

**DATE:** January 27<sup>th</sup>, 2021

**REPORT NO:** COA-001-21

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by 1970187 Ontario Inc.  
File No. A01/2021WL

**CONTACT:** Madyson Etzl, Planner II  
Brian Treble, Director of Planning and Building

**OVERVIEW:**

- A minor variance application has been submitted by 1970187 Ontario Inc. by Agent Jason Brouwer for the property municipally known as 6244 Pearson Street.
- The original building was constructed when the Zoning By-law only required this property to have a side yard setback of 5 metres (16.40 feet).
- The existing addition to the original building was not built in the proper location as it was built within the setback requirement.
- The purposed location of the new addition is continuing to encroach into the east side yard setback requirement.
- As such, the applicant is requesting a minor variance to permit the reduction in the interior east side yard setback from 7.5 metres (24.61 feet) to 3.75 metres (12.30 feet).
- The proposed new addition is planned to be one storey in height and situated to the rear of the existing business.
- The proposed new addition only requires a setback of 4.31 metres (14.14 feet).
- The request of 3.75 metres is made to accommodate potential future development.
- Township Staff have identified that there is a substantial amount of drainage issues in this neighborhood and that these issues are likely to worsen as properties develop.
- Due, to this Township Staff would like to identify that this property is subject to Site Plan Control. In addition, the Township would require a Grading Plan, a stormwater brief, and a report regarding drainage be submitted before any new development can occur.
- Planning Staff recommend support of this application.

**RECOMMENDATION:**

1. THAT, the application for the Minor Variance made by 1970187 Ontario Inc. as outlined in Report COA-001-21, to permit the interior east side yard setback be reduced to 3.75 metres (12.30 feet) whereas 7.5 metres (24.61 feet) is permitted, BE APPROVED.

**BACKGROUND:**

The subject lands are legally described as Concession 8, Part of Lot 6, in the former Township of South Grimsby, now in the Township of West Lincoln. The property is located on the east side of Thompson Road, west of Industrial Park Road, south of

Pearson Street, and north of Spring Creek Road. The subject property is municipally known as 6244 Pearson Street.

The subject property is approximately 1.29 acres (0.52 hectares) in size. The property is in the Smithville Urban Settlement area and has an Employment Area designation. The adjacent properties to 6244 Pearson Street also have an Employment Area designated.

The applicant has submitted an application to permit the reduction in the interior east side yard setback from 7.5 metres (24.61 feet) to 3.75 metres (12.30 feet). This application is to permit the construction of an addition to the property's primary existing building. A minor variance is now required to align the addition with the existing building, which already encroaches into the side yard setback requirement.

**CURRENT SITUATION:**

Planning Staff have completed an analysis of the proposed Minor Variance application and can provide the following evaluation:

**Does the proposal maintain the general intent and purpose of the Official Plan?**

**Yes**

The property is within the Smithville Urban boundary and is designated as an Employment Area in the Township's Official Plan. It is the intent of this plan that these Employment Areas, in Smithville, encourage employment development in order to achieve a more balanced live-work community as an alternative to out-commuting. In addition, it is the intent of the Official Plan that a broad range of industrial employment areas be encouraged. The proposed addition to the existing building will continue to facilitate the objectives of the Official Plan for Employment Areas.

Township Planning Staff are of the opinion that the requested minor variance meets the general intent and purpose of the Official Plan as the proposed use is permitted and generally fits the character of the surrounding area.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

**Yes**

The subject land is zoned Industrial Employment 'M2' in the Township's Zoning By-law 2017-70, as amended. The M2 zone permits industrial uses. In the 1970187 Ontario Inc. application it is stated that the minor variance being requested is to build an addition onto their fishing equipment manufacturing business, which already operates as an industrial use on the property. The subject parcel is approximately 1.29 acres (0.52 hectares) in size and the proposed addition is planned to be built to the rear of the existing building.

As such, Township staff are of the opinion that this application meets the general intent of the Township Zoning Bylaw.

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

**Yes**

The applicant has applied for a reduction in the east side yard setback by 3.75 metres from 7.5 metres to 3.75 metres for their expansion of their industrial business. The request is being made so that the addition to the rear of the building is built in line with the existing building. It is important to note that the existing building already encroaches into the side yard setback requirement.

The expansion of this building will maintain general look of the existing building remaining as one storey building with a height of 7.62 metres. Furthermore, the landscaped space will be maintained in the front yard of this property and covering roughly 12.8% of the property. The west side of the property offers space for loading vehicles to maneuver around the building and a road way for employees to use to access the parking to the rear of the building.

It is in the opinion of staff that the east side yard setback is appropriate for their neighborhood.

**Is the proposal minor in nature?**

**Yes**

The subject minor variance application is requesting relief from the zoning bylaw provision limiting the minimum rear yard setback to 7.5 metres to allow for a 3.75 metres setback. The existing building already encroaches into the side yard setback requirement and therefore the owner is currently limited in the ability to add an addition that is inline with the existing building without a minor variance.

The neighborhood is already subject to a substantial amount of drainage issues and these drainage issues are likely to worsen as properties in the area continue to develop. To mitigate any future drainage issues Township Staff would like to identify that this property is subject to Site Plan Control. In addition, the Public Works through the Site Plan Control would require a Grading Plan, a stormwater brief, and a report regarding drainage be submitted before any new development could occur to manage drainage issues.

As a result of these measures Staff believe that a 3.75 metres setback is minor in nature if it is planned to occurs in a way that does not worsen the drainage in the neighborhood.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this application.

**INTER-DEPARTMENTAL COMMENTS:**

Notification was mailed to all applicable agencies and departments on January 11<sup>th</sup>, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township Public Works Department have reviewed this Minor Variance and have no objection. However, the Public Works Department have identified that before building an addition a Grading Plan will need to be submitted along with a stormwater brief and confirmation on the drainage. The full comment can be found in the attachments.

The Building Department has no comments at this point.

The Niagara Peninsula Conservation have reviewed this Minor Variance and have no objection to the proposed addition. The full comment can be found in the attachments.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on January 7<sup>th</sup>, 2021. A notice was posted to the Township's website and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

No public comments have been received as of January 22<sup>th</sup> 2021, during the preparation of this report.

**CONCLUSION:**

A Minor Variance application has been submitted by 1970187 Ontario Inc. for the property municipally known as 6244 Pearson Street. The Minor Variance application is proposing to grant relief from Section 8.3 of the Township Zoning Bylaw 2017-70, as amended, which limits the minimum side yard setback to 7.5 metres. The applicant is proposing to construct an addition to their industrial building, which will be an expansion of the property's main building that will reduce the minimum east side yard to 3.75 metres.

As the neighborhood is already subject to a substantial amount of drainage issues and these drainage issues are likely to worsen as properties in the area continue to develop. To mitigate any future drainage issues Township Staff would like to identify that this property is subject to Site Plan Control. The Site Plan Control would address Public Works Issues and insure that drainage as well as development is appropriately managed.

Due to this, Planning staff are of the opinion that this application meets all four tests of a minor variance as well as the Planning Act, and as such, can recommend the approval of this application subject to the conditions as outlined in the recommendations.

**ATTACHMENTS:**

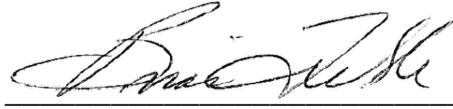
1. Site Drawing
2. Zoning Provisions
3. Agency comments

Prepared by:



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**Madyson Etzl**  
**Planner II**



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**Brian Treble, RPP, MCIP**  
**Director of Planning and Building**



## PART 8. EMPLOYMENT ZONES

### 8.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 8 apply to land within the following *zones*:

<b>Zone</b>	<b>Symbol</b>
Office and Business Park Employment	M1
Industrial Employment	M2
Extractive Industrial	M3

These *zones* apply to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

### 8.2 PERMITTED USES

In the *zones* identified in Section 8.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 18.

**Table 18: Permitted Uses in Employment Zones**

Uses	Zones where Permitted		
	M1	M2	M3
<b>Principal Uses</b>			
<i>Animal shelter</i>	M1		
<i>Commercial kennel</i>	M1		
<i>Commercial school</i>	M1		
<i>Communications establishment</i>	M1	M2	
<i>Contractors establishment</i>	M1	M2	
<i>Dry cleaning/ laundry establishment</i>	M1		
<i>Industrial use</i>	M1	M2	
<i>Mineral aggregate operation</i>			M3
<i>Motor vehicle body shop</i>	M1	M2	
<i>Office, including a medical office</i>	M1		
<i>Pet care establishment</i>	M1		
<i>Recreation facility</i>	M1		
<i>Service shop</i>	M1	M2	
<i>Studio</i>	M1		
<i>Veterinary clinic</i>	M1		
<i>Wayside pit or quarry</i> (see s. 3.27)	M1	M2	M3
<b>Accessory Uses <sup>(1)</sup></b>			
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)	M1 <sup>(1)</sup>	M2 <sup>(1)</sup>	M3 <sup>(1)</sup>
<i>Office</i>		M2 <sup>(1)</sup>	
<i>Outside storage</i>	M1 <sup>(1)</sup>	M2 <sup>(1)</sup>	M3 <sup>(1)</sup>
<i>Renewable energy system</i> (see s. 3.15)	M1 <sup>(1)</sup>	M2 <sup>(1)</sup>	M3 <sup>(1)</sup>

Uses	Zones where Permitted		
	M1 <sup>(1)</sup>	M2 <sup>(1)</sup>	M3 <sup>(1)</sup>
Retail store			

<sup>(1)</sup> Denotes *uses* that are only permitted accessory to or in conjunction with a permitted *principal use*.

### 8.3 REGULATIONS

In the *zones* identified in Section 8.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Table 19.

**Table 19: Regulations for Permitted Uses in Employment Zones**

Regulation		Zone Requirements		
		M1	M2	M3
Minimum <i>lot area</i>		2,000m <sup>2</sup>		-
Minimum <i>lot frontage</i>		30m		-
Minimum <i>front yard</i>		15m		30m <sup>(1)</sup>
Minimum <i>exterior side yard</i>		10m	15m	30m <sup>(1)</sup>
Minimum <i>interior side yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	15m	30m	90m <sup>(1)</sup>
	Other	5m	7.5m	30m <sup>(1)</sup>
Minimum <i>rear yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	15m	30m	90m <sup>(1)</sup>
	Other	7.5m		30m <sup>(1)</sup>
Maximum <i>lot coverage</i>		50%		-
Maximum <i>height</i>		10m		15m <sup>(1)</sup>
Minimum <i>landscaped open space</i>		10% <sup>(2)</sup>		-
Maximum <i>outside storage</i>		5% <sup>(3)</sup>		-
Maximum accessory <i>retail gross floor area</i>		10% of <i>gross floor area</i>		-

<sup>(1)</sup> Minimum *yard* requirements apply to *buildings, structures* and aggregate stockpiles.

<sup>(2)</sup> A minimum of 50% of required *landscaped open space* shall be located in the *front yard*.

<sup>(3)</sup> *Outside storage* for purposes other than *outside display and sales areas* on the *lot* shall be located in a *rear yard* or *side yard* and screened from view from *public streets* and adjacent *lots*.



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# Memo

**To:** Meghan Birbeck, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** January 19, 2021  
**Re:** File A012021WL – 6244 Pearson St

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A review has been completed on this minor variance application to permit the reduction in the interior east side yard setback from 7.5 metres to 3.75 metres to permit the construction of an addition to the property's primary existing building.

Public Works has no objection to this minor variance application with the following conditions:

A Grading Plan will need to be submitted for review and since more impervious area is proposed for the site, a stormwater brief is required to detail how stormwater is handled on the site, confirm drainage will not negatively impact neighbouring properties and that post development flows out to Pearson St will not increase.

## Meghan Birbeck

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**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** January 12, 2021 2:38 PM  
**To:** Meghan Birbeck  
**Subject:** Re: Notice of Hearing A01/2021WL

Hello Meghan,

I have reviewed 6244 Pearson Street, West Lincoln under the NPCA's regulated mapping and I can confirm that there are no NPCA regulated features located on the subject property. As such, the NPCA will have no objection to this application.

Sincerely,

**Nikolas Wensing, B.A., MPlan  
Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2  
905-788-3135, ext. 228  
[nwensing@npca.ca](mailto:nwensing@npca.ca)  
[www.npca.ca](http://www.npca.ca)

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**From:** Meghan Birbeck <mbirbeck@westlincoln.ca>  
**Sent:** Monday, January 11, 2021 2:31 PM  
**To:** Nikolas Wensing <nwensing@npca.ca>  
**Subject:** Notice of Hearing A01/2021WL

Good afternoon,

Please find attached the above mentioned notice for a Minor Variance application for **A01/2021WL - 6244 Pearson Street**.

If you have any questions, please contact myself at 905-957-5140 or by email at [mbirbeck@westlincoln.ca](mailto:mbirbeck@westlincoln.ca)

Sincerely,  
Meghan Birbeck

	<b>Meghan Birbeck</b>
	<b>Planner I</b> Tel: 905-957-3346 ext. 5140 Email: <a href="mailto:mbirbeck@westlincoln.ca">mbirbeck@westlincoln.ca</a> Web: <a href="http://www.westlincoln.ca">www.westlincoln.ca</a>
	