

DATE: December 9, 2024

REPORT NO: PD-56-2024

SUBJECT: **Recommendation Report- Application for Zoning Bylaw Amendment – 1985 Hodgkins Road (File No. 1601-012-24)**

CONTACT: Gerrit Boerema, Acting Director of Planning & Building
Madyson Etzl, Senior Planner

OVERVIEW:

- A Zoning Bylaw Amendment application for was submitted by Jeremy Brown (Agent) on behalf of Carrie and Dwight TeBrake for the property municipally known as 1985 Hodgkins Road (Please see Survey Sketch found in Schedule A).
- This application for rezoning is required as a condition of consent for a Surplus Farm Dwelling Severance application B08/2024WL, which was conditionally approved by the Township’s Committee of Adjustment on September 25th 2024 through Committee of Adjustment [Report COA-35-2024](#).
- The Surplus Farm Dwelling Severance application severed a dwelling and a barn with 0.63 hectares of land from a 21.2-hectare farm parcel.
- As a condition of consent, the severed residential parcel is required to be rezoned from Agricultural to Rural Residential with a site specific provision recognizing an existing accessory barn with an area of 136 square metres where 120 metres is the permitted maximum, and to permit a reduced front yard setback to the accessory barn of 2.89 metres where accessory buildings shall be located in line with or behind the main building on the property, which on this property is a setback of 46.6 metres.
- The retained farmland is also required to be rezoned from Agricultural to Agricultural Purposes Only with a site specific exception to recognize a deficient lot area of 21.2 hectares whereas 39 hectares is the minimum and to recognize a deficient interior side yard setback to an existing agricultural building on the lands of 6.7 metres whereas 15 metres is required.
- The Agricultural Purposes Only ‘APO’ zone will restrict future residential uses and is required by Provincial policy.
- No public comment submissions have been made at the time of writing this report.

RECOMMENDATION:

1. That, Recommendation Report PD-56-2024, titled “Recommendation Report- Application for Zoning Bylaw Amendment- 1985 Hodgkins Road (File No. 1601-011-24)”, dated December 9th 2024, be received; and,
2. That, the application for Zoning Bylaw Amendment for 1985 Hodgkins Road, be approved in accordance with the attached Zoning By-law Amendment; and
3. That, no further Public Meeting is required for the consideration of this By-law in accordance with Section 34(17) of the Planning Act.

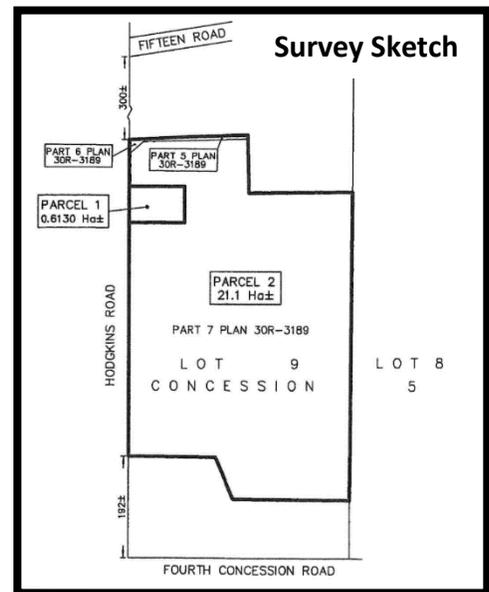
ALIGNMENT TO STRATEGIC PLAN:**Theme #2 & #3**

- **Champion** – Strategic Responsible Growth
- **Enrich** – Strong Agricultural Legacy

BACKGROUND:

An application for a Zoning By-law Amendment has been submitted by Jeremy Brown (Agent of Niagara Planning Consultants) on behalf of Carrie and Dwight TeBrake (Owners) for the property municipally known as 1985 Hodgkins Road, located north of Concession 4 Road and east of Hodgkins Road. (Please see survey sketch found in Schedule A).

This application for rezoning has been submitted to fulfil a condition of consent for the surplus farm dwelling severance application B08/2024WL, that was conditionally granted approval by the Committee of Adjustment on September 25th 2024. This condition requires that the remnant farmland be rezoned to Agricultural Purposes Only to restrict future residential uses, and to rezone the severed parcel to Rural Residential. The Committee of Adjustment [Report COA-35-2024](#) provides a full planning policy review of the consent application. A full review of the zoning amendment against applicable policies can be found below.

**CURRENT SITUATION:****Provincial Policy Statement (2024), Niagara Official Plan & Township Official Plan**

The Provincial Planning Statement 2024 (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS.

The PPS permits limited lot creation in Prime Agricultural Areas including the severance of a residence surplus to a farming operation, provided they meet a number of criteria outlined in the PPS. The PPS document requires that the new lot be limited to a minimum size needed to accommodate the use and appropriate sewage and water services and that

the planning authority ensures that new dwellings and additional residential units are prohibited on the remnant parcel.

Both the Niagara Official Plan (NOP) and Township Official Plan (OP), in alignment with provincial policy, require that as a result of a surplus farm dwelling severance, the remnant agricultural lands be rezoned to restrict any future residential uses.

This application is consistent with both the NOP and local OP as it proposes to an Agricultural Purposes Only zone over the remnant farmland which will not permit any future residential development and ensure long-term agricultural operations continue on the lands and no new residential uses are established.

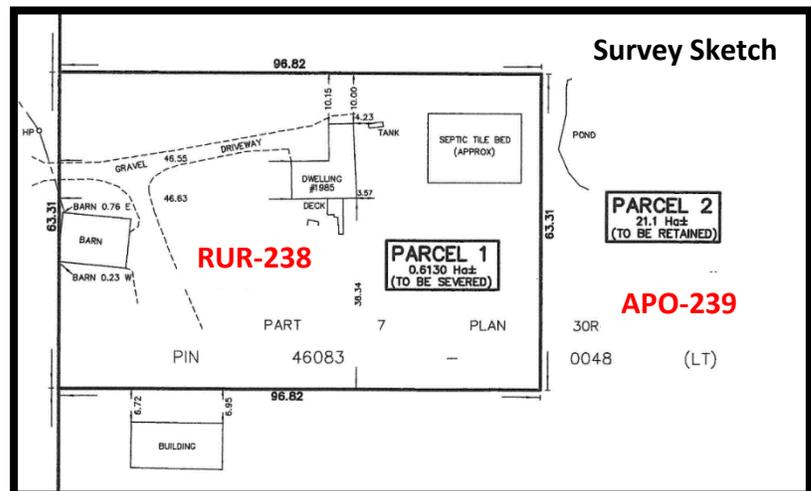
Greenbelt Plan

The subject property is not located within the Greenbelt Plan area and therefore only the Provincial Planning Statement applies.

Township of West Lincoln Zoning By-law 2017-70, as amended (ZBL)

The subject property is currently zoned Agricultural 'A'. As a condition of the related consent application (B08/2024WL), the applicants are to apply for and receive approval of a Zoning Bylaw

Amendment application that rezones the remnant farmland to Agricultural Purposes only and recognizes the zoning deficiencies for both the severed and retained parcels.



The rezoning application will rezone Parcel 1 (Severed Lands) from an Agricultural 'A' zone to Rural Residential 'RuR-238' with site specific provisions recognizing an accessory barn being 136 square metres in size whereas 120 is the permitted maximum. The rezoning will also permit a front yard setback to the accessory barn of 2.89 metres where accessory buildings shall be located in line with or behind the main building on the property, which has a setback of 46.6 metres. While the barn is not a designated heritage building, it is over 100 years old and has value to the property owners. The barn is currently located partially on the Township's Right of Way, but is proposed to be moved 3 metres east onto the rural residential lot.

The rezoning application will also rezone Parcel 2 (Retained lands) from an Agricultural 'A' zone to an Agricultural Purposes Only 'APO-239', with a site specific provision to recognize the deficient lot size, being approximately 21.1 hectares, whereas Table 12 in

Part 5 of the Township's Zoning By-law 2017-70, as amended, identifies 39 hectares to be the minimum lot area within an Agricultural Purposes Only 'APO' zone. The rezoning will also permit a deficient side yard setback to an existing agricultural building of 6.72 metres whereas 15 metres is required.

Based on Administration staff's review, this application for a Zoning Bylaw Amendment is consistent with all other provisions of the Agricultural zone.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report,

INTER-DEPARTMENTAL COMMENTS:

Notice of the Public Meeting was circulated to all relevant agencies and departments on November 6th 2024, and a notice of the hearing was also posted to the Township's website.

The Niagara Peninsula Conservation Authority provided comments on November 22nd 2024 and state that they have no objections to the proposed application.

The Niagara Region provided comments on November 11th which stated that as per Section 3.3.4 of the MOU, this application is exempted from Review by the Region as the Zoning By-law Amendment application for "Agricultural Purposes Only" is required as a condition of consent.

PUBLIC COMMENTS:

A Notice of the Public Hearing was mailed to all residents within 120 metres of the subject property on November 6th 2024. In addition, a yellow sign was posted on the property on November 7th. As of the preparation of this report, Administration has not received any public comments regarding this application.

CONCLUSION:

An application for Zoning By-law Amendment application has been submitted for the property located at 1985 Hodgkins Road to rezone the retained agricultural lands to Agricultural Purposes Only, with site specific exceptions and to rezone the severed residential parcel to Rural Residential with site specific exceptions.

The application to amend the Zoning By-law has been reviewed in accordance with Section 2 and Section 34 of the Planning Act and against Provincial, Regional, and Township Policy, and meets the policies. As such, Administration recommends the approval of this Zoning By-law Amendment application and the By-law attached to this report.

ATTACHMENTS:

1. Schedule A- Location Map
2. Schedule B- Application Letter
3. Schedule C- Site Sketch

4. Schedule D- Agency Comments
5. Schedule E- Bylaw

Prepared & Submitted by:

Madyson Ettl
Senior Planner

Approved by:

Truper McBride
CAO

Reviewed and Approved by:

Gerrit Boerema, MCIP, RPP
Acting Director of Planning & Building