



**TOWNSHIP OF WEST LINCOLN
PUBLIC MEETING UNDER THE PLANNING ACT MINUTES
AMENDMENT TO TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW**

MEETING NO. SIX

June 13, 2022, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Councillor William Reilly (Chair)
 Mayor Dave Bylsma
 Councillor Cheryl Ganann
 Councillor Harold Jonker
 Councillor Jason Trombetta
 Councillor Mike Rehner

Absent: Councillor Shelley Bradaric

Staff: Bev Hendry, CAO
 Brian Treble, Director of Planning and Building
 Jessica Dyson, Deputy Clerk
 Madyson Etzl, Planner II*
 Gerrit Boerema, Planner II
 Kevin Geoghegan, IT Help Desk Analyst

Other Members:	Brianne McIntosh*	Jonathan Sikkens*
	Charmaine Garby*	Lianne Timbers-Sharp*
	Chris Attema*	Lynn Schneider*
	Eldon Darbyson*	Marilyn Dixon*
	Henry Lunshof*	Mike Vrugteveen*
	Jared Marcus*	Pam Heaslip*
	Joe Medeiros*	Melanie Felvus*
	John Ariens*	

***IN ATTENDANCE PART-TIME**

Township of West Lincoln Housekeeping Amendments No. 6 (ZBA)

1. Application for Zoning By-law Amendment

The Chair advised that this public meeting for rezoning was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under Section 34 of the Planning Act as submitted for the Township of West Lincoln Housekeeping Amendments No. 6 (File No. 1601-003-22).

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

The Township of West Lincoln is undertaking amendments to the Township's Zoning By-law 2017-70, as amended, to address a number of issues that have become apparent since the By-law first passed. The proposed amendments under consideration include:

- Changes to the definition of 'lot'
- Changes to permitted uses within Commercial Zones to allow Daycares within Commercial Plazas
- Reduction to required side yards for Employment 'M1' and 'M2' zones
- Changes to Section 13, special provision 'A-111'
- Changes to zones on lands legally described as Concession 9, Part Lot 4, former Township of South Grimsby, lands fronting onto Spring Creek Road just east of Smithville
- Changes to zones on 9558, 9578 & 9522 Regional Road 65 and 1461 Regional Road 2, Caistor Centre

2. Purpose of the Public Meeting

The Planning Act requires in Section 34(12) that before passing a Zoning By-law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendment.

The Chair stated that the purpose of this meeting was to give an opportunity for the public and Council Members to provide comments and/or ask questions regarding the amendment to the Township of West Lincoln's Zoning By-law submitted for the Township of West Lincoln Housekeeping Amendments No. 6 (File No. 1601-003-22).

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires in Section 34(14) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Land Tribunal (OLT).

3. Public Meeting

The Chair requested that the Deputy Clerk advise of the method and dates by which notice of the public meeting was given.

The Deputy Clerk advised that proper notice was given by way of advertising in the local newspaper on May 11, 2022, as well as mail circulation to all property owners where there are site specific zone changes proposed, email circulation to all relevant agencies and departments, and posted on the Township's website.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment application submitted for the Township of West Lincoln Housekeeping Amendments No. 6 (File No. 1601-003-22).

The Chair asked the Planner II, Gerrit Boerema, to explain the purpose and reason for the proposed Zoning By-law Amendment.

The Planner II, Gerrit Boerema, provided an overview of the application and Technical Report PD-55-2022.

The Chair asked if there were any oral or written submissions from any members of the public present as part of the Zoom meeting that wished to provide comments at this time with respect to the Zoning By-law Amendment. The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as the OLT may not consider comments made during any other Council and/or Committee meetings.

1. Paul Griffin
Caistor Centre

Paul Griffin stated that there was a mislabeling of zoning on the previous By-law Amendment, which carried over to the current By-law amendment at hand. He stated that the housekeeping changes proposed altered the previous Amendment that the Griffin family wanted, and wished for the amendment to more closely represent the previous amendment from 2015.

The Planner, Gerrit Boerema, responded to the inquires made by Paul Griffin, stating that the current amendment added in the extra desired building with proper zoning, and also included a required regulation for access to the specific structure. The Planner, Gerrit Boerema, stated further that the structure would also require a site plan, which was an included provision in the housekeeping amendment.

In response to Paul Griffin's concerns regarding the missing mapping from the 2017 By-law, the Director of Planning & Building suggested that they reach out to staff to ensure that both the landowner and Township staff are on

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the same page before the recommendation report goes forward, which the Director of Planning & Building speculated may be at the July 18th meeting.

The Chair asked if any Members of the Committee had any oral or written submissions on the proposed Zoning By-law Amendment. The Chair advised that this may be the only Public Meeting being held with respect to this application; therefore, he noted that if any Members of the Committee has any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

In response to Mayor Bylsma's inquiry regarding what prompts staff to conduct housekeeping amendments for By-laws, the Planner, Gerrit Boerema, stated that that housekeeping amendments can be prompted by numerous different factors. The Planner, Gerrit Boerema, provided examples such as changing regulations, best practices, resident driven, and staff prompted suggestions are some examples of how housekeeping amendments can be prompted.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Committee meeting and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Joanne Scime at jscime@westlincoln.ca.

The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township's website after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with their mailing address and phone number.

4. Adjournment

The Chair advised that this public meeting with respect to the proposed Zoning By-law Amendment is concluded at the hour of 6:56 p.m.

3976 Regional Road 20 (B & A Heaslip Farms Ltd.) - Zoning By-law Amendment

1. Application for Zoning By-law Amendment

The Chair advised that this public meeting was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under Section 34 of the Planning Act as submitted by Ben and Pam Heaslip on behalf of B & A Heaslip Farms Ltd. for the property located at 3976 Regional Road 20 (File No(s). 1601-006-22 & 1601-007-22).

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

Two applications for Zoning By-law Amendments have been submitted by Ben and Pam Heaslip on behalf of B & A Heaslip Farms Ltd. for the property legally described as Concession 3, Part Lot 22 and Part Lot 23 in the former Township of Gainsborough, now in the Township of West Lincoln, municipally known as 3976 Regional Road 20. Planning Staff have combined both applications into one application and report as they deal with the same property and related severance applications.

This application for rezoning is required as a condition of consent from two severance applications B15/2021WL and B01/2022WL, that were conditionally approved by the Township of West Lincoln's Committee of Adjustment on January 26th, 2022. Both consent applications had a condition that the subject property be rezoned. B15/2021WL required a zoning amendment to address a lot size deficiency on Parcel 2 (33.9 hectares) while B01/2022WL required a zoning amendment to zone Parcel 2 to Agricultural Purposes Only to restrict future residential development and to zone Parcel 3, being the severed residential lot, to Rural Residential 'RuR'. There is also a front yard setback for the existing dwelling of 5.49 metres which needs to be recognized as the minimum front yard setback for a dwelling is 15 metres. This is in part due to a Regional Road widening request.

2. Purpose of the Public Meeting

The Planning Act requires in Section 34(12) that before passing a Zoning By-law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendment.

The Chair stated that the purpose of this meeting was to give an opportunity for the public and Council Members to provide comments and/or ask questions regarding the amendment to the Township of West Lincoln's Zoning By-law submitted by Ben and Pam Heaslip on behalf of B & A Heaslip Farms Ltd. for the property located at 3976 Regional Road 20 (File No(s). 1601-006-22 & 1601-007-22).

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires in Section 34(14) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Land Tribunal.

3. Public Meeting

The Chair requested that the Deputy Clerk advise of the method and dates by which notice of the public meeting was given.

The Deputy Clerk advised that proper notice was given by way of email circulation to all relevant agencies on May 24th, 2022 as well as a yellow sign posted on the subject property and advertised on the Township's website on May 24th, 2022.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment application submitted by Ben and Pam Heaslip on behalf of B & A Heaslip Farms Ltd. for the property located at 3976 Regional Road 20 (File No(s). 1601-006-22 & 1601-007-22).

The Chair asked the Planner II, Gerrit Boerema, to explain the purpose and reason for the proposed Zoning By-law Amendment.

The Planner II, Gerrit Boerema, provided an overview of the application and Technical Report PD-60-2022.

The Chair asked if the applicant or their authorized agent were present to speak to the application. There were no comments from the applicants.

The Chair asked if there were any oral or written submissions from any members of the public present as part of the Zoom meeting that wished to provide comments at this time with respect to the proposed zoning by-law amendment. The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as OLT may not consider comments made during any other Council and/or Committee meetings.

There were no comments or written submissions from any members of the public.

The Chair asked if any Members of the Committee had any oral or written submissions on the proposed Zoning By-law Amendment. The Chair advised that this may be the only Public Meeting being held with respect to this application;

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therefore, he noted that if any Members of the Committee have any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

In response to Councillor Rehner's inquires regarding the specifics of the land severance involved, and the regulations surrounding land severance limitations, the Planner, Gerrit Boerema, clarified the specifics of the land severance in the case of the Heaslip property, and the Director of Planning & Building cited provincial and regional regulations regarding the severance of agricultural property.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Committee meeting and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Joanne Scime at jscime@westlincoln.ca.

The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township's website after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with their mailing address and phone number.

4. Adjournment

The Chair advised that this public meeting with respect to the proposed Zoning By-law Amendment is concluded at the hour of 7:08 p.m.

7330 Concession 3 Road (J & C Sikkens) - Zoning By-law Amendment

1. Application for Zoning By-law Amendment

The Chair advised that this public meeting was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under Section 34 of the Planning Act as submitted by Jonathan and Crystal Sikkens for the property located at 7330 Concession 3 Road (File No. 1601-008-22)

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

An application for a Zoning Bylaw Amendment has been made to rezone the property legally described as Concession 3, Part of Lot 2, formerly in the Township of Caistor, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 7330 Concession 3 Road.

The intent of this rezoning application is to fulfill a condition of consent for severance file B13/2021WL. This consent application is for a surplus farm dwelling severance. The application retained Parcel 2 – 32.66 hectares and severed Parcel 3 – 0.844 hectares.

This application proposes to rezone the severed portion from an Agricultural Zone 'A' to a Rural Residential Zone 'RuR-###' with a site specific provision to recognize the large accessory building (barn) on the property, refer to Parcel 1 on the attached survey for location. This application also proposes to rezone the retained portion from an Agricultural Zone 'A' to an Agricultural Purpose Only Zone 'APO-###' with a site specific provision to recognize the deficient lot area, refer to Parcel 2 on the attached survey for location.

2. Purpose of the Public Meeting

The Planning Act requires in Section 34(12) that before passing a Zoning By-law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendment.

The Chair stated that the purpose of this meeting was to give an opportunity for the public and Council Members to provide comments and/or ask questions regarding the amendment to the Township of West Lincoln's Zoning By-law submitted by Jonathan and Crystal Sikkens for the property located at 7330 Concession 3 Road (File No. 1601-008-22)

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires in Section 34(14) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to

the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Land Tribunal (OLT).

3. Public Meeting

The Chair requested that the Deputy Clerk advise of the method and dates by which notice of the public meeting was given.

The Deputy Clerk advised that proper notice was given by way of email circulation to all relevant agencies on May 24th, 2022, as well as a yellow sign posted on the subject property and posted to the website.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment application submitted by Jonathan and Crystal Sikkens for the property located at 7330 Concession 3 Road (File No. 1601-008-22).

The Chair asked the Planner II, Gerrit Boerema, to explain the purpose and reason for the proposed Zoning By-law Amendment.

The Planner II, Gerrit Boerema, provided an overview of the application and Technical Report PD-59-2022.

The Chair asked if the applicant or their authorized agent were present to speak to the application. There were no comments from the applicants.

The Chair asked if there were any oral or written submissions from any members of the public present as part of the Zoom meeting that wished to provide comments at this time with respect to the proposed zoning by-law amendment. The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as OLT may not consider comments made during any other Council and/or Committee meetings.

There were no comments or written submissions from any members of the public.

The Chair asked if any Members of the Committee had any oral or written submissions on the proposed Zoning By-law Amendment. The Chair advised that this may be the only Public Meeting being held with respect to this application; therefore, he noted that if any Members of the Committee have any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

In response to Councillor Ganann's question regarding why the Committee of Adjustment decided to allow the barn on the property to remain, against the advice of the staff, the Planner Gerrit Boerema stated that the Committee of

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Adjustment may have made their decision in consideration of local heritage. The Director of Planning & Building also added that the barn was considered to be a heritage structure as it is constructed in the old Swing Beam method. The Director of Planning & Building also stated that this type of structure has recently been considered to be a heritage construction style to the Niagara region, and suggested this could be a reason why the structure was allowed to remain. Councillor Ganann thanked staff for their insight, but stated that the Township needs to be careful regarding the quick degradation of these old barns, despite being allowed by the Committee of Adjustment.

In response to Councillor Rehner's inquiry regarding whether or not this new consideration would require a provision in the new By-law Amendment, the Planner, Gerrit Boerema, stated that while the Committee of Adjustment wished to keep the structure, the decision still needs to be approved by council and staff. The Director of Planning & Building also added that within the current staff report recognizes that the structure is assumed to stay on the property, but is not allowed to house livestock.

Mayor Bylsma echoed concerns made by Councillor Rehner and Councillor Ganann, and agreed with the Committee of Adjustment's decision to allow the barn to remain on the property.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Committee meeting and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Joanne Scime at jscime@westlincoln.ca.

The Chair stated that anyone who is interested in observing Council and/or Committee discussion's about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township's website after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with their mailing address and phone number.

4. Adjournment

The Chair advised that this public meeting with respect to the proposed Zoning By-law Amendment is concluded at the hour of 7:23 p.m.

JESSICA DYSON, DEPUTY CLERK

COUNCILLOR WILLIAM REILLY,
CHAIR