

DATE: January 27th, 2021

REPORT NO: COA-002-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by the Niagara Christian Gleaners
File No. A02/2021WL

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

OVERVIEW:

- A minor variance application has been submitted by the Niagara Christian Gleaners for the property municipally known as 6251 Spring Creek Road.
- This application is requesting two minor variances.
- The first minor variance is requesting a reduction in the interior north side yard setback from 7.5 metres (24.61 feet) to 4.27 metres (14.00 feet) to permit the construction of a new concrete equipment pad to support the installation of a secondary dehydrator, vegetable dryer.
- The second minor variance is requesting a reduction in the interior north side yard setback from 7.5 metres (24.61 feet) to 2.44 metres (8.00 feet) to permit an existing HVAC unit.
- 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 and require that the site plan be updated.
- Planning Staff recommend support of this application.

RECOMMENDATION:

1. THAT, the application for the first Minor Variance made by the Niagara Christian Gleaners as outlined in Report COA-002-21, to permit the interior north side yard setback to 4.27 metres (14.00 feet) whereas 7.5 metres (24.61 feet) is required, BE APPROVED.
2. THAT, the application for the second Minor Variance made by the Niagara Christian Gleaners as outlined in Report COA-002-21, to permit the interior north side yard setback to 2.44 metres (8.00 feet) whereas 7.5 metres (24.61 feet) is required, BE APPROVED.
 - a. Subject to the following condition:
 - i. That the site plan be updated to include the dehydrator unit and the HVAC Unit.
 - ii. That the site plan be updated to included improved drainage/ swale design for the northerly side yard.
 - iii. That the site plan updated be completed to the satisfaction of the Township.

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, to the west of Industrial Park Road, south of Pearson Street, and north of Spring Creek Road. The subject property is municipally known as 6251 Spring Creek Road.

The subject property is approximately 3.0 acres (1.22 hectares) in size. The property is in the Smithville Urban Settlement area and has an Employment Area designation. The adjacent properties to 6251 Spring Creek Road also have an Employment Area designation.

The applicant has submitted an application requesting for two minor variances. The first variance is requesting permission to reduce the minimum north side yard setback to 4.27 metres (14.00 feet) whereas 7.5 metres (24.61 feet) is required. If approved, this variance is to support the construction of a new concrete equipment pad to support the installation of a secondary dehydrator(s) (vegetable dryer). The second variance is requesting permission to reduce the minimum rear yard setback to 2.44 metres (8.00 feet) whereas 7.5 metres (24.61 feet) is required.

CURRENT SITUATION:

Planning Staff have completed an analysis of the proposed Minor Variance applications 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 additional dehydrator and the existing HVAC unit are supplementary uses required accessory to the existing industry and will continue to facilitate the objectives of the Official Plan for Employment Areas as they will enhance the productivity and output of the Niagara Christian Gleaners.

Township Planning Staff are of the opinion that both requested minor variances meet the general intent and purpose of the Official Plan as the proposed uses are permitted and generally fit 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. The Niagara Christian

Gleaners identifies that the minor variances being requested are to build an additional vegetable dryer and to permit their existing HVAC system, which will enhance their overall productivity and output. The units are located to the rear of the building, have negligent impacts on adjacent uses, are functions in nature and ordinary in appearance.

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 north side yard setback by 3.23 metres from 7.5 metres for their new concrete equipment pad to support the installation of a secondary dehydrator. In addition, the applicant has also applied for a reduction in the north side yard setback by 5.06 metres for their existing HVAC unit. The requests are being made so that they can enhance the productivity and output of their operations.

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 and require that the site plan be updated to manage any drainage issues that may arise.

As a result of the sit plan being updated, it is in the opinion of staff that the north side yard setbacks are appropriate for the applicant's neighborhood.

Is the proposal minor in nature? Yes

The subject's minor variance application is requesting relief from the zoning bylaw provision limiting the minimum north side yard setback to 7.5 metre to allow for a 4.27 metre setback and a 2.44 metre setback. The existing HVAC system that requires that 2.44 metre is relatively small in nature with the dimensions of ± 2.44 metres by ± 6.10 metres. As well the purposed concrete equipment pad that will support the installation of a secondary dehydrator is also relatively small in nature with the dimensions of ± 12.19 metres by ± 3.05 metres.

As both minor variances are minor in nature Staff are of the opinion that this variance is meets this test.

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 11th, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

Public Works has no issues with this minor variance application if all site drainage

issues are addressed and the Township receives as-constructed drawings. The full comment can be found in the attachments.

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 January 7th, 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 18th 2021, during the preparation of this report.

CONCLUSION:

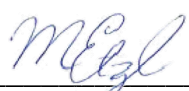
A Minor Variance application has been submitted by the Niagara Christian Gleaners requesting two variances for the property municipally known as 6251 Spring Creek Road. The Minor Variance application is proposing to grant relief from Section 8.3 of the Township Zoning Bylaw 2017-70, as amended, which limits the minimum side yard setback to 7.5 metres. The applicant is requesting the first variance to construct a new concrete equipment pad, to support the installation of a secondary dehydrator, which will reduce the minimum north side yard to 4.27 metres. The applicant is requesting the second variance for their existing HVAC unit that requires a minimum north side yard setback of 2.44 metres.

Planning staff are of the opinion that these requests meet all four tests of a minor variance and as such, can recommend the approval of this application subject to the conditions as outlined in the recommendation.

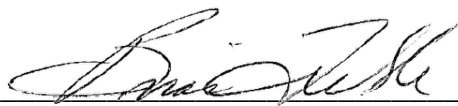
ATTACHMENTS:

1. Location Map
2. Site Drawing
3. Zoning Provisions
4. Agency comments

Prepared by:



Madyson Etzi
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building




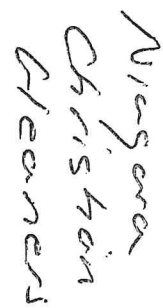
Location Map
6251 Spring Creek Road

0 40 80 160 Meters



Legend

 Subject property



PART 8. EMPLOYMENT ZONES

8.1 APPLICABLE ZONES

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

Zone	Symbol
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		
Principal Uses			
<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
Accessory Uses ⁽¹⁾			
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾
<i>Office</i>		M2 ⁽¹⁾	
<i>Outside storage</i>	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾
<i>Renewable energy system</i> (see s. 3.15)	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾

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

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

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

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

⁽³⁾ *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*.

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: January 19, 2021
Re: File A02/2021WL – 6251 Spring Creek Rd (Niagara Christian Gleaners)

The applicant will need to have their Engineering Consultant revise the site Grading Plan as the existing HVAC unit was not considered as part of the original design of the swale along the north side of the property. The HVAC unit is located in the area for the swale and is now causing drainage issues on site and with the property to the north. The proposed equipment will also need to be considered as part of the redesign of the drainage along the north side. As-constructed drawings are to be submitted when all works on site are complete.

Public Works has no issues with this minor variance application if all site drainage issues are addressed and the Township receives as-constructed drawings.

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: January 13, 2021 10:12 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing A02/2021WL

Hello Meghan,

The NPCA's regulation mapping indicates that there are no NPCA regulated features or hazards on the subject property. As such, I can confirm that NPCA will have no objection to this proposal.

Sincerely,

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

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 228
nwensing@npca.ca
www.npca.ca

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Wednesday, January 13, 2021 9:37 AM
To: Nikolas Wensing <nwensing@npca.ca>
Subject: Notice of Hearing A02/2021WL

Good afternoon,

Please find attached the above mentioned notice for a Minor Variance application for **A02/2021WL - Gleaners**.

If you have any questions, please contact myself at 905-957-5140 or by email at mbirbeck@westlincoln.ca

Sincerely,
Meghan Birbeck

	
Meghan Birbeck	
Planner I	
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