

**DATE:** November 9, 2021

**REPORT NO:** PD-122-2021

**SUBJECT:** Updated Information Report – Zoning Bylaw Amendment –  
7005 Concession 4 Road – JCT Services – Joe Dilluio (Owner)  
Eldon Darbyson (Agent)

**CONTACT:** Madyson Etzl, Planner II  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- An application for Zoning Bylaw Amendment has been made to rezone the property municipally known as 7005 Concession 4 Road.
- The applicants are requesting to rezone a portion of the property located at 7005 Concession 4 Road from Agricultural (A) to Agricultural Related (AR-#) with a site specific exception to permit an encroachment of outside storage and equipment within 30 metres of a street line/lot line of a separate lot that contains a residential use, as well as to remove the required landscaped open space requirement.
- The applicants are also requesting to rezone another portion of the subject property from Agricultural (A) to Environmental Conservation (EC) to provide protection to the existing watercourses located on the property, which will include a buffer area as required by the Niagara Region as discussed at a previous Pre-Consultation meeting.
- This use began numerous years ago and has been operating ever since in a non-compliant way within the agricultural area. An application for rezoning and a Planning Justification Report were finally received on August 19th.
- The business known as JCT Services provides trucking services for hauling compost, trees, nursery stock, grains, and soil delivery. The business also provides loading excavating and grading services.
- The applicants are proposing a new 750 square metre accessory building which will be used to store and maintain the trucks and equipment.
- Following the public meeting held on October 12th 2021, staff have had a meeting to discuss location of the accessory building relating to the business and some detailed answers to the questions outlined in the conclusion of the technical report.
- A Recommendation Report will be prepared by Township Staff following an additional meeting with the applicant, agent and planning staff, and any agency comments, and will be presented at a future Planning/Building/Environmental Committee or Council Meeting.

**OVERVIEW cont'd:**

- Staff wish to point out that we have concerns with the location, size, setbacks and nature of the use and have recommended that the applicant consider relocating the business to be within a cluster adjacent to the applicant's house so that the use is accessory to the house and not situated in close proximity to the neighbor's house.

**RECOMMENDATION:**

1. That, Report PD-122-2021, regarding "Updated Information Report – Zoning By-law Amendment - 7005 Concession #4 Road – JCT Services- Joe Dilluio (Owner), Eldon Darbyson (Agent)", dated November 9<sup>th</sup>, 2021, be RECEIVED; and,
2. That, a recommendation report be submitted to a future Planning/Building/Environmental Committee or Council meeting once a full staff and agency review has been completed and a full understanding of the applicant's proposal is achieved.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #3**

- Strategic, Responsible Growth

**BACKGROUND:**

An application for a Zoning Bylaw Amendment has been submitted by Eldon Darbyson (Agent) on behalf of Joe Dilluio (Owner) for the property located on the north east corner of Caistor Gainsborough Townline Road and Concession 4 Road, legally described as Concession 4, Part Lot 39, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 7005 Concession 5 Road. The subject lands are approximately 19.9 hectares in size. Approximately 0.89 hectares are current being used for residential and amenity space, approximately 0.77 hectares are being used for the client's contractor's establishment.

This application for rezoning has been submitted after a pre-consultation meeting which was held on September 23<sup>rd</sup> 2020. The subject property has been the subject of the Township's Bylaw Department for numerous years. A planning justification report to outline how the specific business is serving agriculture and how it fits with the Ministry of Natural Resources and Food, and OMAFRA guidelines has been provided by the applicant for review. (Attachment 2)

This zoning amendment is needed to recognize the existing business known as JCT Services, which the applicant describes as an Agricultural Service and Supply establishment, an Agricultural-Related use and a Contractors Establishment, as well as to permit a proposed 750 square metre accessory building for the business. The following table outlines the zoning amendments the applicant is requesting and the justifications that have been provided in support of this zoning bylaw amendment;

Amendment	Reason
To Rezone a portion of the property (approximately 5.08%) from Agricultural (A) to Agricultural Related (AR)	To permit an Agricultural Service and Supply Establishment, an Agriculture-Related Use and a Contractors Establishment
To add a special provision to the Agricultural Related (AR) zone to permit an encroachment of outside storage and equipment within 30 metres of a street line or a lot line of a separate lot that contains a residential use and/or top of bank of a watercourse	Required to recognize and permit the storage of trucks and outdoor storage in the front yard within 30 metres of the street line, adjacent residential use and top of bank of an adjacent watercourse
Special provision to remove the landscaped open space requirement	Landscaped open space already exists. Additional landscaping will be required through the site plan approval process
Rezone a portion of the property from Agricultural (A) to Environmental Conservation (EC)	Provides protection to the existing watercourse including a buffer area as required by the Niagara Region.

A final policy review will be evaluated with the recommendation report. This report is just providing an update on questions and unanswered issues that have arisen.

- a) Whether the proposed activity is more appropriately located in a nearby settlement area or in the Rural Area;
- b) Whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
- c) The extent to which the use is compatible with the existing farming operation and surrounding farming operations;
- d) Whether the scale of the activity is appropriate to the site and the farming operation;
- e) Whether the use is consistent with and maintains the character of the agricultural area;
- f) The use does not generate potentially conflicting off-site impacts;
- g) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems;
- h) The use does not require significant improvements to utilities or infrastructure such as roads or hydro services;
- i) The use complies with all other applicable provisions of the Regional Official Plan

### **CURRENT SITUATION:**

Township staff have completed a preliminary review of this application and the Planning Justification Report against the applicable planning policies.

Staff had concern with some elements of the submitted Planning Justification Report and are hoping to have them addressed prior to a future recommendation report.

1. More justification as to how this is an Agricultural-Related Business and how the business serves agriculture.
2. More information on the scale of this Agricultural operation and what percentage of the work is agricultural related verses general contracting work.
3. How this serves the immediate surrounding agricultural lands.

4. Does this business impact the no truck route on Concession 4 Road and needs to be situated in this location to be in close proximity to the area that is being serviced?
5. Is Concession 4 Road adequately built and designed to withhold the traffic flow from the current proposed use.
6. Details on how the business operated including what uses and employees are on site at any given time and frequency and direction of traffic flows.

Following the public meeting staff met with the applicant and their agent on Thursday October 28<sup>th</sup> 2021 and further discussed the above 6 questions in more detail as well as the location of the accessory building, and if the proposed location could be altered to be closer to the applicants dwelling to cluster existing buildings instead of the neighbouring residential dwelling, and to be seen as accessory to the main use. The applicant agreed to prepare detailed answers to planning staff regarding these 6 questions and comment back to the planning department on the location of the building after they had the time to discuss.

**FINANCIAL IMPLICATIONS:**

Not applicable to this report

**INTER-DEPARTMENTAL/PUBLIC COMMENTS:**

Not applicable to this report

**CONCLUSION:**

Planning staff plan to have a second follow up meeting in the next few weeks and are prepared to bring a recommendation report to the next planning/building/environmental committee meeting once all details are finalized and agreed upon.

**ATTACHMENTS:**

1. Concept Plan

**Prepared & Submitted by:**



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**Brian Treble**  
**Director of Planning & Building**



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

**Approved by:**



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**Bev Hendry**  
**CAO**