

**COMMITTEE OF ADJUSTMENT
March 21, 2018 COMMITTEE AGENDA**

MEETING DATE: Wednesday, March 21, 2018
Township Administration Building
318 Canborough Street
Smithville, Ontario
7:00 p.m.

1. **CHAIR:**
The Chair will call to Order the evening's proceedings.
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**
3. **REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT:**
There are no requests for withdrawal and/or adjournment at this time.
4. **APPROVAL OF MINUTES:**
 - a) February 21, 2018 Regular Minutes of the Committee of Adjustment
5. **ADJOURNMENT:**
That, this Committee does now adjourn at the hour of _____ P.M.

**COMMITTEE OF ADJUSTMENT
FOR THE TOWNSHIP OF WEST LINCOLN**

Minutes of the Hearing of the Committee of Adjustment for the Township of West Lincoln, Regional Municipality of Niagara, held in the Council Chambers, West Lincoln Municipal Building, 318 Canborough Street, Smithville, Ontario on Wednesday, February 21, 2018 at 7:00 p.m.

Present	Deborah Coon-Petersen	Chair
	Dick VanDyke	Member
	Paul McDougall	Member
	Alexa Cooper	Secretary-Treasurer
	Brian Treble	Director of Planning & Building
	Gerrit Boerema	Planner II
	Rachel Greene	Planning Secretary

Call to Order and Introduction of Committee Members and Staff:

The meeting was called to order by Chair Coon-Petersen at 7:00 p.m. The Chair introduced the Committee Members and Staff in attendance at the hearing. All applicants and/or authorized agents were placed under Oath or Solemn Affirmation in accordance with the *Canada Evidence Act*.

Disclosure of Pecuniary Interest and General Nature Thereof:

There were none.

Requests for Withdrawal or Adjournment:

There were none.

SUMMARY OF APPLICATIONS

<u>Applicant</u>	<u>File #</u>	<u>Decision</u>
Gail & Jamieson Brooks	A02/2018WL	Granted
Baarcreek Farms Ltd.	B13/2017WL	Granted
Bryan & Dawn Jones (Wielink)	B01/2018WL	Granted
Leonard & Lynn Snippe	B02/2018WL	Granted
Leonard & Lynn Snippe	B03/2018WL	Granted
1333673 Ontario Ltd.	B04/2018WL	Granted

MINOR VARIANCE APPLICATIONS

1. Gail & Jamieson Brooks – A02/2018WL

PURPOSE OF THE APPLICATION:

The purpose of the minor variance application was to permit the construction of a new accessory structure within the front yard with a maximum accessory dwelling unit size of 100 square metres.

REPRESENTATION:

Jamieson Brooks, applicant

COMMENTS:

A synopsis of the application was provided by Rachel Green; Ms. Greene explained the application and gave an overview of the report.

Mr. Jamieson Brooks informed the committee that he had purchased the property in January. His intention is to take down building 2 (as identified in Attachment 2 of Report PD-034-18) and replace it with the proposed building. He also informed the committee that he did not want to remove the trees on the property and that was the reasoning for the proposed location of the building and need for a variance. He explained he intended to remove the shipping containers that are currently on the property and the proposed building would be used as a place to store his personal belongings.

Mr. Gerald Lammers spoke to committee regarding the comments he had submitted before the report was released as well as the comments he submitted after he had read the released report. Mr. Lammers informed the committee that he was a Chemist by profession and that he provides consulting services for many clients including various levels of government. He informed committee he had read and written many reports during the course of his career and that he believed this gave him a certain amount of credibility when providing comments. Mr. Lammers expressed concern that the report written by staff never addressed the initial set of comments he had submitted regarding the application. In his first submission, Mr. Lammers detailed that he had expressed concerns of his privacy being compromised. Mr. Lammers explained that he had provided suggestions for mediation in his comments and expressed his disappointment when he did not see any of them included in the final decision. Mr. Lammers further explained that he had read the report and gave it a “failing grade” on his belief that there was not enough information provided when coming to a conclusion, that information was deliberately omitted, and that hypothetical situations were used to justify the conclusion. He believed if there was a net gain in building size that it did not improve the situation, but instead made the situation larger in size. Mr. Lammers quoted Section 4.4.1 of the Official Plan policy and expressed concern that approving this application is encouraging a residential use that was contradictory to the intent of this policy. Mr. Lammers informed the committee that he had gone through the past three years of Committee of Adjustment minutes and had seen many applications passed that encouraged residential use on agricultural properties. Mr. Lammers finished by telling Committee that he refutes the answers provided in report PD-034-18.

At Committee's request, Mr. Treble responded to Mr. Lammers comments by saying he had never had someone challenge him so aggressively and that he does not take it lightly. Mr. Treble informed Committee that when making evaluations on applications, as a planner, Mr. Treble looks at the broader public interest, the immediate neighbours as well as the environment. Mr. Treble explained that the direction of the analysis comes from Provincial, Regional and local policy as well as any comments that are received by the applicant, any interested agencies, and members of the public. He explained that all issues must be taken in to consideration and then a decision is produced based off of these elements and good planning practice. Mr. Treble explained that it is not the role of the Township Planner to defend the application before the Committee today, but to provide comment and recommendation to the Committee based off of the information that is provided when the application was submitted. Mr. Treble explained that opinions can differ in the planning field and that it happens quite often. It is not just the neighbours that are taken into consideration, but also the broader public interest as well as the environment, etc. Mr. Treble explained that the Committee is a neutral party who must deliberate and make a decision based off of the evidence presented to them at tonight's hearing. The comments provided by Mr. Lammers were not ignored, but considered when making the final recommendation. In this case, Planning Staff came to a separate conclusion than the conclusion Mr. Lammers had outlined in his comments. Mr. Treble added that while it may appear that many applications that come to Committee are approved, there are also the large number of applications that do not make it to Committee due to the vetting process that happens at the counter with Staff.

Member VanDyke raised concerns about the maximum size increase for the accessory dwelling unit. He said it was accurate to say this property would have two dwellings on it, with the accessory building being subordinate to the main dwelling. Member VanDyke referenced an OMB document based on a case at the OMB stating that a minor variance must satisfy all four tests, and that failing one of the tests is fatal to the application. The case explains that what is considered minor is based on two factors – one is a mathematical number and the second is the impact of the variance on surrounding properties. The OMB document states there is no magic number that can be applied and that the impact on surrounding properties is even more unclear and extremely subjective, but nonetheless very important to ask. Given that the variance is a 28% increase from what is permitted and the details received from the surrounding properties, Member VanDyke asked if staff could address the Variance more fully.

Mr. Treble clarified that his response had a number of different pieces. Mr. Treble explained that the Province has issued Climate Change and Affordable Housing policies that the Region and consequently the Township have to attempt to comply with. Accessory Dwelling Units are something the Township has to provide an option for in order to provide affordable housing options as the price of housing continues to go up. A big part of climate change is building more densely, and by placing these two units on the property we are achieving that. However, Mr. Treble explained that these are not two main dwelling units as the accessory dwelling unit is on the second floor, above and accessory to the main use of the accessory building. This is a way that generational issues are being dealt with. If it is minor is a hard question as outlined in the case law referred to by Member VanDyke. However, Mr. Treble did not believe it was an issue considering the size of the proposed building and that the accessory dwelling unit would be providing a form of affordable housing as encouraged by the Province. Mr. Boerema further explained that the old by-law had a provision that allowed the accessory dwelling

unit to be 40% of the main building, up to a maximum of 100 square metres, regardless if the accessory building unit was located in the main or accessory building.

Member McDougall asked if Building 2 was once a main dwelling on the property. Mr. Brooks answered, stating that he did not know due to his limited knowledge of the property's history but that it had been used recently as a wood working shop. Mr. Lammers said that it was.

Member McDougall asked Mr. Brooks if he was willing to get rid of building 2 before building the proposed accessory structure. Mr. Brooks answered that he needed to get rid of building 2 to construct his proposed accessory structure and that his intent was to get rid of the shipping containers, but that he did not want to have to get rid of building 3 as he would need it in the future for storage purposes.

Member McDougall clarified for Mr. Brooks that as the conditions are worded, Building 3 will have to go before he can build his proposed accessory structure. Mr. Brooks asked if moving the trailer to another location on his property would allow him to keep it.

Member McDougall asked what the new building was intended to be used for. Mr. Brooks explained that he wanted a place to put his personal belongings that were currently being stored outside on his property. The space upstairs is intended to be used by Mr. Brooks as a "man cave."

Member McDougall asked Mr. Lammers if the house built to the east of him impeded on his privacy. Mr. Lammers responded that it did when it was first built, but that since then he had planted trees that made him feel comfortable in his backyard again.

Mr. Lammers spoke again, asking that the challenges he presented to Planning Staff's conclusions be refuted. He said he presented them in good faith and he deserved to have an answer. Member McDougall informed Mr. Lammers that his challenges had been addressed and that the conclusion was that Planning Staff came to a different conclusion than him.

Member McDougall asked Mr. Lammers if he felt his privacy had been invaded when the old house was in use. Mr. Lammers explained that he had not, as the original house was one storey as opposed to two. Mr. Lammers spoke further, making mention to the conditions he provided that were not considered. Mr. Lammers asked Committee why he would have to move to accommodate these changes, if approved.

Member McDougall explained that Committee would need to make a decision on if the application was minor and that minor was a subjective term. Mr. Lammers believed the numeric values did not appear minor in nature to him.

Member VanDyke asked Staff that if building 3 should be removed by way of by-law enforcement instead of as a condition to this variance if it is not permitted through the Zoning By-law. Mr. Treble answered that Staff are not aware of how long the trailer has been there, and that it could be grandfathered in if it's been there earlier than 1979. If the Committee is not comfortable with this condition, they can remove it from the decision.

Chair Coon-Petersen asked if these issues could be dealt with at the building permit stage. Mr. Treble answered that the building permit was not a public process and that the building was restricted to an 8 metre height limit.

Member VanDyke said it is very clear that condition 1 requires buildings 2 and 3 and the shipping containers will need to be removed from the property before the proposed accessory building can be constructed. Mr. Treble clarified that the only way staff can ensure the removal of the buildings is through a condition worded in a way to ensure they come down before the issuance of a building permit. Mr. Treble clarified that if the removal of the buildings did not have to occur until after the proposed accessory building was built, the only avenue to ensure compliance is by-law enforcement, which can be time-consuming and costly.

Mr. Lammers explained that if the removal of the buildings was to happen after the building permit was issued, he would have concerns that they would never come down as the original house never came down. Mr. Lammers expressed his opinion that the committee is not capable of making a decision tonight as his challenges to the report had not been answered to his satisfaction.

Chair Coon-Petersen explained that if he was not happy with the night's decision, he could file an appeal through the Ontario Municipal Board.

As there were no further comments or questions from the Committee, applicant or public, the Chair requested a motion from Committee.

Member McDougall motioned to approve the application.

Member VanDyke seconded the motion.

-All in favour
-Carried

That, the application A027/2018WL in the name of Gail & Jamieson Brooks be approved.

That, the approval of the application is subject to the following conditions and reasons:

CONDITIONS:

1. That , the existing accessory structure (Building 2 on Attachment 2), storage trailer (Building 3 on Attachment 2), and shipping containers, all be removed from the property prior to the issuance of a building permit to the satisfaction of the Director of Planning and Building, and;
2. That, the new accessory dwelling be located no closer than 35 metres from the front lot line.

REASONS:

1. The variance is minor in nature as outlined in the Township's Planning Report PD-034-18.

2. The general purpose and intent of the Zoning By-Law is maintained as outlined in the Township's Planning Report PD-034-18.
3. The intent of the Official Plan is maintained as outlined in the Township's Planning Report PD-034-18.
4. The proposal is desirable for the appropriate development of the land for the Agricultural 'A' zone, as no negative impacts on the surrounding land uses are anticipated as outlined in the Township's Planning Report PD-034-18.

CONSENT APPLICATIONS:

1. Baarcreek Farms Ltd. – B13/2017WL

PURPOSE OF THE APPLICATION:

The purpose of the consent application was to sever a surplus farm dwelling from agricultural lands.

REPRESENTATION:

Bonnie and Dick Baarda, applicants

COMMENT:

A synopsis of the application was provided by Rachel Greene. Ms. Greene explained the application and gave an overview of the report.

Since there were no comments or questions from the Committee, applicant or members of the public, the Vice Chair requested a motion from Committee.

Member VanDyke motioned to approve the application.

Member McDougall seconded the motion.

-All in favour
-Carried

That, the application B13/2017WL in the name of Baarcreek Farms Ltd. be approved.

That, the approval of the application is subject to the following conditions:

CONDITIONS:

1. That the approval applies to the transaction as applied for.
2. That the applicant provide the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. That the applicant pays the prescribed fee and obtains a Zoning By-law Amendment to the satisfaction of the Director of Planning, to rezone the lands to be retained to Agricultural Purposes Only (APO) and the severed surplus farm parcel to Rural Residential (RuR).
4. That the ownership of the retained lands and the ownership of one other farm

parcel with a primary residence be in identical ownership, to the satisfaction of the Director of Planning prior to the issuance of the certificate of consent.

5. That the applicant pays the required cash in lieu of dedication of land for park purposes fee to the Township
6. That the applicant obtain an entrance permit for the farming field to the satisfaction of the Director of Public Works, if required.
7. All municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park dedication, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
8. That any unused wells on both the severed and retained lands are decommissioned to the satisfaction of the Township, if applicable.
9. That a source of potable water for the dwelling be provided, to the satisfaction of the Township.
10. That the Chief Building Official confirms that the existing dwelling is habitable and that no other dwellings are present to the satisfaction of the Township of West Lincoln.
11. That the applicant submits a septic inspection to the Township's Septic Inspector and that any required improvements are completed to the satisfaction of the Township.
12. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary Treasurer.
13. That all conditions of consent be fulfilled within (1) year from the date of the notice of decision pursuant to the Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

That, the approval of the application is subject to the following reasons:

REASONS:

1. The Committee is satisfied that the application would conform to the general intent and purpose of the Provincial Policy Statement (2014), and for the consent policies of the Regional Policy Plan.
2. That the application meets the general purpose and intent of the Township Official Plan policies.
3. This decision is rendered having regard to the provisions of Section 51(24) and 51(25) of the Planning Act, R.S.O 1990, as amended.

2. Bryan & Dawn Jones (Wielink) – B01/2018WL

PURPOSE OF THE APPLICATION:

The purpose of the application is to sever the agricultural land for the farmers (Wielink's) to own and operate, and retain the existing house as surplus to the farmer's needs.

REPRESENTATION:

Bryan & Dawn Jones, applicants
Keith & Suzanne Wielink, agents

COMMENT:

A synopsis of the application was given by Rachel Greene. Ms. Greene explained the application and gave an overview of the report.

Bryan Jones spoke to the proposed consent application, stating that the large lot size had been done to provide larger setbacks from the existing buildings to the lot lines of the property.

Mr. Treble explained that Condition 4 was put in to reduce the size of the proposed residential lot and to provide more farm land to remain with the farm parcel.

Member VanDyke asked if there should be a condition for an entrance. Mr. Treble answered that there should be one in there.

Chair Coon-Petersen asked if there would be room for a replacement septic bed if the lot size was reduced. Mr. Jones replied he would need the space behind the house to put in a replacement septic system.

Member VanDyke asked if the applicant would have to come back to the committee once the lot size was changed. Mr. Treble replied that he would.

Member McDougall inquired if the applicant would be tied to the Committee members that are sitting tonight. Mr. Treble answered that they would not, but they would have to pay the change of condition fee.

As there were no further comments or questions from the Committee, applicant or public, the Chair requested a motion from Committee.

Member VanDyke motioned to approve the application with condition 4 stricken out and a new condition added that read "That an entrance permit to the severed lands be obtained to the satisfaction of the Region of Niagara, if required."

Member McDougall seconded the motion.

-All in favour
-Carried

That, the application B01/2018WL in the name of Bryan and Dawn Jones be approved.

That, the approval of the application is subject to the following conditions:

CONDITIONS:

1. That the approval applies to a modified application as amended by condition 4.
2. That the applicant provide the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. That the applicant pays the prescribed fee and obtains a Zoning By-law Amendment to the satisfaction of the Township of West Lincoln, to rezone the severed parcel to Agricultural Purposes Only (APO), unless the agricultural lands are merged on title with adjacent lands in the same ownership; and rezone the retained lands to Rural Residential and to recognize any deficiencies on both parcels.
- ~~4. That the applicant submit an amended severance sketch closer to the recommended maximum lot area of 0.4 hectares for the surplus farm dwelling as possible, to reduce the loss of agricultural land, while maintain a regular parcel shape, to the satisfaction of the Planning Department.~~
5. That the existing dwelling be inspected by the Chief Building Official and deemed habitable, and that the existing septic system be inspected by the Township Septic Inspector and deemed compliant.
6. That the ownership of the severed lands and the ownership of one other farm parcel with a residence be in identical ownership of the area farmer (Keith and Suzanne Wielink), to the satisfaction of the Township of West Lincoln prior to the issuance of the certificate of consent. Should the lands not be in the proper name at the completion of conditions, then an undertaking from the lawyer with regards to proper ownership should be required.
7. That the applicant pays the required cash in lieu of dedication of land for park purposes fee to the Township.
8. All municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park dedication, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
9. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
10. That all conditions of consent be fulfilled within one (1) year from the date of the notice of decision pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.
11. That an entrance permit to the severed lands be obtained to the satisfaction of the Region of Niagara, if required.

That, the approval of the application is subject to the following reasons:

REASONS:

1. The Committee is satisfied that the application would conform to the general intent and purpose of the Provincial Policy Statement (2014), and for the consent policies of the Regional Policy Plan.
2. That the application meets the general purpose and intent of the Township Official Plan policies.
3. This decision is rendered having regard to the provisions of Section 51(24) and 51(25) of the Planning Act, R.S.O 1990, as amended.

3. Leonard & Lynn Snippe – B02/2018WL

PURPOSE OF THE APPLICATION:

The purpose of the application is to sever a surplus farm dwelling from an agricultural property.

REPRESENTATION:

Leonard & Lynn Snippe, applicants

COMMENT:

A synopsis of the application was given by Gerrit Boerema. Mr. Boerema explained the application and gave an overview of the report.

Member VanDyke asked if this application and B03/2018WL required two separate decisions since they were both made by the same person. Ms. Cooper answered that they did.

As there were no further comments or questions from the Committee, applicant or public, the Chair requested a motion from Committee.

Member VanDyke motioned to approve the application.

Member McDougall seconded the motion.

That, the application B02/2018WL in the name of Leonard and Lynn Snippe be approved.

That, the approval of the application is subject to the following conditions:

CONDITIONS:

1. That the approval applies to the transaction as applied for.
2. That the applicant provide the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.

3. That the applicant pays the prescribed fee and obtains a Zoning By-law Amendment to the satisfaction of the Township of West Lincoln, to rezone the lands to be retained to Agricultural Purposes Only (APO) with the exception of the second surplus farm dwelling lot (Parcel 2), and the severed surplus farm dwelling to Rural Residential (RuR).
4. That the ownership of the subject lands and the ownership of one other farm parcel with a residence be in identical ownership, to the satisfaction of the Township of West Lincoln prior to the issuance of the certificate of consent.
5. That the applicant pays the required cash in lieu of dedication of land for park purposes fee to the Township, if required.
6. All municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park dedication, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
7. That any unused wells on both the severed and retained lands are decommissioned to the satisfaction of the Township, if applicable.
8. That a source of potable water for the dwelling be provided, to the satisfaction of the Township.
9. That the Chief Building Official confirms that the existing dwelling is habitable and that no other dwellings are present to the satisfaction of the Director of Planning.
10. That the applicant submits a septic inspection to the Township's Septic Inspector and that any required improvements are completed to the satisfaction of the Director of Planning.
11. That a Regional Entrance permit be obtained to access the retained agricultural land, if required.
12. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary Treasurer.
13. That all conditions of consent be fulfilled within (1) year from the date of the notice of decision pursuant to the Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

That, the approval of the application is subject to the following reasons:

REASONS:

1. The Committee is satisfied that the application would conform to the general intent and purpose of the Provincial Policy Statement (2014), and for the consent policies of the Regional Policy Plan.
2. That the application meets the general purpose and intent of the Township Official Plan policies.

3. This decision is rendered having regard to the provisions of Section 51(24) and 51(25) of the Planning Act, R.S.O 1990, as amended.

4. Leonard & Lynn Snippe – B03/2018WL

PURPOSE OF THE APPLICATION:

The purpose of the application is to sever a surplus farm dwelling from an agricultural property.

REPRESENTATION:

Leonard & Lynn Snippe, applicants

COMMENT:

A synopsis of the application was given by Gerrit Boerema. Mr. Boerema explained the application and gave an overview of the report.

Member VanDyke asked how the applicants would gain access to the retained barns on the agricultural property. Mr. Boerema said if a new entrance was needed to gain access, they would gain such access by applying for an entrance permit as outlined in the conditions.

As there were no further comments or questions from the Committee, applicant or public, the Chair requested a motion from Committee.

Member VanDyke motioned to approve the application.

Member McDougall seconded the motion.

-All in favour
-Carried

That, the application B03/2018WL in the name of Leonard and Lynn Snippe be approved.

That, the approval of the application is subject to the following conditions:

CONDITIONS:

1. That the approval applies to the transaction as applied for.
2. That the applicant provide the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. That the applicant pays the prescribed fee and obtains a Zoning By-law Amendment to the satisfaction of the Township of West Lincoln, to rezone the lands to be retained to Agricultural Purposes Only (APO) with exception of the second surplus farm dwelling lot (Parcel 1), and the severed surplus farm dwelling to Rural Residential (RuR).

4. That the ownership of the subject lands and the ownership of one other farm parcel with a residence be in identical ownership, to the satisfaction of the Township of West Lincoln prior to the issuance of the certificate of consent.
5. That the applicant pays the required cash in lieu of dedication of land for park purposes fee to the Township, if required.
6. All municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park dedication, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
7. That any unused wells on both the severed and retained lands are decommissioned to the satisfaction of the Township, if applicable.
8. That a source of potable water for the dwelling be provided, to the satisfaction of the Township.
9. That the Chief Building Official confirms that the existing dwelling is habitable and that no other dwellings are present to the satisfaction of the Director of Planning.
10. That the applicant submits a septic inspection to the Township's Septic Inspector and that any required improvements are completed to the satisfaction of the Director of Planning.
11. That a Regional Entrance permit be obtained to access the retained agricultural land, if required.
12. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary Treasurer.
13. That all conditions of consent be fulfilled within (1) year from the date of the notice of decision pursuant to the Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

That, the approval of the application is subject to the following reasons:

REASONS:

1. The Committee is satisfied that the application would conform to the general intent and purpose of the Provincial Policy Statement (2014), and for the consent policies of the Regional Policy Plan.
2. That the application meets the general purpose and intent of the Township Official Plan policies.
3. This decision is rendered having regard to the provisions of Section 51(24) and 51(25) of the Planning Act, R.S.O 1990, as amended.

5. 1333673 Ontario Ltd. – B04/2018WL

PURPOSE OF THE APPLICATION:

The purpose of this application is to sever a lot with an existing residential dwelling from a commercial business and agricultural lands.

REPRESENTATION:

Bob Smith, applicant

COMMENT:

A synopsis of the application was given by Gerrit Boerema. Mr. Boerema explained the application and gave an overview of the report.

Mr. Robert Smith explained his history with the property and his reasoning for his application request. Mr. Smith intends to gain access through an easement agreement with the commercial business next to the house.

Member VanDyke asked what was located on Parcel 2. Mr. Smith answered that there was a bell box located on Parcel 2. Member VanDyke asked if the easement would be on Parcel 1. Mr. Smith said that it would be, and that he owned the company that occupies the parcel, so there would be no problems in obtaining an easement.

Member VanDyke asked if an easement would be adequate in obtaining access to the proposed severed property. Mr. Treble replied that as long as there was access to the property, wither through easement or its own separate entrance, the Township is satisfied. Mr. Treble further explained that the size of the property was highly debated between the Township and the Region due to the proposed property to be severed was not entirely within the Hamlet Boundary for Kimbo. In the end, a 1 hectare parcel was agreed upon as it removes the Hydrogeological Study requirement that would need to be done if the property was smaller than 1 hectare, and it leaves room for a future severance once the Hamlet Boundary has been decided on through the Municipal Comprehensive Review process the Niagara Region is currently under-going.

Member VanDyke asked if the current house would be replaced in the same spot. Mr. Smith answered that the new house would be placed further back from the existing house's location to be further removed from Highway 20.

As there were no further comments or questions from the Committee, applicant or public, the Chair requested a motion from Committee.

Member VanDyke motioned to approve the application.

Member McDougall seconded the motion.

That, the application B04/2018WL in the name of 1333673 Ontario Ltd. be approved.

That, the approval of the application is subject to the following conditions:

CONDITIONS:

1. That, the approval applies to the transaction as applied for.

2. That, the applicant provide the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject property or a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. The new lot (parcel 1) be rezoned, to recognize a minimum lot are of 1 hectare until all of Parcel 1 is contained within the Kimbo hamlet boundary.
4. That, the owner dedicates an approximate 7.5 metre road widening to the Regional Municipality of Niagara along the frontage of Regional Road 20 to the satisfaction of the Niagara Region, conveyed free and clear of any mortgages, liens or other encumbrances, for the severed parcel (Shown on the sketch as Parcel 2).
5. That, the applicant submits a septic inspection to the Township's Septic Inspector for the existing dwelling and the existing dwelling be deemed habitable by the Chief Building Official, or that a demolition permit be applied for and the existing dwelling be removed to the satisfaction of the Chief Building Official.
6. That, the applicant pays the required cash-in-lieu of dedication of land for park purposes fee to the Township.
7. That, the applicant pays the prescribed fee and obtains a Zoning By-law Amendment to the satisfaction of the Township of West Lincoln, to align the zoning to the respective proposed property lines, and to address any zoning deficiencies.
8. All municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park dedication, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
9. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
10. That all conditions of consent be fulfilled within one (1) year from the date of the notice of decision pursuant to Subsection 53(41) of the *Planning Act*, failing which this consent shall be deemed to be refused.

That, the approval of the application is subject to the following reasons:

1. The Committee is satisfied that the application would conform to the general intent and purpose of the Provincial Policy Statement (2014), and for the consent policies of the Regional Policy Plan.
2. That the application meets the general purpose and intent of the Township Official Plan policies.

3. This decision is rendered having regard to the provisions of Section 51(24) and 51(25) of the Planning Act, R.S.O 1990, as amended.

OTHER BUSINESS:

The OACA Insider was received for correspondence.

MINUTES:

The minutes from the January 21, 2018 meeting were deferred on the basis that physical copies were not circulated to committee members.

Adjournment:

Chair Coon-Petersen declared that the Hearing of February 21, 2018 of the Committee of Adjustment for the Township of West Lincoln is adjourned at 9:43 p.m.

Chair
Deborah Coon-Peterson

Alexa Cooper
Secretary-Treasurer

Date Approved