

# REPORT

TOWNSHIP

COMMITTEE OF ADJUSTMENT

**DATE:** June 28<sup>th</sup>, 2023  
**REPORT NO:** COA-010-23  
**FILE NO:** A06/2023WL  
**SUBJECT:** **Recommendation Report**  
Application for Minor Variance Stephen Bedford (Agent) on behalf of Alice Durco  
**LOCATION:** 2913 South Grimsby Road 14 Smithville, ON L0R 2A0  
**CONTACT:** Gerrit Boerema, Senior Planner

## OVERVIEW:

- A Minor Variance application has been submitted by Stephen Bedford (Agent) on behalf of Alice Durco, property owner of 2913 South Grimsby Road 14.
- This Minor Variance application has been applied for to permit a proposed market store 19.5 metres closer to the front lot line than the main building and within the required front yard which are not permitted as outlined in Table 1-1 in Section 3 of the Township's Zoning Bylaw 2017-70, as amended.
- This application is also requesting relief to permit a proposed accessory building to be used for farm equipment storage to be located 5 metres from the east interior side lot line, whereas 7.5 metres is the minimum permitted for a Type 3 accessory building (Table 1-1 in Section 3 of the Township's Zoning Bylaw 2017-70, as amended).
- Additionally, a variance is required to permit the proposed location of both the market store and Type 3 (larger than 120 square metres) accessory building beyond the permitted distance of 50 metres from the existing barn (Section 3.1 of the Township's Zoning Bylaw 2017-70, as amended). The market store is proposed at approximately 137 metres from the main building and the Type 3 accessory building is proposed approximately 115 metres from the main building.

## TOTAL VARIANCES: 3

- To permit the market store closer to the front lot line than the main building and within the required front yard.
- To permit a Type 3 accessory building closer to the east interior side lot line than permitted.
- To permit both the market store and farm equipment storage building beyond the distance permitted from the main building.

## RECOMMENDATION: Yes ☒ No ☐ Deferral ☐

THAT, the application for Minor Variance made by Stephen Bedford (Agent) on behalf of Alice Durco as outlined in Report COA-010-23, to permit 3 variances on the subject property, BE APPROVED, subject to the following conditions:

1. That the greenhouse shown on the attached plan being 28 metres by 70 metres be constructed prior to the farm equipment storage building.
2. That the market store only be permitted to sell produce produced on the property.

## BACKGROUND: Surrounding Land Uses and Natural Heritage

- 2913 South Grimsby Road 14 is approximately 27.77 acres (11.24 hectares) in size.
- The subject property is situated on the East-side of South Grimsby Road 14, West of Grassie Road, and located North of Regional Road 20.
- The subject property along with the surrounding land uses are designated in the Township's Official Plan as

**Respecting Our Roots, Realizing Our Future**

<p>Good General Agricultural Lands.</p> <ul style="list-style-type: none"><li>- There are Natural Heritage features present include Provincially Significant Wetlands, fish habitat forming an Environmental Protection area over these features. These features can be seen on the attached map but are not a factor of this application.</li><li>- The surrounding lands appear to be actively farmed with a number of small rural residential properties.</li><li>- Both of these designations protect and maintain long-term agricultural and conservation use within the area.</li></ul>	
<b>CURRENT SITUATION:</b>	
Planning Staff have completed an analysis of the proposed Minor Variance application and can provide the following evaluation:	
<b>PLANNING ACT – FOUR TESTS</b>	
The Ontario Planning Act provides that a minor variance must meet the following four tests to be considered minor and supportable.	
<b>Does the proposal maintain the general intent and purpose of the Official Plan? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	
<b>Official Plan Designation: Good General Agricultural Lands &amp; Natural Heritage System</b>	
The proposed agricultural uses, being the greenhouse and market store are permitted as small scale agricultural-related uses to the existing agricultural use on the property, and with the included conditions of approval, Planning Staff do not anticipate adverse impacts that could hinder the surrounding agricultural operations as the market store will only be permitted to sell product produce on the subject lands. As such, Planning Staff believe the proposed application is minor in nature and does follow the general intent of the Township's OP, specifically recognized by Policy 4.2(c) and with the conditions of approval as indicated.	
<b>Does the proposal maintain the general intent and purpose of the Zoning By-law? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	
<b>Current Zone(s): Agricultural 'A' &amp; Environmental Protection 'EP'</b>	
Aside from the noted variances, the proposed agricultural uses and accessory uses are permitted within an Agricultural 'A' zone and comply with the remaining zoning setback requirements. As well, the condition of the greenhouse being constructed prior to the accessory farm equipment building maintains the purpose of the interior side yard setback and can be considered minor once the greenhouse is constructed given the site. For these reasons, Planning Staff can consider the proposed location to be minor in nature as the requested variance is maintaining the general intent and purpose of the Township's Zoning By-law 2017-70, as amended. Furthermore, the condition to construct the greenhouse prior to the accessory farm equipment storage building has been included as currently there is adequate space on the subject lands to locate the accessory building without requiring a variance to the interior side yard setback. Additionally, the variance to locate the accessory building beyond the distance permitted from the main building could also be reduced if located elsewhere on the property closer to the existing barn.	
<b>Is the proposal desirable for the appropriate development or use of the land? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	
Planning Staff considers the proposal desirable for the appropriate development and use of land as the proposed uses are enhancing the existing agricultural use of the property by expanding to the proposed market garden, greenhouse and the market store. As well, with the condition of approval indicating the market store can only sell produce produced on the farm also ensures there are no negative impacts to the surrounding agricultural operations.	
<b>Is the proposal minor in nature? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	
The proposed variances can be considered minor in nature as the proposed agricultural uses are still maintaining the intent of the Township's OP and Zoning By-law, being that the market store and accessory building are small in scale and agriculture-related to the existing agricultural use on the property. There are also no adverse affects anticipated with the proposed development, as noted above. For these main reasons, Planning Staff believe the proposal is minor in nature, subject to the conditions of approval as indicated.	
<b>FINANCIAL IMPLICATIONS:</b>	
There are no financial implications associated with this report.	
<b>INTER-DEPARTMENTAL COMMENTS:</b>	
Building Department	No comments received, as such no objections.
Septic System Inspector	No comments received, as such no objections.

Public Works	No objections, but have noted that the site plan received indicates work proposed for the second entrance on South Grimsby Road 14 and enlarging the culvert. An entrance would be required prior to any works commencing. Please see Attachment 5 for more information.
Niagara Peninsula Conservation Authority (NPCA)	Offer no concerns or objections. Please see Attachment 5 for the full comments received.
Niagara Region	Offer no objections and are satisfied that the proposed minor variance application is consistent with the PPS and conforms with Provincial and Regional plans. Please see Attachment 5.
<b>PUBLIC COMMENTS: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	
One public comment has been received from the neighbouring property to the east of the subject property. Concerns regarding the reduced interior side setback, maintaining the Agricultural zoning and whether MDS could be impacted were discussed. Please see Attachment 6.	
<b>CONCLUSION:</b>	
Based on the above analysis, Planning Staff recommend APPROVAL of the proposed minor variance application (A06/2023WL) as outlined in Report COA-010-23, to permit 3 variances on the property, subject to the conditions of approval as indicated.	

**Attachments:**

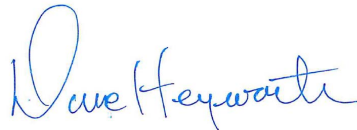
1. Location Map
2. Site Plan
3. Planning Justification Brief
4. Farm Business Case
5. Agency Comments
6. Public Comment

**Prepared by:**



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**Gerrit Boerema, RPP, MCIP**  
Senior Planner



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**Dave Heyworth, RPP, MCIP**  
Manager of Planning





**Location Map**  
**2913 South Grimsby Road 14**  
0 30 60 120 Meters



**Legend**

	ZoneBoundary
	Subject Property



## GENERAL NOTES/MATERIAL KEYING

DRAWINGS MUST NOT BE SCALED AND TO BE READ IN  
CONJUNCTION WITH GENERAL NOTES AND D.B.C.

ALL DRAWINGS AND INFORMATION ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE PRIOR TO CONSTRUCTION AND FABRICATION. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON ARCHITECTURAL DRAWINGS, THE ARCHITECT/OR THE ENGINEER MUST BE NOTIFIED. ALL DIMENSIONS ARE GIVEN IN IMPERIAL UNITS UNLESS OTHERWISE INDICATED.

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SURVEY LOCATION PLAN INFORMATION AND  
UTILITY TAKEN FROM PLAN SUBMISSION  
PREPARED BY:

ALEX MARTON LTD.  
160 APPLEWOOD CRESCENT, UNIT 8  
CONCORD, ON L4K 4H2 (905) 879-9889

— WATERCOURSE

04	23	NOV	12	REVISION
03	22	APR	22	REVISION
02	12	MAR	22	M. VARIANCE
01	19	OCT	21	REVIEW
NO.	DATE		REASON FOR ISSUE	
DRAWN BY: DSM			CHECKED BY: JSB	

CONSULTANT

PROJECT TITLE  
MASTER SITE PLAN  
2913 SOUTH GRIMSBY RD. 14  
SMITHVILLE, ON  
JSBA PROJECT# : 2108-01

STAMP

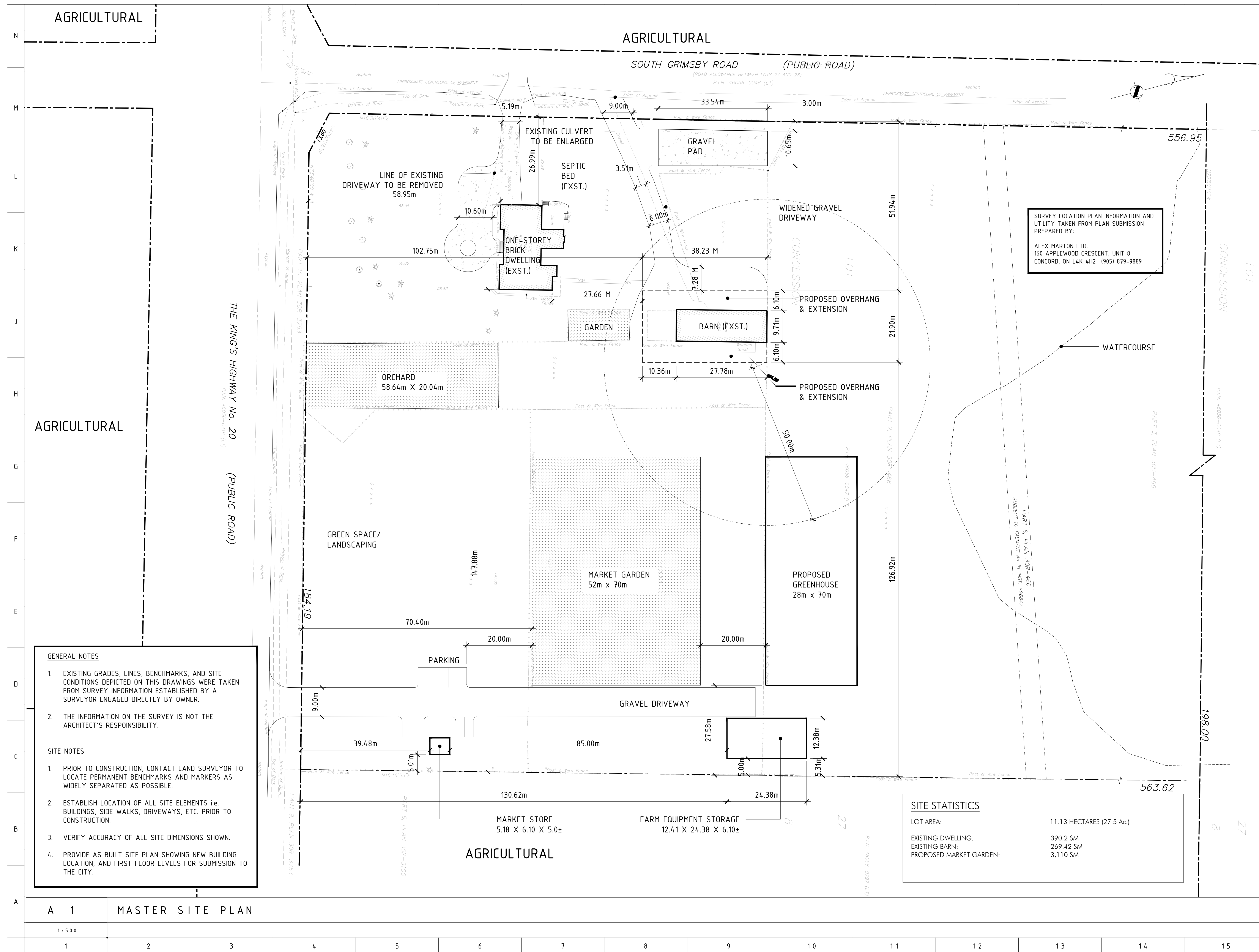


J S BARMİ ARCHİTECT

A 0 0 1

SITE PLAN

2586A YONGE STREET  
TORONTO, ON M4P 2J3 CANADA  
T:+1 416 745 0765  
E: [INFO@LIVINGBOX.CA](mailto:INFO@LIVINGBOX.CA)  
I: [WWW.LIVINGBOX.CA](http://WWW.LIVINGBOX.CA)



February 23<sup>rd</sup>, 2023

Secretary Treasurer, Committee of Adjustment  
 Township of West Lincoln  
 318 Canborough St., PO Box 400  
 Smithville, ON L0S1E0

**RE:** 2913 South Grimsby Road  
 Minor Variance Application – Planning Justification Brief

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To Whom It May Concern,

The owner of 2913 South Grimsby Rd. is in the process of developing a “small scale mixed intensive agricultural operation” to add to the existing cash crop operation. Over the last two years, the owner has planted a 3640 sq m market garden and has been retailing vegetables and flowers from a roadside stand and selling produce at nearby farmers markets. The owner is continuing to operate the existing micro greens business and is expanding the existing orchard. The owner is planning to construct a greenhouse in the near future.

To operate effectively and efficiently, the owner is proposing to construct an accessory equipment storage shed and a small retail outlet. This expansion will provide improved capacity for storing farming equipment and machinery and enable practical access for the equipment to the market garden, the expanded orchard and future greenhouse, and provide an outlet to sell products grown on the farm with driveway access from Regional Rd. 20.

The approval of minor variances is required to locate the equipment storage shed and retail outlet in the proposed, most effective locations. A Business Case dated November 2022 has been prepared by Harry Cummings and Associates Inc. which illustrates the economic viability of this “small scale mixed intensive agricultural operation” and is being submitted in support of this proposal for the required minor variances.

The following Planning Justification Brief has been prepared on behalf of our client, Alice Durco, owner of 2913 South Grimsby Road as part of the minor variance application submission for the subject property.

The attached site plan (Attachment 1) has been prepared to describe the application for the minor variance request. The relief being sought by this Minor Variance application is as follows:

- Approval of a variance for the location of accessory farm buildings beyond the 50m from the main building as required by Section 3.1 Table 1-1 (Maximum distance from the main building (house/barn).
- Approval of a variance of an interior side yard setback of 5m for a Type 3 Accessory Building/farm equipment storage building (303 sq. m) when a 7.5 m interior side yard is required by Section 3.1 Table 1-1 (Minimum setback to an interior side lot line).
- Approval of a Type 2 (30 sq. m) Accessory Structure for the retail sale of farm produce closer to the front lot line (39.4m) than the main building (58.9m) as required by Section 3.1 Table 1-1



### **The Subject Property and Neighborhood**

The subject property is an 11.2 ha farm located at the corner of Highway 20 and South Grimsby Rd 14. This is an agricultural area as all the surrounding uses are agricultural in nature.

The Owner purchased the property in 2020 and is presently expanding the existing cash crop operation with a “small scale mixed intensive agricultural operation” (a market garden, expanded orchard and future greenhouse as well as a small retail building). The Owner presently has a micro greens plantation in the basement of the existing dwelling. The intention is to relocate the temporary farm stand to the permanent location. The proposed retail building/farm stand is part of the variances requested.

In 2021 the Owner planted a 0.8 ac. / 0.3 ha market garden and began retailing produce from both the market garden and micro greens operation in 2021 from a roadside stand. Ownership, in implementing the business case, will continue expanding the existing orchard on the property and proposes to construct a greenhouse adjacent to the market garden in the near future.

The provisions of the present zoning bylaw have been established for an “historically” designed farm operation, with a cluster of farm buildings centered around a house and barn. In this case, the main cluster will continue to function and serve the cash crop operation.

However, the economic function of the farm has been expanded with the development of the large market garden and the expanded orchard in conjunction with the need to offer on-site retail sales. With this additional economic emphasis, the location of any supporting buildings needs to reflect this new economic and operational reality. There needs to be a new building cluster constructed to efficiently support the market garden operation, orchard and greenhouse. A driveway entrance location along Regional Road 20 to support these farm buildings has been approved by the Region.

There is demonstrable need for the proposed access location to support the agricultural operations on the subject property. For example, the operation at the moment receives delivery of 60 to 70 tons of manure for use in the market garden which will increase in the future. That manure needs to be dropped in a convenient location for distribution in the garden and greenhouse. The equipment needed to distribute the manure needs to be conveniently located as proposed, and have farm access to Regional Rd. 20.

As a result of this practical need to create an efficient market garden and market store, the farm equipment storage buildings are required. They are proposed as illustrated on the attached site plan immediately adjacent to the market garden, close to Highway 20, the access to their operation for their suppliers and customers. For practical reasons they are located more than 50 m from the original farm building cluster.

The equipment storage building has been located 5.0m from the interior side yard in order to save usable land yet maintain an adequate setback from the adjacent farm property. The market store, while closer to Highway 20 than the dwelling on the property, is sufficiently set back not to impact the view of the dwelling. Limited customer parking is proposed.



### **Provincial Policy Statement (2020)**

The amended Provincial Policy Statement ("PPS") came into effect on May 1, 2020, updating the Provincial government's policies on land use planning. The document provides policy direction with respect to promoting strong communities, a strong economy, and a clean and healthy environment.

The subject property is located within the Prime Agricultural Area of the PPS.

The PPS, Section 2.3.1 protects prime agricultural areas for long-term agricultural use and supports a thriving agricultural industry and rural economy by permitting a range of different uses on agricultural land. The permitted uses within Prime Agricultural Areas are defined as follows:

- Section 2.3.3.1, which states: *"In prime agricultural areas, permitted uses and activities are agricultural uses, agriculture related uses, and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives."*

Agricultural uses are defined within the PPS as follows:

*"The growing of crops, including nursery biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur, or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full time farm labour when the size and nature of the operation requires additional employment"*

Agricultural related uses are defined within the PPS as follows:

*"Those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity."*

The proposed market garden, expanded orchard, future greenhouse, and accessory farm storage building all fall within the definition of "Agricultural Uses" as they pertain to the growing of crops. They will expand the economic viability of the existing farm. The proposed small-scale retail store is secondary in nature to the primary agricultural operation and is considered an "Agricultural Related Use". The proposed uses have been evaluated against relevant provincial criteria below with respect to permitted uses.

As such, the proposed development is consistent with the Provincial Policy Statement.

### **Publication 851 - OMAFRA's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas**

As indicated, the PPS permits a range of uses in Ontario's prime agricultural areas: agricultural uses, agriculture-related uses and on-farm diversified uses. OMAFRA's Guidelines on Permitted Uses in





Ontario's Prime Agricultural Areas are intended to help municipalities, decision-makers and farmers interpret PPS policies on permitted uses.

As stated above, the proposed market garden, expanded orchard, future greenhouse, and accessory greenhouse all pertain to and involve the growing of crops. These uses are defined as Agricultural Uses under the PPS and are appropriately located and permitted within a Prime Agricultural Area.

As described within the PPS definition, Agriculture-Related Uses include farm-related commercial uses which are secondary to the primary farm activities. These uses are subject to a number of criteria, specifically those within Section 2.2.1 of Publication 851. These criteria have been attached with this Planning Justification Brief (Attachment 2) and elaborated on in detail below.

The proposed small scale (*approximately 31.5 sq m / 320 sq ft*) retail outlet to sell products grown on the farm is a farm related use as it is directly farm related and benefits from being in close proximity to the farm. The retailing of agriculture related products is an appropriate example of a farm-related commercial use. The proposal will not hinder or negatively impact surrounding agricultural operations. The proposal will support agriculture through economic diversification of the existing farming operation. Through selling products grown on the subject property, the small-scale retail operation will directly service farm operations as a primary activity.

The attached Business Case illustrates that the existing and expanding “small scale mixed intensive agricultural operation” is a viable agricultural business venture.

As such, the market garden, the expanded orchard and future greenhouse, the farm storage building, and small market store implement this policy and are consistent with Provincial Guidelines for permitted uses in Ontario's Prime Agricultural Areas.

### **Growth Plan (2019)**

The Growth Plan for the Greater Golden Horseshoe (2019) builds upon the Provincial Policy Statement to establish the land use planning framework for the GGH that supports the achievement of complete communities. The Growth Plan builds upon the policy foundation provided by the PPS, providing more specific land use planning policies, and is required to be read in conjunction with the PPS. The subject property is designated Prime Agricultural Area which protects the lands for long term agricultural use as required by the PPS and Growth Plan (Section 4.2.6.2).

The agricultural uses, the market garden operation, including the future greenhouse, expanded orchard, accessory storage buildings are encouraged as permitted uses. The small-scale retail operation is a permitted agriculturally-related use in accordance with Provincial Guidelines and are supported within the Prime Agricultural Area.

Section 4.2.7 encourages municipalities to *“Implement encourage regional agri-food strategies and other approaches to sustain and enhance the Agricultural System and the long-term economic prosperity of the agri-food sector, including the maintenance and improvement of the agri-food network by:*

- *a) Providing opportunities to support access to healthy, local and affordable food, urban and near-urban agriculture, food system planning and promoting sustainability of agriculture, agri-*



*food, and agri-product businesses while protecting agricultural resources and minimizing land use conflicts”.*

The proposed development will enable the economic diversification of existing agricultural operations. The proposed farm storage building and small market store are appropriately located in close proximity to the market garden and orchard to properly service these agricultural functions. The proposed market garden and small market store will facilitate improved access to health, local, and affordable foods. The proposed uses are agricultural in nature and will not hinder or conflict with adjacent agricultural properties.

The attached Business Case illustrates that the existing and expanding “small scale mixed intensive agricultural operation” is a viable agricultural business venture.

As such, the proposed development is supported by the Growth Plan.

### **Niagara Region Official Plan (2022)**

The 2022 Niagara Official Plan (ROP) is a long-term land use planning document that shapes and defines the Region for future generations. The Official Plan identifies an agricultural system for protection and sets out policies to facilitate a strong, diverse and resilient agricultural economy.

The subject property is designated as ‘Prime Agricultural Area’ on Schedule F – Agricultural Land Base. Additionally, the subject property contains and is adjacent to portions of the Region’s Natural Heritage System, consisting of Lower Twenty Mile Creek Provincially Significant Wetland Complex (PSW), and Type 1 (Critical) Fish Habitat. As such, the proposed development is subject to a number of objectives and policies, including:

- Section 3.1.5.7, which states: *“A proposal for new development or site alteration within 120 metres of any key natural heritage feature within a Provincial natural heritage system or any key hydrologic feature outside of settlement areas will require an environmental impact study and/or hydrologic evaluation that identifies a vegetation protection zone, which:*
  - a) Protects the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change*
  - b) Is established to achieve and be maintained as natural self-sustaining vegetation; and*
  - c) For wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, inland lakes and significant woodlands, is no less than 30 metres measured from the outside boundary of the feature”*
- Section 4.1.2.3, which states: *“In specialty crop areas and prime agricultural areas, all types, sizes, and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted”*
- Section 4.1.7.4, which states: *“Proposed agriculture-related and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations.”*





- Section 4.1.7.5, which states: *“Agriculture-related uses and on-farm diversified uses shall be consistent with the provisions of the Provincial Policy Statement, and conform to the Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan.”*

While containing and adjacent to Regional Core Natural Heritage features, the proposed development meets the Region’s waiving criteria for small and medium scale agricultural development as it is sufficiently distant from the feature. Through the pre consultation meetings held on both February 18<sup>th</sup>, 2021, and again on July 15<sup>th</sup> 2021, it was confirmed that no study of these natural heritage features will be required to implement the proposed development.

The proposed agriculture and agriculturally related uses are appropriately located within the Prime Agricultural Area. The proposed agriculture-related use, the retail outlet, is small in scale and will not hinder surrounding agricultural operations. As detailed above, the proposed development is consistent with Provincial Guidelines for permitted uses in Prime Agricultural Areas, and is supported by higher order planning documents.

As the proposed market store is an agriculturally related use, the proposal is subject to and implements the criteria contained within Section 4.1.7.7 of the Region’s Official Plan.

The proposed retail operation is appropriately located on the same property where its products will be grown and is required to be in close proximity to the agricultural operation. The proposed use is small in scale and will not hinder adjacent agricultural operations. The retailing of local crops and agricultural product is appropriate and consistent with the character of the immediate area. The proposed second access point to a Regional Road has been provided to ensure the site can be easily accessed for agricultural supplies and has been designed to mitigate any conflicting off-site impacts. The proposal will not introduce new residential use and does not require infrastructure improvements to accommodate beyond the new access point.

The proposed equipment storage shed and retail outlet are located adjacent to the easterly lot line to limit their consumption of land and not impact the adjacent farm operation. They are located close to the market garden and greenhouse and at an appropriate scale to be able to efficiently assist in the farming operation as required by the ROP.

The proposed uses are economically viable agricultural uses as illustrated in the supporting Business Case and the minor variances meet the intent and are in conformity with the Regional Official Plan.

### **Town of West Lincoln Official Plan**

The Town's Official Plan, approved by the Region in 2021, is a long-range planning document that guides through the use of land use designations and policy, how and where the Town will grow and develop for a 20-year time horizon. The subject property is designated as ‘Good General Agricultural Land’ Schedule B-1 Land Use. Within the Good General Agricultural Land designation, the property is subject to a number of policies, including:

- Section 4.2.1.a), which states: *“Uses permitted within all Agricultural Areas:  
a) All types of Agricultural uses, new or otherwise, including, but not limited to, livestock operations, cash cropping, food production, forestry and natural heritage uses with a strong focus on specialty crop production.”*



- b) *Small scale agriculturally related uses related directly to, serving, and requiring close proximity to the surrounding agricultural areas may be permitted where no opportunities exist for such uses to be located with designated Urban and Hamlet Settlement Areas. The locating of these uses shall be subject to the policies of this plan.*
  - c) *Agricultural-related residential uses including help houses.*
  - d) *Uses secondary to the principal agricultural use of the property, including, but not limited to, home occupations, bed and breakfast establishments, home industries and uses that provide value-added agricultural products from the farm operation on the same property”*
- Section 4.4, which states: “...the Good General Agricultural Designation shall be used for a full range of agriculture, agriculture-related secondary uses that can adapt to changing farming needs and practices.”
  - Section 4.4.2.d) which states: “The location of greenhouses within the Good General Agricultural Area shall take into consideration the proximity of adjacent residential and non-farm uses. Specific standards for greenhouse operations shall be contained within the Township’s Zoning By-law.”
  - Section 4.4.2.e) which states: “Small Scale Commercial and Industrial Uses which do not require close proximity to agricultural operations shall be located in appropriately designated commercial or industrial areas within designated Settlement Areas. Small Scale Commercial and Industrial Uses that are required to support the agricultural community shall be located so that they minimize the impact on the viability of existing and future agricultural operations. These uses shall be carefully regulated through a Zoning By-law Amendment as to their location, size, and traffic generation in order to minimize potential disturbances and to ensure that the private sewage disposal systems can accommodate the increase sewage loading to the satisfaction of the Township of West Lincoln.”

The proposed greenhouse, market garden, expanded orchard, and accessory storage building are all agricultural uses and are permitted within the Good General Agricultural Land designation. In accordance with the policies of 4.4.2.d), the proposed future greenhouse on the property will be appropriately located away from any residential uses in accordance with Township of West Lincoln requirements.

As detailed within earlier sections of this report, the proposed retail store complies with the criteria for agriculturally-related uses within Prime Agricultural Areas. The proposed store is secondary to the primary agricultural operation, and is appropriately located in close proximity to where their products are being grown. It has also been located on the property to avoid any adverse impacts to adjacent properties or nearby agricultural operations and will not interrupt the view of the main dwelling on the property from Regional Rd. 20.

While permitted within the Good General Agricultural Land Designation, Agriculturally Related uses are subject to a number of criteria, specifically those located within Section 4.6.

The proposed market store is minor in scale and will not result in any impacts to the efficiency of existing farming operations. Adequate private services are available for the proposed use. A secondary access point from Regional Road 20 has been approved by Niagara Region which will ensure safe and adequate access. The access point will be designed in accordance with Regional standards. While minimized to the extent possible, an adequate number of parking spaces have been accommodated on the property to





serve the needs of the retail operation. The development does not impact any natural or cultural heritage resources.

As such, the proposed uses and variances conform to the existing official plan.

### **Town of West Lincoln Zoning Bylaw**

The Town's Zoning Bylaw 2017-70, as amended controls the use of land throughout the Township of West Lincoln. The zoning by-law identifies how land may be used within the Township, the types of building structures that are permitted, the required lot sizes/dimensions, parking requirements, buildings heights and setbacks and how and when Minimum Distance Separation calculation will be implemented.

The subject property is zoned Agricultural A in Bylaw 2017-70 and as illustrated on Schedule A Map B3 (Attachment 3). Table 1-1: Regulations for Accessory Buildings and Structures in Agricultural Zones in the Zoning Bylaw which has been attached below sets out the regulations for the proposed uses:

**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 ground floor area per building or structure		10m <sup>2</sup>	100m <sup>2</sup>	Based on maximum lot coverage (see below)
Maximum number of accessory buildings or structures per lot	Accessory buildings	3	2	Based on maximum lot coverage (see below)
	Accessory Structures	Based on maximum lot coverage (see below)		
Permitted yards		All Yards except the required front yard or required exterior side yard, except that a Type 1 accessory building or structure used for the retail sale of farm produce shall be permitted in the required front yard and required exterior side yard		
Minimum setback to front lot line		No closer to the front lot line than the main building, and in accordance with the minimum yard requirements of the applicable zone, except that a Type 1 accessory building or structure used for the retail sale of farm produce shall not be located any closer than 6 metres to the front lot line		
Minimum setback to exterior side lot line		No closer to the exterior side lot line than the main building, except that a detached private garage in the rear yard shall not be located any closer than 6 metres to the exterior side lot line, and a Type 1 accessory building or structure used for the retail sale of farm produce shall not be located any closer than 6 metres to the exterior side lot line		
Minimum setback to interior side lot line		1.2 metres	2 metres	7.5 metres
Minimum setback to rear lot line				
Maximum height		3 metres	5.5 metres	10 metres
Maximum lot coverage of all accessory buildings or structures on the lot	Lot area 0.4 ha or less	8%, of the lot area, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone		Not permitted on this lot size
	Lot area 0.5 ha to 2 ha	Greater of 5% or 320m <sup>2</sup> , provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone		
	Lot area 2.1 ha to 10 ha	Greater of 2.5% or 1,000 m <sup>2</sup> , provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone		
	Lot area greater than 10 ha	Greater of 1% or 2,500 m <sup>2</sup> , provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone		
Minimum setback from main building <sup>(1)</sup>		1.5 metres	3 metres	
Maximum distance from a main building		The nearest point of a wall of the accessory building must be located within 50 metres of the main building (Bylaw 2018-61)		



The proposed development is subject to these three regulations:

1. Maximum Distance from a Main Building: The Nearest point of a wall of the accessory building must be located within 50m of the main buildings (Bylaw 2018-61)
2. Minimum Setback to Rear Lot Line: In a Type 3 Agricultural Zone the minimum setback is 7.5m as implemented by the Zoning Bylaw
3. Minimum Setback to Front Lot Line: No closer to the front lot line than the main building, and in accordance with the minimum yard requirements of the applicable zone, except that a Type 1 accessory buildings or structure used for the retail sale of farm produce shall not be located any closer than 6 metres to the front lot line

The variances being proposed by ownership for the subject property are as follows:

- Approval of a variance for the location of accessory farm buildings beyond the 50m from the main building as required by Section 3.1 Table 1-1 (Maximum distance from the main building (house).
- Approval of a variance of an interior side yard setback of 5m for a Type 3 Accessory Building/farm equipment storage building (303 sq. m) when a 7.5 m interior side yard is required by Section 3.1 Table 1-1 (Minimum setback to an interior side lot line).
- Approval of a Type 2 (30 sq. m) Accessory Structure for the retail sale of farm produce closer to the front lot line (39.4m) than the main building (58.9m) as required by Section 3.1 Table 1-1

In this case the expansion of the farming operation to include the “small scale mixed intensive agricultural operation” (market garden, greenhouse and orchard) and the location of the market garden which are permitted agricultural uses, requires that equipment and product sales be located in close proximity to the operation for efficiency purposes. As a result, this second economically viable functional cluster of uses and buildings is being created.

Given the location of the orchard, market garden and greenhouse the location of the accessory equipment building, and retail outlet requires easy access to Highway 20 for deliveries and subsequent convenient servicing of the market garden, orchard and greenhouse. It is proposed that both buildings be located 5m from the easterly property boundary rather than the 15 to reduce the removal of land from agricultural use and to provide sufficient space to maintain the side yard. The location of the 2 buildings will not negatively impact the adjacent property and will provide for the efficient location of these 2 accessory buildings that support the market garden and orchard.

As a result of the location of the market garden, orchard and greenhouse, this second cluster of farm buildings is removed from the original farm building cluster and further that the zoning requirement of 50m for solely practical and efficiency reasons. These buildings require access to Highway 20.

The farm retail stand is setback 39.48m from Highway 20 but within the defined front yard setback for the main dwelling. The setback from Highway 20 provides for easy and safe access to the retail outlet. In this case the retail outlet is a considerable distance from the main farmhouse (approximately 142m) and does not impede the view of the house from the road and would not be considered an obstacle to the view of the house.





The appropriateness of the requested variances has been evaluated using the four tests in accordance with Section 45(1) of the Planning Act. As such:

- **TEST 1 – DESIRABLE**

- The 2 proposed accessory buildings are required for the efficient operation of the existing market garden, expanded orchard and future greenhouse, which are all permitted agricultural uses. As such, they are required to be located close to these operations to efficiently support the operation of the market garden and orchard and greenhouse. The variances requested create that efficiency of location and as such the variance and the proposed accessory buildings are desirable for the efficient operation of the permitted agricultural uses.

- **TEST 2 – INTENTION OF THE OFFICIAL PLAN**

- They meet the general intent of the Official Plan as the proposed accessory buildings support the efficient operation of the permitted agricultural uses and do not negatively impact the operation of any nearby agricultural uses or the existing cash crop operation on the existing farm. These accessory buildings will serve to create a more economically viable farm operation and as a result meet the general intent of the Official Plan.

- **TEST 3 – INTENTION OF THE ZONING BYLAW**

- They meet the general intent of the Zoning By-law as the two proposed buildings are located to efficiently support the farm operation, the location of the farm equipment building will not negatively impact the agricultural operation on the existing farm or the adjacent property, and the retail building will not negatively impact the view of the dwelling from Highway 20.
- The reduced side yards meet the intention of the Zoning Bylaw as they continue to maintain sufficient distance from the adjacent eastern lot line to permit the maintenance of the side yard and not negatively impact the adjacent farm operation. The location of the farm market structure meets the intention of the zoning bylaw as it is a sufficient distance from Highway 20 to ensure good visibility from the Highway for vehicle access and the building does not interfere with the view of the farmhouse to the west. The existing cluster of the farm buildings within 50 m of the main buildings is intended to create an effective and efficient agricultural operation, on the original farm the cash crop operation. The proposed location of the accessory buildings creates a new cluster of buildings that are efficiently located to serve the new agricultural business which is supported by the PPS, the Growth Plan, the Region and Township's Official Plans. They are also located so they do not negatively impact any other agricultural operations. The variance meets the intent of the zoning bylaw.

- **TEST 4 – MINOR IN NATURE**

- The variances are minor in nature, as the reduction in the side yard is minimal and the proposed reduced side yard continues the function of separating the accessory buildings from the adjacent farm operation. The retail building will have a positive influence of the farm operation and given the significant from the existing dwelling will have no impact on the visibility of the home. The increase in distance of the accessory buildings beyond 50 m is minor as they provide efficient support of the agricultural uses and do not compromise in any way the existing cash crop operation or the adjacent farm.



The location of this new building cluster more than 50m from the existing building cluster will not create any negative impact on the existing cash crop operation but will create a second viable economic cluster of buildings supporting the economic viability of the farm in accordance with Provincial, Regional, and Town policy direction for agricultural areas.

As such, it is recommended that these variances be supported by staff and approved by the Committee of Adjustment.

Please let us know should you require anything further.

Yours truly,

A handwritten signature in black ink that reads "Stephen Bedford". The signature is written in a cursive, flowing style.

Stephen Bedford, MCIP, RPP, PLE  
Principal Planner  
LANDx Developments Ltd.

T – 905-688-2610  
C – 905-933-5439  
E – [stephenbedford@landxdevelopments.com](mailto:stephenbedford@landxdevelopments.com)

CC: Brian Treble, Director of Planning & Building  
Gerrit Boerema, Planner II  
Mr. Larry Song  
Mr. Harry Cummings



# FARM BUSINESS CASE FOR DIVERSIFIED AGRICULTURE AND RELATED USES

2913 SOUTH GRIMSBY RD. 14 SMITHVILLE, ON

Prepared by  
Harry Cummings & Associates Inc.  
96 Kathleen St. Guelph ON N1H 4Y3  
Phone: +519-823-1647 | Email: [harry@hcaconsulting.ca](mailto:harry@hcaconsulting.ca)

November 2022

## INTRODUCTION

The following business case outlines the opportunity to develop an active mixed agricultural operation on a 11.2 ha. farm located at the corner of Hwy 20 and south Grimsby Rd 14. This is an agricultural area, and all surrounding uses are agricultural.

Small scale mixed intensive agricultural operations have proven to be popular and profitable in Southern Ontario and Quebec. They involve greenhouses, farm gate sales, and sales in small retail stores. Community Shared Agriculture (CSA) and floriculture are often a part of the picture. The commodities involve include vegetables, flowers and fruits produced in smaller quantities by farmer owners and some staff. These operations start small and expand as the market demands.

These operations are distinguished by their ability to apply labour effectively on small properties where the operator is able to provide the detailed attention, necessary to make the operation successful. These operations are described as intensive in providing the needed labour and appropriate cultural practices to make for a successful operation.

Some of the operations that have been successful in this space include Winterhill farms. At Winterhill farms they have a full 100-acre property but use a small portion (10-20 acres) for the market garden and Community Shared Agriculture (CSA). One of the highest profile Canadians in the small-scale farming world is Jean-Martin (JM) Fortier. A micro-farming industry celebrity, JM is the owner of Les Jardins de la Grelinette and author of *The Market Gardener*. JM runs a 1.5-acre property with an annual gross of 150,000 and a net profit of \$60K.

What is community shared agriculture<sup>1</sup>? The Winterhill farms website provides excellent information on this.

### **New Terra farms reports a gross of \$40 k on a 1 care farm.**

Many of the characteristics of successful small-scale farming are described in <https://www.smallfarmcanada.ca/>. New Terra farms can be found at <https://www.new-terra-natural-food.com/high-income-market-garden.html>. The back story for Jean-Martin Fortier can be found in his book and at <https://themarketgardener.com> ›

The following document first of all provides a description of each of the farm elements. It then provides selected spreadsheets to illustrate possible financial scenarios.

The owners propose to conduct the following operations on the farm;

- a) a small greenhouse
- b) a small retail store to sell farm and related products
- c) a micro greens production facility
- d) a market garden including flowers, vegetables, and fruit trees

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<sup>1</sup> <https://growingsmallfarms.ces.ncsu.edu/>

## **1.0 The Greenhouse**

This is designed as seasonal support for the agricultural operation. This will involve the planting of flowers and vegetables in a protected environment in early Spring. In addition, selected flowers will be grown here year-round and sold in the retail store. The greenhouse will be approximately 20,000 sq. ft.

The greenhouse could be used to house plants to be sold through the retail store, particularly if the retail store were located adjacent to the greenhouse.

Table 4 attached provides an estimate of the cost of running the greenhouse. Total costs are estimated at \$67,752.00. The revenues associated with these activities are included in the other tables/operations.

## **2.0 Small Retail Store/Storage Building**

This will serve as a location to sell produce from the vegetable and flower garden as well as microgreens produced on site. It will serve as the pickup point for vegetables, flowers, fruits ordered online or by other means. It will provide some marketing visibility.

Table 6 attached provides some of the details on this part of the business. It is important to note that this will support all aspects of the operation and act as a point of contact for the business during the busy May to October period.

Net revenue from this operation is estimated at \$54,360

## **3.0 Micro Greens Production Facility**

The family has been active producing micro greens for the last 1-2 years. They are produced in trays packaged and sold to restaurants, groceries and directly to consumers. They could be included as an option for the CSA.

The financial projections for the micro-green's operation are presented in table 3 attached and are summarized as follows. The net profit is estimated at \$26,500 per year. Expenses are minimal and are estimated at \$2,150 per year.

## **4.0 Market Garden including Flowers, Vegetables and Fruit Trees**

This is at the heart of the farm operation. It is anticipated that this will eventually be 3 acres in size with 2/3<sup>rd</sup> in vegetables and 1/3 in flowers. Adjacent to this garden operation will be a small orchard with vegetables and flowers grown between the trees in a system designed to promote positive financial and environmental outcomes for all the components.

At this time, a mixed approach to producing and selling produce is anticipated.

One strategy would involve Community Supported Agriculture( CSA) subscriptions<sup>2</sup>. These could be organized in several ways. In one case you could have a vegetable CSA and a flower CSA. In an

---

<sup>2</sup> **Community-supported agriculture (CSA model)** or is a system that connects the producer and consumers within the food system more closely by allowing the consumer to subscribe to the harvest of a certain farm or group of farms. It is an alternative socioeconomic model



alternative case you could have a CSA which delivers a mix of products (vegetables, fruit, flowers, microgreens) to customers.

In the case of a CSA, subscribers typically purchase 20 weeks of products with boxes being prepared weekly from the available produce. Full CSA shares and half CSA shares could be made available. So, we could have 1) a CSA for flowers, 2) a CSA for vegetables and/ or 3) a mixed CSA (vegetables, flowers, fruit, micro greens)

#### 4.1 Revenues from a CSA

Assuming a 1-acre vegetable plot it is estimated that we could support 15 full shares at \$850- and 15-part shares at \$600. We are estimating that share holders would receive produce for 20 weeks a year. The details are provided in Table 1 attached. This is a picture of the garden after 2-3 years with the garden fully operational. We also assume that extra produce may be sold through the retail store. Total revenue is estimated at \$28,950 from the vegetable garden. When expenses are accounted for, we find ourselves with net revenue from the vegetable garden of \$23500.

#### 4.2 Possible Revenues from Selling Floral Bouquets

See Table 2 attached.

We are proposing a 4000 sq. ft floral garden.

This garden should be able to produce 800 bouquets a month.

We estimate that bouquets will sell for an average of \$15

As an alternative to selling bouquets through the retail store and direct to other retailers, it is possible to establish a floral CSA to parallel the vegetable CSA

Table 2 attached shows a potential a gross of \$60K and a net income of \$48,790 per year selling bouquets directly to retailers/ consumers when fully operational.

#### 4.3 Fruit Trees and Their Role in the Farm

It is anticipated that the fruit trees once mature (5-7 years) will contribute to the vegetable CSA boxes. Their contribution will be particularly important in late summer/ early fall. Their contribution may make it possible to expand the CSA shares and/or prolong the season.

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of agriculture and food distribution that allows the producer and consumer to share the risks of farming.<sup>[1]</sup> The model is a subcategory of civic agriculture that has an overarching goal of strengthening a sense of community through local markets.<sup>[2]</sup>

In return for subscribing to a harvest, subscribers receive either a weekly or bi-weekly box of produce or other farm goods. This includes in-season fruits and vegetables and can expand to dried goods, eggs, milk, meat, etc. Typically, farmers try to cultivate a relationship with subscribers by sending weekly letters of what is happening on the farm, inviting them for harvest, or holding an open-farm event. Some CSAs provide for contributions of labor in lieu of a portion of subscription costs.<sup>[3]</sup>

## 5.0 Summary

The business case presented here shows that this 11+ ha. property has the potential to support a farmer on a full-time basis. It should be noted that in Ontario, in 2017, 59.6% of farm families had off farm income.<sup>3</sup> It is likely that the farmer would be supported by off-farm employment.

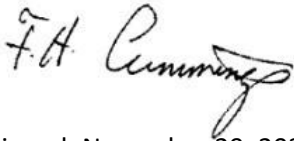
This property has the advantage of being located in an Ontario region well known for its quality farm produce. This increases the probability that this farmer and others going forward will sustain this as a productive and desirable farm operation.

This diverse intensive agricultural operation is expected to net \$85,548 in a typical operating year, within the first 5 years. There is potential to expand this in years to come given the 11+ ha. size of the property.

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<sup>3</sup> [www150.statcan.gc.ca/daily-quotdient](http://www150.statcan.gc.ca/daily-quotdient)

Submitted by: F. Harry Cummings, Phd., CE, RPP

A handwritten signature in black ink, appearing to read "F. H. Cummings". The signature is written in a cursive style with a large, stylized "C" at the end.

Signed: November 29, 2022



**TABLE 1: VEGGIE GARDEN SAMPLE 1 ACRE PLAN, YEAR 1**

Month	Income			Expenditures							
	Veg. CSA	Farm market	Total Income	Loan for start-up	Equipment	Production Wages	Sales and Marketing	Vehicle and Travel	Supplies	Total Expenditures	Income less Expenditure
<b>Jan</b>				Capital	Already own						
<b>Feb</b>				is on hand			\$650				
<b>Mar</b>				self financed							
<b>Apr</b>						\$600		\$100	\$100		
<b>May</b>	\$12,750	\$1,200	\$13,950			\$600		\$100	\$100		
<b>June</b>	\$9,000	\$1,200	\$10,200			\$600		\$100	\$100		
<b>July</b>		\$1,200	\$1,200			\$600		\$100	\$100		
<b>Aug</b>		\$1,200	\$1,200			\$600		\$100	\$100		
<b>Sep</b>		\$1,200	\$1,200			\$600		\$100	\$100		
<b>Oct</b>		\$1,200	\$1,200								
<b>Nov</b>											
<b>Dec</b>											
<b>TOTALS</b>	<b>\$21,750</b>	<b>\$7,200</b>	<b>\$28,950</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,600</b>	<b>\$650</b>	<b>\$600</b>	<b>\$600</b>	<b>\$5,450</b>	<b>\$23,500</b>

**TABLE 2: FLOWER GARDEN SAMPLE 4000 SQ. FT, 800 BOUQUETS A MONTH, \$15 PER BOUQUET**

Income				Expenditures							
Month	Flower Sales	Total Income	Loan for start-up	Equipment	Labour	Sales and Marketing	Vehicle and Travel	Supplies	Total Expenditures	Income less Expenditure	
Jan			financing	equipment							
Feb			is in hand	is in hand		\$650					
Mar											
Apr					\$1,280		\$100	\$500			
May	\$12,000				\$1,280		\$100	\$100			
June	\$12,000				\$1,280		\$100	\$100			
July	\$12,000				\$1,280		\$100	\$100			
Aug	\$12,000				\$1,280		\$100	\$100			
Sep	\$12,000				\$1,280		\$100	\$100			
Oct					\$1,280						
Nov											
Dec											
TOTALS	\$60,000	\$0	\$60,000	\$0	\$0	\$8,960	\$650	\$600	\$1,000	\$11,210	\$48,790

**TABLE 3: MICRO GREENS**

Micro Greens Business											
Income				Expenditures							
Month	Micro Greens 160 trays per month	Total Income	loan for start-up	Equipment	Owner Labour	Sales and Marketing	Vehicle and Travel	Supplies	Total Expenditures	Income less Expenditure	
Jan	\$2,400		financing	equipment		\$650	\$50	\$200			
Feb	\$2,400		is in hand	is in hand			\$50	\$50			
Mar	\$2,400						\$50	\$50			
Apr	\$2,400						\$50	\$50			
May	\$2,400						\$50	\$50			
June	\$2,400						\$50	\$50			
July	\$2,400						\$50	\$200			
Aug	\$2,400						\$50	\$50			
Sep	\$2,400						\$50	\$50			
Oct	\$2,400						\$50	\$50			
Nov	\$2,400						\$50	\$50			
Dec	\$2,400						\$50	\$50			
TOTALS	\$28,800	\$0	\$28,800	\$0	\$0	\$0	\$650	\$600	\$900	\$2,150	\$26,650



**TABLE 4: TABLE 4: GREENHOUSE OPERATIONS**

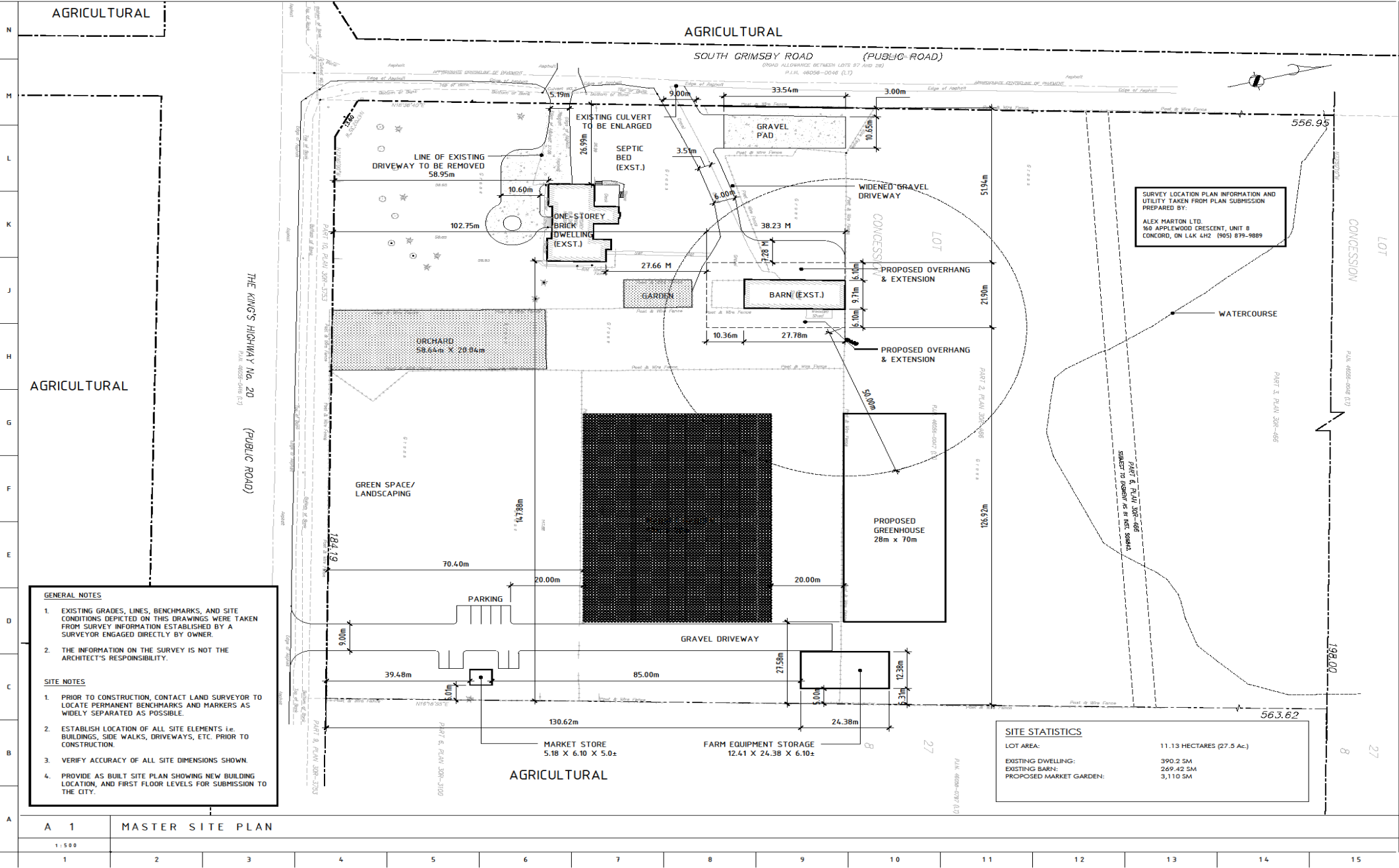
<b>Expenses</b>	<b>\$ CAD</b>
Wages	\$ 15,600.00
containers	\$ 2,080.00
fertilizer, chemicals	\$ 5,775.00
Fuel	\$ 5,997.00
Seeds, Bulbs	\$ 2,040.00
Utilities	\$ 28,140.00
Misc.	\$ 5,000.00
<b>Total</b>	<b>\$ 64,632.00</b>
<b>Income</b>	
Potted plants	\$ 26,000.00
Annuals, cut flowers	\$ 26,000.00
Starts/ support for garden	\$ 16,000.00
Net from other retail sales	\$ 20,000.00
<b>Total</b>	<b>\$ 88,000.00</b>
<b>Net (Income-Expenses)</b>	<b>\$ 23,368.00</b>

**TABLE 5: SUMMARY OF INCOME**

<b>#</b>	<b>Table Type</b>	<b>\$ CAD</b>
<b>2</b>	Flower garden	\$ 48,790.00
<b>4</b>	greenhouse	-\$ 67,752.00
<b>6</b>	market store	\$ 54,360.00
<b>3</b>	Microgreens	\$ 26,650.00
<b>1</b>	Veggie garden	\$ 23,500.00
	Total	<b>\$ 85,548.00</b>

**TABLE 6: MARKET STORE AND STORAGE BUILDING**

<b>Expenses (Annual Costs)</b>	<b>\$ CAD</b>
Storage Building	
Market Store	
Erect market store & storage	
Mortgage	\$ 6,000.00
Electric, light, water	\$ 6,000.00
Data and phone	\$ 3,600.00
Heat	\$ 4,000.00
Wages	\$ 14,040.00
<b>Total</b>	<b>\$ 33,640.00</b>
<b>Income</b>	
Potted plants	\$ 26,000.00
Annuals, cut flowers	\$ 26,000.00
Starts/ support for CSA	\$ 16,000.00
Net from other retail sales	\$ 20,000.00
<b>Total</b>	<b>\$ 88,000.00</b>
<b>Net (Income-Expenses)</b>	<b>\$ 54,360.00</b>





250 Thorold Rd 3rd Floor, Welland, ON L3C 3W2  
905.788.3135 | [info@npca.ca](mailto:info@npca.ca) | [npca.ca](http://npca.ca)

June 26, 2023

Via Email Only

Stephanie Pouliot, Planner I  
Township of West Lincoln  
318 Canborough St,  
Smithville, ON L0R 2A0

**Subject: Minor Variance Information  
2913 S Grimsby 14 Rd  
Township of West Lincoln**

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Good afternoon Stephanie,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the Minor Variance application package from the Township of West Lincoln regarding 2913 S Grimsby 14 Rd for the hearing on June 28, 2023. The application is being made for a proposed three variance, which are required to permit the location of a proposed market store and accessory building for farm equipment storage.

### **NPCA Policies**

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06* of the *Conservation Authorities Act*. The *NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority* (NPCA policies) provides direction for managing NPCA regulated features.

The subject property contains the following regulated features: A watercourse (Twenty Mile Creek), a possible flood hazard, and a Provincially Significant Wetland (Lower Twenty Mile Creek Wetland Complex) and 30 metre buffers as well as possible unevaluated wetlands.

Based off of a previous review of the proposed development, NPCA staff noted that there were no floodplain concerns with the proposed development, nor would the proposed development fall within 30 metres of the nearby PSW.





250 Thorold Rd 3rd Floor, Welland, ON L3C 3W2  
905.788.3135 | [info@npca.ca](mailto:info@npca.ca) | [npca.ca](http://npca.ca)

Additionally, NPCA staff noted that it appears that the proposed building (storage building and market store) had been pulled back to fall outside of the buffer of the Watercourse on site. As the proposed building are more than 15 metres away from the Watercourse, the NPCA will have no concerns with the proposed development and will not require a fee for this application.

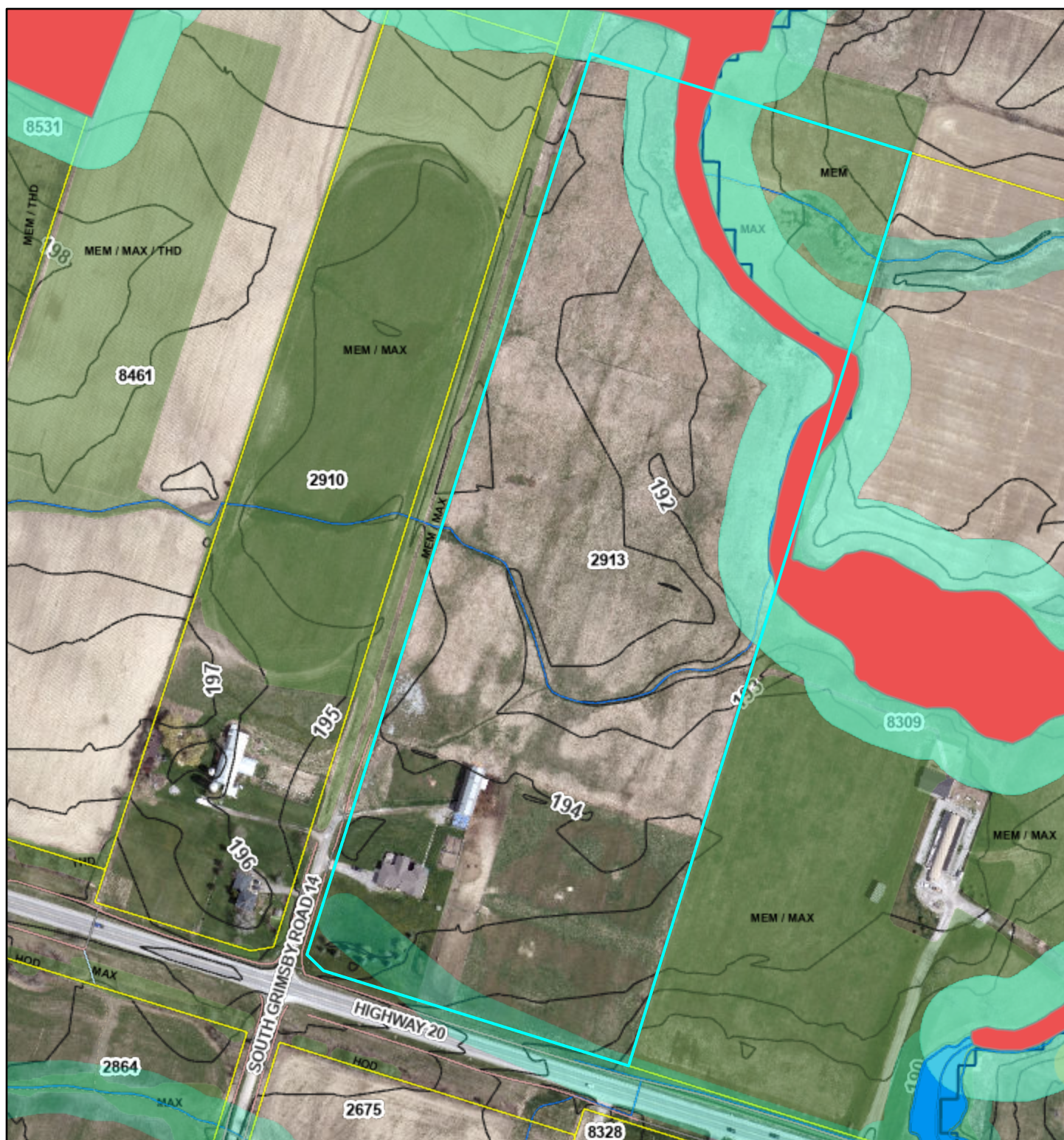
I trust the above will be of assistance to you. Should you have any further questions or require further information in this matter, please do not hesitate to call.

I hope this information is helpful.

Yours truly,

Meghan Birbeck  
Watershed Planner  
(905) 788-3135, ext. 278  
[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)

# Regulated Land Map - 2913 S Grimsby 14 Rd



6/26/2023, 1:25:31 PM

1:4,514

LIO Wetlands DRAFT

 NPCA APPROXIMATE REGULATION LANDS

 Evaluated-Provincial

## SHORELINES Enhance Local Feature Type Shoreline

SWOOP 2020 NPCA

— Ditch - Roadside

Red: Band 1

— Stream/Creek

Green: Band 2

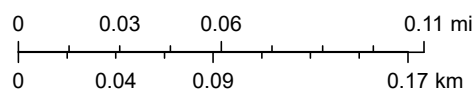
— Waterbody - River

Blue: Band 3

## FLOWLINES Enhanced Local Feature Type Flowlines

## Roads

## Agricultural Drainage



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

## Web AppBuilder for ArcGIS



## **Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

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### **Via Email Only**

June 27, 2023

Region File: D.17.12.MV-23-0056

Stephanie Pouliot

Planner 1 / Secretary Treasurer of the Committee of Adjustment

Township of West Lincoln

318 Canborough Street

Smithville, ON, L0R 2A0

Dear Ms. Pouliot:

**Re: Regional and Provincial Comments  
Proposed Minor Variance Application  
Township File: A06/2023/WL  
Owner: Alice Durco  
Agent: Stephen Bedford  
2913 South Grimsby Road 14  
Township of West Lincoln**

---

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above noted Minor Variance application at the address municipally known as 2913 South Grimsby Road 14 in the Township of West Lincoln. The application was circulated to Regional staff on June 16, with the associated review fee received on June 19<sup>th</sup>.

The subject property is designated 'Good General Agricultural Land' in the Township West Lincoln Official Plan and zoned 'Agricultural (A)' in the Township Zoning By-law 2017-70, as amended. The application proposes the following 3 variances:

- To permit a market store 19.5 metres closer to the front lot line than the main building, whereas Table 1-1 in Section 3.1 of the Township's Zoning By-law does not permit accessory buildings and structures to be located within the required front yard or closer to the front lot line than the main building;
- To permit an accessory building for farm equipment storage to be located 5 metres from the east interior side lot line, whereas Table 1-1 in Section 3.1 of the Township's Zoning By-law identifies the minimum interior side yard setback for a Type 3 accessory building at 7.5 metres;

- To permit the proposed market store and Type 3 accessory building farther from the main building, whereas Table 1-1 in Section 3.1 of the Township's Zoning By-law only permits accessory buildings to be located at a maximum distance of 50 metres from the main building.

Pre-consultation meetings to discuss variations of the proposal were held on February 18, 2021 and July 15, 2021, for which Regional comments were provided. The following comments are provided from a Provincial and Regional perspective to assist the Committee in their consideration of the application.

## **Provincial and Regional Policies**

The property is located within the 'Prime Agricultural Area' in the *Provincial Policy Statement, 2020* ("PPS"), *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and the *Niagara Official Plan, 2022* ("NOP").

An agricultural system has been identified across the region as shown on Schedule F of the NOP, in which all types, sizes, and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with Provincial standards. In addition to such uses, agriculture-related uses and on-farm diversified uses are permitted within the Prime Agricultural Area. Provincial and Regional policies outline that proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations. The NOP identifies that such uses are to be consistent with the provisions of the PPS and conform to the Growth Plan. PPS policy 2.3.3.1 references that criteria for such uses may be based on guidelines developed by the Province (*Guidelines on Permitted Uses in Ontario's Prime Agricultural Area – Publication 851*) or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

NOP Policy 4.1.7.8 provides criteria that shall be considered when reviewing applications for proposed agriculture related uses. This includes whether the proposed activity is more appropriately located in a nearby settlement area or on rural lands; whether the use is required for or in close proximity to the agricultural operation for it to support and complement the agricultural activity; the extent to which the use is compatible with the existing farm operation and surrounding farm operations; whether the scale of the activity is appropriate to the site and farm operations; whether the use is consistent with and maintains the character of the agricultural area; the use does not generate potentially conflicting off-site impacts; the activity does not include a new residential use; 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; the use does not require significant improvements to infrastructure; and the use complies with all other applicable provisions of the Plan.

Regional staff has reviewed the 'Planning Justification Brief', ("PJB") prepared by LANDx Developments Ltd. (dated February 23, 2023) and the 'Farm Business Case for



Diversified Agriculture and Related Uses', prepared by Harry Cummings & Associates Inc. (dated November 2022). The PJB identifies that the subject property is an 11.2 ha farm that was purchased by the owner in 2020 and is presently expanding the existing cash crop operation with a small scale mixed intensive agricultural operation, consisting of a market garden, expanded orchard, future greenhouse, and small retail building. The owner planted a 0.3 ha market garden and began retailing produce from the market garden and micro greens operation in 2021 from a roadside stand. The PJB notes that the existing main cluster of buildings will continue to function and serve the cash crop operation. Based on the submitted PJB, staff concur with the analysis that the market garden (to grow produce), orchard, greenhouse, and equipment storage building would be considered an agricultural use.

The PJB provides an analysis of both Provincial Publication 851 and NOP policy 4.1.7.8, with respect to the market store being considered an agriculture-related use. Staff are generally satisfied that the market store, retailing products from the agricultural operation can be categorized as an agriculture-related use. The market store will complement the agricultural activity on the property, is small in scale and located close to the roadway, limiting land taken out of agricultural activity. There is no new residential use proposed or additional private services required to accommodate the use. The Farm Business Case is consistent with the uses detailed in the PJB and demonstrates that the operation has the potential to support a farmer on a full-time basis.

## **Natural Environment System**

The subject property is impacted by the Region's Natural Environment System ("NES"), consisting of Provincially Significant Wetland ("PSW"), Other Wetlands, Permanent or Intermittent Watercourse, and a Linkage. The wetlands and watercourse are considered Key Hydrologic Features ("KHF").

NOP policy 3.1.5.7.1 requires the completion of an Environmental Impact Study ("EIS") when development or site alteration is proposed within 120 m of a KHF and within 30 m of a Linkage. The proposed development is outside of these setbacks, and as such, Regional Environmental Planning staff offer no objection to the minor variance.

## **Archaeological Potential**

The PPS and the NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, PPS policy 2.6.2 and NOP policy 6.4.2.1 state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Through previous pre-consultation agreements, an archaeological assessment was not noted as a requirement by Regional staff. Staff note that with the approval of the NOP on November 4, 2022, the property is mapped within Schedule K of the NOP as an area



of archaeological potential. NOP Policy 6.4.2.6 states that where a site proposed for development is located within an area of archaeological potential, a Stage 1 Archaeological Assessment by a licensed archaeologist is required. As this requirement as not set forth through the pre-consultation agreement, staff provide the following archaeological warning clauses should any resources be uncovered through construction works:

*“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

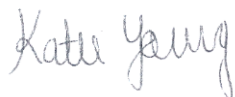
## Conclusion

In conclusion, staff of the Growth Strategy and Economic Development Department are satisfied that the proposal is consistent with the *Provincial Policy Statement* and conforms to Provincial and Regional plans, subject to meeting any local provisions.

Should you have any questions or wish to discuss these comments, please contact the undersigned at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca).

Please send notice of the Committee’s decision on this application.

Kind regards,



Katie Young, MCIP, RPP  
Development Planner

cc: Lori Karlewicz, Planning Ecologist



318 Canborough St. P.O. Box 400  
Smithville, ON  
L0R 2A0  
T: 905-957-3346  
F: 905-957-3219  
[www.westlincoln.ca](http://www.westlincoln.ca)

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# Memo

**To:** Stephanie Pouliot, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** June 20, 2023  
**Re:** File A06/2023WL – 2913 South Grimsby Rd 14

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A review has been completed of this minor variance application to permit 3 variances on the property

Public Works has no objections to the application but notes that the Site Plan drawings provided with the application indicate that work is proposed for the 2<sup>nd</sup> entrance on South Grimsby Rd 14, North of RR20 and the culvert is to be enlarged. An entrance permit would be required prior to any work beginning on the entrance so Township staff can inspect the site and confirm the required culvert size; the permit application is available on the Township website. The entrance width shall comply with the Township's Zoning By-law.

## Stephanie Pouliot

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**From:** Pete Tsementzis [REDACTED]  
**Sent:** June 21, 2023 9:50 PM  
**To:** Stephanie Pouliot  
**Subject:** Property Address: 2913 South Grimsby Road 14

Stephanie,

Thank you for the opportunity to comment on the application for the Minor Variance. I am the owner of Briar Meadows (the adjacent property to the east of 2913).

Firstly I would like to ask if the market store would maintain an agricultural zoning or would it be granted a commercial zoning? If commercial then how would that affect MDS for future agricultural buildings on neighbouring properties?

Secondly, the minor variance for the proposed accessory building is 5m where as the Bylaw states a setback of 7.5m. Why is there a proposed minor variance for 2.5m? Could this not be addressed with a change in site planning.

Also, could you please clarify which of the existing buildings the town considers to be the main building?

You can contact me at [REDACTED]

Thank you for your time,

Pete Tsementzis  
BriarMeadows Food and Farms Services Inc.