

DATE: May 25th, 2022

REPORT NO: COA-016-22

SUBJECT: **Recommendation Report**
Application for Minor Variance by Mellisa Hill Inc. (Stanpac)
File No. A16/2022WL

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

OVERVIEW:

- A minor Variance application has been submitted by Melissa Hill Inc. (Stanpac) for the property legally known as Concession 9, Part Lot 6, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara, municipally known as 2748, 2790 Thompson Road.
- A minor variance application is required to permit an equipment cover to be built with a total height of 12 metres (39.37 feet) whereas Table 19 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum height in the industrial employment zone is 10 metres (32.81 feet).
- The variance for height will allow Stanpac to install a covering over a piece of their equipment that is located against the south side of Stanpac's building.
- The existing building has a height of 10 metres (32.81 feet) so the proposed equipment cover will be 2 metres (6.56 feet) higher than the roof of the existing building.
- The covering is meant to reduce the noise of the equipment by shielding it.
- Noise generated by the equipment has caused numerous complaints from residents in Smithville.
- After reviewing the four tests of a minor variance planning staff recommend approval of the requested variance.

RECOMMENDATION:

1. THAT, the application for Minor Variance made by Mellisa Hill Inc. (Stanpac) as outlined in Report COA-016-22, to permit an equipment cover to be built with a total height of 12 metres, BE APPROVED.

BACKGROUND:

The subject lands are situated on the west side of Thompson Road, south of Spring Creek Road, north of London Road, being legally described as Concession 9, Part Lot 6, Plan M94 Lots 37, 43, & 44, Part Lot 42, RP 30R1634 Part 1, in the former Township of South Grimsby, now in the Township of West Lincoln. The subject property is municipally known as 2748 2790 Thompson Road. (See attachment 1 for a site sketch)

The subject property is approximately 10.2 acres (4.13 hectares) in size. The property is designated as an Employment Area within the Urban Settlement Area of Smithville and is zoned Industrial Employment 'M2'. The surrounding properties to the north, east, and south also share the same designation and zoning. While the properties to the west are planned for future restricted employment and residential development.

Stanpac is seeking to obtain a minor variance to build an equipment cover around a piece of equipment that is located against the south side of the existing building. The equipment cover would have a total height of total height of 12 metres (39.37 feet) whereas Table 19 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum height in the industrial employment zone is 10 metres (32.81 feet).

The Township's By-law Department has received several noise complaints in relationship to this piece of equipment on the Mellisa Hill Inc. (Stanpac) property. As a way to combat the noise complaints Mellisa Hill Inc. (Stanpac) would like to install a cover a piece of their equipment on their property. The covering is meant to reduce the noise of the equipment by shielding it. In addition, the covering would be 2 metres (6.56 feet) higher then the roof of the existing building.

The piece of equipment is called a cyclone and designed to separate dust from paper solids as part of the Stanpac operation.

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 an Employment Area within the Urban Settlement Area of Smithville under the Township's Official Plan. The Employment Area designation recognizes existing and future areas appropriate for a broad range of employment in traditional manufacturing, warehousing and distribution as well as new industries and office type development. These lands are generally located in the north east corner of Smithville north of the CP Rail line and in proximity to Industrial Park Road and Spring Creek Road, and known as the "Smithville Industrial Park."

The Official Plan objectives with Employment Areas is that they encourage:

- employment development in order to achieve a more balanced live-work community as an alternative to out-commuting;
- a broad range of industrial employment areas; and
- prestige employment

The employment land in discussion is 10.2 acre (4.13 hectares) in size. The proposed variance for height would be to permit a covering to be installed over an existing piece

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of equipment that is situated beside the south side of the Mellisa Hill Inc. (Stanpac) building. The piece of equipment that is to be cover is already taller then the existing building, therefore it is believed that a 12-metre-high covering around the equipment would not appear alarming to the property. Section 18.15.1 Hazardous & Obnoxious use also restrict lands to create noise which maybe offensive or a nuisance, unless operating in accordance with all applicable Provincial and local rural and Regulations. Staff understand that the noise emissions fall within the Ministry of Environment Conservation and Parks noise emission criteria, and this proposed enclosure is above and beyond what they have been required to do by the Ministry.

Township Planning Staff are of the opinion that the minor variance meets the general intent and purpose of the Official Plan since it will be helping to support compatibility between employment and residential uses in Smithville.

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

The subject land is zoned Industrial Employment 'M2' under the Township's Zoning By-law 2017-70, as amended. The Industrial Employment zone permits buildings for Industrial Use. The proposed covering to be installed around a piece of equipment on Stanpac's property is a permitted use under the regulations of the M2 zone.

Under the Township's Zoning By-Law 2017-70, the permitted height of an Industrial building is 10 metres. The proposed equipment covering would result in a height of 12 metres, 2 metres higher then permitted. The piece of equipment that is proposed to be covered is vital for the work that Melissa Hill Inc. (Stanpac) does on the property, and it has been present on the property for the last couple of years. The covering will help Melissa Hill Inc. (Stanpac) continue to use the piece of equipment while mitigating the noise that the equipment creates. Township Planning staff believe that the minor variance meets the general intent and purpose of the Township's Zoning By-law.

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

The applicants have proposed to construct an equipment cover of the large piece of equipment that is located to the south of the existing building. The covering will be built on a new foundation wall and will be a steel I-beam structure, infilled with sound deadening (dampening) material on the south, west, and north side of the structure. The roof will also have sound deadening material.

Currently Melissa Hill Inc. (Stanpac) is working with sound engineers to determine if the sound deadening material is required on the east side of the structure as well. The east side faces Thompson Road. Residential uses are not located to the east as east of Thompson Road is the Industrial Park.

As the Township has received noise complaints related to the exterior equipment, it is the believe that the minor variance is desirable for the use of the land as the height variance for a covering will help mitigate the impact of the industrial area on nearby residential properties.

Is the proposal minor in nature?

Yes

The proposed covering is to go over an existing piece of equipment and not over the whole building. The existing piece of equipment is already higher then the existing building, which is 10 metres in height. As the covering is meant to only go around the existing equipment Staff believe that the extra 2 metre variance will not appear alarming from the Streetscape. Furthermore, as the height variance is just for a relatively small area, Township Staff believe that the height variance is minor.

FINANCIAL IMPLICATIONS:

Council has waived the requirement of Mellisa Hill Inc. (Stanpac) having to be responsible for the minor variance fee to facilitate this minor variance.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on Friday May 6th, 2022. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Public Works Department has no objections for this application.

The Township's Building/ By-law Inspector believes that the proposed covering will help mitigate the impacts that the noise from Stanpac has on nearby residential neighbours.

The Niagara Peninsula Conservation Authority offers no objection to this Minor Variance application.

Regional Planning and Development Services staff have not commented on this Minor Variance application.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on May 6th, 2022. 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 from the public were received at the time of writing this report.

CONCLUSION:

A Minor Variance application has been submitted by Melissa Hill Inc. (Stanpac) for the property municipally known as 2748, 2790 Thompson Road. The Minor Variance application is submitted to permit a covering to be installed over a piece of equipment that is located to the south of the existing industrial building, the covering is to be built 2 metres taller than permitted. Planning staff are of the opinion that the requested variance meets the four tests of a minor variance and as such, can recommend approval.

ATTACHMENTS:

1. Site Sketch
2. Photos
3. Covering Sketch
4. Comments

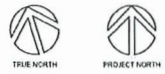
Prepared by:



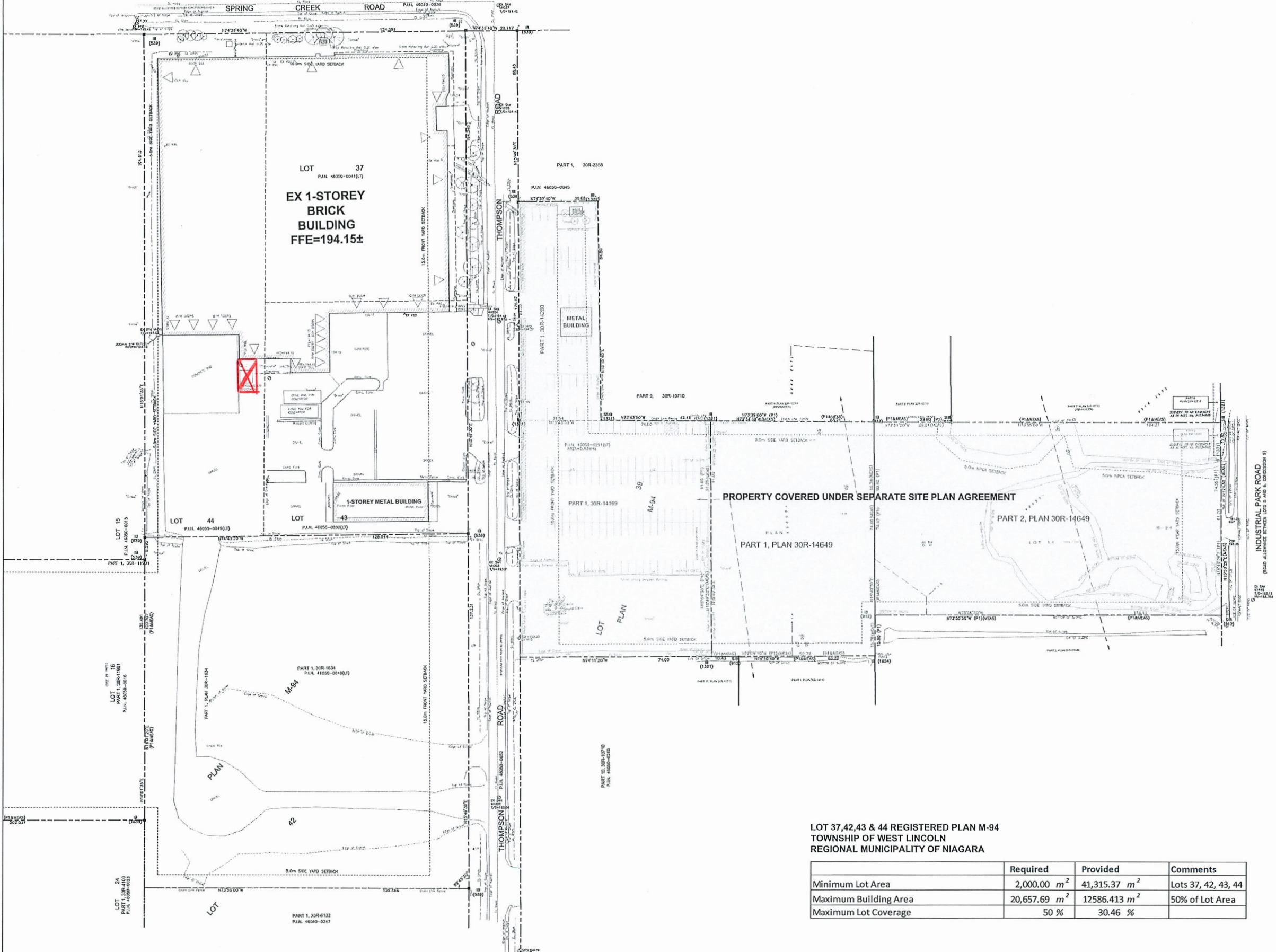
Madyson Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



DATE	2021.02.24	REVISION	REVISED FOR TOWNSHIP CONSIDERATION
DATE	2021.02.24	REVISION	REVISED FOR TOWNSHIP CONSIDERATION
DATE	2021.02.24	REVISION	REVISED FOR TOWNSHIP CONSIDERATION



LOT 37, 42, 43 & 44 REGISTERED PLAN M-94
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA

	Required	Provided	Comments
Minimum Lot Area	2,000.00 m ²	41,315.37 m ²	Lots 37, 42, 43, 44
Maximum Building Area	20,657.69 m ²	12586.413 m ²	50% of Lot Area
Maximum Lot Coverage	50 %	30.46 %	

STANPAC
2790 THOMPSON ROAD
SMITHVILLE, ON

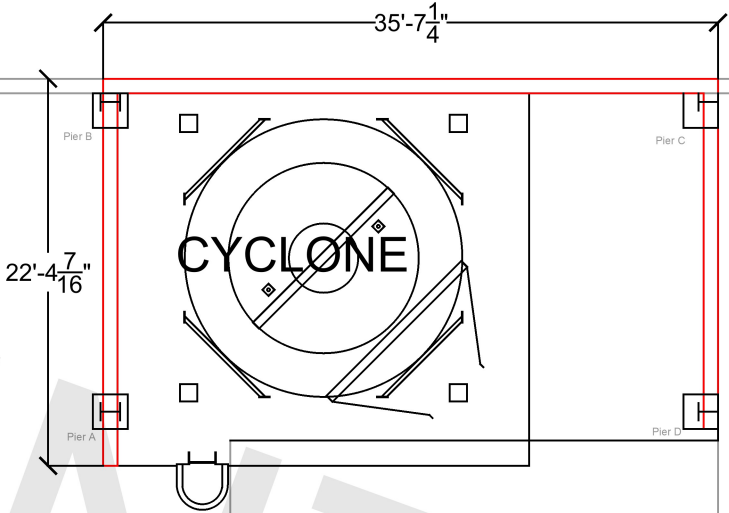
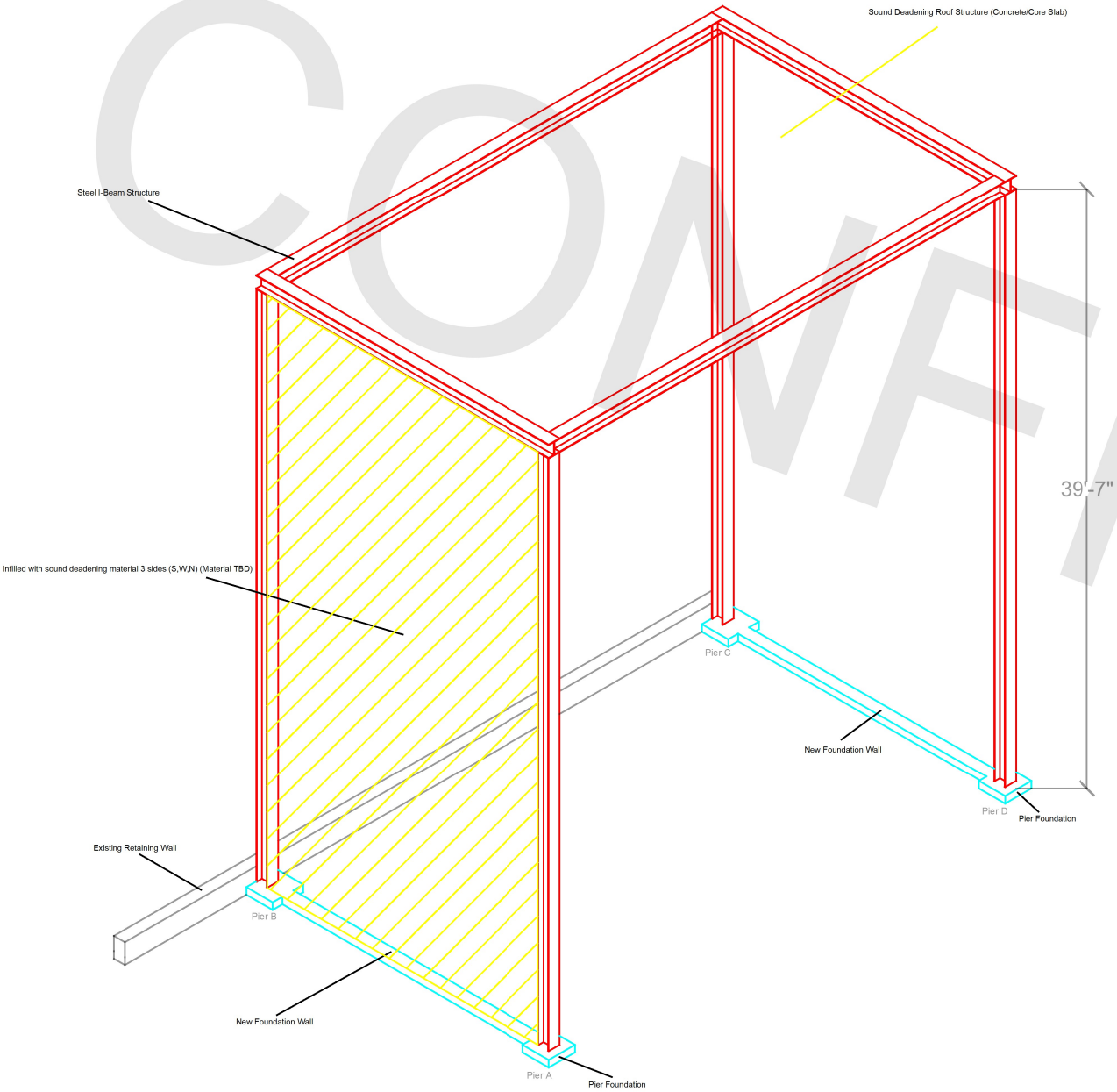
STANPAC SITE PLAN UPDATE

SMITHVILLE, ON

AS-CONSTRUCTED SITE PLAN

WALTERFEDY
KITCHENER HAMILTON MISSISSAUGA WILLOWDALE





Existing Building

Existing Covered
Concrete Pad

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: May 17, 2022 11:12 AM
To: Meghan Birbeck
Subject: NPCA Comments - May 25th Committee of Adjustment Meeting
Attachments: 1612 Highway 20, West Lincoln.pdf; 1639 Rosedene Road, West Lincoln.pdf

Hello Meghan,

NPCA staff have reviewed the three applications you had circulated for 1639 Rosedene Road, 1612 Regional Road 20, and 2790 Thompson Road. I can confirm that the NPCA will have no objections to any of these three applications - File Nos. A14/2022WL, A15/2022WL, A16/2022WL. The rationale for each application is included below.

A14/2022WL

- As per the attached NPCA regulated mapping NPCA staff note the presence of regulated Watercourses, Provincially Significant Wetlands (PSW), and Unevaluated Wetlands, and a Flood Hazard on the subject property.
- NPCA staff note that the proposed agricultural accessory structure will not fall within any NPCA regulated features, hazards, or their development buffers. As such, the NPCA will not object to the proposed structure of Minor Variance application.

A15/2022WL

- As per the attached NPCA regulated mapping, NPCA staff note the presence of a regulated Watercourse on the subject property. In addition, NPCA staff note that there may be Unevaluated Wetlands associated with the Watercourse on site near the southern edge of the subject property.
- NPCA staff note that the proposed addition will not fall within any NPCA regulated features, hazards, or their development buffers. As such, the NPCA will not object to the proposed addition or Minor Variance application.

A16/2022WL

- NPCA staff note that no features or hazards are present on the subject property. As such, the NPCA will have no objections to the proposed application.

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

Meghan Birbeck

From: Jennifer Bernard
Sent: May 9, 2022 3:03 PM
To: Meghan Birbeck
Subject: RE: Notice of Hearing to May 25th, COA meeting - West Lincoln

Hi Meghan,

I have no comments on these 3 minor variance applications.

Thanks,
Jenn



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From: Meghan Birbeck
Sent: May 6, 2022 2:07 PM
To: Busnello, Pat <pat.busnello@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Young, Katie <Katie.Young@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Jessica Kroes <jkroes@westlincoln.ca>; Lyle Killins <killins@live.com>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>
Subject: Notice of Hearing to May 25th, COA meeting - West Lincoln

Good afternoon,

Attached to this email are the 3 minor variance applications that are going to the May 25th Committee of Adjustment hearing.

1. A14/2022WL – Comfort - 1639 Rosedene Rd