

DATE: September 25, 2024

REPORT NO: COA-33-2024

FILE NO: A20/2024WL

SUBJECT: Recommendation Report Application for Minor Variance, 7125 Young Street - Peter Feddema (Cav Construction Inc., Cody Van Soelen -Agent)

LOCATION: 7125 Young Street, West Lincoln

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

OVERVIEW:

A Minor Variance application has been submitted by Cody Van Soelen on behalf of the property owner Peter Feddema, of the subject property located at 7125 Young Street.

A Minor Variance application has been applied for to permit the construction of a new single detached dwelling on the property with an attached *private garage* requiring two variances from the Township's Zoning By-Law. Relief is required to allow a proposed *garage width* of 12.2 metres whereas, Part 3.12.7(h) *Private Garages* of the Township's Zoning By-Law identifies the maximum garage width permitted for an attached private garage as 50% of the total width of the dwelling or 9.2 metres, whichever is less.

This application is also seeking relief from Part 3.12.7(g) to allow a garage door *height* of 4.6 metres whereas, the Township's Zoning By-Law identifies 2.6 metres as the maximum *height* permitted for a garage door to an attached *private garage*.

RECOMMENDATION:

That, the application for Minor Variance submitted by Cody Van Soelen on behalf of the property owner, Peter Feddema of the subject property, as outlined in Report COA-XX-24, to permit an attached *private garage* with a garage width of 12.2 metres and garage door height of 4.6 metres, BE APPROVED, subject to the following conditions:

1. That the Applicant submit a report from a licensed sewage system installer and/or engineer indicating compliance with minimal separation distance requirement as per Tables 8.2.1.6 A and 8.2.1.6 B of the Ontario Building Code.
2. That the new single detached dwelling be shifted east to maintain the 50-metre maximum setback to the accessory building (implement shed) to comply with Table

- 1-1 (Part 3) of the Township's Zoning Bylaw.
3. That the owner provides Minimum Distance Separation (MDS) information from surrounding livestock operations prior to the issuance of a building permit; and,
 4. That the existing dwelling be demolished to the satisfaction of the Township's Building and Planning Departments.

BACKGROUND & SURROUNDING LAND USES:

7125 Young Street is 20.75 hectares (51.28 acres) in size and is located on the north side of Young Street and on the south side of Concession 7 Road. The subject lands are situated east of Grimsby Road (Regional Road 12), west of South Grimsby Road 7, and north of Highway 20 (Regional Road 20).

The subject property is also located north east of the Hamlet of Regional Road 12 and the Hamlet of Kimbo and south east of the Hamlet of Grimsby Centre. The lands are also north west of the Settlement Area of Smithville.

The majority of the surrounding land uses are designated in the Township's Official Plan as *Good General Agricultural Lands* and *Natural Heritage System* including the subject property. The present *Natural Heritage* features include a fish habitat, Provincially Significant Wetlands, Significant Woodlands, an Environmental Conservation area, and an Environmental Protection area, all forming a Core Natural Heritage Corridor which spans over the majority on the subject lands.

The surrounding lands are actively farmed with a number of small rural residential properties and small agricultural holdings. There are small residential holdings to the east, south and west, with farmland abutting to the west and east. The subject property is zoned Agricultural 'A' and Environmental Protection 'EP'. The lands currently contain a dwelling, two storage barns, a shed and a chicken barn with two accessory silos.

The owner is now looking to construct a new single detached dwelling to replace the existing dwelling. The dwelling is proposed to be 323.67 square metres including the proposed attached *private garage* (150.5 square metres). The applicants are also proposing a covered front porch. There is also an existing driveway which provides access to the existing chicken barn on the property which will be utilized to access the new proposed dwelling.

This minor variance application is being applied for as the attached *private garage* requires two variances from Part 3.12.7 *Private Garages* of the Township's Zoning By-law, 2017-70, as amended. The first relief is to permit a proposed garage width of 12.2 metres whereas, Part 3.12.7(h) *Private Garages* of the Township's Zoning By-Law identifies the maximum *garage width* permitted for an attached *private garage* as 50% of the total width of the dwelling or 9.2 metres, whichever is less.

Additionally, relief is being requested from Part 3.12.7(g) to allow a garage door *height* of 4.6 metres whereas, the Township's Zoning By-Law identifies 2.6 metres as the maximum *height* permitted for a garage door to an attached *private garage*.

CURRENT SITUATION:

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 *Good General Agriculture* and *Natural Heritage System* in the Township's Official Plan (OP). The Official Plan policy of the *Good General Agricultural* designation promotes small scale secondary uses and agricultural-related uses that are compatible and do not hinder the surrounding agricultural operations.

The main objectives for the *Good General Agricultural Area* is protecting Agricultural areas, preserving viable agricultural lands as well as, promoting small scale secondary uses which do not hinder the surrounding agricultural area. *Good General Agricultural* lands are accorded the second highest level of protection and preservation. This proposal will not be hindering the surrounding Agricultural lands nor operations with the requested variances pertaining to the attached *private garage*.

The proposed single detached dwelling, the existing chicken barn and lands actively farmed on the property are all considered permitted principal uses.

A portion of the lands are also designated within the Township's *Natural Heritage System*. Section 10 *Natural Environment* of the Township's Official Plan states that priority will be given to maintain a healthy natural environmental for present and future generations and where possible, encourage environmental stewardship and restoration. The main objective of the *Natural Heritage System* is maintaining, restoring and where possible, enhancing the long term ecological health, integrity and biodiversity of the system within West Lincoln.

As previously noted, there are present *Natural Heritage* features on the property. However, there is no concern regarding the ecological health or integrity of these features, as the site proposed for this development is while outside the *Natural Heritage System* boundary and will not impact the present environmental features on the property. As such, the intent of Section 10 is being maintained and the property's ecological integrity is being protected.

For these reasons, Staff consider the proposal consistent with the intent and general purpose of Sections 4 and 10 of the Township's Official Plan, which is protecting and preserving the long-term agricultural use within West Lincoln as well as, enhancing where possible, the long term ecological health, integrity and biodiversity of the *Natural Heritage System* within West Lincoln. As such, this proposal is in alignment with the general intent and purpose of the Township's OP policies.

Furthermore, it's important to note, the lands are also located within an area of potential for mineral aggregate resources. The purpose of these areas are to protect mineral aggregate resources for long-term use and existing extractive resources from incompatible land uses.

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

The majority of the subject property is zoned Agricultural 'A' with approximately 16.5 acres of the rear yard zoned as Environmental Protection 'EP'. The property has a total lot size of 20.75 hectares (51.28 acres). As outlined in Table 11 (Part 5) of the Township's Zoning By-law 2017-70, as amended, one single detached dwelling is permitted within an Agricultural 'A' zone as well as, accessory uses in conjunction with a principal use.

As only one single detached dwelling is permitted within the Agricultural 'A' zone, the applicants will be required to demolish the existing dwelling through a conditional building permit. A condition of approval has been included to satisfy the noted concern and ensure compliance with the Township's Zoning Bylaw.

Aside from the variances required for the attached *private garage*, the proposed single detached dwelling complies with the remainder of the required setbacks identified by Table 12 in Part 5 of the Township's Zoning By-law 2017-70, with exception that the new house is required to be within 50 metres of the existing accessory building.

The new dwelling is proposed 55 metres from an existing implement shed (accessory storage barn) on the property whereas, Table 1-1 (Part 3) of the Township's Zoning By-law 2017-70, as amended, identifies 50 metres as the maximum distance permitted between an accessory buildings and structures from a main building within an Agricultural 'A' zone. As such, a condition has been included to ensure the new dwelling complies with the zoning bylaw.

In addition, the applicants are proposing a covered porch with a front yard setback of 33.5 metres which complies with the 15-metre minimum front yard setback required for the dwelling as outlined in Table 12 found in Part 5 Agricultural Zones. As double the required setback is being proposed, there are no concerns with the covered front porch.

For these reasons, Administrative Staff consider this proposal to be consistent with the general purpose of the Township's Zoning By-law 2017-70, as amended, subject to the conditions as included.

Furthermore, as a new dwelling is being proposed, information on the surrounding livestock barns is required within 750 metres of the subject lands. *Minimum Distance Separation (MDS)* is required through the building permit stage, as documentation has not been provided, a condition of approval has been included to satisfy the noted concern.

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

Administrative 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 existing agricultural land uses.

The proposed location for the new single detached dwelling is only removing a small portion of active farmland from the property. The active agricultural operations on the property are still being maintained. For these reasons, Administrative Staff can consider

this proposal desirable for the appropriate development and use of the land.

Is the proposal minor in nature? Yes

Administrative Staff consider this proposal to be minor in nature as the general intent of the Township's Official Plan and Zoning By-law provisions are being maintained. The proposed single detached dwelling is compatible with the existing land uses and should have no adverse impacts on the surrounding area.

The applicants have indicated the need for a larger *garage width* is required as the attached *private garage* will be used to store farm equipment and associated agricultural storage. With the *private garage* being used for items associated with the farm, the request for an increase *height* for the garage doors is required for larger equipment and tractors which will not fit through a smaller door which would comply with the zoning provision.

For these reasons, Staff recommend approval of this Minor Variance Application to permit an attached *private garage* with a *garage width* of 12.2 metres and garage door *height* of 4.6 metres, subject to the conditions of approval as indicated.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Building Department: At the time of writing this report, there has been no comments received from the Building Department. However, please note that if the existing dwelling is to remain while constructing the new dwelling, a conditional permit through the Building Department will be required. Please contact the Township's Building Department for more information.

Public Works: Has reviewed the application and it appears the existing driveway is being utilized to access the new dwelling, therefore, no entrance permit is required. As such, Public Works has no objections.

Septic System Inspection Manager: Has reviewed the application as submitted and as there were no documentation provided regarding the proposed sewage system. A condition has been included to satisfy the septic concern regarding compliance with the minimal distance requirements per Tables 8.2.1.6 A and 8.2.1.6 B of the Ontario Building Code. Please see above for the applicable condition of approval and Attachment 4 for the comments received.

Niagara Peninsula Conservation Authority (NPCA): Has reviewed the application and noted that the subject property contains the following NPCA regulated features; a Provincially Significant Wetland, potentially unevaluated wetlands, and a floodplain hazard. The following proposed development is not impacted by the identified NPCA regulated features as such, the NPCA has no objections to the proposed Minor Variance. Please see Attachment 4.

Niagara Region: Have reviewed the application and have no objections as the proposal does not conflict with Provincial and Regional policies. Regional Staff have noted that the property is located within an area designated for Archaeological Potential. As such, the

Region has recommended a Stage 1-2 Archaeological Assessment as a condition of approval. Regional comments including the requested condition can be found in Attachment 4. The standard warning clause has also been included for the owner's information, as provided below.

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C (Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>)."

PUBLIC COMMENTS:

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

CONCLUSION:

Based on the above analysis, Administrative Staff recommend APPROVAL of the proposed Minor Variance Application (A20/2024WL) as outlined in Report COA-XX-24, to permit an attached *private garage* with a *garage width* of 12.2 metres and garage door *height* of 4.6 metres.

ATTACHMENTS:

1. Location Map
2. Site Plan
3. Building Drawings
4. Agency Comments

Prepared & Submitted by:



**Stephanie Pouliot,
Planner**

Approved by:



**Gerrit Boerema, RPP, MCIP
Manager of Planning**