

DATE: August 28, 2024

REPORT NO: COA-27-2024

SUBJECT: **Recommendation Report – Application for Consent, 5324 Canborough Road – Mark and Lauren Vandenberg – File No (B052024WL)**

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

OVERVIEW:

- A consent application has been submitted by Mark and Lauren Vandenberg, property owners of 5324 Canborough Road.
- The consent application has been submitted for a lot creation which will create one additional lot within the Hamlet Settlement Area of Wellandport.
- 5324 Canborough Road currently has a total lot size of 2.80 acres (1.13 hectares). Following this lot creation Part 1, which contains the existing dwelling and accessory building is proposed to be 1 acre in size, Part 2 which will be a vacant lot is proposed to be 1.80 acres in size.
- If approved, a condition of a Minor Variance Application will be required to recognize the zoning deficiencies on both Part 1 and Part 2 regarding the existing dwelling, the existing accessory building and lot frontage. The applicants have applied for a variance application as well which is presented in a following Committee of Adjustment report.
- This application has been reviewed against Provincial, Regional and Township Policy and the application has been deemed to meet these criteria.
- Planning staff recommend approval of this application, with the appropriate conditions.

RECOMMENDATION:

THAT, the application for Consent made by Mark and Lauren Vandenberg as outlined in Report COA-027-2024, to permit a lot creation at 5324 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, cash-in-lieu of park land dedication, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
3. That a Minor Variance application is approved to recognize any zoning deficiencies on the severed and retained lots.
 4. That the applicant submits the required cash-in-lieu of parkland dedication fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
 5. 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.
 6. That the applicant makes an application for a sewage system approval for the lands located on Part 2, to the satisfaction of the Township of West Lincoln building department.
 7. That the applicant submits the Stage 1 Archaeological Assessment, (prepared by AS & G Archaeological consulting, dated July 16, 20264) and acknowledgement letter from Ministry of Citizenship and Multiculturalism (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. No demolition, grading, or other soil disturbances shall take place on the subject property prior to the issuance of a latter form the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing an resource conservation requirements.
 8. That the applicant submits the required Stage 2 Archaeological Assessment, prepared by a licensed archaeologist (and any required subsequent archaeological assessments), to the Ministry of Citizenship and Multiculturalism (MCM) and received an acknowledgement letter from MCM (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that al archaeological resource concerns have met licensing and resource conservation requirements.
 9. That the applicant obtains an entrance permit from the Region of Niagara for the vacant lot and that the entrance is constructed to the satisfaction of the Region of Niagara.
 10. That the applicant enters into a development agreement with the Township to implement the recommendations of the Hydrogeological Study completed by Terra-Dynamics Consulting, dated June 26, 2024.
 11. 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, for use in the issuance of the Certificate of Consent.
 12. That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.
 13. That a final certification fee, payable to the Township of West Lincoln, be

- submitted to the Secretary-Treasurer.
14. 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:

A consent application has been submitted by Mark and Lauren Vandenberg for the property located at 5324 Canborough Road. This application proposes to create a new residential lot within the Hamlet Settlement Area of Wellandport. The first lot (Part 1 on the attached survey sketch) will include the existing dwelling and accessory building and is proposed to be one acre in size. The second lot, (Part 2 on the attached survey sketch) will be 1.80 acres in size and is proposed to be where the applicants will build a single detached dwelling in the future.

The applicants attended a Pre-consultation meeting with Township Staff, the Region, and the Niagara Peninsula Conservation Authority (NPCA) in February 2024. Following the meeting the applicants were provided with comments from the Niagara Peninsula Conservation Authority, The Niagara Region and Township Staff.

The applicant retained Terra-Dynamics Consulting Inc. to complete a hydrogeological Assessment to assess the risk to groundwater supplies from the reduction in the size of Part 1 and its existing infrastructure, as well as the new private sewage system that is proposed for Parcel 2. This assessment is required by both the Niagara Region and the Township of West Lincoln as the lots are proposed to be smaller than 1 hectare.

The applicant also completed a Stage 1 Archaeological Assessment that was completed by AS & G Archaeological Consulting Inc. The Stage 1 Archaeological Study found that there is potential for the recovery of archaeologically significant materials within the property. The report that was submitted recommends that further archaeological assessment of the property is required in the form of a Stage 2 Assessment.

CURRENT SITUATION:

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

Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. The subject property is located within a Rural Settlement Area in accordance with the Provincial Policy Statement and a Place to Grow: A Growth Plan for the Greater Golden Horseshoe. Policies outlining Rural Settlement Areas are outlined in Section 1.1.3 and 1.1.5 of the PPS. The PPS states that settlement areas shall be the focus of growth and development within the province. Further, rural settlement areas should provide an appropriate range and mix of housing. Policies state that development that is compatible with the rural landscape and can

be sustained with rural service levels should be promoted, and that all development should be appropriate to the infrastructure which is available on the lots. Overall, Planning staff feel that the proposed lot creation application meets the policies outlined in the PPS.

Niagara Official Plan

The Niagara Official Plan designates the property as being within the Rural Settlement Area of Wellandport. Rural settlements are the focus of rural development outside of urban area boundaries and should be planned to encourage residential infill development that builds on the rural character and characteristics of the surrounding area and ensure there is adequate amenities to serve the needs of rural residents, area businesses and the surrounding agricultural community.

Section 2.2.3 of the Niagara Official Plan outlines policies for Rural Settlement Areas. Policies state that Development in rural settlements should be planned to:

- a) Encourage residential infill development that builds on the rural character and characteristics of the surrounding area;
- b) Ensure there is adequate amenities to serve the needs of rural residents, area businesses and the surrounding nearby agricultural community
- c) consider the inclusion of active transportation infrastructure;
- d) protect the Region's natural environment system in accordance with the policies in Section 3.1; and
- e) e. encourages reduced energy consumption, improved air quality, reduced greenhouse gas emissions, and increased resilience to climate change in accordance with the policies in Section 3.5.

Section 2.2.3.5 states that rural settlements will be serviced by sustainable private water and wastewater treatment systems in accordance with Section 5.2.

Based on staff's review, the proposed lot creation application meets the intent of the policies outlined in the Niagara Official Plan.,

Township of West Lincoln Official Plan

The subject property is designated as within the Hamlet Settlement Area of Wellandport. The purpose of the Townships Hamlet Settlement areas are to provide residential and associated commercial, institutional, and open space land uses within an existing and established hamlet settlement area of the Township. All recognized hamlet areas are designated as Hamlets in the Township Official Plan are consistent with the Niagara Official Plan. Residential uses and accessory residential uses are permitted within the Hamlet Settlement Areas.

Section 18.13.5 of the Township's Official Plan speaks to policy in regards to a lot creation in a Hamlet Settlement Area, consent for conveyance will be granted in accordance with the following policies.

- a) The minimum lot size for lots created in a Hamlet designation shall be approximately 1.0 hectare as required to satisfy the Township Building Department

and Part 8 of the Ontario Building Code for long term operation of a waste disposal system, unless a hydrological assessment determines that a smaller lot size will be adequate to accommodate private water and sewage treatment facilities.

- b) Where lands are proposed for severance along the Hamlet Settlement Area boundary, the remnant parcel outside the Hamlet Settlement Area boundary shall be rezoned APO (Agricultural Purposes Only).
- c) Severances for correcting or adjusting lot boundaries or for conveying land to an abutting lot for land assembly purposes may be granted provided:
 - i. The conveyance does not lead to the creation of an undersized or irregularly shaped lot unsuited for its intended purpose and contrary to the requirements of the Zoning B-law.
 - ii. The lands being conveyed will be registered in the same name and title as the lands with which they are being merged.
 - iii. Severances may be granted for the conveyance of land to public bodies or agencies engaged in the protection, re-establishment or management of the natural environment.
 - iv. Creation of lots for industrial, commercial, or public uses may be undertaken by registered plan of subdivision or the consent of the Committee of Adjustment subject to the policies of the Official Plan and the provisions of the Zoning By-law.

The applicant submitted a hydrogeological study completed by Terra-Dynamics Consulting Inc. that confirms that part 1 of the severance sketch, the 1-acre parcel can be adequately serviced.

Section 7.2.3b) of the Townships Official Plan states that lands will be designated Hamlet on the land use schedule and will be zoned to recognize current uses, where appropriate. The Township Zoning By-law will regulate the uses that are permitted in the hamlets. This lot creation will continue to be zoned Low Density Residential (R1A)

Section 7.2.3 c) states that the protection of residential uses within Hamlets will be given priority over other uses, especially in the case of neighbouring uses which are deemed not compatible. The onus will be on the new non-residential use to ensure compatibility with adjacent residential uses.

7.2.3. g) states that all development within the Hamlet designation shall be supported by private waste sewage disposal systems and private water supply in accordance with the requirements of Township of West Lincoln and/or the applicable Ministry.

The subject property also contains a small portion of Natural Heritage System on the south west portion of the subject lands. The specific portion of the Natural Heritage System that exists on this subject property is Environmental Conservation Area (Valley Shoreline and Significant Woodlands) The Core Natural Heritage System contains environmental features and functions of special importance to the character of the Township and to its ecological health and integrity. The Core Natural Areas within the System are significant in the context of the surrounding landscape because of their size, location, outstanding quality or ecological functions. Based on the proposed lot creation, the lot lines do not

appear to intersect with the Natural Heritage Feature.

Additionally, A Development Agreement will be required as a condition of consent. Development Agreements in rural settlement areas are required to ensure that development take place outside of any regulated features, and within the area which an archaeological study has been or needs to be completed. It would also regulate servicing limitations as per the Hydrogeological study.

Based on staff's review, the application outlined meets the required criteria outlined in the Townships Official Plan.

Township of West Lincoln Zoning Bylaw

The subject property is currently zoned Low Density Residential 'R1A' in the Township's Zoning Bylaw. Following this consent application, the two parcels will remain zoned Low Density Residential 'R1A', however, there are a number of zoning deficiencies that need to be recognized and permitted. The applicant has applied for a Minor Variance application which is listed as condition of consent in this report. The Minor Variance application will recognize deficiencies on both Part 1 and Part 2 of the attached severance sketch. Part 1 will recognize a deficient front yard setback to the existing house of 4.7 metres where 7.5 metres is required as well as a deficient interior side yard setback to the existing accessory building of 1.1 metres where 1.2 metres is required. The variance application will also recognize a deficient lot frontage on Parcel 2 of the attached severance sketch of 12.88 metres where 45 metres is required according to The Townships Zoning Bylaw 2017-70 as mended.

Below are the proposed variance requests for Part 1 of the attached severance sketch:

Regulation 'R1A'	Requirement	Proposed
Min Front Yard Setback	7.5 metres	4.5 metres
Min Interior Side Yard Setback	1.2 metres	1.1 metres

Below are the proposed variance requests for Part 2 of the attached severance sketch:

Regulation 'R1A'	Requirement	Proposed
Min lot frontage	45 metres	12.88 metres

The applicant plans to eventually build a single detached dwelling on the newly created lot for his growing family and plans to eventually sell the existing dwelling. Based on staff's review, other than the required variances, the application outlined conforms to the Township's Zoning Bylaw 2017-70.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Notification was mailed to all applicable agencies and departments on August 6th 2024.

Township Septic Inspector has added asked committee to consider the following as a

condition. “that the applicant makes an application for a sewage system for Part 2, to the satisfaction of the Township of West Lincoln Building Department.

Township Public Works Department has no objections to the proposed consent application.

Regional Planning and Development Services provided comments on August 14th 2024. Staff do not object to the request for consent, subject to the Townships satisfaction and to the conditions outlined in Attachment 4 to this report,

The Niagara Peninsula Conservation Authority provided comments on August 14th 2024. NPCA staff has stated that they have no objections to the proposed application. Full agency comments can be found in Attachment 4 to this report.

PUBLIC COMMENTS:

Circulation by way of mail was given to property owners within a 120-meter radius of the subject property on August 2nd 2024. A yellow sign was posted on the property a minimum of 14 days before the hearing. Staff have not received any public comments at the time of writing this report.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed consent application (B05/2024WL) as outlined in Report COA-027-24, submitted by Mark and Lauren Vandenberg, property owners at 5324 Canborough Road to permit a lot creation within the Hamlet Settlement Area of Wellandport, subject to the conditions of approval as indicated.

ATTACHMENTS:

1. Severance Sketch
2. Hydrogeological Study
3. Archaeological Study
4. Agency Comments

Prepared & Submitted by:



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Approved by:



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