

**DATE:** October 30, 2024

**REPORT NO:** COA-36-2024

**FILE NO:** A22/2024WL

**SUBJECT:** Recommendation Report Application for Minor Variance, 4203 Elcho Road - Deborah Boverhof (Schilstra Builders Inc., Arnell Tiersma -Agent)

**LOCATION:** 4203 Elcho Road, West Lincoln

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

**OVERVIEW:**

A Minor Variance application has been submitted by Arnell Tiersma on behalf of the property owner Deborah Boverhof, of the subject property located at 4203 Elcho Road.

A Minor Variance application has been applied for to permit an accessory agricultural storage building (891 square metres) on the subject property. Relief is being requested from Table 1-1 (found in Part 3 of the Township's Zoning By-Law 2017-70, as amended) which identifies 50 metres as the maximum distance permitted for an accessory building or structure from a main building within an Agricultural 'A' zone.

The proposed storage building would be approximately 64.5 metres from the existing main building on the property, exceeding the maximum distance permitted by approximately 14.5 metres.

**RECOMMENDATION:**

That, the application for Minor Variance submitted by Arnell Tiersma on behalf of the property owner, Deborah Boverhof of the subject property, as outlined in Report COA-36-24, to permit an accessory agricultural storage building (891 square metres) to be located 64.5 metres from the existing main building on the property, BE APPROVED.

**BACKGROUND & SURROUNDING LAND USES:**

4203 Elcho Road is 18.75 hectares (46.33 acres) in size and is located on the north side of Elcho Road. The subject lands are situated east of Gee Road, west of Boyle Road, and north of Canborough Road (Regional Road 63), and south of Vaughan Road.

The subject property is also located west of the Hamlet of Boyle and the Hamlet of east

Boyle, and situated north east of the Hamlet of Wellandport.

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 are located within the north east corner of the property. Given the large proximity between the proposed development and these features, there is no concern regarding the ecological health or integrity of the environmental features, as the proposed site is while outside the Natural Heritage System boundary.

The surrounding lands are actively farmed with a number of small rural residential agricultural holdings. There are small residential holdings to the west and east, with farmland abutting to the west, north, and east. The subject property is zoned Agricultural 'A' and Environmental Protection 'EP'. The lands currently contain a dwelling, a detached garage, and a barn with five accessory silos.

The owner is now looking to construct an agricultural storage building north of the farthest silo, being 12.5 metres from the accessory structure and 64.5 metres from the main building. The building is being proposed to store farm implements, tractors, and additional farm equipment required for the operation.

This minor variance application is being applied for to permit the proposed accessory agricultural storage building (891 square metres) 14.5 metres farther from the main building than permitted being approximately 64.5 metres whereas, Table 1-1 (found in Part 3 of the Township's Zoning By-Law 2017-70, as amended) identifies 50 metres as the maximum distance permitted for an accessory building or structure from a main building within an Agricultural 'A' zone.

**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 or operations, rather this development will be improving the applicant's farming operation.

The existing barn and dwelling are considered principal uses and main buildings on the subject property and these are permitted to have accessory buildings and structures in

conjunction with the established principal uses. 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 1.4 acres of the rear yard zoned as Environmental Protection 'EP'. The property has a total lot size of 18.75 hectares (46.33 acres).

Agricultural uses and one single detached dwelling are permitted principal uses as outlined in Table 11 (found in Part 5 *Agricultural Zones*) of the Township's Zoning Bylaw 2017-70, as amended. Accessory uses are also permitted in conjunction with a principal use. The proposed agricultural storage building is accessory to the established farming operation and associated main barn located on the property. The accessory building will allow additional space for farm equipment and crop storage for the operation.

For these reasons, this proposal maintains the general intent and purpose of the Township's Zoning Bylaw.

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

This proposal is considered 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 accessory agricultural storage building is only removing a small portion of active farmland from the property. The Applicant has advised that this location is desirable as it avoids low spots on the property, field tile runs, and is better for overall farm equipment maneuvering. The farthest grain silo on the property is currently within the 50-metre zoning requirement. The location of these existing grain silos limit the opportunity to locate the proposed accessory building closer to the barn. However, looking at the site, the proposed accessory building is being proposed within close proximity to the existing development to maintain the farm cluster.

For these reasons, this proposal can be considered desirable for the appropriate development and use of the land.

**Is the proposal minor in nature? Yes**

This proposal can be considered minor in nature as the general intent of the Township's Official Plan and Zoning By-law provisions are being maintained. The proposed agricultural storage building is compatible with the existing land uses and should have no adverse impacts on the surrounding area. The proposed accessory building is required for the changing needs of the farm and will be improving the efficiency of the operation.

In addition, the proposed accessory building is still within the farm building cluster and is only 14.5 metres farther than what the zoning bylaw permits. For these reasons, Staff can recommend approval of this proposal.

**INTER-DEPARTMENTAL & AGENCY COMMENTS:**

**Building Department:** At the time of writing this report, there has been no comments received from the Building Department. A building permit application has already been applied for and would be reviewed if the variance is approved.

**Public Works:** Has reviewed the application and offers no comments or objections.

**Septic System Inspection Manager:** Has reviewed the application and has no objections to the application as proposed.

**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 (Highway 20 and 24 Wetland Complex) and associated 30m buffer, a watercourse and associated 15m buffer, and potential watercourse features. The proposed location for the accessory agricultural building has encroached on a possible unmapped watercourse feature which the NPCA has requested a site visit for. Please see Attachment 4. This may require additional NPCA permits based on the outcome of the site visit.

**Niagara Region:** Has 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, Staff recommend APPROVAL of the proposed Minor Variance Application (A22/2024WL) as outlined in Report COA-36-24, to permit an accessory

agricultural storage building (891 square metres) to be located 64.5 metres from the existing main building on the property.

**ATTACHMENTS:**

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

**Prepared & Submitted by:**



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**Stephanie Pouliot,  
Planner**

**Approved by:**



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