

DATE: February 28, 2024

REPORT NO: COA-04-2024

FILE NO: A02/2024WL **RELATED FILE NO:** B06/2023WL

SUBJECT: **Recommendation Report Application for Minor Variance, Nick and Taylor DeJonge and David Bos Farm Limited**

LOCATION: 7226 & 7262 Concession 3 Road, West Lincoln

CONTACT: Stephanie Pouliot, Secretary Treasurer to the Committee of Adjustment

OVERVIEW:

A Minor Variance application has been submitted by Nick and Taylor DeJonge, property owners of 7262 Concession 3 Road.

A Minor Variance Application has been applied for to permit a deficient lot area on two separate parcels (7226 and 7262 Concession 3 Road) following a related Consent Application (B06/2023WL) which conditionally approved a boundary adjustment where 0.21 hectares (0.53 acres) from 7226 Concession 3 Road will merge with 7262 Concession 3 Road. This Minor Variance is required to fulfil a condition of consent (B06/23WL), and is therefore the reason behind this application.

Following the boundary adjustment, 7262 Concession 3 Road will have a total lot size of 0.62 hectares (1.53 acres), and the abutting farm parcel being 7226 Concession 3 Road will be 19.3 hectares (47.8 acres) in size. Both being deficient of the required 40 hectares (98.84 acres) as identified by Table 12 in Part 5 of the Township's Zoning Bylaw 2017-70, as amended.

RECOMMENDATION:

That, the application for Minor Variance, submitted by Nick and Taylor DeJonge as outlined in Report COA-04-24, to permit a deficient lot area of 0.62 hectares for 7262 Concession 3 Road and 19 hectares for 7226 Concession 3 Road resulting from the related boundary adjustment (Consent Application –B06/2023WL), BE APPROVED.

BACKGROUND & SURROUNDING LAND USES:

7262 Concession 3 Road is currently 0.40 hectares (1 acre) in size, following the related boundary adjustment (B06/2023WL) the total lot size will be 0.62 hectares (1.53 acres).

7226 Concession 3 Road has a total lot size of approximately 19.58 hectares (48.39 acres) which will result in 19.3 hectares (47.8 acres), following the boundary adjustment.

B06/2023WL was heard and conditionally approved by the Township of West Lincoln's Committee of Adjustment on September 27th, 2023. For more information, please see the following Staff Report [COA-019-23](#).

7226 Concession 3 Road is positioned on the west side of Caistor Gainsborough Townline Road. 7262 Concession 3 Road is situated on the south side of Concession 3 Road. Both properties are located west of Caistor Gainsborough Townline Road which is also north of Concession 2 Road, east of Smithville Road (Regional Road 14), and south of Regional Road 65 (also known as Bismark Road/Silver Street).

The subject properties and surrounding land uses are designated in the Township's Official Plan as *Good General Agricultural Lands*. Please note that 7262 Concession 3 Road does not contain any natural heritage features. 7226 Concession 3 Road is impacted by a fish habitat that runs through the property but is not a factor of this application. The surrounding lands are actively farmed with a number of small rural residential properties. Both of these Official Plan designations protect and maintain long-term agricultural and conservation use within the area.

CURRENT SITUATION:

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

Does the Proposal Maintain the General Intent of the Official Plan? Yes

The subject property is designated as both Good General Agriculture & Natural Heritage System in the Township's Official Plan. Minor Boundary Adjustments are permitted in the *Good General Agricultural* areas, recognized in Section 4 *Agricultural Land Use Policies* of the OP and by Section 18.13 *Land Severances*, specifically Policies 18.13.2(d) and 18.13.2(f). The applicable policies were reviewed and met in consideration of B06/2023WL (the related consent application). This minor variance is required as a condition of consent approval.

As outlined in the Staff Report [COA-019-23](#), the proposal was applied for legal and technical reasons to purchase the land from the abutting farm (David Bos Farm Limited) which will allow adequate space to permit an accessory garage/shop on the Applicants' property. The minor boundary adjustment follows the intended objectives of the OP and is permitted provided as little agricultural lands are removed from production as possible. The portion of land (0.21 acres shown as Part 3 on the attached Survey Sketch, see Attachment 3) is not actively farmed and no agricultural lands are being removed from production. As both properties are existing lots of record within the agricultural area, already recognized for being deficient of the required 40 hectares (98.84 acres), this application is still consistent with the main objectives of Section 4 of the OP which are protecting and preserving the long-term agricultural use within West Lincoln. As such,

both the boundary adjustment and this related minor variance are aligned with the general intent of Section 4 of the Township's OP.

In addition, 7226 Concession 3 Road appears to be impacted by a fish habitat but is not a factor of this application as the additional lands (0.21 hectares- Part 3) to be added to 7262 Concession 3 Road is not impacted by the water course that runs through the property and the associated fish habitat. Therefore, the intent of Section 10 of the Township's OP is being maintained with priority being given to preserving and maintaining the long term ecological integrity of the noted environmental feature.

For these reasons, Planning Staff believe the proposal to be in alignment with the general intent and purpose of the Township's OP policies.

Does the proposal maintain the general intent and purpose of the Zoning Bylaw? Yes

Both parcels of land associated with this application are zoned Agricultural 'A'. As noted in the previous section, 7262 Concession 3 Road will be 0.62 hectares (1.53 acres) in size and the abutting farmland located at 7226 Concession 3 Road will be approximately 19.3 hectares (47.8 acres), both being deficient of the required minimum lot area of 40 hectares (98.84 acres) within an Agricultural 'A' zone.

7262 Concession 3 Road has already been recognized as a small agricultural parcel and by increasing the lot area of an existing lot of record through the boundary adjustment, 7262 Concession 3 Road is increasing compliance with Part 5 of the Township's Zoning By-law 2017-70, as amended. 7226 Concession 3 Road has already been functioning as a farm with the current lot size of 19.58 hectares (48.39 acres). The lot size is being reduced by 0.21 hectares (0.53 acres) of land which is not currently being farmed or in production (Part 3 on attached Survey Sketch, see Attachment 3) and has no impact on the continued operation of the abutting farm. The reduced lot area as a result of the related boundary adjustment (B06/2023WL) aligns with the general intent of Part 5 of the Township's Zoning By-law 2017-70, as amended.

It's important to note, the additional lands (0.21 hectares) allows the space for the future Type 3 building to comply with the required interior side and rear yard setbacks of Table 1-1 in Part 3 of the Township's Zoning By-law 2017-70, as amended. As shown on the attached Site Plan (see Attachment 2), the current positioning of the future garage/shop is proposed 7.55 metres from the new property lines following the boundary adjustment. The location of the accessory building given the proposed size 40' by 60' (12.19m by 18.29m) is appropriate in the rear yard and will have adequate space to comply with the remainder of the required setbacks including lot coverage identified in Table 1-1 in Part 3 and Table 12 in Part 5 of the Township's Zoning By-law 2017-70, as amended.

For these reasons, Planning Staff consider this proposal and the associated boundary adjustment (consent B06/2023WL) to be consistent with the general purpose and intent of the Township's Zoning By-law 2017-70, as amended.

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

Planning Staff consider the proposal to be appropriate development and use of land since there are no adverse impacts anticipated on the surrounding area, including the agricultural land uses. The portion 0.21 hectares (0.53 acres) being added to 7262 Concession 3 Road is not actively farmed and will not affect the continued long-term agricultural use of David Bos Farm Limited at 7226 Concession 3 Road.

In addition, the Applicants have indicated the additional lands will provide adequate space for a future accessory building garage/shop (see Attachment 2) and an addition to the existing dwelling (see Attachment 4 for the Applicants' justification letter). This additional storage space will improve/maintain the visual appearance of the property (7262 Concession 3 Road) as it provides an indoor space for storing household items and/or outdoor equipment (i.e. lawn mower, tools etc.). Furthermore, this minor variance application is appropriate to fulfill condition 6 of the related consent application (B06/2023WL).

For these reasons, Planning Staff believe the proposal is desirable and appropriate for the existing land uses to continue on both properties.

Is the proposal minor in nature? Yes

Both properties are existing lots of record. 7226 Concession 3 Road locates David Bos Farm Limited and is recognized as an existing agricultural property, deficient of the required lot area. Similarly, 7262 Concession 3 Road is recognized as a small agricultural parcel prior to the boundary adjustment therefore, the requested variance for both properties can be considered minor in this case. The change from the existing lot areas by 0.21 hectares (0.53 acres) can be considered a minor adjustment to allow the Applicants the space on the property to build the noted accessory building and a future addition to the existing dwelling, both will accommodate the growing needs of the Applicants' family (see Attachment 4 for the Applicants' justification letter).

As the general intent of the Township's OP and Zoning By-Law are still being maintained, Planning Staff can consider the proposal minor in nature and recommend approval of this Minor Variance Application to permit the deficient lot area on each parcel as a result of the related Consent Application (B06/2023WL).

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Building Department: No comments have been received, as such no objections.

Public Works: No comments or objections to provide on this application.

Septic System Inspection Manager: No comments or objections to provide on this application.

Niagara Peninsula Conservation Authority (NPCA): Have no concerns or objections with this application to fulfil the noted conditions of approval relating to consent application (B06/2023WL). Please see Attachment 5.

Niagara Region: Have noted the environmental comments received at the pre-consultation meeting. Please see Attachment 5. However, since the future building will be more than 15 metres from the Type 2 fish habitat within the Region's Core Natural Heritage System (CNHS), Regional Staff offer no objections or requirements.

PUBLIC COMMENTS:

At the time of writing this report, no public comments have been received.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance Application (A02/2024WL) as outlined in Report COA-04-24, to permit a deficient lot area of 0.62 hectares for 7262 Concession 3 Road and 19 hectares for 7226 Concession 3 Road resulting from the related boundary adjustment (Consent Application – B06/2023WL).

ATTACHMENTS:

1. Location Map
2. Site Plan
3. Survey Sketch
4. Justification Letter
5. Agency Comments

Prepared & Submitted by:



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Approved by:



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