



**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN  
COMMITTEE OF ADJUSTMENT MINUTES**

**September 25, 2024, 7:00p.m.**

Present Members:

Peter Forsberg (Chair)  
Bonnie Baarda (Sitting member)  
Peggy Cook (Sitting member)

Staff:

Madyson Etzl, Senior Planner  
Stephanie Pouliot, Secretary/Treasurer to the Committee of Adjustment

Public:

Benjamin Hage  
Alvin Krol  
Braydon Robertson  
Jeremy Brown  
Rebecca VanMil  
Richard VanMil  
Peter Feddema

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**1. CHAIR**

The meeting was called into Order at 7:01 pm.

**2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

There were none at this time.

**3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT**

There were no requests for withdrawal or adjournment at this time.

**4.a) [A19/2024WL - Vanmil](#)**

Property Address: 1 Tara Place

Senior Planner, Mrs. Etzl provided the presentation overview of the application.

Member Baarda asked for clarification on the staff recommendations, will Committee be voting together as one motion or separately first with the denial then for approval of the amended recommendation?

Chair Forsberg responded that the vote will be on two parts, one motion with regard to the location in the exterior side yard of 1 metre then proceed with another motion for the amended setback of 2 metres.

Chair Forsberg asked if the owners are present and if they would like to address the Committee?

Owner Mrs. Vanmil, took oath. She mentioned her husband and her are considering the 2 metre setback as proposed, however it would be very close and would corner to their back deck. She mentioned the corner of garage would interfere with the top corner of the deck, that is why they requested the 1 metre setback. The 1 metre will allow access to the rear yard between the garage and the deck.

Senior Planner, Mrs. Etzl responded that the concern is for future sidewalks and parking on the Township's boulevard if there is a new driveway. The amended 2 metre setback would allow the building to be in line with the house and would provide some area to park on the boulevard but parking should not be solely on the Township's property.

Chair Forsberg noted that its a compromise. With the future potential development in the area, denial for the 1 metre setback but a compromise to go with the 2 metre setback. Do you understand this?

Owner Mrs. Vanmil, responded that she does understand. She mentioned the concern is that where the house is currently facing on Rock Street and our current design. There would be no change to existing circumstances.

Owner Mr. Vanmil, took oath. He mentioned his wife was pointing out that our driveway should be off of Tara Place but in the 70's was designed off of Rock Street. Why are people allowed to park close to Rock Street and the sidewalk there?

Member Baarda to Senior Planner, Mrs. Etzl, do you agree we would consider this legal non-confirming at that time in the 70's?

Senior Planner, Mrs. Etzl responded yes, it most likely is.

Member Baarda noted so this would be a legal non-confirming circumstance. The subdivision was completed before these bylaws were enacted and we have to go with the bylaws in front of us today.

Secretary, Ms. Pouliot clarified that the 2 metre setback allows the majority of a car to be parked on your property, with only a couple metres on the Township's boulevard. It's to keep the sidewalk free. As you can see with your driveway on Rock Street, the cars can park without blocking the sidewalk.

Member Cook asked if the 2 metre setback is consistent with other applications?

Senior Planner, Mrs. Etzl clarified staff can support 2 metres. The private garage provision requires detached private garages to be no closer than 6 metres to an exterior side lot line when located within the rear yard. The provisions have been in effect since 2017.

Member Baarda asked what should the first motion be?

Chair Forsberg confirmed the first motion would be regarding the 1 metre request, then proceed to the amended staff recommendation.

Member Baarda motioned that the 1 metre setback be denied as recommended by staff.

Member Cook seconded. **Carried.** .

Chair Forsberg noted its time for a motion for the amended recommendation.

Member Cook motioned that the 2 metre setback be approved as recommended by staff.

Member Baarda seconded. **Carried.** .

Chair Forsberg noted the second motion has been approved to allow the 2 metre setback.

**Secretary Ms. Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date, being 20 days from today, and that through recent changes to the Planning Act, there are limitations on who can appeal a decision.**

**b) [A20/2024WL –Feddema \(Cav Construction Inc, Cody Van Soelen –Agent\)](#)**

Property Addresses: 7125 Young Street

Senior Planner, Mrs. Etzl provided the presentation overview.

Chair Forsberg asked if the owners are present and if they would like to address the Committee?

The owner Mr. Feddema took oath. He mentioned he wanted to let Committee know the size of the door for the garage/shop is for farm equipment that needs a lot more space than a typical garage. He noted that they also decided to complete the garage at the same time as the dwelling as it is a lot cheaper to complete all at once together on the same concrete pad.

Chair Forsberg asked do you already have some stacks out?

The owner, Mr. Feddema, responded that he does have stacks out.

Chair Forsberg asked if anyone present in the gallery would like to make comment on the application? (no one from gallery commented).

Chair Forsberg asked the sitting members if they have any questions?

No comments or questions from sitting members.

Chair Forsberg noted that it is time for a motion with the conditions.

Member Baarda motioned to approve the application with the 4 conditions included.

Member Cook seconded. **Carried.** .

**Secretary Ms. Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date, being 20 days from today, and that through recent changes to the Planning Act, there are limitations on who can appeal a decision.**

**c) A21/2024WL –Krol**

Property Addresses: 4040 Concession 4 Road

Senior Planner, Mrs. Etzl provided the presentation overview.

Chair Forsberg asked if the owners are present and if they would like to address the Committee?

The owner, Mr. Krol, responded that he has nothing more to add. He has no objections.

Chair Forsberg asked the sitting members if they have any questions?

No comments or questions from sitting members.

Chair Forsberg asked if anyone present in the gallery would like to make comment on the application? (no one from gallery commented).

Chair Forsberg noted that it is time for a vote and requested a motion from the Committee.

Member Cook motioned to approve the application.

Member Baarda seconded. **Carried.** .

**Secretary Ms. Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date, being 20 days from today, and that through recent changes to the Planning Act, there are limitations on who can appeal a decision.**

**d) B08/2024WL –TeBrake (Niagara Planning Consultants, Jeremy Brown -Agent)**

Property Addresses:1985 Hodgkins Road

Senior Planner, Mrs. Etzl provided the presentation overview.

Chair Forsberg asked if the owner or agent is present this evening and would like to address the Committee?

Agent Mr. Brown took oath and thanked the chair and committee members for their time. Mr. Brown mentioned he appreciated the hard work of staff over the past year of working through this process. Stephanie has been great to work. He just wanted to provide a brief history. They had the pre-consultation meeting on July 20<sup>th</sup> 2023, 15 months ago. One of the requirements was a planning justification report to justify the lot size signed off by a RPP (registered professional planner). Mr. Brown mentioned that they worked with LandPro Planning Solutions on the planning justification report. When the application was submitted, the lot size was too large. The steel metal clad building was initially proposed with the severed lot but the lot lines have been revised to keep the building with the agricultural lands. Mr. Brown noted that they secured Dino Maddalena for the BCIN septic report. He is like Lyle Killins but for other areas in Niagara. Dino visited the property four times and advised him to keep the lot as small as possible. The proposed reserve space is for future development, currently with the 3 bedroom the system would be at capacity. The septic is functioning however, there is no history of the install. A year or 5 years from now, when the system fails, a new system will need to be installed to comply with the OBC. Mr. Brown mentioned his concern with the existing well and possibly having to remove it with the reduced lot recommendation. He also mentioned there are tertiary septic systems but they are more expensive and there is a yearly contract to maintain the tanks. Less ideal for rural. Mr. Brown showed the proposed 1-acre lot. The frontage would not comply with the zoning, it would be deficient of the 45 metre setback and would require them come back for a minor variance.

Secretary Ms. Pouliot noted for clarification that a minor variance would not be necessary as that could be dealt with through the rezoning application which is already included as a condition of approval.

Agent Mr. Brown noted that the need for the increased lot size has been shown. The smaller lot size would sterilize the property for future additions or alterations. With talking to the tenants who are the intended purchasers of the property if they are able to have the 1.5 acres as they are losing the barn and the steel clad building, they would want to build an accessory structure. There is a 5 metre clearance required from the septic to any building. The zoning does not allow for closer to the front lot line than the dwelling. It would not be possible with the constraint on the smaller lot size. The tenants would not be interested in purchasing if it is not as requested. Mr. Brown noted that they have compromised significantly over the past year and are asking condition 3 be removed. It would take this high quality lot and turn it to a poor quality lot.

Secretary Ms. Pouliot asked Mr. Brown if the owners or tenants considered the front yard for the septic location? This would free up the rear yard space for a future accessory building.

Agent Mr. Brown responded that they did speak to Dino about that but not possible because of the driveway location.

Chair Forsberg asked the sitting members if they have any questions?

Member Cook noted no questions, that was very well presented Jeremy.

Member Baarda noted no questions as well, that was excellent.

Chair Forsberg asked if anyone present in the gallery would like to make comment on the application?

Public member, Mr. Hage took oath and noted that he's not opposed to anything, just wanted to address the barn. The barn is kind of heritage to the Hodgkins area. It's on the road side and was grandfathered in. Mr. Hage noted that he loves the heritage; it was his sister's farm. The barn dates back to around 1885 prior to all the regulations and prior to the public road being there.

Agent Mr. Brown responded that there is no heritage designation on the property and as it never came up, there was no reason to look further into any legal non-conforming status. With the barn being over the front boundary, they just assumed it wouldn't be able to remain.

Member Baarda noted that she went through this in 2006. The barn was built in 1905. There was no choice and the barn had to be torn down. It was a shame not to include it. If the Township knew a head of time, there maybe could have been an option to be able to save it.

Member Cook asked if this new information should be sent back to the planning department?

Member Baarda mentioned that she does not think that's possible. It's like closing the barn door after the horses escaped.

Chair Forsberg thanked Mr. Hage for his input and noted that it makes them wiser.

Chair Forsberg asked if there are any other comments or questions?

Member Baarda noted that she would like to amend this application to remove condition 3.

Chair Forsberg responded that the motion will be to approve the application with the exception of condition 3.

Member Cook asked if this will still allow the application to go through?

Chair Forsberg clarified that yes it will still go through, it will just not include condition 3.

Member Baarda added that they will be able to have their 1.5 acres.

Chair Forsberg noted that it is time for a vote and requested a motion from the Committee.

Member Baarda motioned to approve the application with the conditions as included except condition 3.

Member Cook seconded. **Carried.** .

**Secretary Ms. Pouliot noted the last day for filing an appeal for Consent is 20 days from the mailing date, being tomorrow, and that through recent changes to the *Planning Act*, there are limitations on who can appeal a decision.**

## **5. MINUTES FOR APPROVAL**

There are no minutes for approval at this time.

## **6. NEW BUSINESS**

Secretary Ms. Pouliot noted that training will resume next month.

Member Baarda noted Robert's Rules of Order and that when addressing the chair, it is either Mister Chair or Madam Chair, not through the chair. Just a note going forward.

**7. ADJOURNMENT**

That, this Committee does now adjourn at the hour of 8:10 pm.  
Member Cook, motioned to adjourn.

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PETER FORSBERG,  
CHAIR

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STEPHANIE POULIOT,  
SECRETARY-TREASURER