



# REPORT

TOWNSHIP

COMMITTEE OF ADJUSTMENT

**DATE:** October 25<sup>th</sup>, 2023

**REPORT NO:** COA-021-23

**FILE NO:** B07/2023WL

**SUBJECT:** **Recommendation Report**  
Application for Consent, Surplus Farm Dwelling Severance B & A  
Heaslip Farms Ltd.

**LOCATION:** 4813 Canborough Road, Wellandport, ON L0R 2J0

**CONTACT:** Susan Smyth, Senior Planner

## OVERVIEW:

- A consent application has been submitted by Ben and Pam Heaslip on behalf of B & A Heaslip Farms Ltd, property owner of 4813 Canborough Road.
- The Consent application is being requested to permit a Surplus Farm Dwelling Severance for the lands located at 4813 Canborough Road. The land being severed with the residence and two of the three existing accessory buildings is proposed to be 0.63 hectares (1.56 acres).
- 4813 Canborough Road has a total lot size of approximately 34.92 hectares (86.29 acres), following the severance, the remnant farmland will be approximately 34.0 hectares (84.02 acres) in size.
- If approved, a condition will be required that the severed residential lands be zoned to Rural Residential and the retained farmland be zoned to Agricultural Purposes Only (APO), restricting any future residential use as the owner has shown that merging the lands onto an abutting property is not possible.

## RECOMMENDATION: Yes ☒ No ☐ Deferral ☐

THAT, the application for Consent made by B & A Heaslip Farms Ltd. as outlined in Report COA-021-23, to permit a Surplus Farm Dwelling Severance at 4813 Canborough Road, BE APPROVED, subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, remitting the cash-in-lieu of park land dedication fee of \$1000, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
3. That upon conditional approval of the Consent Application, the agricultural portion (Parcel 2 –retained lands) of the property is rezoned to Agricultural Purposes Only (APO) to preclude its use for residential purposes and (Parcel 1 –severed lands) be rezoned to Rural Residential (RuR) and any zoning deficiencies be addressed by a future Zoning By-law Amendment application.
4. That the applicant provide documentation indicating compliance with Part 8 (Sewage Systems) of the Ontario Building Code, to the satisfaction of the Township's Septic Inspector and Building Department.
5. That, a detailed survey be completed to determine where the 175.2 contour is and that the surplus farm dwelling lot lines do not dissect the flood elevation of 175.2 to the satisfaction of the Niagara Peninsula Conservation Authority.
6. That the owner applies for an entrance permit to provide access to Parcel 2 to the satisfaction of the Niagara Region

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and confirmation be received.

7. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
8. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
9. That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

**BACKGROUND: Surrounding Land Uses and Natural Heritage**

- 4813 Canborough Road is currently 34.92 hectares (86.29 acres) in size.
- The subject property is situated on the north side of Canborough Road, west of Heaslip Road, east of Wellandport Road (Regional Road 27) and Collver Road, and on the south side of Elcho Road which is also located east of the Hamlet of Wellandport.
- The subject property along with the surrounding land uses are designated in the Township's Official Plan as Good General Agricultural Lands and Natural Heritage System.
- A portion of the subject lands as noted forms part of the Natural Heritage System in the Township's OP, effectively being located along the north property line of about 8.39 hectares (20.72 acres) covering the forested portion of the property. The present Natural Heritage features include Provincially Significant Wetlands, Significant Woodlands, which forms both an Environmental Conservation and Environmental Protection area over these features. An Environmental Conservation area also conserves a valley shoreline located within the front yard of the property of about 0.79 hectares (1.95 acres). Please see the attached map for the noted Natural Heritage features, however, are not a factor of this application.
- The surrounding lands are actively farmed with a number of small rural residential properties.
- Both these designations protect and maintain long-term agricultural, and conservation use within the area.

**CURRENT SITUATION:**

Planning Staff have completed an analysis of the proposed Consent application and can provide the following evaluation:

**CONFORMITY:**

**Provincial Policy Statement (2020) Yes ☒ No ☐**

**A Place to Grow (2019) Yes ☒ No ☐**

**Greenbelt Plan (2017) Yes ☐ No ☐ N/A ☒**

**Niagara Official Plan (2022) Yes ☒ No ☐**

**Does the proposal conform to the Township of West Lincoln Official Plan (2014)? Yes ☒ No ☐**

**Official Plan Designation: Good General Agriculture & Natural Heritage System**

The Township's Official Plan permits consents for agricultural purposes, and only allows non-farm rural residential lots as part of a surplus farm dwelling severance which are subject to the regulations found in Section 18.13. The application meets the required criteria. The applicants are bona-fide farmers, who demonstrates a continuing commitment to their farm operation. The condition of approval to rezone the farmland also protects and preserves the area for continuous agricultural purposes which maintains and promotes the general intent and purpose of Section 4 of the Township's OP.

Additionally, the severed land with the dwelling is recognized by Policy 18.13.2(g), that the residential parcel shall not exceed 0.4 hectares (1 acre), except where necessary to accommodate the residence and private services. This is the case for the proposed parcel size of approximately 0.63 hectares (1.56 acres) which includes the residence and two of the three existing accessory buildings on the property. Originally the applicants' proposal for the residential lot with all three of the existing outbuildings would be a total lot size of approximately 0.85 hectares (2.1 acres). Planning Staff raised concerns on the size of the lot and the applicants revised the lot size to 0.63 hectares (1.56 acres) to be more supportable and consistent with the Township's consent policies found in Section 18.13. Furthermore, the proposed lot size would also provide adequate space for the replacement of private services, if required in the future by the applicants or subsequent owners.

In addition, as the proposed lands to be severed is located south of the Township's Natural Heritage System features and will not impact their ecological function, the general intent and purpose of Section 10 is being maintained. For these reasons,

Planning Staff consider the proposed Surplus Farm Dwelling Severance to be consistent with the Township's Official Plan, subject to the conditions of approval as indicated.

**Does the proposal conform to the Township of West Lincoln Zoning By-law (2017-70)?** Yes ☒ No ☐

**Current Zone(s): Agricultural 'A', Environmental Conservation 'EC' & Environmental Protection 'EP'**

As a condition of approval, the lands to be severed with the residence will be rezoned to Rural Residential 'RuR' and the remnant farmland will be rezoned to Agricultural Purposes Only 'APO' to restrict any future residential uses on Parcel 2 (see Survey Sketch, found in Attachment 2). The Zoning By-law Amendment application will also recognize the deficient lot size of Parcel 2, being approximately 34.0 hectares (84.02 acres) whereas, Table 12 in Part 5 of the Township's Zoning By-law 2017-70, as amended, identifies 39 hectares (96.37 acres) to be the minimum lot area within an Agricultural Purposes Only 'APO' zone.

Additionally, the rezoning application for Parcel 1 will recognize the exceeding lot coverage for accessory buildings on a lot, being a total of approximately 305 metres whereas, Table 1-2 in Part 3 of the Township's Zoning By-law 2017-70, as amended, identifies 200 square metres or 8 percent of the lot area as the maximum lot coverage permitted for all accessory buildings on a lot, provided the lot coverage does not exceed 20% for all buildings and structures on the lot. In addition, the rezoning application will recognize an accessory building approximately 100 metres larger than permitted, being approximately 231.3 square metres (shown as building B on the attached sketch, please see Attachment 3) whereas, Table 1-2 in Part 3 of the Township's Zoning By-law 2017-70, as amended, identifies 120 square metres as the maximum ground floor area per building or structure within an Rural Residential 'RuR' zone or Residential Low Density 'R1A' zone. As such, these zoning deficiencies will need to be addressed in the future rezoning application.

Furthermore, it's important to note, as no access will be permitted through the existing driveway (Parcel 1), an entrance permit issued from the Township's Public Works Department will be required to provide access to the retained farmland (Parcel 2) and remaining barn (shown as 370.3 square metres metal clad building on the attached Survey Sketch, please see Attachment 2). As the subject property, specifically the retained frontage along Canborough Road for Parcel 2 will be approximately 230 metres, the Township's Zoning By-law 2017-70, as amended, permits a maximum of 3 driveways on the lot as per Policy 3.12.2(h), subject to meeting the remainder of the regulations found in Part 3.12.2 *Driveways and Parking Aisles*. A condition of approval has been included to address and satisfy the noted concern.

Given both Parcel 1 and 2 will be subject to a future rezoning application and the zoning deficiencies will be addressed, and an entrance permit will be required, the proposal can be considered consistent with the general intent of the Township's Zoning By-law 2017-70, as amended. For these reasons, Planning Staff can support this consent application, and recommend approval of the proposed Surplus Farm Dwelling Severance, subject to the appropriate conditions.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report.

**INTER-DEPARTMENTAL COMMENTS:**

Building Department	No comments received, as such no objections.
Septic System Inspector	As no documentation has been provided relating to compliances with Part 8 of the Ontario Building Code, a condition has been included to satisfy the noted concern. Please see Attachment 4.
Public Works	No objections or comments to provide on this application.
Niagara Peninsula Conservation Authority (NPCA)	Offers the following condition; "That, a detailed survey be completed to determine where the 175.2 contour is and that the surplus farm dwelling lot lines do not dissect the flood elevation of 175.2 to the satisfaction of the Niagara Peninsula Conservation Authority." As such, a condition has been included to satisfy the concern noted by the NPCA as there is an existing Regional road crossing culvert west of the existing driveway. Please see Attachment 4 for the full comments received.
Niagara Region	Recommend deferral until more justification is received regarding the proposed lot size and to demonstrate how the proposal is consistent with and conforms to Provincial and Regional policies.

	Regional staff also recommend the lot size be reduced to the Niagara Official Plan policy requirement of 0.4 hectares. Please see Attachment 4 for the full comments received.
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**PUBLIC COMMENTS:** Yes ☐ No ☒

No public comments received at this time.

**CONCLUSION:**

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed consent application (B07/2023WL) as outlined in Report COA-021-23, submitted by B & A Heaslip Farms Ltd., property owner of 4813 Canborough Road to permit a surplus farm dwelling severance, subject to the conditions of approval, as indicated.

**Attachments:**

1. Location Map
2. Survey Sketch
3. Building Drawings/Sketch
4. Agency Comments

**Prepared by:**



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**Stephanie Pouliot,  
Planner**

**Recommended by:**



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**Susan Smyth, C.P.T  
Senior Planner**





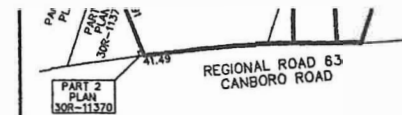
**Location Map**  
**4813 Canborough Road**  
0 62.5 125 250 Meters

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Legend	
	ZoneBoundary
	Subject Property







KEY PLAN NOT TO SCALE

LOT 17 LOT 18

CONCESSION

PIN

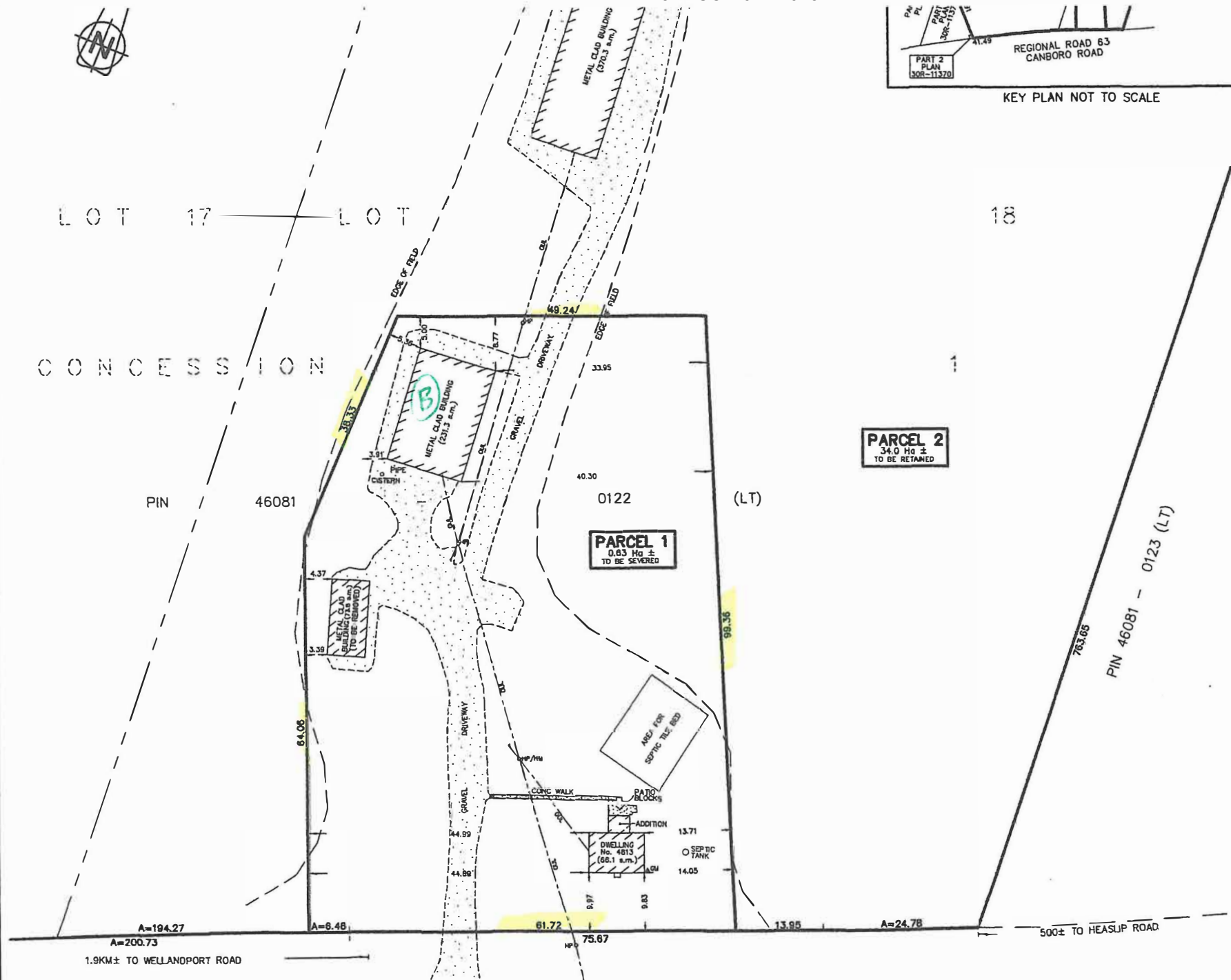
46081

**PARCEL 1**  
0.63 Ha ±  
TO BE SEVERED

**PARCEL 2**  
34.0 Ha ±  
TO BE RETAINED

(LT)

PIN 46081 - 0123 (LT)

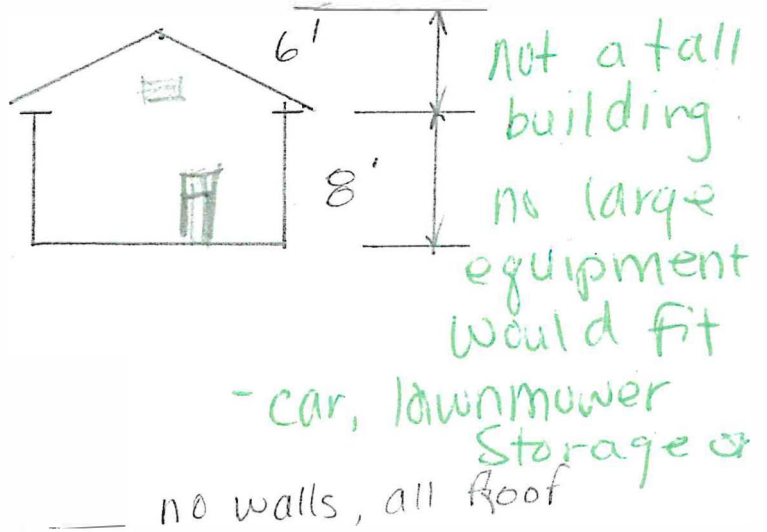
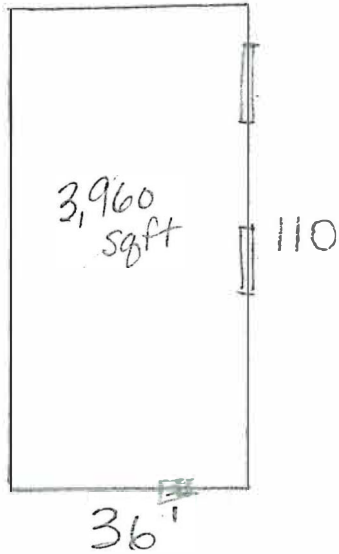


A=194.27  
A=200.73  
1.9KM± TO WELLANDPORT ROAD

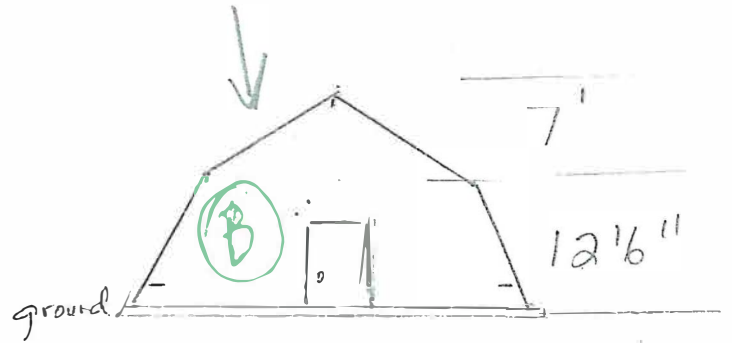
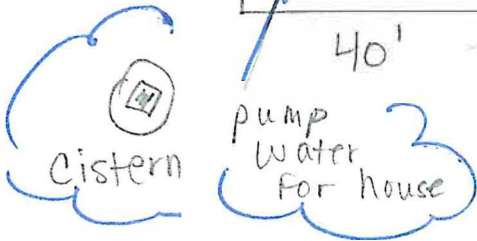
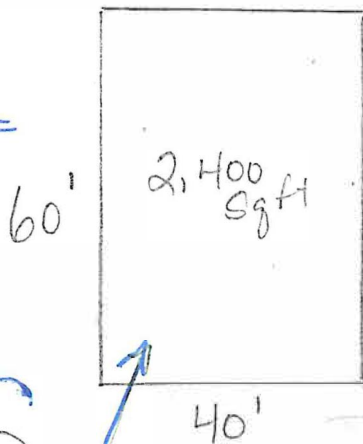
PIN 46081 - 0106 (LT)  
REGIONAL ROAD No. 63 -- ALSO KNOWN AS CANBORO ROAD

500± TO HEASLIP ROAD

Building two.

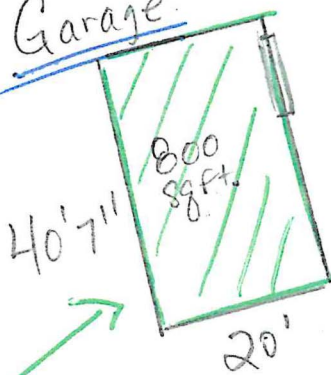


Building one

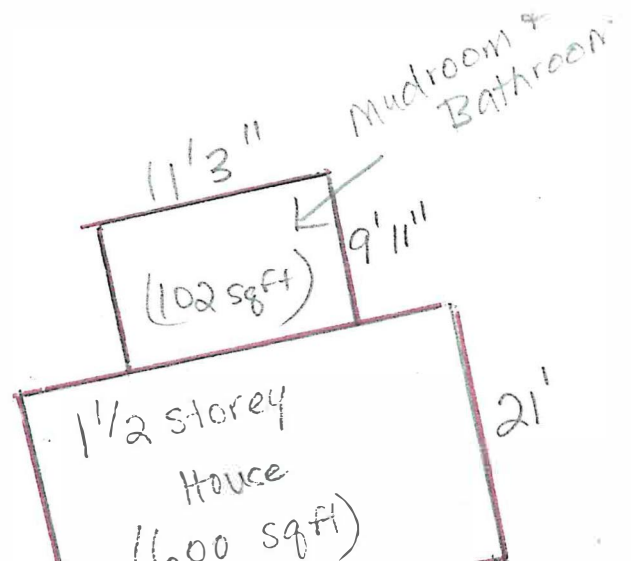
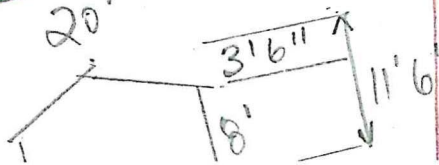


Driveway

Garage



move







318 Canborough St. P.O. Box 40C  
Smithville, ON  
L0R 2A0  
T: 905-957-3346  
F: 905-957-3219  
www.westlincoln.ca

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**PLANNING & DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

**TO: Stephanie Pouliot – Planner / Secretary Treasurer Committee of Adjustments**

**FROM: Lyle Killins, Septic Inspection Manager**

**DATE: October 23, 2023**

**SUBJECT: FILE B-07/2023 WL  
B & A Heaslip Farms Ltd.  
4813 Canborough Road**

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Dear Stephanie,

Please be advised that file searches, on-site visit and plan review have been completed relating to the proposed application. No record was located to indicate the date of installation of the sewage system or the contractor involved; however, it would appear that installation occurred prior to enactment of the current Part 8, Ontario Building Code. The sewage system as currently observed may not comply with Code requirement. Thus it is recommended the Committee consider as a Condition of Approval, the following:

The applicant provides to the satisfaction of the Township of West Lincoln Building Department, confirmation from a licensed sewage system designer, installer and/or engineer that the on-site sewage disposal system complies with Part 8 Ontario Building Code requirement.

We trust the preceding serves as required; however, should additional information and/or clarification be required, please contact this office at 905-957-3346.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lyle Killins', is written over a horizontal line.

Lyle Killins C.P.H.I.(c)  
BCIN #11112



**Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

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

[www.niagararegion.ca](http://www.niagararegion.ca)

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**VIA E-MAIL ONLY**

October 20, 2023

Region File: D.06.12.CS-23-0084

Stephanie Pouliot  
Planner I  
Township of West Lincoln  
318 Canborough Street  
Smithville, Ontario L0R 2A0

Dear Ms. Pouliot:

**Re: Regional and Provincial Comments  
Application for Consent  
Township File: B07/2023WL  
Owner: B & A Heaslip Farms Ltd.  
4813 Canborough Road  
Township of West Lincoln**

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Staff of the Regional Growth Strategy and Economic Development Department has reviewed this Consent application to permit a surplus farm dwelling severance of 1.65 acres, which included two (2) of the three (3) outbuildings located on the subject property. Regional staff received notice of this application on October 11, 2023.

A pre-consultation meeting with the applicant for the proposed severance was held on June 8, 2023 with staff of the Township and the Region.

**As discussed below, staff recommends that consideration of the application be deferred pending the submission of a Planning Justification Brief in order to demonstrate how the proposed consent is consistent with and conforms to Provincial and Regional policies and plans.**

**Planning Comments**

The subject land is located within the Prime Agricultural Land under the Provincial Policy Statement (PPS), and is designated as Prime Agricultural Area in the Niagara Official Plan (NOP). NOP policy 4.1.1.2 states that prime agricultural areas shall be protected for long-term use for agriculture. In addition, the NOP states that all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with Provincial standards within the agricultural system.



Lot creation in prime agricultural areas (outside of specialty crop areas) is restricted under Provincial and Regional policies and may be permitted only as provided under Section 4.1.6 of the NOP and the general provisions of Policy 4.1.4.2. Policy 4.1.6.2 states that *“The severance of a residence surplus to a farming operation may be permitted under the following circumstances:*

- (a) The lot contains a habitable residence, which existed as of June 16, 2006, that is rendered surplus as a result of farm consolidation;*
- (b) the size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and private sewage disposal system as determined by Provincial and Regional requirements to a maximum of one hectare;*
  - i. proposals that exceed one hectare may be considered subject to an amendment to this plan; and*
- (c) to reduce fragmentation of the agricultural land base, the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be rezoned to preclude its use for residential purposes.”*

Staff note that a planning justification brief was requested at the Preconsultation meeting held on June 7, 2023 to address applicable Provincial and Regional policies and demonstrate why the proposed lot size of 1.63 acres is needed to support the proposed surplus farm dwelling severance. No information was provided with the application, however, to demonstrate the need for the proposed lot size.

As such, staff recommends that the proposed lot size be reduced to meet the NOP policy requirement of 0.4 hectares and minimize the amount of prime agricultural land being removed (e.g. moving the proposed northerly lot line so that the second metal clad building remains with the farm). Alternatively, the Committee may consider deferring its decision until additional information is provided sufficiently demonstrating the need for the lot size as proposed.

### **Archaeological Potential**

Staff note that the property is mapped within an area of archaeological potential on Schedule K of the NOP. The Provincial Policy Statement (“PPS”) and NOP 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. 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 the proposed surplus farm dwelling severance does not propose any new construction or site disturbance an archaeological assessment is not warranted at this time.

## Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Significant Woodland and the Beaver Creek West Lincoln Wetland Complex.

NOP Policies 3.1.4.8 through 3.1.4.10 discourage/prohibit lot creation which fragment natural heritage features and Key Hydrologic Features. However, since the proposed new lot lines will not fragment any natural heritage features, staff offer no requirements to the proposed severance in this regard.

## Regional Roads

Staff note that if the remnant farm parcel requires access to Canborough road, an access / construction permit will be required for a new entrance, which would be required to be located in an area that avoids the existing road crossing culvert west of the existing driveway. Permit fees can be found here <https://www.niagararegion.ca/living/roads/permits/default.aspx>.

## Conclusion

Staff of the Regional Growth Strategy and Economic Development Services Department recommend that the proposed lot size be reduced to meet the Niagara Official Plan policy requirement of 0.4 hectares. Alternatively, the Committee may consider deferring it's decision until additional information is provided sufficiently demonstrating the need for the lot size and, thus, how the consent as proposed is consistent with and conforms to Provincial and Regional policies and plans.

Should you have any questions regarding the above comments, please contact the undersigned at [Connor.Wilson@niagararegion.ca](mailto:Connor.Wilson@niagararegion.ca)

Regards,



Connor Wilson  
Development Planner

Cc: Pat Busnello, MCIP, RPP, Manager of Development Planning  
Stephen Bureau, Development Approvals Technician



## Stephanie Pouliot

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**From:** Meghan Birbeck <mbirbeck@npca.ca>  
**Sent:** October 20, 2023 12:12 PM  
**To:** Stephanie Pouliot  
**Cc:** Susan Smyth  
**Subject:** NPCA response regarding B07/2023 - 4813 Canbrough Rd - ARN 260202000714800  
**Attachments:** Regulated Land Map - 4813 Canbrough Rd.pdf

Good afternoon Stephanie,

Thank you so much for circulating the Notice of Hearing B07/2023 (4813 Canbrough Rd - ARN 260202000714800) with the NPCA.

After a review from technical staff the NPCA has the following comments:

- A floodplain study of Beaver Creek was completed in 2023, which indicated that the flood elevation in the subject area is 175.2 m
- The NPCA will not support lot creation in flood hazards.
- NPCA technical staff note that from examining the contours there maybe be a small area of floodplain roughly at the southwest corner of this proposed lot.
- As this area was not identified as floodplain in the 2023 Beaver Creek Floodplain Study the NPCA will request that the Township confirms if there is a culvert under Canbrough Rd (to the south of the proposed lot), to the satisfaction of the NPCA.
  - o If there is no culvert, then the NPCA will not have an objection to the proposed surplus farm dwelling severance as depicted in the provided drawings for review.
  - o If there is a culvert, then the NPCA will request that the following condition be added:
    - That, a detailed survey be completed to determine where the 175.2 contour is and that the surplus farm dwelling lot lines do not dissect the flood elevation of 175.2 to the satisfaction of the Niagara Peninsula Conservation Authority.
- A map is attached that highlights the area in question.

If there are any questions, please feel free to reach out.

Best,  
Meghan



**Meghan Birbeck (MS)**  
Watershed Planner

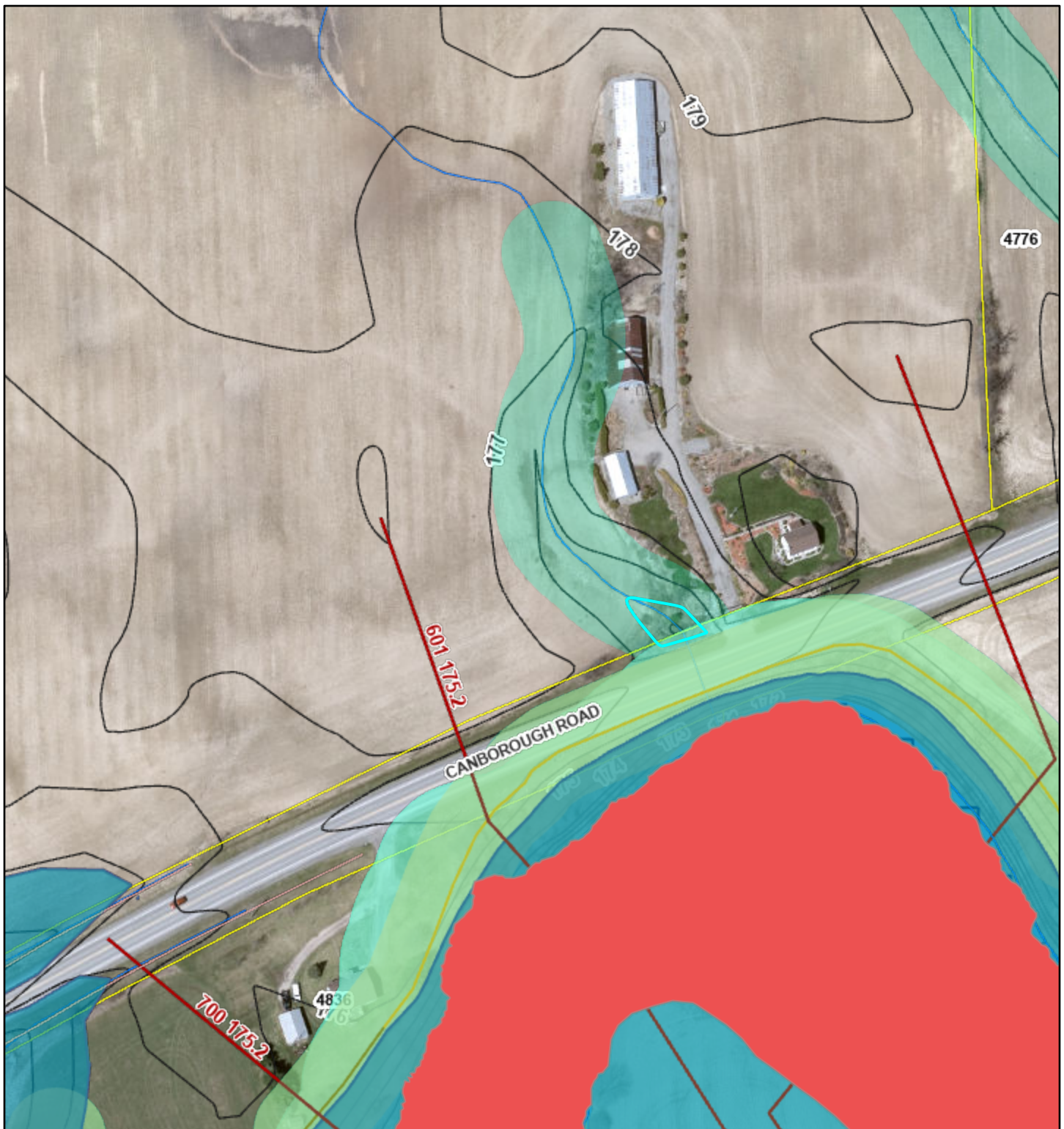
**Niagara Peninsula Conservation Authority (NPCA)**  
250 Thorold Road West, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2

905.788.3135 Ext 278  
[www.npca.ca](http://www.npca.ca)  
[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)

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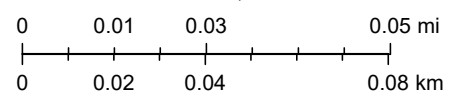
# Regulated Land Map - 4813 Canbrough Rd



10/20/2023, 12:09:13 PM

1:2,257

- |                      |   |
|----------------------|---|
| LIO Wetlands DRAFT   | NPCA APPROXIMATE REGULATION LANDS               |
| Evaluated-Provincial | SHORELINES Enhance Local Feature Type Shoreline |
| SWOOP 2020 NPCA      | Waterbody - River                               |
| Red: Band_1          | FLOWLINES Enhanced Local Feature Type Flowlines |
| Green: Band_2        | Agricultural Drainage                           |
| Blue: Band_3         | Ditch - Roadside                                |
| Roads                | Waterbody - River                               |



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