

DATE: Oct 27th, 2021

REPORT NO: COA-039-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Nancy and Steven Neville
File No. A27/2021WL

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

OVERVIEW:

- A minor Variance application has been submitted by Nancy and Steven Neville for the property legally known as Plan M86 Lot 9, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara, municipally known as 20 Wallis Avenue
- A minor variance application has been applied for that requires to permit a proposed carport addition to be built with a south side yard setback of 0.91 metres/91.44 centimeters (36 inches) whereas Table 14 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the minimum interior side yard setback for a Residential Low Density Type 1B 'R1B' property is 1.5 metres (59.1 inches)
- The owner is requesting these variances to allow a width of a carport that will allow a car door to open when inside.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval.

RECOMMENDATION:

1. THAT, the application for the Minor Variance made by Nancy and Steven Neville as outlined in Report COA-039-21, to permit a proposed carport addition to be built with a side yard setback of 0.9 metres whereas Table 14 of the Township's Zoning By-law identifies a minimum side yard setback of 1.5 metres, BE APPROVED; with the following condition:
 - a. THAT, approval is subject to having an Ontario Land Surveyor confirm compliance of the requested Side Yard setback and eave projection at the completion of framing stage.

BACKGROUND:

The subject lands are situated on the east side of Wallis Avenue, north of Colver Street and east of Wade Road, being legally described as Plan M86 Lot 9 in the former Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 20 Wallis Avenue.

The subject property is approximately 0.31 acres in size. The property is designated as Low Density Residential within the Urban Area of Smithville and is zoned R1B 'Residential Low Density. The majority of the surrounding properties to 20 Wallis Avenue also share the same designation and zoning.

The owner of the property is hoping to obtain a minor variance to permit an expansion to an attached carport to accommodate the width of a carport that will allow a vehicle door to be open while inside the carport. The minimum side yard setback requirement is 1.5 metres to a residential low density dwelling as outlined in Table 14 of the Township's Zoning Bylaw. This variance is seeking a 0.91 metre setback to allow for the carport expansion.

Building staff note that having the setback this close to the property line may result in the eave troughs to be closer than permitted. As such, building staff have noted that after a thorough review of the application for Minor Variance they request that should the application be considered for approval that a condition of approval be subject to having an Ontario Land Surveyor confirm compliance of the requested Side Yard setback and eave projection at the completion of framing stage.

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 Residential Low Density under the Township's Official Plan. The Residential Low Density designation applies to existing, low density residential neighbourhoods throughout the Smithville Urban Settlement Area. It is the intent of this plan that these residential neighbourhoods be protected from significant redevelopment while, at the same time permitting ongoing evolution and rejuvenation.

2018 aerial imagery of the property indicates that the property has a single detached dwelling and a smaller accessory building located on the south east corner of the property. The single detached dwelling on the property appears to be 1166 square feet, the attached garage is approximately 288 square feet and the accessory building located on the back of the lot is approximately 321 square feet.

Section 6.1.1 of the Township's Official Plan states that the various designations of the Urban Settlement Area will protect and enhance the existing character of Smithville while, at the same time permitting some forms of new development and/or redevelopment that are compatible with existing development, and can improve the quality of life of existing and future residents of West Lincoln. Section 6.2.1 states that low density residential designations shall include single detached dwellings and their accessory buildings. All low density residential development shall be compatible with adjacent properties, shall respect the character and image of the neighbourhood, and shall be attractively designed and be consistent with urban design criteria.

Township staff are of the opinion that this minor variance to enlarge the existing carport to have a side yard setback of 0.91 metres whereas 1.5 metres is required meets the general intent and purpose of the Official Plan.

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

The subject land is zoned 'R1B' Residential Low Density under the Township's Zoning By-law 2017-70, as amended. The parcel of land is 0.31 acres in size. The R1B zone permits single detached dwellings and their associated accessory buildings. The proposed expansion to the existing carport is permitted under the regulations of the R1B Zone.

Under the Township's Zoning By-Law 2017-70, attached garages shall conform to the provisions under the R1B single detached dwelling provisions. The applicants are proposing an expansion of 3 metres by 6 metres in size a total of 18 square metres. The proposed carport will have a height of 2.8 metres where 10 metres is the maximum. The attached carport addition meets all setbacks for a single detached dwelling other than the side yard setback provision which is required to be 1.5 metre setback, the applicants are requesting a 09 metre setback.

Township staff are of the opinion that this minor variance to enlarge the existing carport to have a side yard setback of 0.91 metres whereas 1.5 metres is required meets the general intent and purpose of the Township's Zoning Bylaw.

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

The applicants have proposed to construct an 18 square metre addition to an existing carport which will have a height of 2.8 metres. This building is proposed to allow the applicants to be able to open a car door while using their carport as the existing carport width does not allow them to do so.

The proposed addition is situated to the south of the existing carport and single detached dwelling. The location allows them to expand the existing carport which is already located to the south of the home. The surrounding properties consist of single detached dwellings with attached garages or carports.

Planning staff are of the opinion that this reduction of -0.6 to the required side yard setback from the required 1.5 metres to 0.9 metres would not negatively affect any of the neighbouring properties.

Is the proposal minor in nature?
Yes,

The applicants are proposing to expand an existing attached carport to their single

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detached dwelling located at 20 Wallis Avenue. Relief is being requested from Table 14 of the Township's Zoning Bylaw to allow the addition to be built with a side yard setback of 0.91 metres whereas 1.5 metres is required.

Township staff note that this is only a 0.6 metre reduction to the required side yard setback and that township staff are of the opinion that this is minor in nature. Staff have received public comments from neighbouring property owners located at 21 and 23 Wallis Avenue stating their support of this application.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on October 6th, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Public Works Department does not have any objections to this application.

The Township's Building Department has included a condition which suggests that approval be subject to having an Ontario Land Surveyor confirm compliance of the requested Side Yard setback and eave projection at the completion of framing stage.

Regional Planning and Development Services staff, as well as Niagara Peninsula Conservation Authority staff offer no objections to this Minor Variance application.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on October 7th, 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.

Township staff have received four emails and one phone call from the public as of October 11th 2021. The four members of the public who have emailed the Township have identified that they live at 18, 19, 21, and 23 Wallis Avenue and that they each have no objections to the carport being constructed. The one phone call asked for further information about the applicant but did not identify if they objected or not, this person also identified that they live on Wallis Avenue.

CONCLUSION:

A Minor Variance application has been submitted by Nancy and Steven Neville for the property municipally known as 20 Wallis Avenue to permit a proposed carport addition to be built with a side yard setback of 0.91 metres whereas table 14 of the Township's Zoning Bylaw identifies that a minimum side yard setback shall be 1.5 metres. To ensure that there are no further variances that will need to be requested once this is constructed the Chief Building Inspector has included a condition which states:

the completion of framing stage.

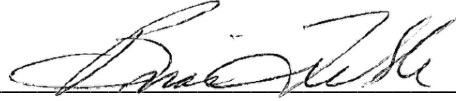
ATTACHMENTS:

1. Site Sketch
2. Comments

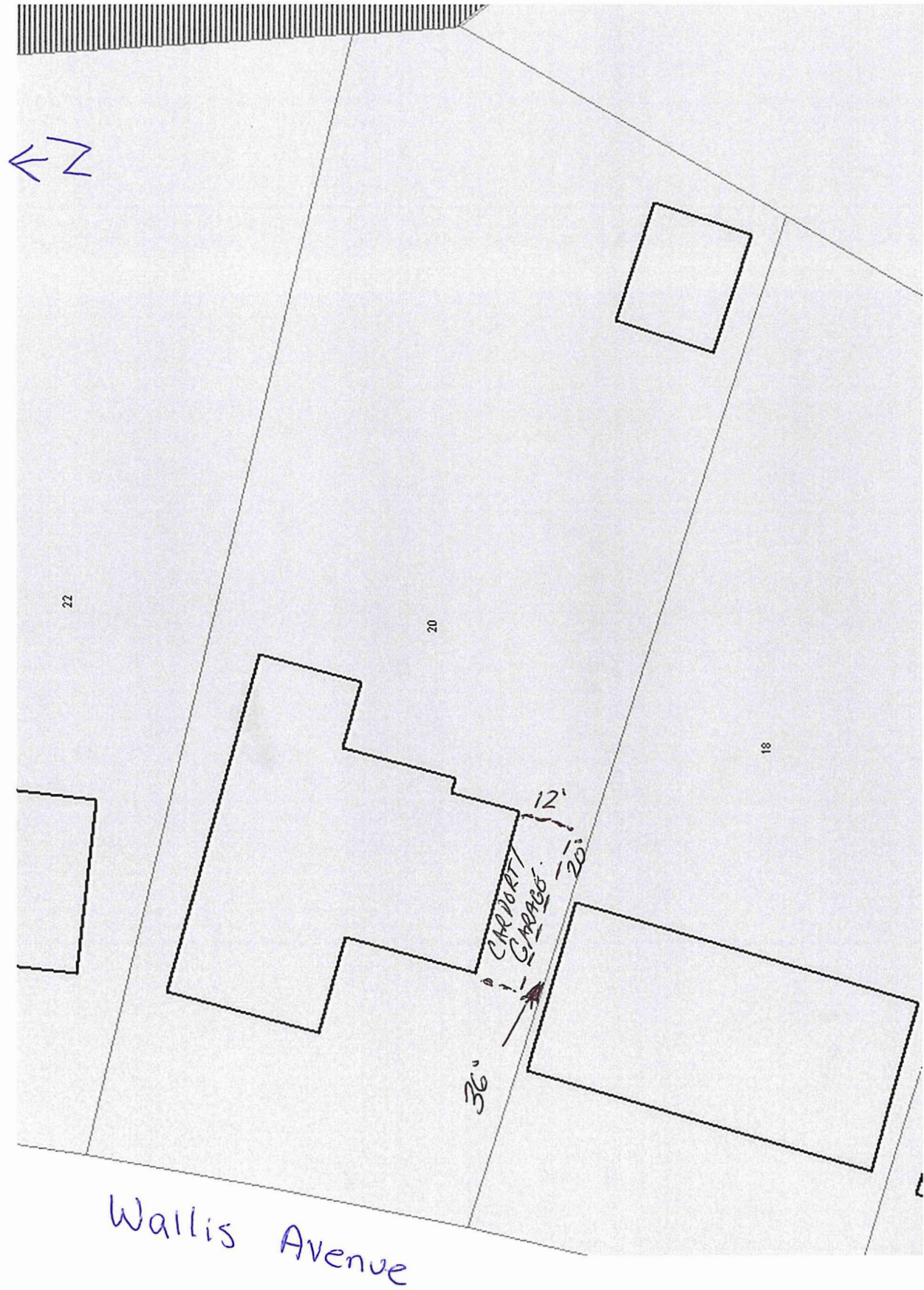
Prepared by:



Madyson Etzl
Planner I



Brian Treble, RPP, MCIP
Director of Planning and Building



Meghan Birbeck

From: WH Dejong [REDACTED]
Sent: September 21, 2021 3:29 PM
To: Meghan Birbeck
Cc: [REDACTED]
Subject: Variance at 20 Wallis Ave

Hi Meghan,

We're Steve Neville's neighbours at 18 Wallis Ave, and we're emailing to let you know we are not opposed to the 36" property line variance for his car port on the south side of the house.

Please let me know if you need anything else from us!

Thanks,

William & Hannele Dejong

Meghan Birbeck

From: kevin powell [REDACTED]
Sent: September 22, 2021 4:59 PM
To: Meghan Birbeck
Subject: 20 Wallis ave property variance

Hi Meghan

My name is Kevin Powell I live at 19 Wallis ave I have no issues with Steven Neville adding onto his garage
Any further questions you may have for me feel free to email or call me at [REDACTED]

Sent from [Mail](#) for Windows

Meghan Birbeck

From: Nicole Ludwig-Muis [REDACTED]
Sent: October 11, 2021 5:36 PM
To: Meghan Birbeck
Subject: A27/2021WL- Neville

Hi, we are contacting you in regards to A27/2021WL - Neville at 20 Wallis ave about the Minor Variance. We are Dwayne and Nicole Muis at 21 Wallis Ave and we are ok with the carport being built for Steve and Nancy.
Thanks!

Web Orders

From: Steven Neville
Sent: September 22, 2021 11:19 AM
To: Web Orders
Subject: Fwd: 20 Wallis Ave

Sent from Steven Neville. Stanpac [REDACTED]



Begin forwarded message:

From: Steven Neville [REDACTED]
Date: September 22, 2021 at 9:54:55 AM EDT
To: NANCY NEVILLE [REDACTED]
Subject: Fwd: 20 Wallis Ave

#23

Sent from Steven Neville. Stanpac [REDACTED]



Begin forwarded message:

From: Geoff Harrington [REDACTED]
Date: September 22, 2021 at 9:50:24 AM EDT
To: mbirbeck@westlincoln.ca
Subject: 20 Wallis Ave

Hi Meghan,

I live across the street from Steve Neville at 23 Wallis Ave. I have no issues with the project that Steve is proposing for 20 Wallis Ave.
Any other concerns let me know.

Geoff Harrington

Sent from Mail for Windows

Web Orders

From: Steven Neville
Sent: September 22, 2021 11:19 AM
To: Web Orders
Subject: Fwd: Variance at 20 Wallis Ave

Sent from Steven Neville. Stanpac truck [REDACTED]



Begin forwarded message:

From: Steven Neville [REDACTED]
Date: September 21, 2021 at 3:31:07 PM EDT
To: WH Dejong [REDACTED]
Subject: Re: Variance at 20 Wallis Ave

Thanks.

Sent from Steven Neville. Stanpac [REDACTED]



#18

On Sep 21, 2021, at 3:29 PM, WH Dejong [REDACTED] wrote:

Hi Meghan,

We're Steve Neville's neighbours at 18 Wallis Ave, and we're emailing to let you know we are not opposed to the 36" property line variance for his car port on the south side of the house.

Please let me know if you need anything else from us!

Thanks,

William & Hannele Dejong

BUILDING DEPARTMENT

MEMORANUM

TO: Megan Birbeck

FROM: John Schonewille, Deputy Chief Building Official

DATE: October 5, 2021

RE: **Minor Variance Application A27/2021WL 20 Wallis Ave**

Please be advised that after a thorough review of the application for Minor Variance we would request that should the application be considered for approval that a condition of approval be subject to having an Ontario Land Surveyor confirm compliance of the requested Side Yard setback and eave projection at the completion of framing stage.

Thank you,

John Schonewille

John Schonewille, Deputy Chief Building Official

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: October 14, 2021 9:50 AM
To: Meghan Birbeck
Subject: NPCA Comments - October 27th Committee of Adjustment Meeting

Hello Meghan,

Please see below the NPCA's comments on the four applications you had circulated to me for the October 27th Committee of Adjustment meeting.

20 Wallis Avenue

- A portion of the subject property is impacted by a mapped Floodplain Hazard, and the 30 metre development buffer associated with a Provincially Significant Wetland (PSW). However, the proposed carport addition does not fall within the hazard or development buffer on site.
- As such, the NPCA will have no objections to the proposed Minor Variance.

6662 Vaughan Road

- A portion of the subject property falls within 15 metres of a Watercourse. However, the proposed shop appears to be located outside of the 15 metre development buffer associated with the Watercourse.
- As such, the NPCA will have no objections to the proposed Minor Variance.

3625 Sixteen Road

- The subject property is impacted by NPCA regulated Watercourses, Unevaluated Wetlands, and a mapped Floodplain Hazard. However, the proposed Quail Livestock Barn is located outside of the Floodplain Hazard, outside of the 15 metre development buffer associated with the Watercourses, and outside of the 30 metre development buffer associated with the Wetlands.
- As such, the NPCA will have no objections to the proposed Minor Variance.

7330 Concession 3 Road

- The subject property is impacted by NPCA regulated Watercourses, and Provincially Significant Wetlands (PSW). Although the proposed lot lines appear to bisect a portion of the 15 metres development buffer associated with a Watercourse, NPCA Policy does not prohibit lot creation within 15 metres of a Watercourse.
- As such, the NPCA will have no objections to the proposed Surplus Farm Dwelling Severance application.

Please let me know if you have any questions.

Sincerely,

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

October 14, 2021

File No.: D.17.12.MV-21-0090

Meghan Birbeck
Secretary Treasurer
Committee of Adjustment
Township of West Lincoln
318 Canborough Street
Smithville, ON, L0R 2A0

Dear Ms. Birbeck:

Re: Minor Variance Application
Regional and Provincial Comments
Township File No.: A27/2021WL
Address: 20 Wallis Avenue, Township of West Lincoln

Regional Planning and Development Services staff has completed a review for the above-mentioned Minor Variance application which has been applied for to permit the construction of a carport addition which is to be built with a south side yard setback of 0.91 metres whereas Table 14 of the Township's Zoning By-law 2017-20, as amended, identifies that the minimum interior side yard setback for a Residential Low Density Type 1B 'R1B' property is 1.5 metres. The following Provincial and Regional comments are provided to assist the Committee in considering this application.

Core Natural Heritage System

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Lower Twenty Mile Creek Provincially Significant Wetland Complex (PSW), Significant Valleyland, and Type 1 (Critical) Fish Habitat. Additionally, there is a wooded area on the property that may meet the criteria for Significant Woodland. Consistent with Regional Official Plan (ROP) Policy 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 120 m of PSW, within 50 m of Significant Woodland/Significant Valleyland and within 30 m of Type 1 Fish Habitat.

The proposed carport is within the above-noted setbacks but is within the existing development footprint. As such, Environmental planning offers no objection to the Minor Variance application.

Conclusion

Regional Planning and Development Services staff offers no objection to the Minor Variance application from a Provincial or Regional perspective, subject to the satisfaction of any local requirements. If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3268 or Susan Dunsmore, P. Eng., Manager, Development Engineering, at extension 3661.

Please send notice of the Committee's decision regarding this application.

Best Regards,

A handwritten signature in blue ink, appearing to read 'R. Alguire', is positioned above the printed name.

Robert Alguire, C.E.T.
Development Approvals Technician
Niagara Region

cc: Lori Karlewicz, B. Sc., Planning Ecologist, Niagara Region