

REPORT TOWNSHIP COMMITTEE OF ADJUSTMENT

DATE: September 23rd, 2020

REPORT NO: COA-002-20

SUBJECT: Recommendation Report

Brian Thiessen

Minor Variance File No. A11/2020WL

CONTACT: Madyson Etzl, Planner II

Brian Treble, Director of Planning and Building

OVERVIEW:

- A Minor Variance application to enlarge a legal non-conforming use has been submitted for 1293 Boyle Road.
- The subject property contains a legal non-conforming dwelling unit as it
 was built before the Township implemented its first Zoning By-law in
 1979, which gave the property an Agriculture Related (AR) zone to
 recognize the existing business on the property.
- The applicants are proposing a ±20 square metre (±225 sq.ft.) addition that will convert the existing covered porch into living space.
- This Township Planning Staff have reviewed the Minor Variance application against the non-conforming uses policies (18.14.3.b) in the Township's Official Plan and can recommend the approval of this application.

RECOMMENDATION:

That, report COA-002-20, regarding "Brian Thiessen Minor Variance File No. A11/2020WL", dated September 23rd, 2020, BE APPROVED, with the following condition:

1. THAT, an approved NPCA permit be received before issuance of a building permit.

BACKGROUND:

An application has been submitted for a minor variance to extend an existing legal non-conforming use for the property legally known as Concession 2, Part of Lot 25, formerly in the Township of Gainsborough, now in the Township of West Lincoln, municipally known as 1293 Boyle Road (see attachment 1 for a location map).

The subject property contains a legal non-conforming single detached dwelling, as the house was constructed before the Township implemented its first zoning by-law in 1979 and the current Zoning By-law 2017-70, as amended, zoned the property as Agriculturally Related due to the existing business on the property, which does not permit for single detached houses.

This variance is requesting to enlarge the legal non-conforming dwelling unit use by permitting a ±20 square metre conversion of an existing covered porch into additional living space for the house. Section 45 (2)(a)(i) of the Planning Act R.S.O. 1990, as amended, grants the Committee of Adjustment the power to enlarge a legal non-conforming use (see attachment 2 for a site sketch).

As the gross floor area for the residential space is increased, the applicant's proposal requires a minor variance to expand a legal non-conforming use to permit the conversion of the existing covered porch (which is not currently living space) into additional living space.

CURRENT SITUATION:

This minor variance application will be measured against the policies set out in Section 18.14.3 b) of the Township of West Lincoln's Official Plan (Non-Conforming Uses) to determine if the variance can be recommended for approval. The variance is seeking to permit a conversion of an existing covered porch into additional living space for the existing legal non-conforming house.

Is it a legal non-conforming use? Yes

The existing single detached dwelling was constructed in 1900 according to MPAC data, before the Township's first Zoning By-law was implemented. The current Zoning By-law 2017-70, as amended, put an Agriculturally Related zoning on the property due to the existing business. As such, the existing single detached dwelling has legal non-conforming use status.

Is it possible to relocate the use to a place where it will conform? No.

The subject property is zoned AR-123 which does not permit for a single detached house. Regardless of where the residential addition is proposed on the property, it will continue to be non-conforming as long as a single detached dwelling use continues.

Will the extension or enlargement unduly aggravate the situation already created by the existence of the use? No.

The conversion of an existing covered porch into additional living space will not unduly aggravate the situation as the footprint of the building is not changing.

Can the extension or enlargement be designed to alleviate adverse effects of the use? No.

Regardless of where the enlargement is proposed, the use will continue to operate as a residential dwelling on the property. In addition, the application is proposing to convert an existing covered porch into additional living space, which will not create any adverse effects as the footprint of the residential use will not change.

Are the abutting uses afforded reasonable protection by the provision of appropriate buffering and setbacks? Yes.

As the proposal is converting an existing covered porch into additional living space, there will be no further encroachment towards neighbouring properties. In addition, the smallest

setback to a property line is ±10m, which Planning Staff is of the opinion provides reasonable protection to abutting uses. Single detached dwellings in the Rural Residential (RuR) zone require a 9 metre exterior side yard setback. The proposal provides for a ±10m setback from the exterior side yard.

Is the proposed extension or enlargement an appropriate proportion to the size of the non-conforming use? Yes.

The proposed expansion of the legal non-conforming use will increase the gross habitable floor area of the existing dwelling unit by ±20 square metres. As this is a conversion of an existing covered porch into living space for the residential house, there will be no increase in lot coverage for the legal non-conforming use.

Is adequate provision made for safe access and adequate off-street parking and loading facilities? Yes.

The existing dwelling has safe access from the existing driveway off of Boyle Road. There is no proposal with this application to expand the existing access point for the property. The existing driveway will provide safe and adequate access to the property.

As this is a residential use and not a commercial or industrial use, loading facilities do not apply in this instance. One off-street parking space is required for the existing legal non-conforming dwelling unit. The existing driveway is large enough to accommodate the required parking space. For this reason, Staff is of the opinion that adequate provisions have been made for safe access and off-street parking for the property.

Are all services, including private sewage disposal and water supply systems, adequate? Yes.

The subject parcel is connected to a private sewage system. The Township's Septic Inspector submitted comments for this application stating that he had no objections to the proposal as is.

Is the expansion detrimental to the neighbourhood? No.

The neighbourhood contains a mix of uses, mainly Agriculture and Residential in nature. Permitting this expansion to allow for the conversion of the existing porch into additional living space for the dwelling unit is not a detrimental expansion to the neighbourhood. This expansion will not increase the number of residential units present on the property. In addition, this expansion will not enlarge the footprint of the existing dwelling as it is the conversion of an existing covered porch.

INTER-DEPARTMENTAL COMMENTS:

Agencies were circulated notice on August 24th, 2020. The Township's Public Works Department, and Drainage Superintendent have no objections to the application as proposed. The NPCA have submitted comments that state they will require an approved NPCA permit before the Township can issue an approved building permit for the proposed work. See their full comments at attachment 2.

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PUBLIC COMMENTS:

A notice of hearing was circulated to all property owners within a 60 metre radius of the subject property on August 24th, 2020. Public notice was also given by way of a yellow sign that has been posted on the property for a minimum of 10 days. As of Friday September 18th, no written comments have been received in regards to this application.

CONCLUSION:

Staff is of the opinion that the applicant's request to enlarge the legal non-conforming use by permitting the conversion of an existing covered porch into an additional ±20 square metres of living space for the residential dwelling can be recommended for approval with no conditions.

ATTACHMENTS:

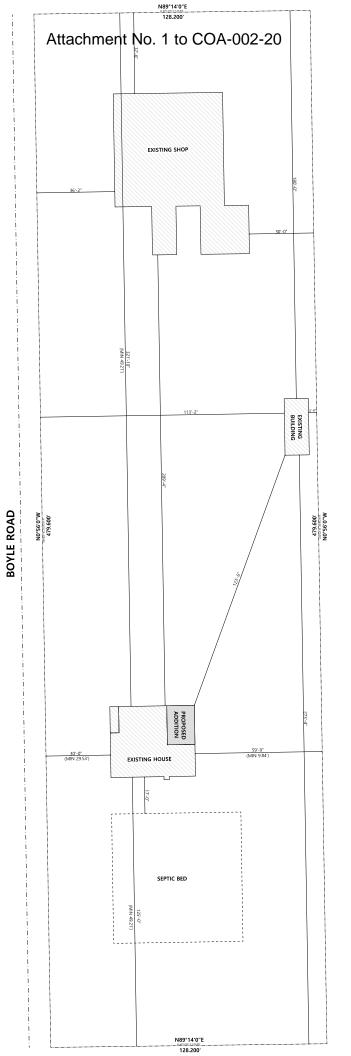
- 1. Site Sketch
- 2. Agency Comments
- 3. Proposed Plans

Prepared by:

Madyson Etzl B

Brian Treble, RPP, MCIP
Director of Planning and Building

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From: <u>Lyle Killins</u>
To: <u>Alexa Cooper</u>

Date: September 6, 2020 9:19:07 AM

Attachments: <u>imagecd01de.JPG</u>

imagece9b7c.PNG imagece30cb.PNG image8cd739.PNG

Hi Alexa,

Given the "Performace Level" of the septic system would not be reduced due to the proposed building addtiion, compliance with Part 8, Ontario Building Code appears fulfilled. Thus, no objection to the application as proposed.

Regards

Lyle Killins



318 Canborough St. P.O. Box 400 Smithville, ON Page 7 LOR 2A0

T: 905-957-3346 F: 905-957-3219 www.westlincoln.ca

Memo

To: Alexa Cooper, Planner I

From: Jennifer Bernard, Coordinator of Engineering Services

Date: September 9, 2020

Re: File A11/2020WL – Brian Thiessen

A review has been completed on this minor variance application to permit for a legal non-conforming use to convert an existing covered porch into additional living space.

Public Works has no comments to provide on this application.



September 14, 2020

Alexa Cooper 318 Canborough St. P.O. Box 400 Smithville, ON LOR 2A0

VIA EMAIL ONLY

NPCA FILE NO.: PLMV202000874

SUBJECT: NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA) COMMENTS FOR

MINOR VARIANCE APPLICATION AT 1293 BOYLE ROAD IN THE TOWNSHIP OF

WEST LINCOLN - FILE NO. A11/2020WL

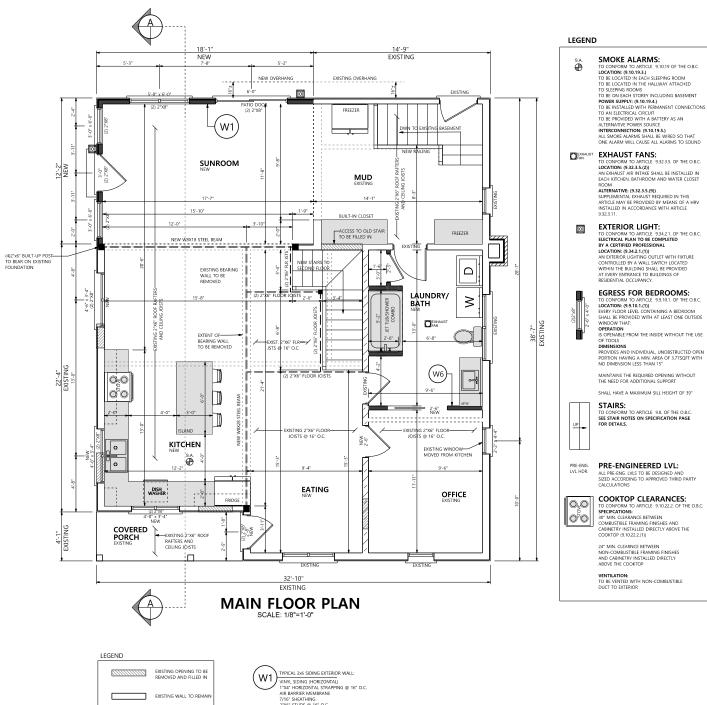
The NPCA has reviewed the proposed Minor Variance application at the subject property, 1293 Boyle Road, West Lincoln. As part of the Township's review process, the NPCA has been circulated the application for review due to the presence of Regulated Areas on the property. Based on our review, we offer the following comments.

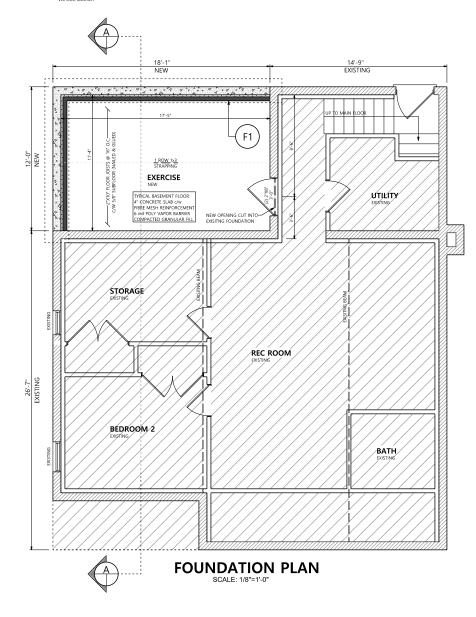
- NPCA mapping indicates that the subject property is impacted by a 30m buffer associated with the Provincially Significant Wetland (PSW) known as the Highway 20 and 24 Wetland Complex located on the adjacent property to the east. In accordance with NPCA Policy, development and site alterations are generally not permitted within the 30m buffer of a Wetland.
- 2. In some cases, minor additions are permitted within 30m of a Wetland. The proposed conversion of the existing covered porch into a sunroom is an example of a minor addition. In this case, a Permit from our office will be required prior to the issuance of any development Permits from the Township of West Lincoln.
- 3. Please note that there is a potential violation on the subject property. There appears to be accessory structures that have been constructed within the PSW buffer without a permit from the NPCA. With the permission of the property owner, an NPCA staff member will need to conduct a site visit on the subject property in order to determine if there are violations on the subject property. Please note that the NPCA cannot provide a permit for future works on the subject property until all violations have been resolved.

Yours truly,

Nikolas Wensing, Watershed Planner Niagara Peninsula Conservation Authority

Attachment No. 3 to COA-002-20





ALL CONTRACTORS TO VERIFY ALL DIMENSIONS ON SITE & TO REPORT BROWS AND/OR OMISSIONS TO THE DESIGNER AND CONTRACTORS MUST COMPLY WITH ALL CODES, BYLAWS & OTHER AUTHORITIES HAVING JURISDICTION OVER THE WORK.

ALL DIMENSIONS AND CONDITIONS TO BE VERIFIED ON SITE. FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALE. DO NOT SCALE DRAWINGS

Brian's Drafting Service

8973 Twenty Rd. Smithville, ON, LOR 2A0

(289) 680-7480

brian.rintjema@gmail.com



The undersigned has reviewed and takes qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.



113224

Brian's Drafting Service

THIESSEN RESIDENCE

1293 Boyle Rd. Fenwick, ON LOS 1C0

PAGE TITLE:

MAIN FLOOR PLAN & **FOUNDATION PLAN**

SCALE: 1/8"=1'-0"

AREA: EXISTING HOUSE: 997 SQFT EXISTING PORCH: 50 SQFT NEW SUNROOM: 220 SQFT

SEE PAGE 3 "SPECIFICATIONS" FOR WOOD-FRAME AND BASEMENT CONSTRUCTION NOTES

PLOT FORMAT SIZE:

11 X 17

DATE:

APRIL 03, 2020

DRAWN BY: Brian Rintjema

SCALE: As Noted

SHEET NO.

OF **4**



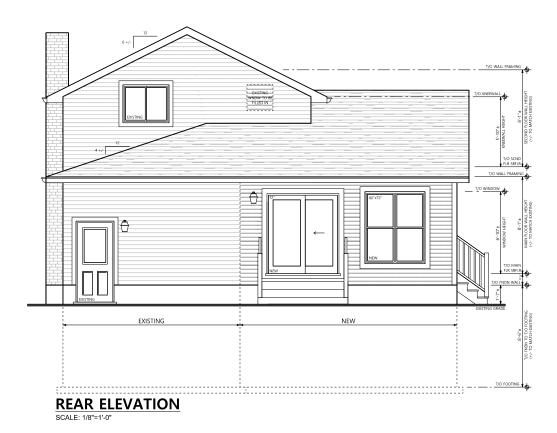
EXISTING WALL TO BE

EXISTING BEARING WALL
TO REMAIN

Attachment No. 3 to COA-002-20



FRONT ELEVATION SCALE: 1/8"=1'-0"





RIGHT ELEVATION

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THIESSEN

RESIDENCE

113224

1293 Boyle Rd. Fenwick, ON LOS 1C0

PAGE TITLE:

ELEVATIONS

PLOT FORMAT SIZE:

11 X 17

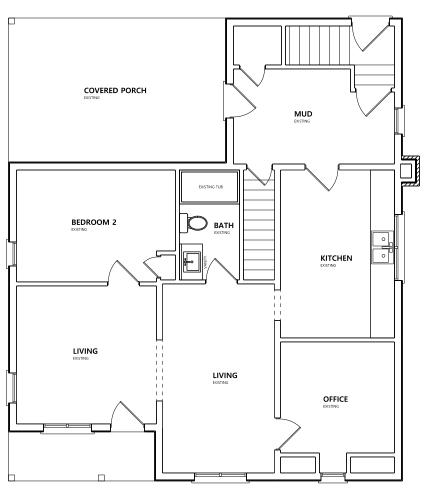
DATE:

DRAWN BY: SHEET NO. Brian Rintjema

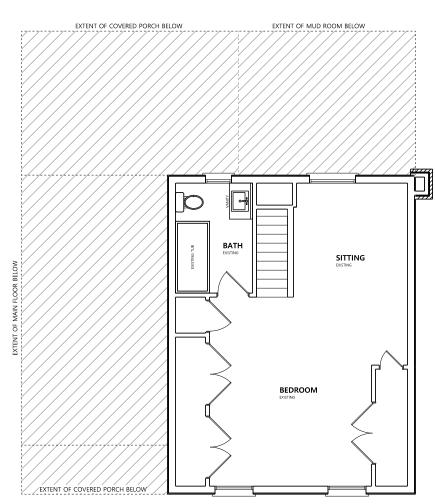
SCALE: As Noted

APRIL 03, 2020

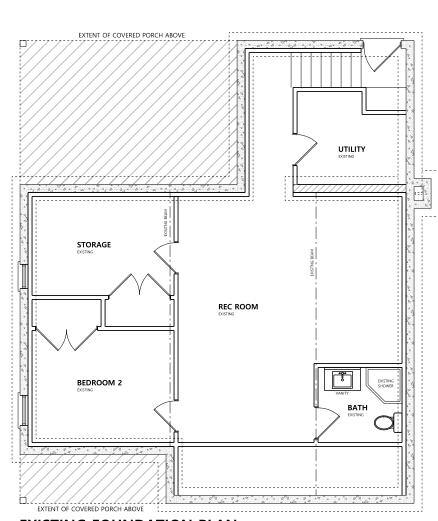
2 of 4



EXISTING MAIN FLOOR PLAN



EXISTING SECOND FLOOR PLAN



EXISTING FOUNDATION PLAN

ALL CONTRACTORS TO VERIFY ALL DIMENSIONS ON SITE & TO PROPERTY ERFORS AND/OR OMISSIONS TO THE DESIGNEY ALL CONTRACTORS MUST COMPLY WITH ALL CODES, BYLAWS & OTHER AUTHORITIES HAVING JURISDICTION OVER THE WORK.

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THIESSEN RESIDENCE

1293 Boyle Rd. Fenwick, ON LOS 1C0

PAGE TITLE:

EXISTING MAIN, SECOND & **FOUNDATION PLAN**

PLOT FORMAT SIZE:

11 X 17

DATE:

APRIL 03, 2020

DRAWN BY: SHEET NO. Brian Rintjema

SCALE: As Noted

4 of 4

Attachment No. 3 to COA-002-20

4 [[-4]

MUST CONFORM TO ARTICLE 9.87.7.

MUNDRAILS SHALL BE
ATTACHED TO WOOD STUDS OR BLOCKING
ATTACHED TO WOOD STUDS OR BLOCKING
ATTACHMENT POINTS ARE SPACED NOT MORE
THAN 3-11" APART
THE FIRST ATTACHMENT POINT AT EITHER END
IS LOCATED NOT MORE THAN 11 3/4" FROM
THE FIRST ATTACHMENT POINT AT EITHER END
IS LOCATED NOT MORE THAN 11 3/4" FROM
THE END OF THE HANDRAIL
THE ATTACHMENT OF THE STATE
HEIGHT OF HANDRAILS MUST BE NO LESS
MEASURED VERTICALLY FROM A LINE DRAWN
THAN 2-10" AND NOT MORE THAN 3-2"
MEASURED VERTICALLY FROM A LINE DRAWN
THROUGH THE ELDING EDGES OF STAIR
TREADS TO THE TOR OF THE HANDRAIL

ICLE 9.8.7. IN THE OBC

HANDRAIL PROJECTIONS: 2" MIN. (WALL TO INSIDE OF HANDRAIL) 4" MAX. (WALL TO OUSIDE OF HANDRAIL)

GUARDS:

STAIRS:

LIMITED TO 3/8"

1 TO ARTICLE 9.8. OF THE O.B.C CLEAR HEIGHT
CLEAR HEIGHT OVER STAIRS IS MEASURED
VERTICALLY FROM A LINE DRAWN THROUGH THE
OUTER EDGES OF THE NOSINGS

DIFFERENCE BETWEEN HIGHEST AND LOWEST RISERS WITHIN A FLIGHT OF STAIRS IS LIMITED TO 3/8"

MAXIMUM DEPTH OF BEVELED OR ROUNDED EDGE IS 1"

STRINGERS

9.8.9.4.
TO HAVE A MINIMUM EFFECTIVE (CUT) DEPTH OF 3
1/2" MEASURED PERPENDICULARLY TO THE BOTTOM
OF THE STRINGER AT THE POINT OF MIN. CROSS

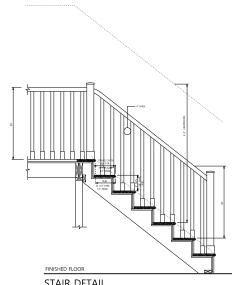
1/4"
TO BE SUPPORTED AND SECURED TOP AND BOTTOM
TO BE NOT LESS THAN 1 1/2" THICK
TO BE SPACED NOT MORE THAN 2"-11" O.C.

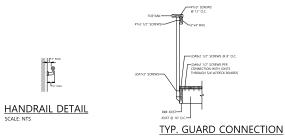
HANDRAILS:

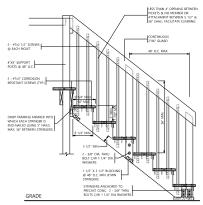
HANDRAILS SHALL BE CONSTRUCTED WITH NO OBSTRUCTION ON OR ABOVE THEM TO BREAK A HANDHOLD EXCEPT WHERE THE HANDRAILS ARE INTERRUPTED BY DOORWAY AND NEWELS AT CHANGES IN DIRECTION LOCATION: HANDRAILS REQUIRED ON:

TO ARTICLE 9.8.8. IN THE OBC

WHEN AN INTERIOR STAIR HAS MORE THAN 2 RISERS, THE SIDES OF THE STAIR AND THE LANDING OR FLOOR LEVEL AROUND THE STAIR WELL SHALL BE ENCLOSED BY WALL OR PROTECTED BY GUARDS







EXTERIOR STAIR DETAIL

KITCHEN COVERED PORCH SUNROOM EXERCISE BEDROOM 2 STORAGE TYPICAL CONCRETE FLOOR: 4" CONCRETE SLAB W/ CUT CONTROL JOINTS POLYOLEFIN SHEET MEMBRANE, 15 MIL MIN 6" COMPACTED CLEAR STONE NATIVE SOIL

WOOD FRAME CONSTRUCTION: ALL WOOD USED TO BE SPRUCE-PINE-FIR NO. 1&2
GRADE UNLESS OTHERWISE NOTED

A CROSS SECTION A

SCALE: 1/8" = 1'-0"

NOTCHING AND DRILLING:

ROOF, FLOOR, OR CEILING MEMBERS DRILLING SIZE: (9.23.5.1.) MUST NOT BE LARGE THAN 1/4 THE DEPTH OF THE MEMBER MUST NOT BE LOCATED CLOSER THAN 2"

BASEMENT CONSTRUCTION:

EXCAVATION:

EXCAVATIONS (9.12.1.2.) (9.12.1.3): EXCAVATIONS SHALL BE FREE OF ALL

EXTEND TO UNDISTURBED SOIL

DEPTH (TABLE 9.12.2.2.):
FOUNDATION TO EXTEND MIN. 4'-0' BUT NOT FOUNDATION TO EXTEND MIN. 4-0° BUT NOT LESS THAN DEPTH OF FROST PENETRATION BACKFIL (9.12.3): TO BIG GRADED TO PREVENT DRAINAGE TOWARDS THE FOUNDATION AFTER SETTLING TO BE FREE OF PYRITIC MATERIALS, DELETERIOUS DEBRIS AND BOULDERS LARGER THAN 9 7/8° IN DIAMETER

JNDISTURBED SOIL (9.12.2.1.):

MUST NOT BE LOCATED CLOSER THAN 2"
FROM THE EDGE (\$2.3.5.2.)
NOTCHES IN FRAMING MEMBERS
MUST BE LOCATED ON THE TOP OF THE MEMBER
MUST BE WITHIN HALE THE JOIST DEPTH FROM THE
EDGE OF BEARING
MUST BE NOT DEEPER THAN 1/3 THE JOIST DEPTH
WALL STUDS:

WALL STUDS:
NOTCHING & DRILLING SIZE: (9.23.5.3.)
UNDAMAGED PORTION OF THE STUD IS NOT LESS THAN:
LOAD BEARING: 2/3 THE DEPTH OF THE STUD
NON-LOADBEARING: 1 1/2" DEEP

BEAMS TO SUPPORT FLOORS: TO CONFORM TO ARTICLE 9.23.8. OF THE O.B.C. BEAMS (9.23.4.1) BEAMS ARE TO HAVE EVEN AND LEVEL BEARING AND ARE TO BE PROVIDED WITH AT LEAST 3 1/2" LEWSTH OF BEARING AT END SUPPORTS

TRUSSES:

FLOOR JOISTS:

TO CONFORM TO ARTICLE 943.......

BEARING: (9.23.9.1.)
FLOOR JOIST ARE REQUIRED TO HAVE A MIN. OF 1.1/2* LENGTH OF END BEARING

11/2" LEINGTH OF END BEARING
STRAPPING & BEODIONG (9.239.4)
WHERE STAPPING IS SPECIFED, IT MUST CONSIST
INC. MIN. JUMPER NALED TO THE UDERSIDE OF
FLOOR, JOSTS
LOCATED NOT MORE THAN 6-11" FROM EACH
SUPPORT OR OTHER ROWS OF STRAPPING
FASTERIDA TA EACH HON TO A SILL OR HEADER
WHERE BROGING IS SPECIFIED, IT MUST CONSIST OF
1373" OR 2"X" MIN. LUMBER
LOCATED NOT MORE THAN 6-11" FROM EACH
SUPPORT OR OTHER ROWS OF BROGING

ROOF & CEILING FRAMING:

FOOTINGS: CONCRETE:

SUPPORT: (9.15.3.2.)
FOOTINGS TO REST ON UNDISTURBED SOIL, ROCK,
OR COMPACTED GRANULAR FILL

TICLE 9.3.1.6. OF THE O.B.C

ISMPa FOR ALL OTHER APPLICATIONS

EDGE OF MAIN FLOOR BELOW TYPICAL INTERIOR WALL:

1/2" DRYWALL
TAPED & COLOR 1/2" DRYWALL TAPED & SANDED 2x4 STUDS @ 16" o.c. 1/2" DRYWALL MASTER BEDROOM EDGE OF COVERED PORCH BELOW

SECOND FLOOR PLAN

SCALE: 1/8"=1'-0" AREA: 507 SQFT

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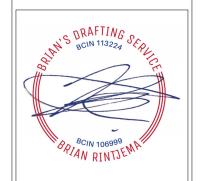
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THIESSEN RESIDENCE

1293 Boyle Rd. Fenwick, ON LOS 1C0

PAGE TITLE:

CROSS SECTION & ROOF PLAN

PLOT FORMAT SIZE:

11 X 17

DATE:

APRIL 03, 2020

DRAWN BY: Brian Rintjema SCALE:

As Noted

SHEET NO.

3 of 4

