

**DATE:** October 27<sup>th</sup>, 2021

**REPORT NO:** COA-042-21

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by 2M Architects Inc. on behalf of  
Katerina and Philip England  
File No. A30/2021WL

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

**OVERVIEW:**

- A minor Variance application has been submitted by 2M Architects Inc. on behalf of Katerina and Philip England for the property legally known as Concession 8, Part Lot 13, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara, municipally known as 2897 South Grimsby Road 7.
- A minor variance application has been applied for that requests two variances.
- The first variance is to permit a proposed Type 2 Agricultural Accessory Building to be built with an interior side yard setback of 1 metres (3.28 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the minimum interior side yard setback for a Type 2 Agricultural Accessory Building is 2 metres (6.56 feet).
- The second variance is to permit a total lot coverage 17.2% to allow for the proposed Type 2 Agricultural Accessory Building whereas Table 12 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum lot coverage for an Agricultural property is 10%.
- The owner is requesting these variances to build an accessory building to store gardening equipment and vehicle.
- 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 first Minor Variance made by 2M Architects Inc. on behalf of Katerina and Philip England as outlined in Report COA-042-21, to permit an accessory building to be built with a minimum side yard setback of 1 metre (3.28 feet), BE APPROVED;
2. THAT, the application for the second Minor Variance made by 2M Architects Inc. on behalf of Katerina and Philip England as outlined in Report COA-042-21, to permit a total lot coverage of 17.2%, BE APPROVED.

- a. That all recommendations are subject to the following condition:
  - i. THAT, the Township's septic inspector approve the accessory building's location on the property in relation to the property's existing septic system.

**BACKGROUND:**

The subject lands are situated on the south side of Regional Road 20, east of South Grimsby Road 7, being legally described as Concession 8, Part Lot 13, 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 2897 South Grimsby Road 7. (See attachment 1 for a site sketch)

The subject property is approximately 0.26 acres (0.10 hectares) in size. The property is designated as Good General Agricultural and is zoned Agricultural 'A'. The majority of the surrounding properties to 2897 South Grimsby Road also share the same designation and zoning.

The owners of the property are hoping to obtain a minor variance to permit an accessory building to be built to store gardening equipment and vehicles. The proposed accessory building is 49.1 square metres (528.51 square feet) in size, which is permitted.

This minor variance application has been applied for that requests two variances. The first variance that is required is to permit a proposed Type 2 Agricultural Accessory Building to be built with an interior side yard setback of 1 metre (3.28 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the minimum interior side yard setback for a Type 2 Agricultural Accessory Building is 2 metres (6.56 feet). The second variance that is required is to permit a total lot coverage of 17.2% to allow for the proposed Type 2 Agricultural Accessory Building whereas Table 12 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum lot coverage for an Agricultural property is 10%.

The property is an extremely small agricultural property. The Township Zoning By-law identifies that the minimum lot area for an Agricultural 'A' zoned property is 40 ha (98.84 acres) and that the minimum lot area for a Rural Residential 'RuR' lot is 0.4 ha (0.99 acres), while the applicants' property is only 0.26 acres (0.10 hectares) in size. The single detached dwelling on the property already takes up roughly 12.5% and the proposed accessory building will take up 4.7 %.

**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. This agricultural zoned property, which has a single detached dwelling as its principal use, is approximately 0.26 acres (0.10 hectares) in size.

The minor variance application is proposing to increase the total maximum lot coverage on their property by 7.2% (74.3 square metres) and increasing the current lot coverage by 4.7% (49.1 square metres), to permit a proposed accessory building to have a lot coverage of 17.2% (178 square metres) for both the existing dwelling and the proposed accessory building. 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.

Section 4 of the Township's Official Plan discusses Agricultural Land Use Policies. Part 4.2 c) identifies that one of the objectives for all agricultural areas is *to promote small scale secondary uses and agriculture-related uses that are compatible with and do not hinder surrounding agricultural operations.*

Township staff believe that the proposed access building is small in scale and that it is appropriate for the applicants to have an accessory building on their small agricultural/residential lot and therefore support the lot coverage variance.

As the property is extremely small it already has a relatively small backyard. The variance to reduce the side yard setback from 2 metres to 1 metre for the proposed accessory building will allow the property to have more yard to utilize, without fragmenting it. Township staff believe this is appropriate for this property as the property is surrounded by agricultural land with no residential neighbours immediately adjacent.

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

The subject land is zoned Agricultural 'A' under the Township's Zoning By-law 2017-70, as amended. 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 A 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 single detached dwelling that takes up 12.5% of the lot and is requesting a lot coverage of 17.2%. Prior to the 2017 compressive review the lot coverage may have allowed for the current lot coverage to be greater than 10%. Adding

the one accessory building which has a size of 49.1 square metres would increase the lot coverage to 17.2%.

The Zoning By-law is written to have a minimum lot area of 40 ha (98.84 acres). However, the property only has a lot area of 0.26 acres (0.10 hectares), which makes the property an extremely small agricultural property. Small agricultural lots within West Lincoln have been transitioning to Rural Residential zonings 'RuR'. Rural Residential zoning have a minimum lot area of 0.4 ha (0.99 acres) and a maximum lot coverage of 20%. The 2897 South Grimsby Road 7 lot area is both smaller than Agricultural lots and Rural Residential lots. As such, Township staff believe that increasing the lot coverage on this property to 17.2% meets the general intent of the Zoning By-law so long as the existing septic system is not impacted.

The Zoning By-law's interior side yard setback for agricultural lots is to provide an appropriate amount of distance between neighboring properties. Opposite to where the accessory building is being proposed the neighbouring property has roughly 0.12 ha (0.30 acres) of trees. The neighbours tree coverage is larger then the property in question. Township staff believe reducing the setback for this property is appropriate as it will not be impacting the neighbour. In addition, it will offer the property more yard to utilize, without fragmenting it with the accessory building. Furthermore, it will hopefully offer a greater setback from the proposed accessory building and the properties septic system.

As the property is extremely small Township Staff believe that the accessory building is only appropriate if it does not impact its septic system as a result a condition to this application has been included. The condition is that the Township's septic inspector approve the accessory building's location on the property in relation to the property's septic system.

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

The applicants have proposed to construct a 49.1 square metre (528.51 square feet) accessory building, which proposes to be situated with a reduced side yard setback. The applicants also propose to increase the overall lot coverage. This building is proposed to be used to store gardening and residential equipment and vehicles. Accessory buildings are permit on agricultural properties.

As such, Planning Staff are of the opinion that the requested variance is appropriate development and use of the land provided that the septic function is not jeopardized.

**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. As the property is already over the lot coverage by 2.5% with their single detached dwelling their request to increase the lot coverage to 17.2% is only increasing the property's existing lot coverage by 4.7%. As the property is an extremely small agricultural lot and as accessory buildings are permitted on agricultural lots the Township believe the request to increase lot coverage is minor in nature so long as the septic function is not jeopardized.

In addition to lot coverage the application also includes a variance to reduce the interior side yard setback from 2 metres to 1 metre. Township staff believe this is minor as it will not be impacting the neighboring property and will improve the setback from the property's existing septic system to the proposed accessory building. However, Staff want to ensure that the property's septic system is not impacted by the proposed accessory building and as a result have attached a condition, that the Township's septic inspector approve the accessory building's location on the property in relation to the property's septic system.

**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 6<sup>th</sup>, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector has not yet commented on this application so they are away on holidays at the moment.

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

Regional Planning and Development Services staff offers no comments to this Minor Variance application.

The Niagara Peninsula Conservation Authority has not yet commented on this Minor Variance application.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on September 2<sup>nd</sup>, 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 comments have been received as of Sept 22<sup>nd</sup>, during the preparation of this report.

**CONCLUSION:**

A Minor Variance application has been submitted by 2M Architects Inc. on behalf of Katerina and Philip England for the property municipally known as 2897 South Grimsby Road 7. To ensure that the septic system on this property is not impacted by the proposed accessory building the Township can only support this minor variance application with the following condition that the Township's septic inspector approve the accessory building's location on the property in relation to the property's septic system.

**ATTACHMENTS:**

1. Site Sketch
2. Zoning Provisions
3. Comments

**Prepared by:**



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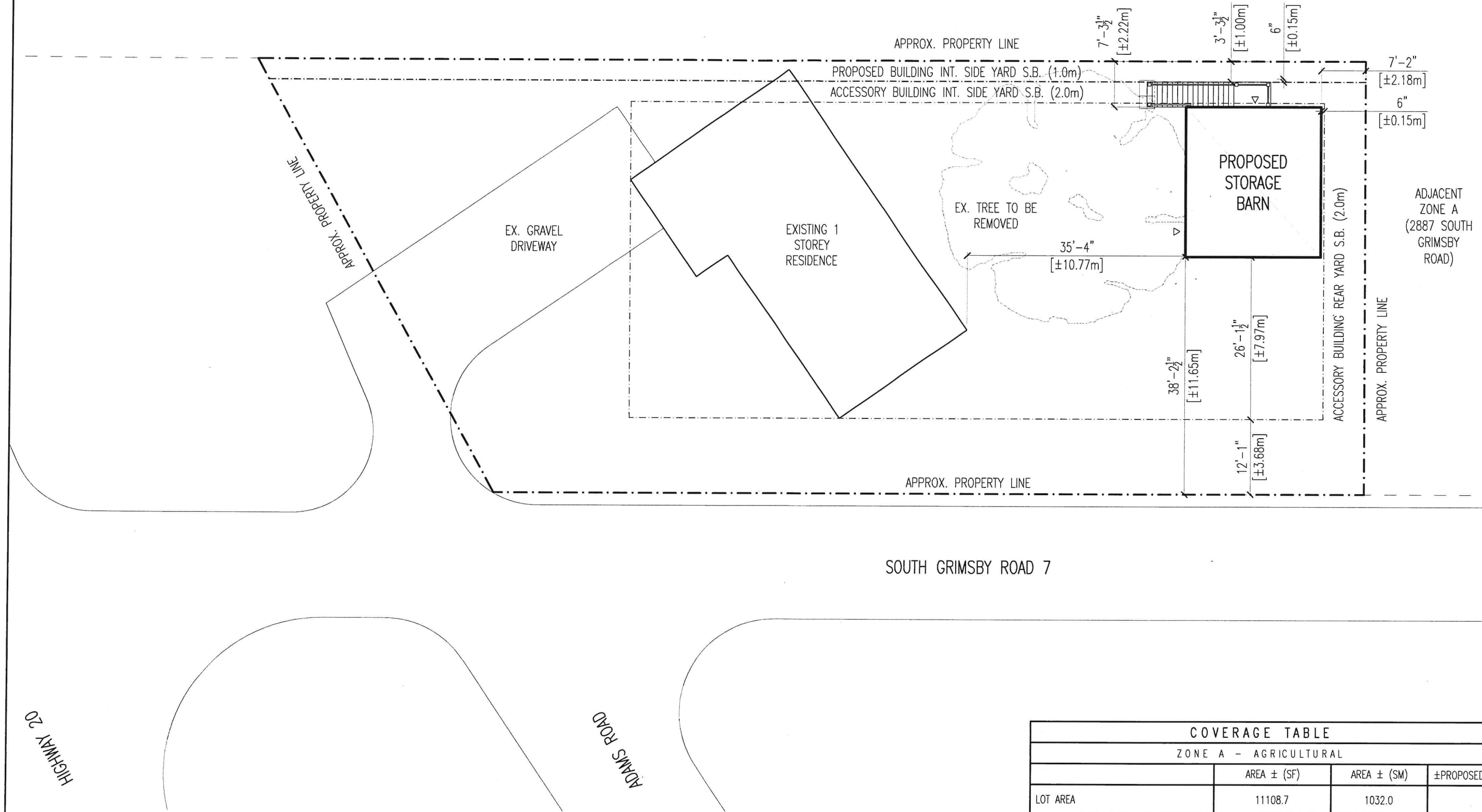
**Madyson Etzl**  
**Planner II**



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**Brian Treble, RPP, MCIP**  
**Director of Planning and Building**





COVERAGE TABLE			
ZONE A - AGRICULTURAL			
	AREA ± (SF)	AREA ± (SM)	±PROPOSED
LOT AREA	11108.7	1032.0	
EXISTING RESIDENCE	1385.2	128.7	12.5%
PROPOSED STORAGE BARN	528.0	49.1	4.7%
PROPOSED TOTAL COVERAGE	1913.0	178.0	17.2%
ALLOWABLE LOT COVERAGE	1110.9	103.2	10.0%
ALLOWABLE LOT COVERAGE (ACCESSORY)	888.7	82.6	8.0%

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



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

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

<sup>(2)</sup> 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 <sup>(1)</sup>		-
	<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 <sup>(1)</sup>		-
	<i>Other main building</i>	20m		10m
Minimum <i>interior side yard</i>	<i>Dwelling</i>	5m	-	-
	<i>Greenhouse</i>	15m <sup>(2)</sup>		
	<i>Mushroom farm building</i>	75m <sup>(1)</sup>		-
	<i>Other main building</i>	15m		7.5m

## Attachment #2 to COA-042-21

Regulation		Zone Requirements		
		A	APO	AR
Minimum <i>rear yard</i>	<i>Dwelling</i>	15m	-	-
	<i>Greenhouse</i>	15m <sup>(2)</sup>		
	Mushroom farm <i>building</i>	75m <sup>(1)</sup>		-
	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 area</i> <sup>(3)</sup>		10% of <i>lot area</i> <sup>(3)</sup>

<sup>(1)</sup>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*.

<sup>(2)</sup>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*.

<sup>(3)</sup>*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.

## Attachment #2 to COA-042-21

- 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 <sup>2</sup> )	Type 2 (10.1 to 100m <sup>2</sup> )	Type 3 (greater than 100m <sup>2</sup> )
Maximum <i>ground floor area</i> per <i>building</i> or <i>structure</i>		10m <sup>2</sup>	100m <sup>2</sup>	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 <sup>2</sup> , 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 <sup>2</sup> , 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 <sup>2</sup> , 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> <sup>(1)</sup>		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)		

<sup>(1)</sup> 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

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**From:** Jennifer Bernard  
**Sent:** October 12, 2021 10:37 AM  
**To:** Meghan Birbeck  
**Subject:** RE: October Committee of Adjustment meeting, West Lincoln

Hi Meghan,

I have no comments to provide for the revised application A28/2021WL and A30/2021WL.

Thanks,  
Jenn



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COVID 19 Update September 21, 2021 – As we continue to navigate the pandemic, the Township of West Lincoln is preparing to implement new regulations from the Provincial Government, which require all eligible individuals to be fully vaccinated against COVID-19 (two doses plus 14 days), and to provide proof of their vaccination status prior to accessing certain businesses and settings. Please read the latest update on our [website](#)

**From:** Meghan Birbeck  
**Sent:** October 12, 2021 10:10 AM  
**To:** Busnello, Pat <pat.busnello@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; susan.dunsmore@niagararegion.ca; Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Sue.Mabee@dsbn.org; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Jessica Kroes <jkroes@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Ray Vachon <rvachon@westlincoln.ca>  
**Subject:** FW: October Committee of Adjustment meeting, West Lincoln

Good morning,