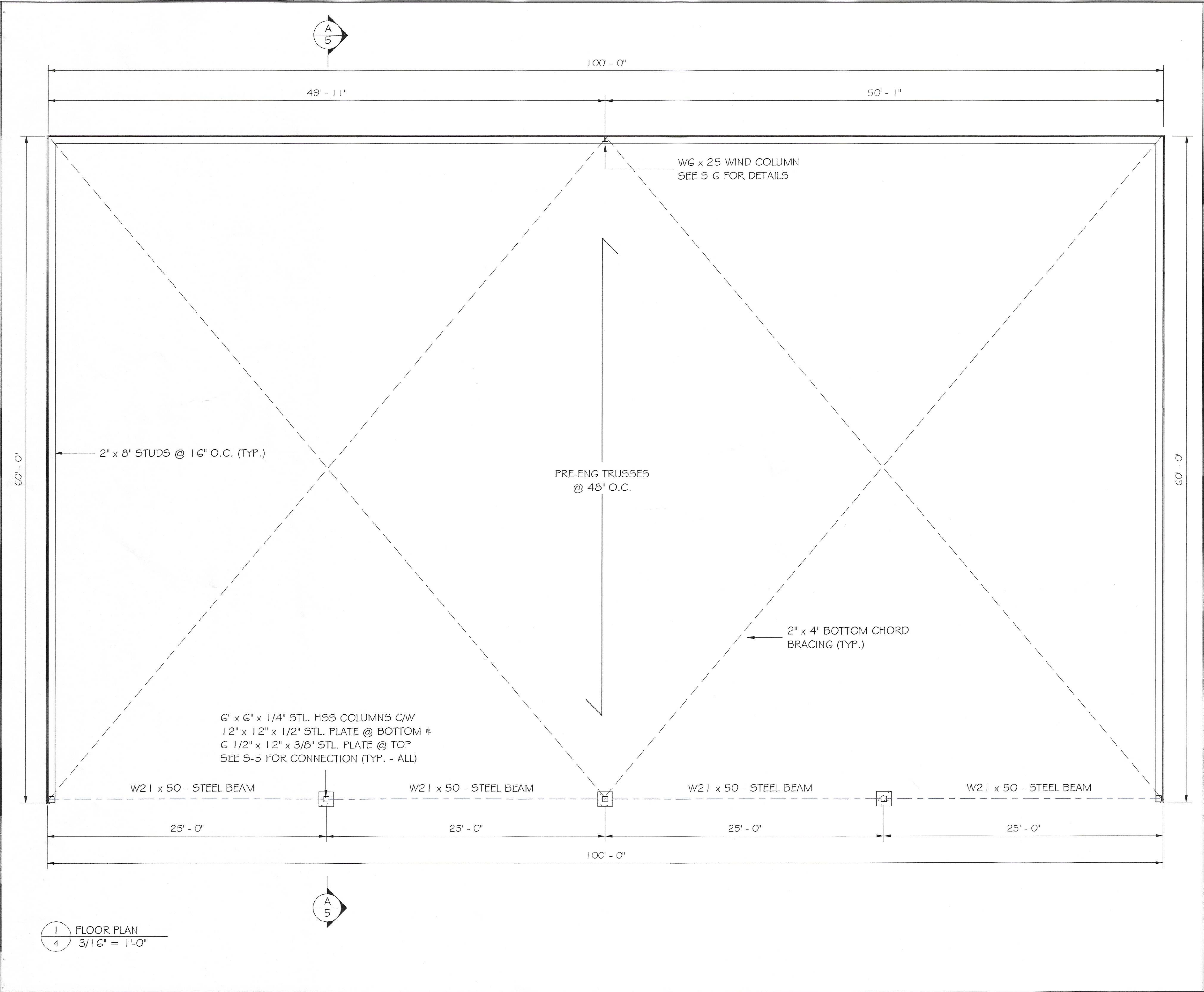
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FOUNDATION PLAN

SCALE
3/16" = 1'-0"
V37-21-225

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DATE MAY 25/21	
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FLOOR PLAN

SCALE
3/16" = 1'-0" V37-21-225

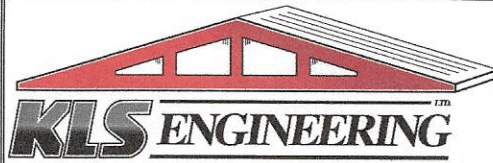
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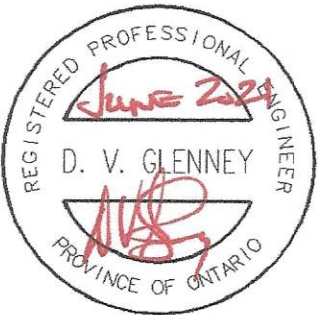
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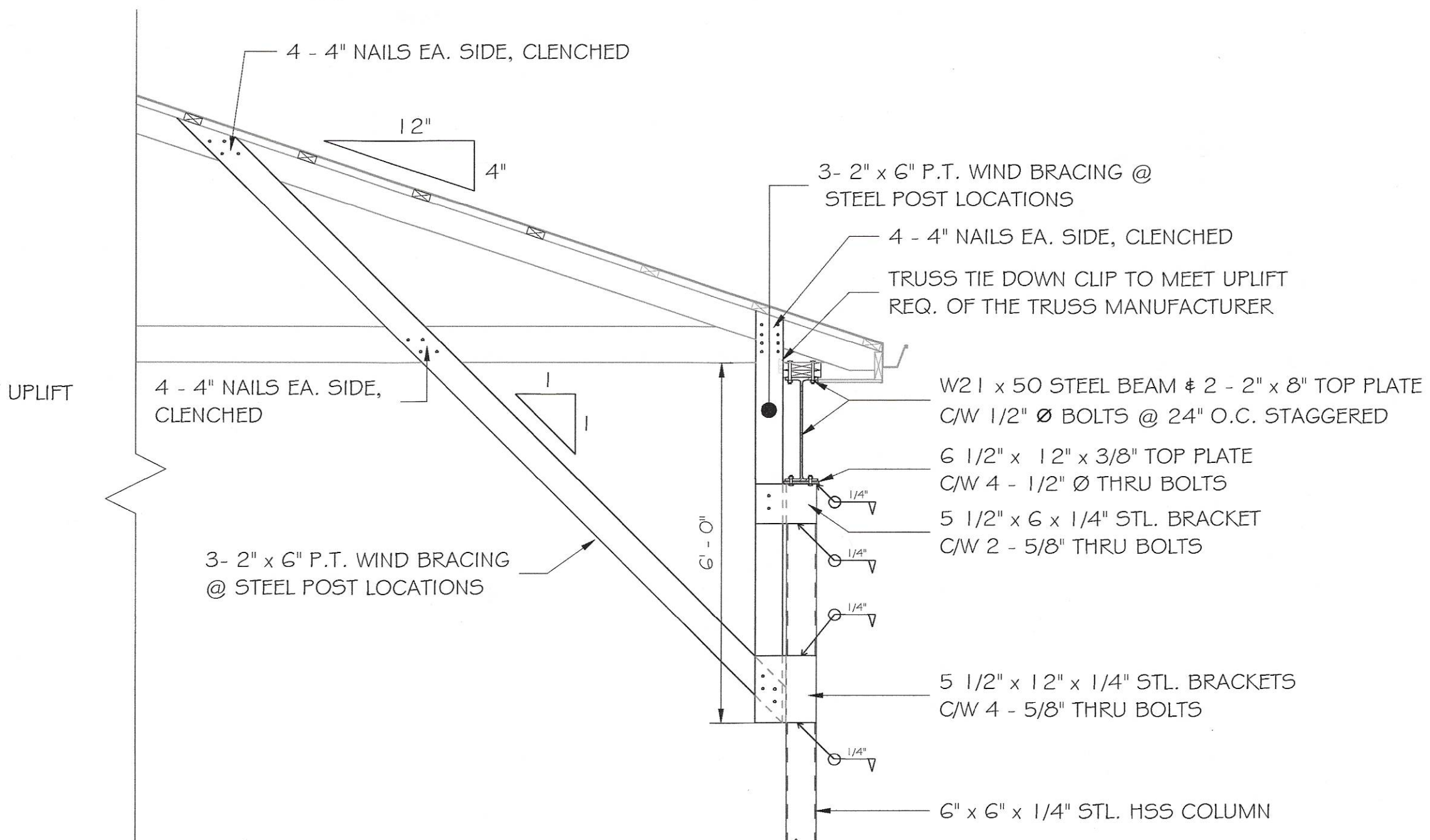
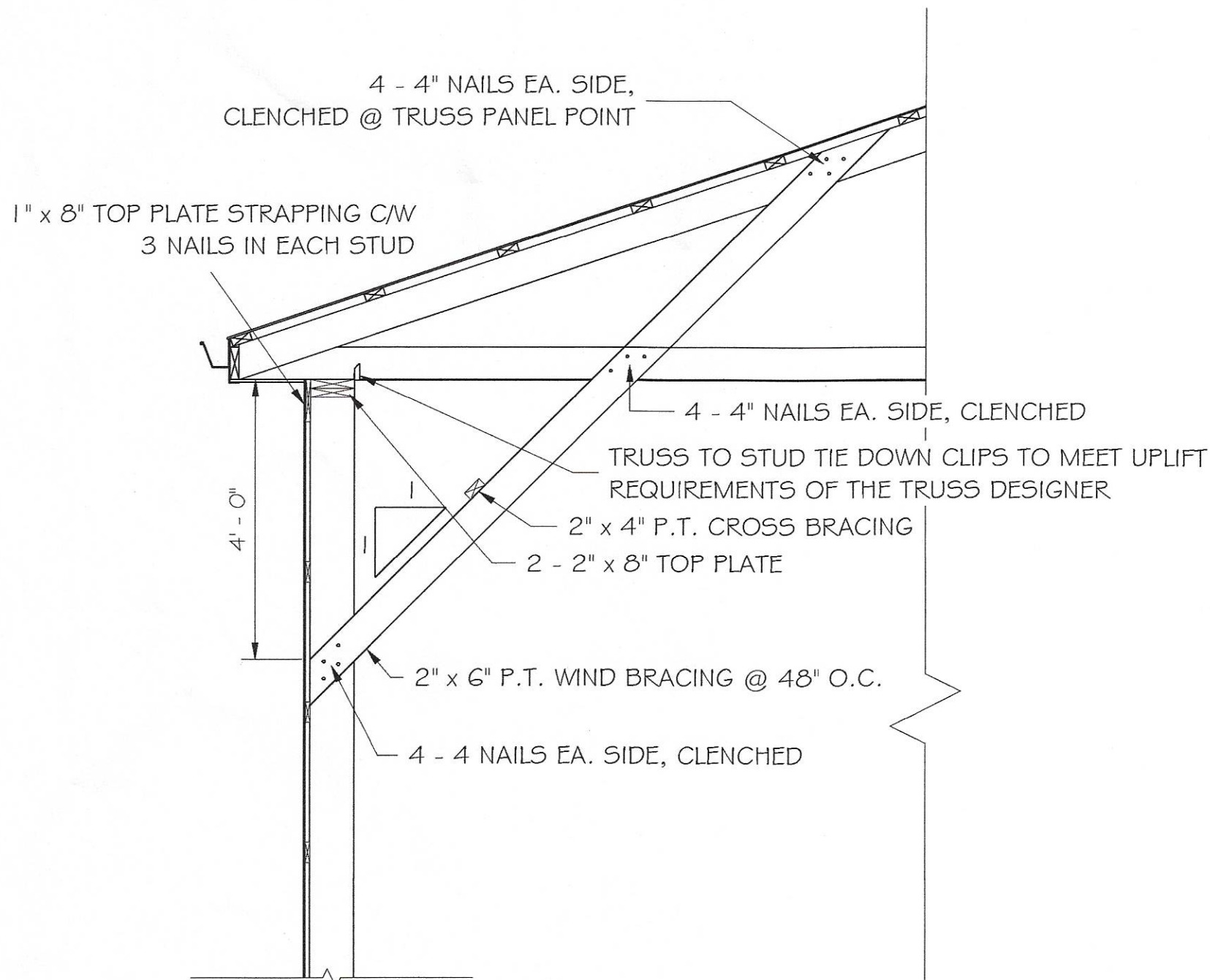
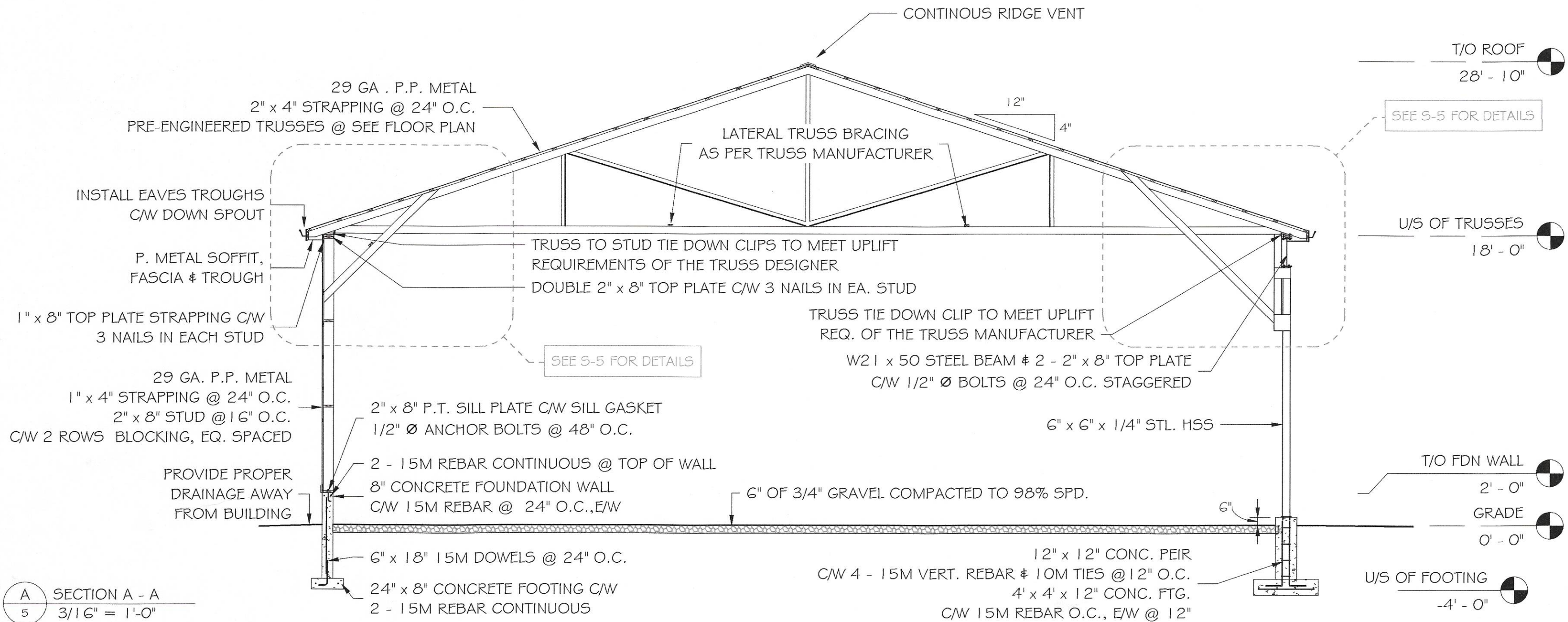
DRAWING
SECTIONS & DETAILS

SCALE
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DRAWING FILE:
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V37-21-225\DWG\WINDWORKS, TM - STORAGE BUILDING - V37-21-225-1.dwg

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W.DYKSTRA
DATE
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SHEET
5 OF 7

DRAWING NUMBER
S-5



1 WIND BRACING DETAIL
1/2" = 1'-0"

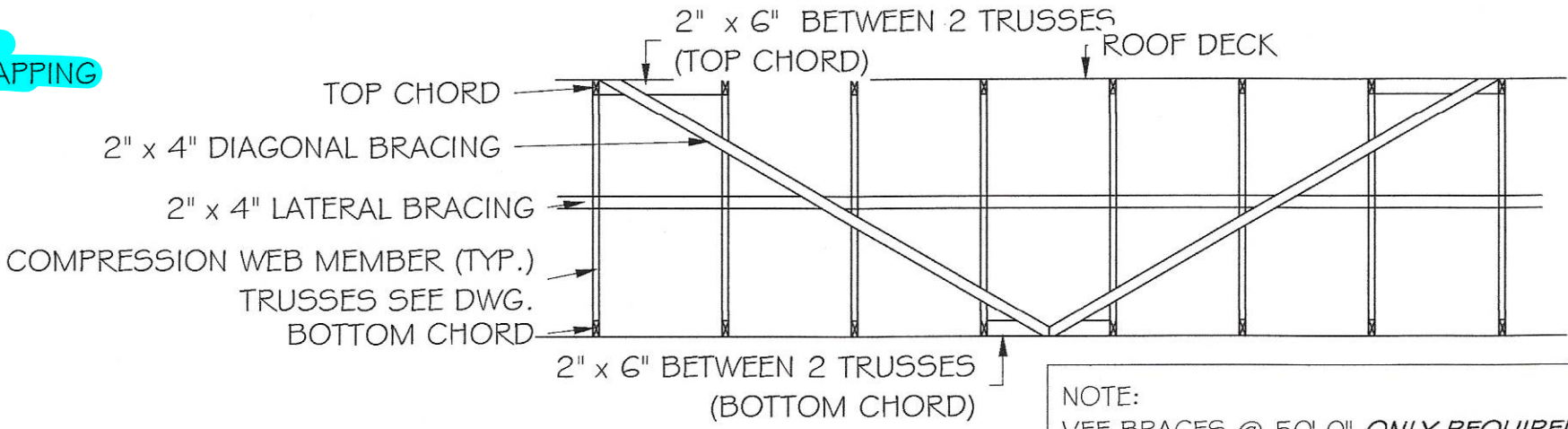
2 BEAM WIND BRACING DETAIL
1/2" = 1'-0"

TRIM 4'-0" x 8'-0" x 1/2" PLYWOOD
OSB OR WAFERBOARD SHEATHING
TO COVER 1 FACE OF TRUSS

1/2" x 2" PLYWOOD, OSB OR
WAFERBOARD STRIPS OVERLAPPING
BUTT JOINTS OF SHEATHING

1/2" x 2" PLYWOOD, OSB OR
WAFERBOARD STRIPS
OVERLAPPING BUTT JOINTS OF
SHEATHING

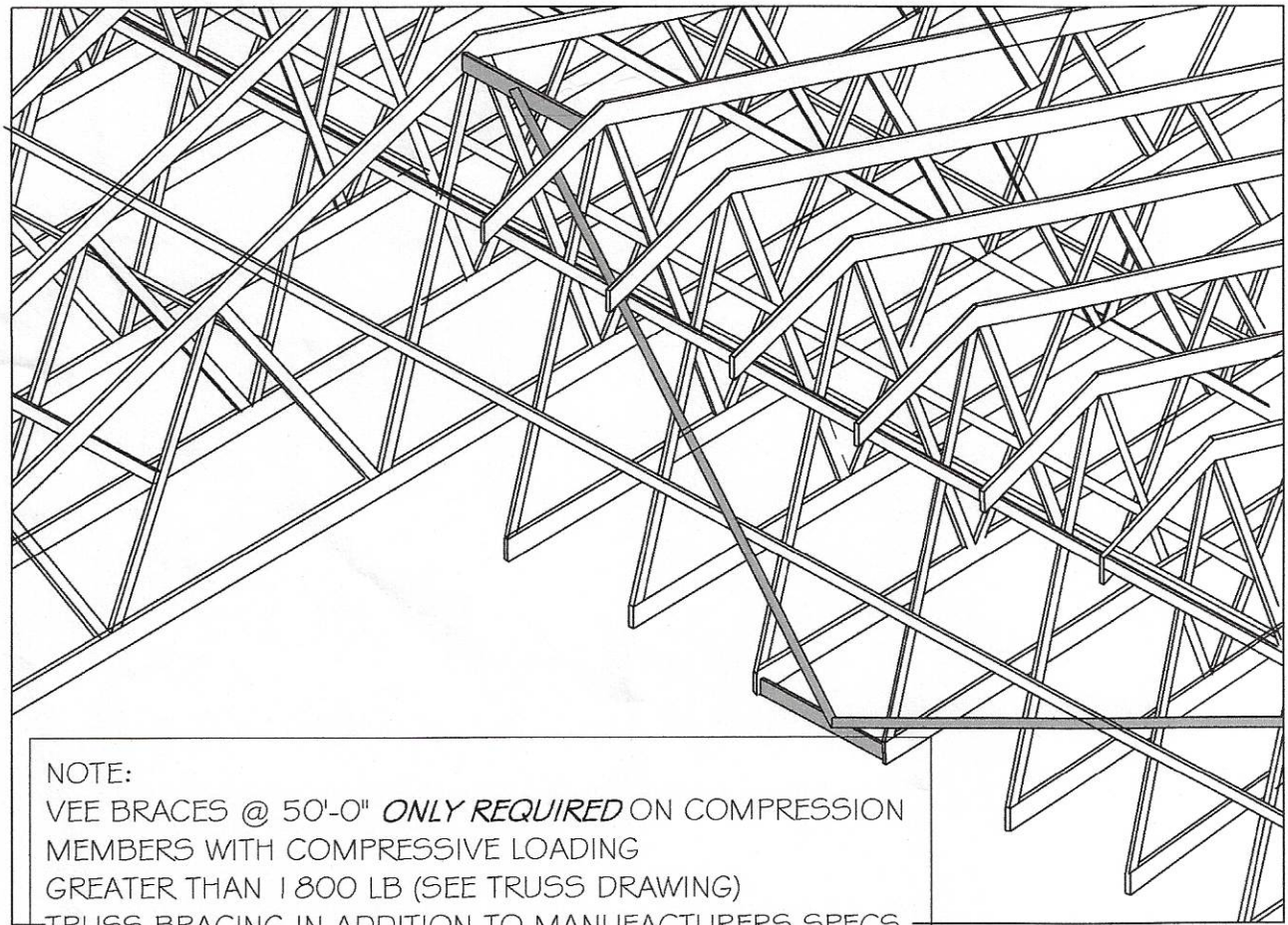
TRIM 4'-0" x 8'-0" x 1/2" PLYWOOD
OSB OR WAFERBOARD SHEATHING
TO COVER 1 FACE OF TRUSS



NOTE:
VEE BRACES @ 50'-0" **ONLY REQUIRED** ON COMPRESSION
MEMBERS WITH COMPRESSIVE LOADING
GREATER THAN 1800 LB (SEE TRUSS DRAWING)
TRUSS BRACING IN ADDITION TO MANUFACTURERS SPECS.

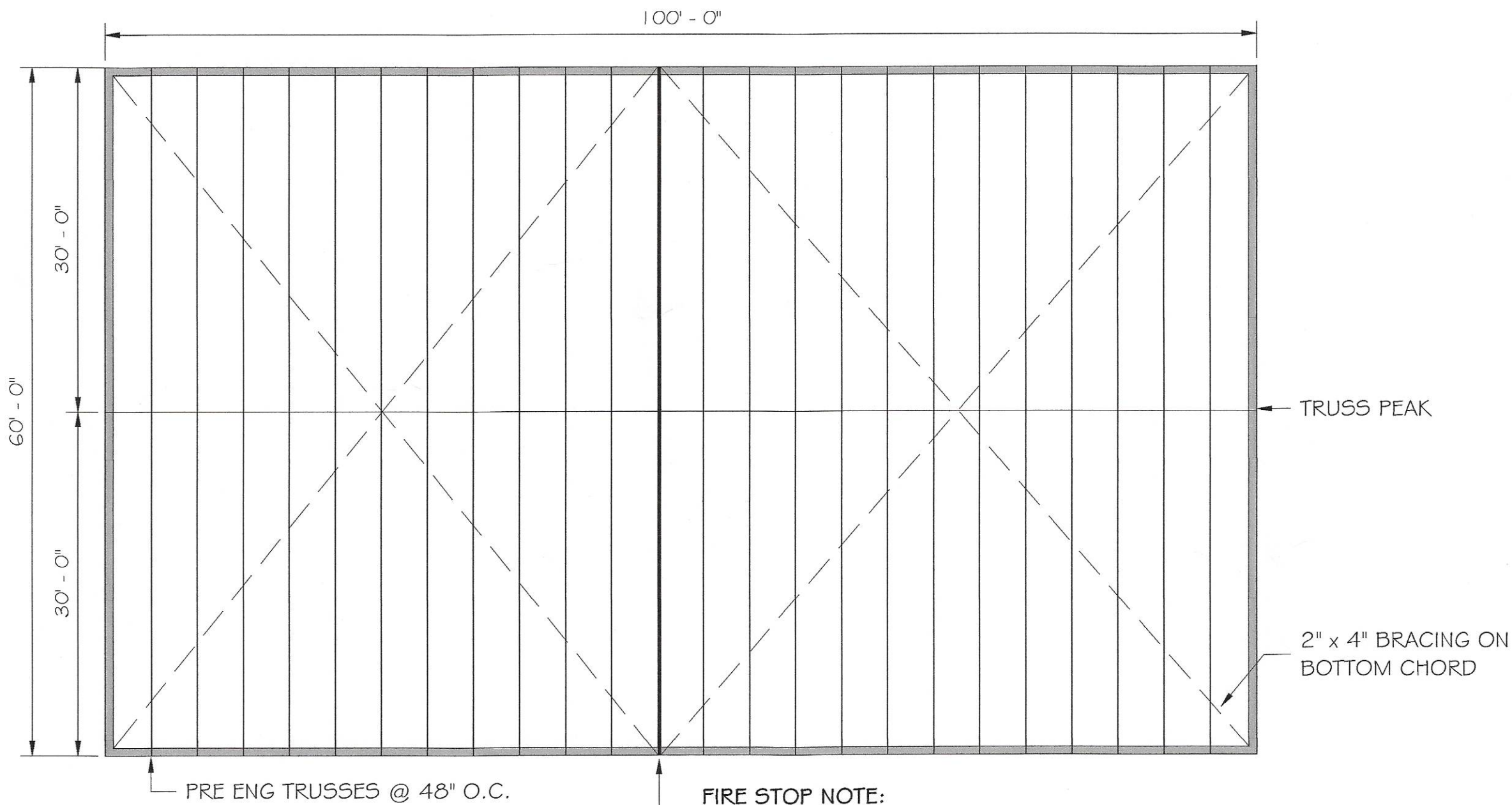
4 TYPICAL TRUSS FIRE STOP
1/4" = 1'-0"

2 VEE BRACING DETAIL
3/16" = 1'-0"



NOTE:
VEE BRACES @ 50'-0" **ONLY REQUIRED** ON COMPRESSION
MEMBERS WITH COMPRESSIVE LOADING
GREATER THAN 1800 LB (SEE TRUSS DRAWING)
TRUSS BRACING IN ADDITION TO MANUFACTURERS SPECS.

3 VEE BRACING PERSPECTIVE
3/16" = 1'-0"



FIRE STOP NOTE:
ATTIC FIRE STOP AS PER N.F.B.C.3.1.3.
REQUIRED EVERY 98' - 0" (1 REQUIRED)
SEE FIRE STOP DETAIL ON S-6

1 TRUSS LAY OUT
3/32" = 1'-0"

ADD 2" x 4" PLATE C/W 2 ROWS OF
3 1/2" NAILS @ 24" O.C. STAGGERED

2 - 2" x 8" TOP PLATE

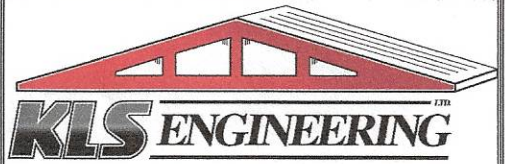
TRUSS GABLE END

TRUSS BOTTOM CHORD,
3 1/2" NAILS @ 16" O.C. INTO 2" x 4" PLATE

1" x 8" STRAPPING @ TOP PLATE C/W
3 - 3 1/2" NAILS INTO EA. STUD

2" x 8" STUD WALL

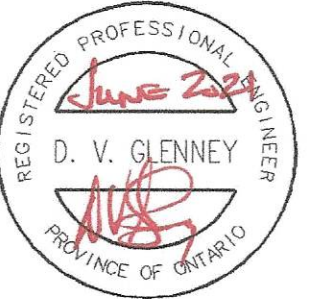
5 GABLE END DETAIL
3/4" = 1'-0"



1333 HIGHWAY #3
DUNNVILLE, ONTARIO
N1A 2W7
phone: (905) 774-4307
fax: (905) 774-1168

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PRINTS	NO.	DATE	BY
ISSUED/REVISIONS			

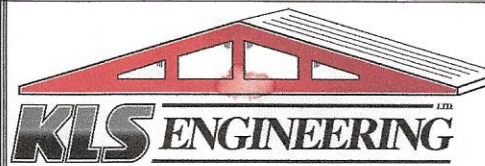
RICK DOBRUCKI
STORAGE BUILDING
909 COLLVER RD.
WELLANDPORT, ONT

DRAWING
TRUSS LAYOUT & DETAILS

SCALE
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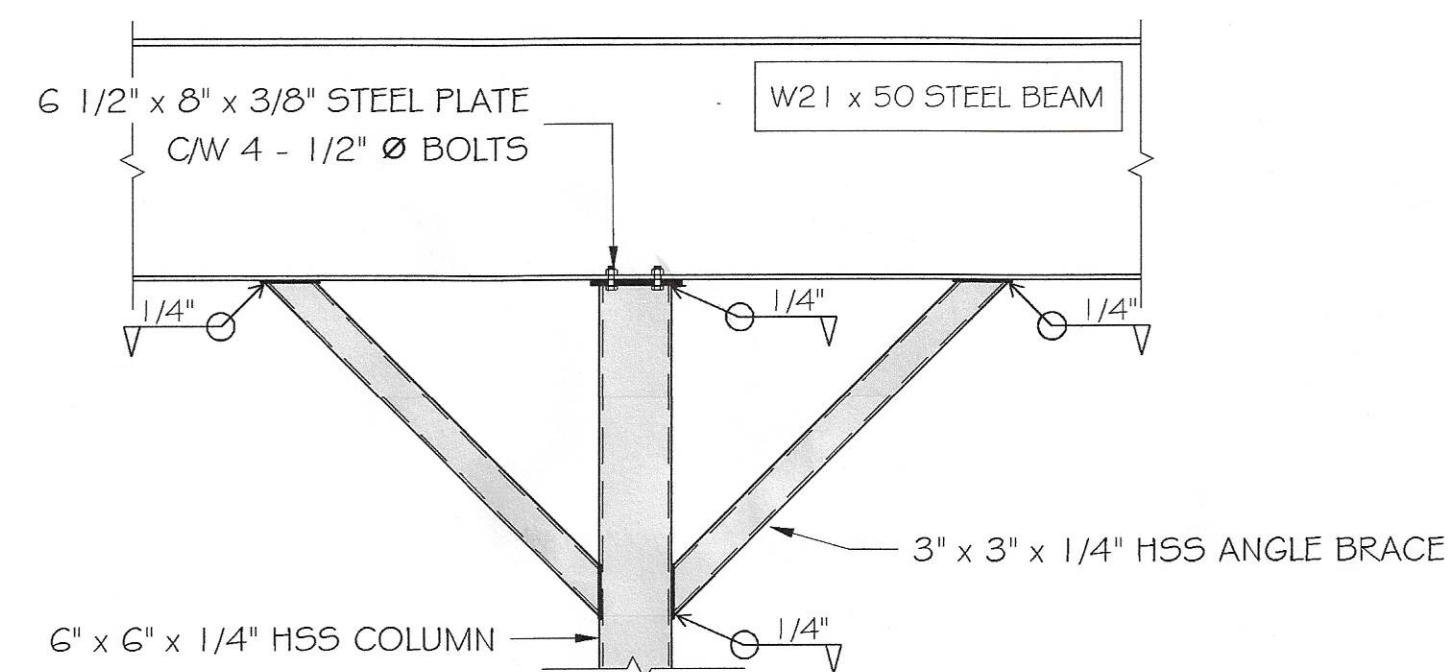
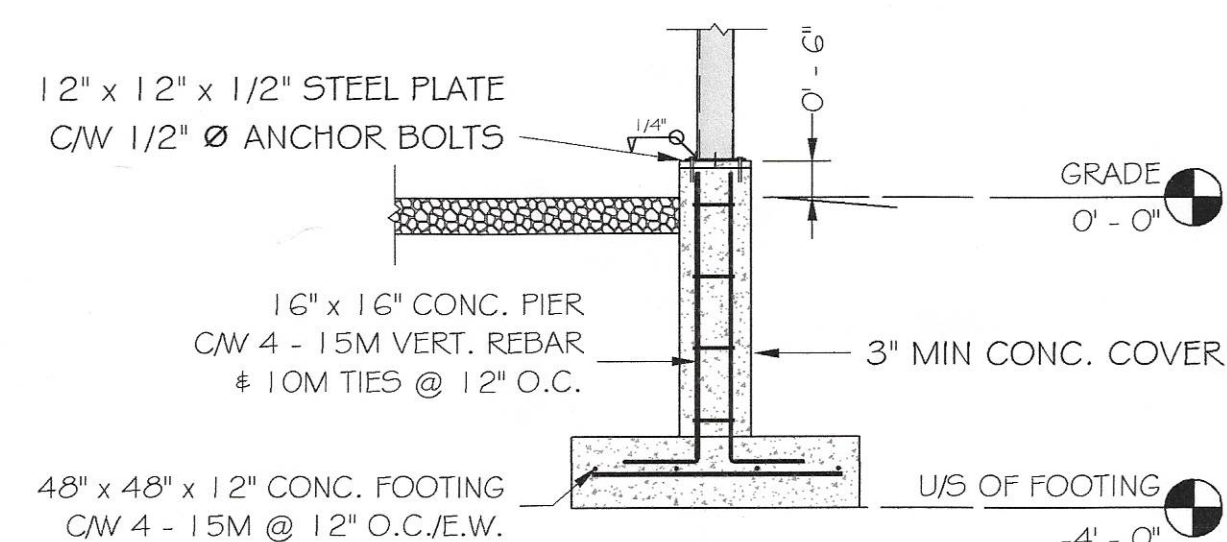
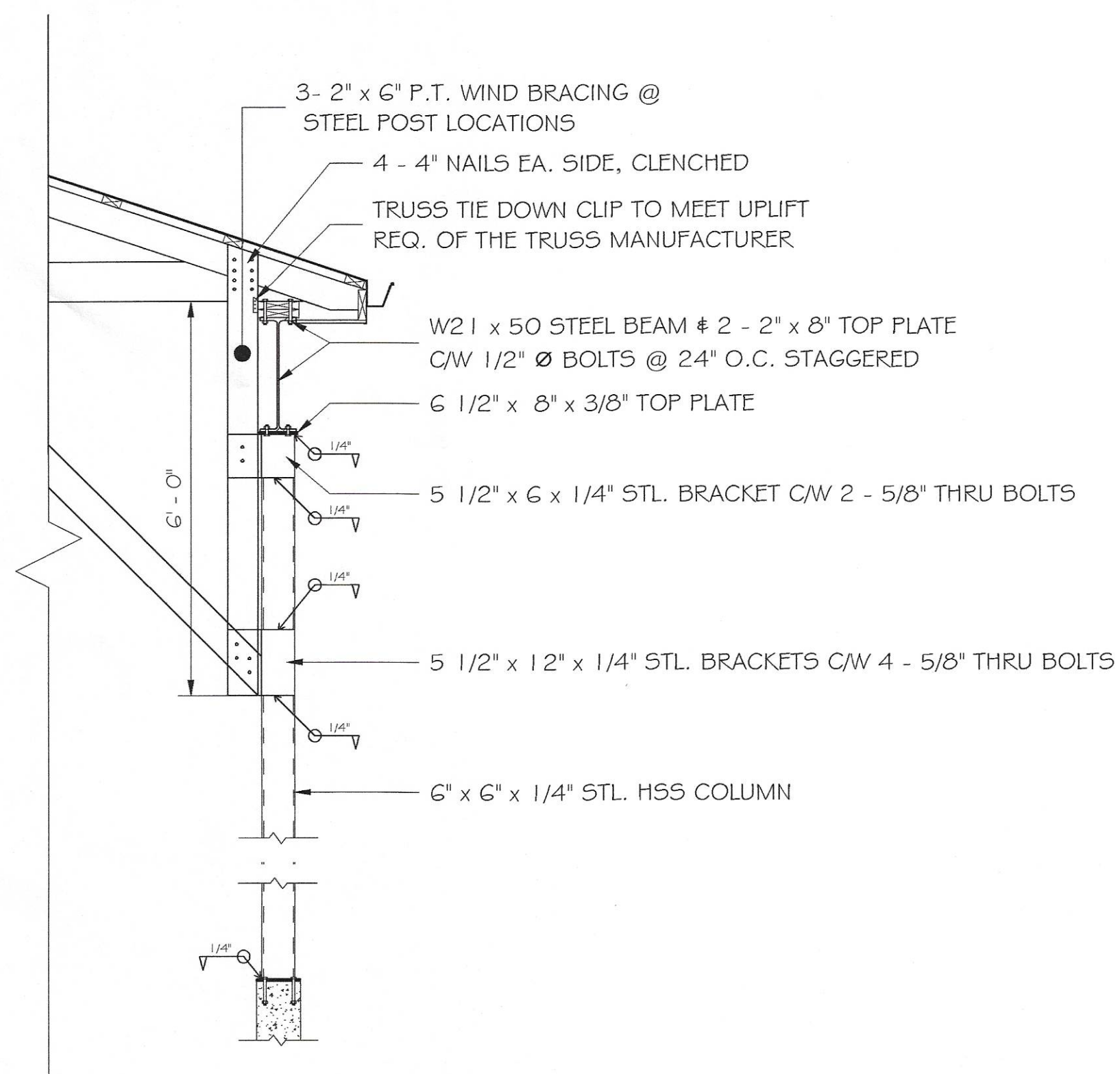
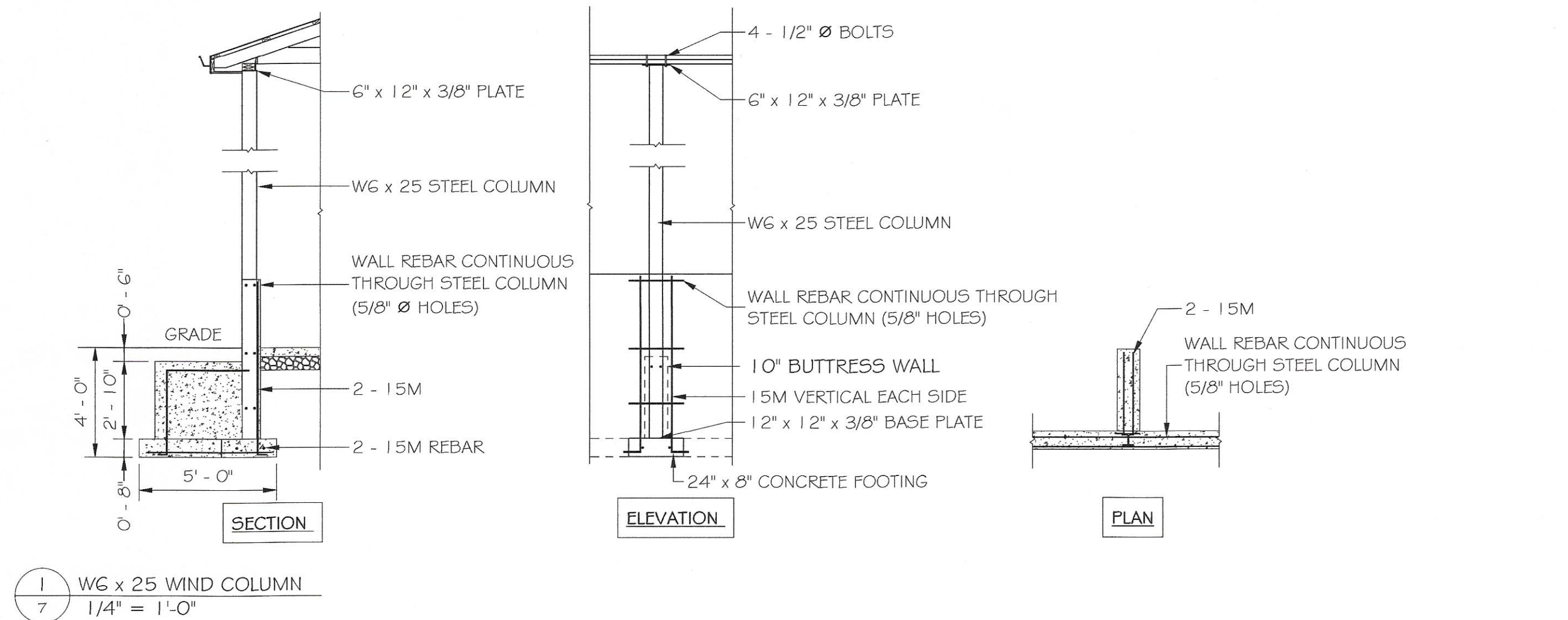
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1333 HIGHWAY #3
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PRINTS	NO.	DATE	BY
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RICK DOBRUCKI
STORAGE BUILDING
909 COLLVER RD.
WELLANDPORT, ONT

DRAWING

BEAM & PIER DETAILS

SCALE
As indicated

V37-21-225

DRAWING FILE:
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V37-21-225\KLS\WINDMILL, TM - STORAGE BUILDING - V37-21-225-1.dwg

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W. DYKSTRA
DATE
MAY 25/21
SHEET
7 OF 7

DRAWING NUMBER
S-7

- 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*.

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.



Planning Application Review

Application Number: A24/2021WL
Date: September 16, 2021
Property Address: 873 Collver Road
Project:

Planning Staff,

Please be advised the application as proposed appears to allow fulfillment of the requirements of Part 8 (Sewage Systems) O.B.C. specifically table 8.2.1.6A and 8.2.1.6B. Thus, no objection to the application as proposed.

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

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: September 24, 2021 3:32 PM
To: Meghan Birbeck
Subject: NPCA Comments - Sept 29th West Lincoln Committee of Adjustment Applications
Attachments: PLMV202101321 - 5575 Concession Road 4, West Lincoln.pdf; 5575 Concession Road 4, West Lincoln (4).pdf

Hello Meghan,

Please see below the NPCA's comments on the proposals at 873 Collver Road, and 5575 Concession 4 Road.

873 Collver Road

- NPCA technical staff have reviewed the proposed accessory structure and have confirmed that the NPCA will have no floodplain concerns. As such, the NPCA will have no objections to the proposed Minor Variance applications.

5575 Concession Road 4

- Please see the attached letter for the NPCA's comments on the proposed Minor Variances at 5575 Concession Road 4. Mapping of the property is also attached.
- As noted in the letter, the review fee is outstanding. I will follow up on this with the applicant.
- As described in the letter, if the barn's proposed location is revised to be at least 30 metres from the Wetlands on site, then the NPCA will have no further objections. The shaded green area indicated as **SWX** on the attached mapping shows the location of the Unevaluated Wetlands. The 30 metre buffer from the Unevaluated Wetlands is not shown on the attached mapping, but the 30 metre buffer from the Provincially Significant Wetlands is included.
- Please let me know if you have any questions.

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

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [facebook.com/NPCAOntario](#) & [twitter.com/NPCA_Ontario](#).

Attachment No. 3 to COA-035-21

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly. Our Conservation Areas are currently open, but may have modified amenities and/or regulations.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [NPCA's Facebook Page](#) & [NPCA's Twitter page](#).

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