

Planning Justification Brief
Zoning By-law Amendment

52877 Putman Road
Wainfleet, ON

May 17, 2024

Upper Canada Consultants
3-30 Hannover Drive
St. Catharines, ON L2W 1A3



UCC File No. 24011

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INTRODUCTION

Upper Canada Consultants has been retained by the owner of the lands municipally addressed as 52877 Putman Road in the Township of Wainfleet, to prepare a Planning Justification Brief in relation to an application for zoning by-law amendment submitted for this property. The need for a Planning Justification Brief was identified through the pre-consultation meeting held on October 12, 2023. The pre-consultation notes are attached as **Appendix I**.

The submitted zoning by-law amendment application seeks to permit an increase in overall lot coverage and accessory building lot coverage, and to permit a reduction in minimum interior side yard for an accessory structure (garage) which was constructed on the subject property.

The intent of this brief is to provide an overview of the property and the proposal, to evaluate the applications against Provincial, Regional and local land use policy and to demonstrate how the application is consistent or conforms with applicable planning policy.

SITE CONTEXT

The subject property is municipally addressed as 52877 Putman Road in the Township of Wainfleet and is located on the east side of Putman Road, south of Wilford Road. The property is described legally as Part Lot 27, Concession 5 in the Township of Wainfleet.

In total, the subject lands are approximately 872.5 square meters in area, and have 22.91 meters of frontage on Putman Road based on the Plan of Survey prepared by Rasch + Hyde Ltd. Ontario Land Surveyors (**Appendix II**). An aerial image of the subject property is provided in **Figure 1**.

The property has historically been used for residential uses and contains a 1 storey detached dwelling. A detached accessory structure (garage) is also under construction on the subject property. The structure is being constructed to replace the garage that was located on the lands when the proponent took ownership of the property. The new structure is of similar size and in the same location as the previous structure. The detached accessory structure is the subject of the submitted application. **Figure 2** shows the existing property conditions.

The existing dwelling is first visible in the 1965 aerial photo of the property available through Niagara Navigator. A detached accessory structure of comparable dimensions and in the same location as the accessory structure being constructed is clearly visible in the 2000 aerial photo available on Niagara Navigator.

The property is located in a Prime Agricultural Area under the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe and the Niagara Official Plan. The Township of Wainfleet Official Plan identifies the lands as being in the Agricultural Area. The property is zoned as Agricultural (A2) under the Township's Zoning By-law.

The property is adjacent to the Marshville Station Clay Plain Wetland Complex and is impacted by the 30-meter buffer from the edge of the wetland. The wetland is regulated by the NPCA, and is also regulated by the Niagara Region as part of the Region's Natural Environment System. The property is also partially mapped as being part of the Provincial Natural Heritage System.



Figure 1 - Aerial View of the subject Lands (Niagara Navigator 2023 Imagery)

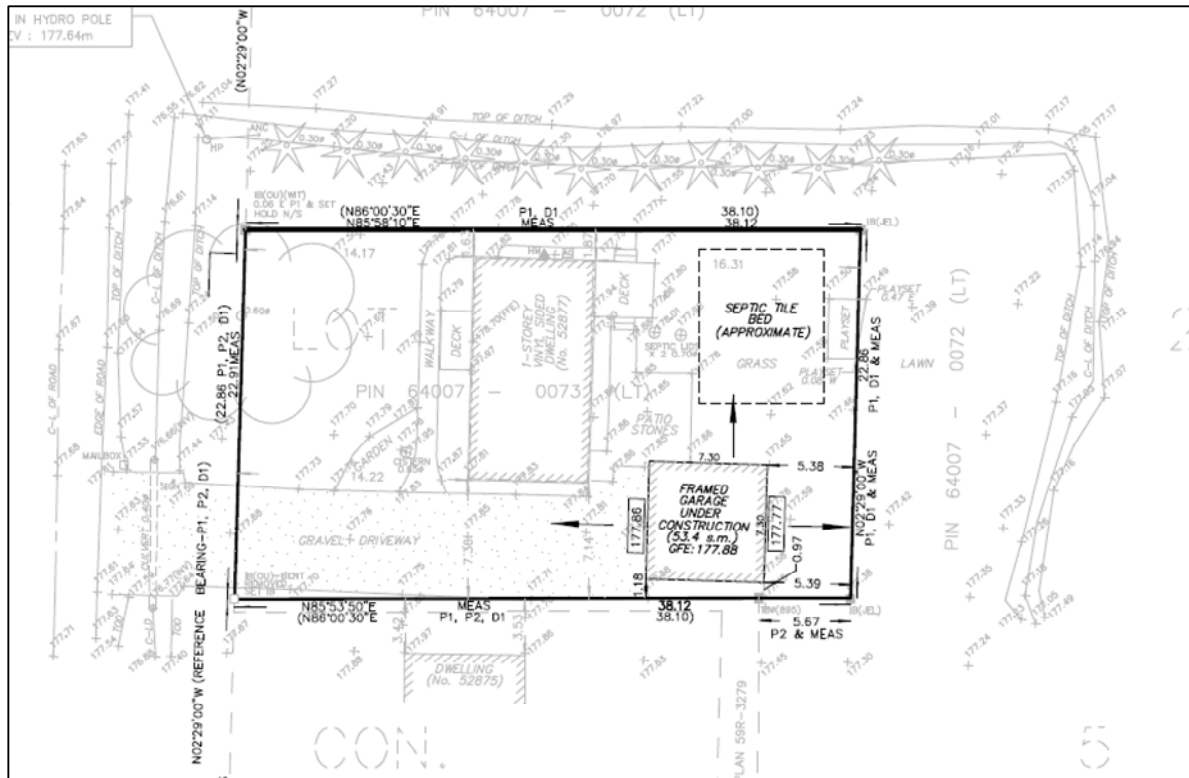


Figure 2 - Existing Site Conditions (Cropped from Plan of Survey prepared by Rasch + Hyde Ltd. Ontario Land Surveyors)

PROPOSAL

The submitted Zoning By-law Amendment pertains to the detached accessory structure (garage) that is currently under construction on the subject property. The garage is a reconstruction of a previous garage, and is of similar size and in the same location as the structure which it is replacing. The dimensions of the garage are 7.3m x 7.3m (24' x 24'), comprising a floor area of 53.4 square meters (575 square feet). A photo of the garage is provided in **Figure 3**.

The Zoning By-law Amendment seeks to permit an increase in overall lot coverage from 7% to 18.1% and accessory building lot coverage from 2.5% to 6.1%, and to permit a reduction in minimum interior side yard for an accessory structure from 2.0 meters to 0.97 meters. These zoning deficiencies were identified through the building permit zoning review (see **Appendix III**)



Figure 3 - Accessory Structure Under Construction

POLICY ANALYSIS

THE PLANNING ACT

Section 34 – Zoning By-laws

Section 34 of the Planning Act grants municipalities the authority to pass Zoning By-laws to control the use of land and of buildings or structures.

Amendments to Zoning By-laws are permitted, subject to the provision of prescribed material and in accordance with the process described under Section 34(10) and its subsections. Pursuant to these requirements, the application has been submitted with the information requested through pre-consultation, and is subject to the standard process for Zoning By-law Amendments in the Township of Wainfleet, in accordance with the Planning Act.

2020 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS) sets the policy foundation for regulating growth and development in Ontario in providing policy direction on the matters of Provincial interest related to land use planning.

The subject lands are located in a Prime Agricultural Area under the PPS, and also partially impacted by significant wetlands which form part of the Natural Heritage System.

Policy 2.1.5 states that development and site alteration is not permitted within significant wetlands unless it has been demonstrated that there will be no negative impacts to the natural features or their ecological functions. The subject garage does not introduce negative impacts to the adjacent wetland.

Policies pertaining to agriculture are contained under Section 2.3 of the PPS. Generally, prime agricultural lands are to be reserved for agricultural, agriculture-related and on-farm diversified uses. The creation and residential use of the property occurred lawfully before the adoption of the PPS. The property is not used for agriculture, but is undersized and cannot accommodate a functional agricultural use. The amendment pertains to a garage which supports the existing use of the property. The requested amendment does not conflict with the agricultural policies of the PPS.

NPCA POLICY DOCUMENT (2022)

The NPCA Policy Document provides policy direction pertaining to NPCA regulated features. The subject lands are impacted by NPCA-regulated Provincially Significant Wetland.

Section 8.2 contains the policies pertaining to development and interference within wetlands. The policy set under Section 8.2.2.3 pertains to the reconstruction, repair and interior alterations to existing buildings and structures within wetlands, which are pertinent to the subject application.

The following section evaluates the proposal against these policies:

8.2.2.3 Reconstruction, Repair and Interior Alterations to Existing Buildings and Structures

The reconstruction of an existing building or structure within a PSW and any other wetland greater than 0.5 hectares in size may be permitted subject to the following:

a) the structure to be replaced is not a derelict building;

“Derelict” refers disrepair as a result of the discontinuation of a use. The garage that was replaced was in continual use as a detached accessory structure.

b) the structure is replaced within the existing disturbed area;

The new garage was constructed in the same location as the garage which it replaced.

c) there is no viable alternate location on the property outside of the wetland;

There is no alternative location for the garage outside of the wetland area as the rest of the lot is occupied by the existing dwelling, driveway and septic area.

d) all other natural hazards which are associated with the wetland and site (e.g. flooding, unstable soils) must be addressed to the satisfaction of the NPCA;

The NPCA did not identify any further natural hazards associated with the proposal.

e) all development is located above the high water table;

The garage does not have a basement and is above the water table.

f) existing drainage patterns will be maintained; and

The garage does not alter the existing drainage patterns.

g) best management practices are used to maintain water balance and control erosion and sedimentation.

The garage is small in size and allows for natural infiltration and overland flow routes to be maintained.

NIAGARA OFFICIAL PLAN (2022)

The subject lands are located in the Prime Agricultural Area as designated under the Niagara Official Plan (NOP) and are also impacted by Provincially Significant Wetland which forms part of the Region's Natural Environment System. The property is also partially mapped within the Provincial Natural Heritage System, containing Key Natural Heritage Features and Key Hydrologic Features. Policies pertaining to the natural environment are contained in Chapter 3 of the NOP and policies pertaining to the Agricultural System are contained in Chapter 4 of the NOP.

Chapter 3 – Sustainable Region

Policy 3.1.5.7 requires that any development and site alteration within 120 meters of any key natural heritage feature within a Provincial Natural Heritage System or any key hydrologic feature outside of a settlement area requires an Environmental Impact Study which identifies a vegetation protection zone.

Nevertheless, Regional Staff have waived the need for an Environmental Impact on the basis of Policy 3.1.9.8.2 which states that the requirement for an Environmental Impact Study can be scoped if the development and site alteration is minor and not expected to have a negative impact on the natural environment system.

Regional Staff identified the requirement for erosion and sediment control measures and best management practices to be implemented through construction to ensure that the construction does not negatively impact the natural environment system. These matters are to be addressed by the Township.

Chapter 4 – Competitive Region

Generally, Prime Agricultural Lands are preserved for agriculture, agriculture-related and on-farm diversified uses. Nevertheless Policy 4.1.10.1 states, *"This Plan shall not prohibit the continued operation of legally established uses, such as residential, commercial, employment, agricultural, and institutional uses."* The residential use of the subject lands was legally established before the adoption of the Niagara Official Plan, and are therefore deemed to conform to Niagara Official Plan.

Policy 4.1.10.2 outlines the requirements for permitting expansions to existing buildings and structures, including accessory structures in the agricultural system. These policies are applicable to the subject application and are evaluated below:

4.1.10.2 Expansions to existing buildings and structures, accessory structures and existing uses, as well as conversions or redevelopment of legally existing uses that bring the use more into conformity with this Plan, are permitted subject to demonstration of the following:

- a. new municipal services are not required;***

The subject lands are, and will remain on private services.

- b. the proposal does not expand into key natural heritage features and key hydrologic features, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;***

The reconstructed garage is located within the 30 meter buffer of the Marshville Station Clay Plain Wetland Complex, which forms part of the Region’s Natural Heritage System. Consistent with this policy direction, the new building occupies the same footprint as the previous structure and does not expand into the feature, or create additional impacts. Furthermore, there are no alternative locations for the garage as the balance of the property is occupied by the dwelling, driveway and septic system.

- c. if applicable, the proposed new use complies with the Specialty Crop Guidelines, as amended from time to time;***

The subject lands are not located in the Specialty Crop Area.

- d. for conversions or redevelopments only, the completion of an agricultural impact assessment by a qualified professional;***

The subject lands are not actively farmed and are undersized for practical agricultural use. An agricultural impact assessment for the replacement of a small garage on a residentially-developed lot is not warranted.

- e. the proposal does not result in the intrusion of new incompatible uses; and***

The proposal represents the replacement of an existing use and will remain compatible with its surroundings.

- f. the proposed use is in accordance with the minimum distance separation formulae.***

The subject lands are not in proximity to active livestock operations. Furthermore, MDS is not applicable to non-habited accessory structures.

TOWNSHIP OF WAINFLEET OFFICIAL PLAN

The subject lands are located in the Agricultural Area as designated under the Township's Official Plan. The Township's Official Plan also identifies that the subject lands contain, or are adjacent to Environmental Protection Area (Provincially Significant Wetland) and Environmental Conservation Area (Significant Woodland).

Policy 3.2.2.18 permits the expansion of an existing use located within the Environmental Conservation Area provided there are no negative impacts on the natural feature or its ecological functions. The proposal represents the replacement rather than the expansion of an existing use, however in accordance with this policy direction, the replacement garage does not create negative impacts on the natural heritage system.

Policy 3.2.2.19 permits expansions to existing farm buildings or structures within Environmental Conservation Areas and adjacent lands. While the proposal is not for a farm structure, and represents a replacement rather than expansion, this policy direction is pertinent to the applications as it provides relevant policy direction on how to minimize impacts on the Environmental Conservation Area.

Such proposals are subject to the following criteria:

a) The proposed building or structure is small in scale;

The garage is 53.4 square meters which is considered to be small in scale.

b) It has been demonstrated that there is no reasonable alternative;

The subject garage has been built on the same footprint as the structure it replaced. There is no reasonable alternative for the structure as the rest of the lands are occupied by the dwelling, driveway and septic system.

c) The proposal is directed away from the feature to the maximum extent possible;

The garage is located in the only practical location on the property and occupies the same footprint as the previous structure.

d) Negative impacts on the natural feature and ecological functions have been minimized; or

The replacement of a garage on the same footprint as the previous structure ensures that new impacts are not introduced.

e) If the proposed building or structure is large in scale or requires a major increase in land area, it shall be subject to Section 3.2.1.6, 3.2.2.5, 3.2.2.6; and, 3.2.2.17

The subject garage is small in scale and these policies are therefore not applicable.

TOWNSHIP OF WAINFLEET ZONING BY-LAW

The subject lands are zoned as A2 under the Township’s Comprehensive Zoning By-law 034-2014. Both the existing dwelling, as well as the accessory structure subject to the Zoning By-law Amendment application are permitted uses in the A2 Zone.

As noted in **Table 1**, the accessory structure requires zoning relief is required for overall lot coverage, accessory structure lot coverage and minimum interior side yard setback for an accessory structure.

Table 1 - Zoning Compliance			
Table 2 – Accessory Building Requirements (Agricultural and Rural Zones)			
Provisions		Requirement	Provided
Max. Lot Coverage	Accessory Building Lot Coverage (less than 1ha)	The lesser of 2.5% or 100m ²	53.4 sq.m. 6.1%
	Total Lot Coverage (A1 Zone Requirement)	7%	18.1%
Min. Setback from Front Lot Line		12m	±25.6m
Min Setback from Exterior Side Lot Line		12m	N/A
Min. Setback from Interior Side Lot Line		2m	0.97m
Min. Setback from Rear Lot Line		2m	5.38m
Max. Height		5m	4.9m

The subject lands are undersized for A2 Zone standards with a total lot area of 872 square meters, whereas a minimum lot area of 4,000 square meters (supported by a hydrogeological assessment) is required. This is a legally-nonconforming condition as the lot was lawfully created before the current Zoning requirements were in effect. The deficient lot area creates hardship for complying with the maximum lot coverage requirements. The principle residence on its own represents a lot coverage of 12% which already exceeds the maximum permitted lot coverage of 7%. The garage represents a total lot coverage of 6.1%, which exceeds the minimum lot coverage for an accessory structure (2.5% permitted), and increases the already deficient total lot coverage from 12% to 6.1%.

The proposed increase in lot coverage allows for the reasonable use of an existing undersized lot of record with a dwelling and detached garage. Both of these structures have historically existed on the property without conflict to surrounding land uses.

Similarly, the minimum interior side yard setback reflects a previously existing condition which was replicated by the new garage. The setback has been demonstrated to be functional without negatively impact adjacent properties.

The proposed amendment is desirable and appropriate as it will formalize the longstanding residential use of the property.

PLANNING POSITION

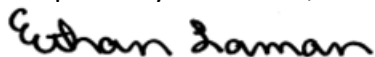
The submitted Zoning By-law Amendment application requests permission to increase total lot coverage and accessory building lot coverage, and to permit a reduction in interior side yard setback for an accessory structure for the property municipally addressed as 52877 Putman Road in the Township of Wainfleet. The need for a Zoning By-law Amendment was triggered by the construction of a detached garage on the property. The garage in question was constructed as a replacement for a previous structure and occupies the same footprint as the former structure.

The requested amendments are reasonable and appropriate given the context of the subject lands. The property is undersized causing hardship in complying with zone standards which are based on considerably larger lot sizes. While the need for an amendment has been triggered by the construction of a new garage, the amendments actually address deficiencies that have historically existed on the property without conflict or negative impacts to adjacent lands. The proposed Zoning By-law Amendment will allow for the existing uses of the property which were lawfully established, to continue which is a desirable planning outcome.

The reconstruction of existing structures within the agricultural and natural heritage systems is permissible under the applicable planning documents, provided impacts to both the agricultural system and natural heritage system are avoided. The subject structure occupies the same footprint as a previous accessory structure and does not introduce any impacts to either the agricultural or natural heritage systems. The structure is small in scale and passive in use and can continue to exist without negative impacts.

Based on the above analysis, it is my opinion that the requested amendments are appropriate, and should be supported.

Respectfully submitted,



Ethan Laman, BURPI., MCIP, RPP
Planner
Upper Canada Consultants

Appendix I
Preconsultation Agreement





Record of Pre-Consultation

A pre-consultation meeting is required prior to the acceptance of an application for Official Plan Amendment, Zoning Bylaw Amendment, Draft Plan of Subdivision or Condominium, Site Plan Control, Severance or Easement. The pre-consultation meetings are hosted by the Planning Department and may include representatives from various Township Departments or external agencies as required.

The pre-consultation meeting allows the applicant and/or their representatives to present and discuss the development proposal with relevant staff and also provides staff the opportunity to clarify the application process, provide preliminary comments on the development proposal, identify key issues and the approvals that will be required and confirm the supporting information/materials that must be submitted with the application in order to be considered a complete application under the Planning Act.

Pre-Consultation Meeting Date: *Thursday, October 12, 2023*

PROPERTY INFORMATION

Property Address: 52877 Putman Road	Roll Number: 271400001105700	Legal Description: Con 5, Pt Lt 27	Lot Area: 870.33 m ²
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PROPERTY OWNER/AGENT INFORMATION

Name of Registered Owner: Curtis & Ariel Bruinekool	
Mailing Address: 52877 Putman Road, Wainfleet, On L0S 1V0	
Phone Number: 905-321-6959 905-246-6383	Email Address: curtandarielbruinekool@gmail.com
Name of Authorized Agent:	
Mailing Address:	
Phone Number:	Email Address:

DESCRIPTION OF PROPOSED DEVELOPMENT

- Proposed Zoning By-law Amendment to permit the construction of a detached garage, requiring the following site-specific provisions:
 - Maximum Overall Lot Coverage: 18.1% (By-law permits 7%)
 - Maximum Accessory Building Lot Coverage: 6.1% (By-law permits 2.5%)
 - Minimum Interior Side Yard Setback: 0.97m (By-law requires 2m)

Application Type:		
<input type="checkbox"/> Regional Official Plan Amendment	<input checked="" type="checkbox"/> Zoning By-law Amendment	<input type="checkbox"/> Minor Variance
<input type="checkbox"/> Local Official Plan Amendment	<input type="checkbox"/> Consent (Severance)	<input type="checkbox"/> Site Plan Approval
<input type="checkbox"/> Draft Plan of Subdivision/Condominium	<input type="checkbox"/> Removal of Holding Zone	<input type="checkbox"/> Other:

PLANNING INFORMATION

Niagara Official Plan Designation	Prime Agricultural Area
Township Official Plan Designation	Agricultural Area
Township Zoning By-law 034-2014	Agricultural -A2

AGENCY & DEPARTMENT COMMENTS	
<p>Niagara Peninsula Conservation Authority (NPCA)</p> <p>Meghan Birbeck Watershed Planner 905-788-3135 ext. 278 mbirbeck@npca.ca</p>	<ul style="list-style-type: none"> - The subject lands are impacted by the 30 m buffer of Marshville Station Clay Plain Wetland Complex. - The proposed accessory building appears to be located roughly in the same location as the previous building. - As such, the NPCA do not objection to the proposed accessory building, however, will require that the application be formally circulated with a fee. - The NPCA Fees would be subject to the Fees Schedule in effect at the time of an application. - At this time: ZBA – Minor - \$1,695 - The NPCA will need to see sediment and erosion control measures (type and location) to be identified on the site plan. - Additionally, the building will require an NPCA Work Permit. - The NPCA's mapping of the property is attached to this email.
<p>Niagara Region – Planning & Development Services</p> <p>Valentina Escobar Development Planner 905-980-6000 ext. 3352 valentina.escobar@niagararegion.ca</p>	<p>Planning Comments</p> <ul style="list-style-type: none"> - NOP Policy 4.1.10.2 outlines that expansions to existing buildings and structures, accessory structures and existing uses in the Agricultural System are permitted subject to the following: <ul style="list-style-type: none"> o new municipal services are not required; - the proposal does not expand into key natural heritage features and key hydrologic features, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure; - the proposal does not result in the intrusion of new incompatible uses; and - the proposed use is in accordance with the minimum distance separation formulae. - Staff note the property is occupied by a single-detached residential dwelling and is undersized for agricultural operations (approx. 0.2 acres). <p>Archaeological Potential</p> <ul style="list-style-type: none"> - The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential, unless archaeological assessment and requirements from the aforementioned policies have been met. - The subject lands are mapped within an Area of Archaeological Potential on Schedule K of the NOP. However, due to the previous disturbance from the existing garage and the building plans illustrating no deep ground soil disturbance is anticipated for the new garage structure, staff offer no archaeological requirement at this time. - Staff cautions the applicant that any future Planning Act applications for the property may be subject to Archaeological Assessments as per Policy 6.4.2.6 of the NOP. - Nevertheless, and for information purposes, in recognizing that there is always a possibility of discovering deeply buried archaeological materials, Regional staff provide a standard archaeological resource warning clause for the applicants information: <ul style="list-style-type: none"> o <i>Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry Citizenship and Multiculturalism (MCM) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.</i>

AGENCY & DEPARTMENT COMMENTS

	<ul style="list-style-type: none"> - <i>In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.</i> <p>Environmental Comments</p> <ul style="list-style-type: none"> - The subject property is impacted by the Region’s Natural Environment System (NES), consisting of the Marshville Station Clay Plain Wetland Complex (PSW), and Other Wetland. The property is also mapped, in part, as part of the Provincial Natural Heritage System (PNHS). As such, these features are considered Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF). - Niagara Official Plan (NOP) policy 3.1.5.7.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of a KNHF/KHF. Further, NOP policies require that a minimum 30 m Vegetation Protection Zone (VPZ) as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation. Development or site alteration is generally not permitted within a KNHF/KHF or its VPZ. - However, NOP policy 3.1.9.8.2 states that EIS requirements can be scoped if the proposed development is minor and is not anticipated to have a negative impact on the NES. Given that the proposal is a reconstruction on the site of an existing garage, staff are satisfied that the future development will be minor and not have a negative impact on the NES, provided that Erosion and Sediment Control (ESC) measures and Best Management Practices are implemented during construction. - BMP’s and ESC fencing is recommended for the Township’s consideration when development occurs. <p>Transportation/ Roads</p> <ul style="list-style-type: none"> • Putman Road – Local <p>Servicing</p> <ul style="list-style-type: none"> • Water – Private • Sanitary – Private (Township’s Jurisdiction) <p>Stormwater Management</p> <ul style="list-style-type: none"> • Staff offer no stormwater management requirements. <p>Waste Collection (Low Density Residential)</p> <ul style="list-style-type: none"> • Collection to remain as existing.
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<p>Township of Wainfleet – Planning Department</p> <p>Lindsay Earl Manager of Community & Development Services 905-899-3463 ext. 288 learl@wainfleet.ca</p>	<ul style="list-style-type: none"> - The subject property is designated as Agricultural Area under the Township’s Official Plan and is zoned Agricultural – A2 under Zoning By-law 034-2014 - The proposed construction of a detached garage (accessory structure) is a permitted use within the Agricultural Area designation and Agricultural – A2 zone. - In order to permit the construction of the detached garage the following is required <ul style="list-style-type: none"> - Maximum Overall Lot Coverage: 18.1% (By-law permits 7%) - Maximum Accessory Building Lot Coverage: 6.1% (By-law permits 2.5%) - Minimum Interior Side Yard Setback: 0.97m (By-law requires 2m)
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AGENCY & DEPARTMENT COMMENTS	
	<ul style="list-style-type: none"> - Staff notes that these permissions are not minor in nature and that variances are not appropriate in this instance. As such, a zoning by-law amendment (ZBLA) is required. - The applicant shall provide justification for the requested ZBLA and how they comply with applicable local, regional and provincial planning legislation. - Natural Heritage: Staff notes the subject property is located adjacent to a property containing an Environmental Protection Area Overlay at rear of property. As such similar Environmental comments as the Region (outlined above) would apply.
<p>Township of Wainfleet – Building/Septic Department</p> <p>Ben Hopkins Chief Building Official 905-899-3463 ext. 272 bhopkins@wainfleet.ca</p>	<ul style="list-style-type: none"> - Property was found building without permit (applicants have voluntarily complied). - Building dept requires formal site plan - Verify Septic Bed location on new site plan. - Windows not permitted on right elevation and construction type may vary as a result of the proximity to the property line.
<p>Township of Wainfleet – Drainage Department</p> <p>Mark Jemison Drainage Superintendent 905-899-3463 ext. 228 mjemison@wainfleet.ca</p>	<ul style="list-style-type: none"> - Property is assessed to the Beezor Drain. Due to the nature of the application staff have no concerns or further comments.
<p>Township of Wainfleet – Operations/Roads Department</p> <p>Richard Nan Manager of Operations 905-899-3463 ext. 234 nan@wainfleet.ca</p>	<ul style="list-style-type: none"> - No comments at this time. Existing culvert and driveway not impacted by proposal.
<p>Township of Wainfleet – Fire & Emergency Services</p> <p>Morgan Alcock Fire Chief 905-899-3463 ext. 274 firechief@wainfleet.ca</p>	<ul style="list-style-type: none"> - No comments received
<p>Township of Wainfleet – By-law Enforcement Department</p> <p>Mark Tardif By-law Enforcement Officer 905-899-3463 ext. 247 mtardif@wainfleet.ca</p>	<ul style="list-style-type: none"> - No Comments
<p>Other:</p>	

COMPLETE APPLICATION REQUIREMENTS

Required information and studies to be submitted with the application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer.

				No. of Copies		
Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	Digital	Paper	Notes
			Agricultural Impact Assessment			
			Air Quality Assessment*			
			Archaeological Assessment			
			Cultural Heritage Impact Assessment*			
			Draft Official Plan Amendment			
			Draft Plan of Subdivision/Condominium			
			Draft Zoning By-law Amendment			
			Environmental Impact Study			
			Environmental Planning Study/Sub-Watershed Study			
			Environmental Site Assessment			
			Floodplain & Hazard Lands Boundary Plan			
			Hydrogeological Study/Private Servicing Plans*			
			Land Use /Mark Needs Study*			
			Landscaping Plan			
			Lighting Plan/Photometric Plan			
			Minimum Distance Separation (MDS) Review			
			Noise Impact Study*			
X			Planning Justification Report	1		Planning Brief- To justify how the proposal is consistent with Provincial, Regional and Local planning policies
			Reference Plan/Severance Sketch			
			Sensitive Land Use Report (D-series)			
			Septic Inspection/Evaluation			
X			Site Plan	1		
			Slope Stability Report/Geotechnical Study			
			Soil Report			
			Stormwater Management/Lot Grading			
			Transportation Impact Study/Parking Impact Analysis			
			Tree Inventory Preservation Plan			
			Vibration Study*			
OTHER						

APPLICATION & REVIEW FEES

Below is the list of fees required at time of submission of the complete application. Please note that the fees listed are the current as of the date of the pre-consultation meeting and may change from time to time. The applicant should contact the appropriate agencies to confirm fees prior to submission of the application.

Application	Wainfleet	Niagara Region	NPCA	Comments
Regional Official Plan Amendment				
Local Official Plan Amendment				
Zoning By-law Amendment	\$4,200	\$1,395	\$1,695	
Temporary Use By-law				
Removal of Holding Provision				
Plan of Subdivision/Condominium				
Development Agreement				
Site Plan Approval				
Consent				
Minor Variance				
Study Review Fees:				
Environmental Impact Study (EIS) Review				
Floodplain Mapping Review				
Hydrogeological Study Review				
Septic Review				
Stormwater Management Review				

Notes:

RECORD OF PRE-CONSULTATION CLAUSES

Mutual Agreement	The purpose of this document is to identify the information required to commence processing and evaluating an application as set out in the Planning Act. This pre-consultation process is designed to proceed based on mutual agreement of the parties as shown by the signatures below.
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No Decision Implied	Pre-consultation does not imply or suggest any decision whatsoever on behalf of staff or the municipality to either support or refuse the application.
Adhering to Current Regulations	The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of submission of a formal application. If an application is not submitted within 1 year, it is advisable that the applicant confirm with the municipality the directives of the original pre-consultation meeting.
Incomplete Applications	Any application submitted without the information identified in this record of pre-consultation will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
Public Information	The applicant acknowledges that the Municipality and Region considers application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application without any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
Required Studies	It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies. If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the Municipality may require a peer review. The Terms of Reference for a peer review is determined by the Municipality or Region and paid for by the applicant. Some studies may require NPCA review and clearance/approval – in this instance the NPCA review fee shall be paid by the applicant.

ATTENDANCE		
Name/Position	Agency/Department	Attendance Type (In-Person, Virtual, Written)
Lindsay Earl, Manager Community & Development Services	Township	In-Person
Nick & Amanda Ellis	Applicant(s)	In-Person

Prepared By: Lindsay Earl **Date:** October 20, 2023

SIGNATURES

Lindsay Earl
Township Planning Staff (Print Name)

L. Earl
Township Planning Staff (Signature)

Oct 12, 2023
Date

Township Building Staff (Print Name)

Township Building Staff (Signature)

Date

Township Drainage Staff (Print Name)

Township Drainage Staff (Signature)

Date

Township Operations Staff (Print Name)

Township Operations Staff (Signature)

Date

Township Fire Staff (Print Name)

Township Fire Staff (Signature)

Date

Niagara Region Staff (Print Name)

Niagara Region Staff (Signature)

Date

NPCA Staff (Print Name)

NPCA Staff (Signature)

Date

Owner (Print Name)

Owner (Signature)

Date

Ariel Bruinekool
Owner (Print Name)

[Signature]
Owner (Signature)

Oct 12/23
Date

[Signature]
Agent (Print Name)

Agent (Signature)

Date

Brian Bruinekool
Other (Print Name)

[Signature]
Other (Signature)

Oct. 12/23
Date

Other (Print Name)

Other (Signature)

Date

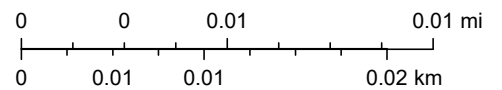
Regulated land map - 52877 Putman Rd



10/9/2023, 11:31:53 AM

1:564

- | | |
|----------------------|---|
| LIO Wetlands DRAFT | NPCA APPROXIMATE REGULATION LANDS |
| Evaluated-Provincial | FLOWLINES Enhanced Local Feature Type Flowlines |
| SWOOP 2020 NPCA | Culvert |
| Red: Band_1 | Ditch - Roadside |
| Green: Band_2 | Regulation Wetlands |
| Blue: Band_3 | Evaluated-Provincial |
| Roads | Assessment Parcels |



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

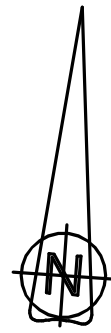
Appendix II
Site Plan



ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2205073



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
in accordance with
Regulation 1026, Section 29(3).



PLAN OF SURVEY SHOWING TOPOGRAPHICAL INFORMATION
AND SITE PLAN FOR NEW GARAGE CONSTRUCTION

**PART LOT 27
CONCESSION 5
TOWNSHIP OF WAINFLEET
REGIONAL MUNICIPALITY OF NIAGARA**

0 5 10 15 20 25 m

SCALE 1 : 250
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS

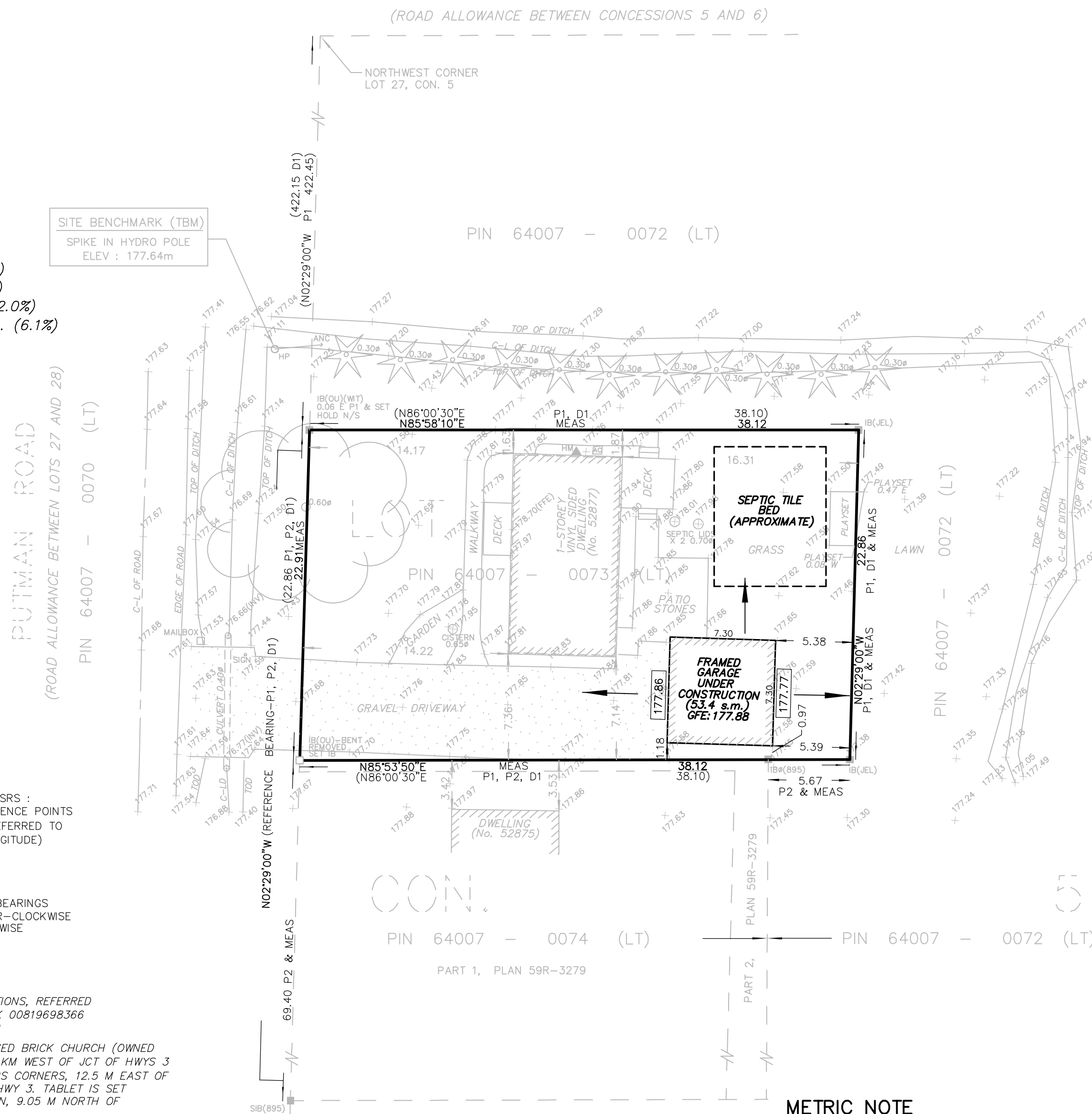
LEGEND & NOTES

- DENOTES SURVEY MONUMENT PLANTED
- DENOTES SURVEY MONUMENT FOUND
- SIB DENOTES STANDARD IRON BAR (25mmX25mmX120cm)
- SSIB DENOTES SHORT STANDARD IRON BAR (25mmX25mmX60cm)
- IB DENOTES IRON BAR (15mmX15mmX60cm)
- IBØ DENOTES ROUND IRON BAR (20mm DIA X 60cm)
- IP DENOTES IRON PIPE
- PB DENOTES PLASTIC BAR
- WIT DENOTES WITNESS
- OU DENOTES ORIGIN UNKNOWN
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- (895) DENOTES D. A. LANE, OLS
- (JEL) DENOTES J. E. LANTHIER OLS.
- P1 DENOTES PLAN OF SURVEY BY R. D. RASCH, OLS,
DATED APRIL 24, 1989 (FILE: 89-172; H-2004)
- P2 DENOTES PLAN 59R-3279
- D1 DENOTES R0672172 (PIN 64007-0073(LT))
- C-L DENOTES CENTRELINE
- HP DENOTES HYDRO/UTILITY POLE
- OUL DENOTES OVERHEAD UTILITY/HYDRO LINE
- HM DENOTES HYDRO METER
- AC DENOTES AIR CONDITIONER
- (INV) DENOTES INVERT OF CULVERT
- DENOTES DIAMETER
- ⊙ DENOTES CONIFEROUS TREE (TREE CANOPY NOT TO SCALE)
- DENOTES DECIDUOUS TREE (TREE CANOPY NOT TO SCALE)
- TOD DENOTES TOP OF DITCH
- C-LD DENOTES CENTRELINE OF DITCH
- FFE DENOTES FINISHED FLOOR ELEVATION
- GFE DENOTES GARAGE FLOOR ELEVATION
- +100.00 DENOTES EXISTING GROUND ELEVATION
- 100.00 DENOTES PROPOSED FINISHED GRADE
- DENOTES PROPOSED SURFACE RUN-OFF
- N-NORTH; S-SOUTH; W-WEST; E-EAST
- FRAMED GARAGE HOUSE TIES TAKEN TO CONCRETE PAD

LOT DETAILS

CURRENT ZONING: AGRICULTURE 2 (A2)
TOTAL LOT AREA: 872 s.m. (100%)
EXISTING DWELLING: 104.3 s.m. (12.0%)
GARAGE (UNDER CONSTRUCTION): 53.4 s.m. (6.1%)

SITE BENCHMARK (TBM)
SPIKE IN HYDRO POLE
ELEV : 177.64m



BEARING NOTE

BEARINGS HEREON ARE GRID, UTM ZONE 17, (NAD 83-CSRS :
CBNV6 (Epoch 2010.0)) DERIVED FROM OBSERVED REFERENCE POINTS
(ORPs) USING THE CAN-NET VRS NETWORK AND ARE REFERRED TO
THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE)

ROTATION NOTE

FOR THE PURPOSES OF COMPARISON THE ASTRONOMIC BEARINGS
-ON P1 AND P2 HAVE BEEN ROTATED 1°06'30" COUNTER-CLOCKWISE
-ON D1 HAVE BEEN ROTATED 0°30'00" COUNTER-CLOCKWISE

ELEVATION NOTE

ELEVATIONS ARE GEODETIC, DERIVED BY GPS OBSERVATIONS, REFERRED
TO MINISTRY OF TRANSPORTATION ONTARIO BENCHMARK 00819698366
HAVING AN ELEVATION OF 177.861m (CGVD-1928:1978)

LOCATION : ONE STOREY FRAME ADDITION TO AN UNUSED BRICK CHURCH (OWNED
BY MR. S. SKOTINISKI) ON SOUTH SIDE OF HWY 3, 7.4 KM WEST OF JCT OF HWYS 3
AND 3A, AND FORKES RD IN THE HAMLET OF CHAMBERS CORNERS, 12.5 M EAST OF
FLANNIGAN RD AND 14 KM SOUTH OF CENTRELINE OF HWY 3. TABLET IS SET
HORIZONTALLY IN WEST FACE OF CONCRETE FOUNDATION, 9.05 M NORTH OF
S. W. CORNER AND 9 CM BELOW FRAMEWORK.

ALL FUTURE GRADE WORK ON SITE TO BE BASED ON SITE BENCHMARK.
ANY ELEVATION DISCREPANCIES TO BE REPORTED TO RASCH & HYDE LTD.

METRIC NOTE

DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN
METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT :
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 - THIS SURVEY WAS COMPLETED ON THE 31st DAY OF MAY, 2023.

REVISED: JANUARY 8, 2024
DATE

Harold D. Hyde
HAROLD D. HYDE
ONTARIO LAND SURVEYOR

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RASCH + HYDE LTD.
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B
DUNNVILLE, ONT, N1A 2X1
DUNNVILLE: 905-774-7188 FORT ERIE: 905-871-9757
(FAX 905-774-4000)

HAROLD D. HYDE O.L.S.

SCALE 1 : 250 SURVEY : 23-149 DRWN BY : J.H.

Appendix III
Building Permit Zoning Review Form

BUILDING PERMIT ZONING REVIEW FORM

Planning Department – Township of Wainfleet
31940 Highway #3 Wainfleet, ON L0S 1V0
Tel: 905-899-3463 Fax: 905-899-2340



BUILDING PERMIT APPLICATION INFORMATION			
Permit Number:	2023-16	Roll Number:	271400001105700
Applicant:	Curt Bruinekool	Municipal Address:	52877 Putman Road
Owner:	Curt Bruinekool	Legal Description:	CON 5 PT LOT 27
Phone:	905-246-6383	Email Address:	curtisbruinekool@live.ca
PLANNING ACT DETAILS			
Intended Use:	Accessory Building – Detached Garage		
Official Plan Designation:	Agricultural Area		
Zoning:	Agricultural – A2		
ANNUAL FINANCIAL INFORMATION RETURN DATA			
Is this a new residential unit on a vacant lot or rebuild of an existing dwelling?	<input type="checkbox"/> New Unit <input type="checkbox"/> Rebuild <input checked="" type="checkbox"/> N/a		
Is the property located within a Hamlet?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
STANDARDS OF DEVELOPMENT – Single Detached Dwelling as a Principle Use			
	Required	Proposed	Comments
Min. Lot Frontage	46m	As Existing (22.86m)	Ok
Min. Lot Area	1ha	As Existing (872m ²)	Ok
Min. Front Yard Setback	15m or as existing	N/a	No additions proposed to the existing dwelling
Min. Ext. Side Yard Setback	15m	N/a	No additions proposed to the existing dwelling
Min. Int. Side Yard Setback	3.5m	N/a	No additions proposed to the existing dwelling
Min. Rear Yard Setback	15m	N/a	No additions proposed to the existing dwelling
Max. Lot Coverage	7%	18.1%	Does not comply Existing Dwelling: 104.3m ² Garage (Under Construction): 53.4m ²
Max. Height	9m	N/a	No additions proposed to the existing dwelling
ACCESSORY BUILDING			
Min. Front Yard Setback	12m	Greater	Ok
Min. Ext. Side Yard Setback	12m	N/a	
Min. Int. Side Yard Setback	2m	1.18m (W) 0.97m (E)	Does not comply
Min. Rear Yard Setback	2m	5.38m	Ok
Max. Lot Coverage	The lessor of 2.5% or 100m ²	6.1%	Does not comply
Max. Height	5m	4.9m (top of ridge)	Ok
Min. Separation from Main Bldg	1.5m	Greater	Ok
GENERAL PROVISIONS			
Min. Parking	2	2+	Ok
MDS I or MDS II	MDSI	N/a	MDS does not apply to accessory buildings
Min. Setback from Drain	11m	N/a	
Min. Setback from Wind Turbine	550m	N/a	Setback is for dwellings only
OTHER			
	Required (Y/N)	Obtained (Y/N)	Comments
NPCA Permit or Review	Y	N	NPCA review/approval required
New Municipal Address	N	N/a	
MTO Permit(Hwy #3)	N	N/a	
COMMENTS			
July 19/2023 (Ivins): Garage does not comply with the zoning requirements for maximum overall lot coverage, maximum accessory building lot coverage and accessory building side yard setback. NPCA review is also required as the property is adjacent to Provincially Significant Wetlands. Aerial imagery shows that there was a			

previous garage located in approximately the same area. There may be an option of a minor variance to expand a legal non-conforming structure under 45(2) of the Planning Act, if it can be demonstrated that the previous garage was legal non-conforming. Will also need details on when the previous garage was demolished to comment on the requirement for continuous use under the Planning Act.

REVIEWED BY

Sarah Ivins
Planner
Date: