

Minutes of the meeting of the Town of Lincoln Committee of Adjustment held in the Beamsville Room on Monday, August 28, 2006 at 7:00 p.m. Committee members present: John Schonewille (Chairman), Dianne Fullerton-Rintjema, Nancy Simon, Mark Fric and Robert Troup. Staff present: Monika Cocchiara (Secretary-Treasurer).

## MINUTES

### Motion

Moved by Dianne Fullerton-Rintjema  
Seconded by Robert Troup

Re: Adoption of Minutes of July 24, 2006.

That the Committee of Adjustment Minutes of July 24, 2006, be adopted as circulated.

**CARRIED**

## PUBLIC MEETINGS

### DECLARATION OF PECUNIARY INTEREST

The Chairman asked if there was any Declaration of Pecuniary Interest with respect to the applications being heard this evening. There was none declared.

The Chairman explained how the hearings would be conducted and the procedure under the Planning Act.

## APPLICATIONS

(A) CN: 3-5-02-08 – Application A09/06  
OWNER: Phillip & Janet Kowk  
ROLL NO: 2622-030-014-16600-0000

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There was no one in attendance in support of the application.

The Town's Public Works Department and Planning & Development Department recommend that this application be deferred in order for the applicants to submit a drainage plan to Public Works for approval prior to a decision being made on this application.

### Motion

Moved by Diane Fullerton-Rintjema  
Seconded by Robert Troup

**LOCATION OF SUBJECT LAND:** n/s Johnson Street, being part of Lot 163, Registered Plan M-2, Vineland, in the former Township of Louth, now in the Town of Lincoln.

**PURPOSE OF APPLICATION:** The applicant is proposing to construct a single detached dwelling with an attached sunroom and is requesting approval of a 5 metre (16.4 ft) rear yard setback for the sunroom. The Town's Zoning By-law requires a 9 metre (30 ft) rear yard setback.

That Application A09/06 in the name of Phillip & Janet Kowk

**BE DEFERRED**, and that this application be brought back before this committee by October 31, 2006.

**CARRIED**

(B) CN: 3-5-02-08 – Application A10/06  
OWNER: Estate of Frederick Dawson McKenzie  
ROLL NO: 2622-040-011-04405-0000

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Gary Cook was in attendance in support of the application.

Mr. Cook explained the history of the property and explained that this is a boundary adjustment dealing with two undersized properties. Mr. Cook explained that there is an offer to purchase Part 1 on the condition that the pool be conveyed to the owner to the south. Mr. Cook explained that the two properties will not meet the lot area and front yard setback requirements. Mr. Cook stated that there were no objections for the application.

In response to a question from Dianne Fullerton-Rintjema, Mr. Cook stated that the lot to the south will be 3,189 square meters in area.

**Motion**

Moved by Dianne Fullerton-Rintjema  
Seconded by Nancy Simon

**LOCATION OF SUBJECT LAND:** #3580 Ninth Street, being part of Lot 9, Concession 5, in the former Township of Louth, now in the Town of Lincoln.

**PURPOSE OF APPLICATION:** The applicant is proposing to convey Part 2 on the sketch and merge it with the abutting parcel to the south. As a result of the proposed lot line adjustment, minor variance approval is required to recognize the reduced lot area to 2,419 square metres (0.60 acre) on Part 1 and to recognize the existing front yard setback of 11.4 metres (37.4 ft) for the existing dwelling on Part 1, known municipally as 3580 Ninth Street. The Town's Zoning By-law requires a minimum lot area of 4,000 square metres (1.0 acre) for rural residential lots in the Agricultural (A) Zone and a minimum front yard setback of 15 metres (50 ft).

That Application A10/06 in the name of the Estate of Frederick Dawson McKenzie

**BE APPROVED** for the reasons that the variance is minor in nature, desirable for the appropriate development of the lands and maintains the purpose and intent of the Town's Official Plan and Zoning By-law.

**CARRIED**

(C) CN: 3-5-02-08 – Application A11/06  
OWNER: Paul & Marion Joyce McQueen  
ROLL NO: 2622-040-011-04500-0000

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**LOCATION OF SUBJECT LAND:** #3564 Ninth Street, being part of Lot 9, Concession 5, in the former Township of Louth, now in the Town of Lincoln.

**PURPOSE OF APPLICATION:** The applicant is proposing to convey Part 2 on the sketch and merge it with the abutting parcel to the south. As a result of the proposed lot line adjustment, minor variance approval is required to recognize the reduced lot area to 3,190 square metres (0.78 acre) for Part 2, and the lands to the south and to recognize the existing front yard setback of 11.7 metres (38.3 ft) for the existing dwelling, known municipally as 3564 Ninth Street. The Town's Zoning By-law requires a minimum lot area of 4,000 square metres (1.0 acre) for rural residential lots in the Agricultural (A) Zone and a minimum front yard setback of 15 metres (50 ft).

That Application A11/06 in the name of Paul & Marion Joyce McQueen

**BE APPROVED** for the reasons that the variance is minor in nature, desirable for the appropriate development of the lands and maintains the purpose and intent of the Town's Official Plan and Zoning By-law.

**CARRIED**

(D) CN: 3-5-02-07– Application B12/06 LINCOLN  
OWNER: Estate of Frederick Dawson McKenzie  
ROLL NO: 2622-040-011-04405-0000

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**Motion**

Moved by Dianne Fullerton-Rintjema  
Seconded by Nancy Simon

**LOCATION OF THE LAND AND PURPOSE OF THIS APPLICATION:**

Application is made for consent to convey 1,264 square metres (0.31 acres) of land, shown as Part 2 on the drawing submitted, being part of Lot 9, Concession 5, formerly in the Township of Louth, now in the Town of Lincoln.

**DECISION GRANTED**

The above decision is subject to the following conditions and reasons:

**CONDITIONS:**

Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land (**PART 2**) has been conveyed to the owner of the parcel abutting to the **SOUTH**, the subject parcel and the said abutting parcel shall merge in title and become one parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken.

That the applicant provide the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel, or a registrable 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.

That a final certification fee of \$250 payable to the Town of Lincoln, be submitted to the Secretary-Treasurer.

That all conditions of consent be fulfilled by **AUGUST 29, 2007**.

### REASONS

Consent permits a boundary adjustment and no new lots will be created.

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

**CARRIED**

(E) CN: 3-5-02-08 – Application A12/06  
OWNER: Norman & Lana House  
ROLL NO: 2622-020-025-14383-0000

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Norman and Lana House were in attendance in support of the application. Mr. House stated that the lot is not deep enough for the type of deck that they want.

In response to a question from Robert Troup, Mr. House stated that they are not living in the house at this time.

In response to question from Dianne Fullerton-Rintjema, regarding the concerns from the neighbor to the south, Mr. House stated that the deck is actually 2½ or 3 ft in from the house and is only 1 ft or 1½ ft and half from the ground.

In response to a question from Mark Fric regarding the size of the deck, Mr. House stated that the deck will be on two levels; the first level being 23 ft by 20 ft and second level being 12 ft by 20 ft. Mr. House stated that they want to put a gazebo, an eating table and in the future possibly a hot tub on the lower deck.

In response to a question from Nancy Simon, Mr. House stated that it is possible that they will eventually put up a fence, but that there are no plans for a fence in the near future.

In response to a question from Nancy Simon, Mr. House stated that they may look at putting up a fence when they install the hot tub.

In response to a question from the Chairman, Mr. House stated that the height of the deck is a result of the grading and they are looking to build the deck so that they can walk straight out from their sliding door onto the deck with no steps.

There was a discussion on the elevations in this area and decks as amenity areas verses decks which bring you down to the amenity area.

### **Motion**

Moved by Mark Fric

Seconded by Nancy Simon

**LOCATION OF SUBJECT LAND:** #4057 Bush Crescent, being Lot 42, Plan 30M-323, known as Hillside Estates Phase 2, Plan of Subdivision.

**PURPOSE OF APPLICATION:** The applicants are proposing to construct a deck onto the rear of the existing dwelling and are requesting approval for a reduced rear yard setback of 3.5 metres (11.4 ft) and an increase in lot coverage to 48%. The Town's Zoning By-law requires a minimum rear yard setback of 7.5 metres (25 ft.) for unenclosed decks in a Residential 2 (R2) Zone and a maximum lot coverage of 40% for all buildings, including decks in a Residential 2 (R2) Zone.

That Application A12/06 in the name of Norman & Lana House

**BE APPROVED** for the reasons that the variance is minor in nature, desirable for the appropriate development of the lands and maintains the purpose and intent of the Town's Official Plan and Zoning By-law.

The above decision is subject to the following conditions and reasons:

**CONDITIONS:**

That no building permit be issued for the deck until such time as the Town has issued the grading conformance certificate.

That the deck remain uncovered and unenclosed, and that the design of the deck remain substantially in conformity with the sketch submitted by the applicant.

**CARRIED**

(F) CN: 3-5-02-08 – Application A13/06  
OWNER: Jeffrey & Colleen Grant  
ROLL NO: 2622-020-025-14381-0000

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Jeffrey and Colleen Grant were in attendance in support of the application.

Mr. Grant stated that the proposed deck will be accessed from the rear of the house and will be 40 to 42 inches above grade. Mr. Grant stated that this area will be leisure space and include a patio set.

In response to a question from Mark Fric, Mr. Grant stated that there will be 4 stairs down to grade.

In response to a question from Dianne Fullerton-Rintjema, Mr. Grant stated that he is not proposing a fence in the immediate future.

In response to a question from the Chairman, Mr. Grant stated that the notch out of deck is where the future access will be to a ground level hot tub.

**Motion**

Moved by Diane Fullerton-Rintjema  
Seconded by Robert Troup

**LOCATION OF SUBJECT LAND:** #4059 Bush Crescent, being Lot 41, Plan 30M-323, known as Hillside Estates Phase 2, Plan of Subdivision.

**PURPOSE OF APPLICATION:** The applicants are proposing to construct a deck onto the rear of the existing dwelling and are requesting approval for a reduced rear yard setback of 2.5 metres (8.2 ft) and an increase in lot coverage to 42%. The Town's Zoning By-law requires a minimum rear yard setback of 7.5 metres (25 ft.) for unenclosed decks in a Residential 2 (R2) Zone and a maximum lot coverage of 40% for all buildings, including decks in a Residential 2 (R2) Zone.

That Application A13/06 in the name of Jeffrey & Colleen Grant

**BE APPROVED** for the reasons that the variance is minor in nature, desirable for the appropriate development of the lands and maintains the purpose and intent of the Town's Official Plan and Zoning By-law.

The above decision is subject to the following conditions:

**CONDITIONS:**

That no building permit be issued for the deck until such time as the Town has issued the Grading Conformance Certificate.

That the deck remain uncovered and unenclosed, and that the design of the deck remain substantially in conformity with the sketch submitted by the applicant.

**CARRIED**

**(G)** CN: 3-5-02-07 – Application B10/06 LINCOLN  
OWNER: Joy Lourine McKinney  
ROLL NO: 2622-020-019-45402-0000

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Rick Hesp was in attendance in support of the application.

Mr. Hesp explained the application and stated that the application is considered a boundary adjustment. Mr. Hesp stated that the two neighbours have entered into an agreement that the applicants' neighbour purchase the subject lands for privacy purposes on condition that it is severed. Mr. Hesp provided the Committee with 4 letters of no objection from surrounding neighbours and stated that Town Staff and outside agencies have no objections to this application.

In response to a question from Robert Troup, Mr. Hesp stated that the proposed purchaser will keep the lands in its current condition.

Mark Fric questioned the proposed lot configuration and Mr. Hesp stated that the proposed configuration follows the contours of the brush area.

In response to a question from Nancy Simon, Mr. Hesp stated that the proposed purchaser does have a well drilling business, but there will be no expansion of this current business on the subject lands.

There was a discussion on the current uses of both properties in question.

**Motion**

Moved by Robert Troup  
Seconded by Nancy Simon

**LOCATION OF THE LAND AND PURPOSE OF THIS APPLICATION:**

Application is made for consent to convey 1.62 hectares (4 acres) of land, shown as Part 1 on the drawing submitted, being part of Lot 13, Concession 9, formerly in the Township of Clinton, now in the Town of Lincoln.

**DECISION GRANTED**

The above decision is subject to the following conditions and reasons:

**CONDITIONS:**

Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land (**PART 1**) has been conveyed to the owner of the parcel abutting to the **WEST**, the subject parcel and the said abutting parcel shall merge in title and become one parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken.

That the applicant provide the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel, or a registrable 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.

That a final certification fee of \$250 payable to the Town of Lincoln, be submitted to the Secretary-Treasurer.

That all conditions of consent be fulfilled by **AUGUST 29, 2007.**

**REASONS**

Consent permits a boundary adjustment and no new lots will be created.

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

**CARRIED**

**(H)** CN: 3-5-02-07 – Application B11/06 LINCOLN  
OWNER: Hanemaayer Greenhouse Limited  
ROLL NO: 2622-030-006-08101

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Allan Heywood was in attendance in support of the application. Mr. Heywood explained that there is an agreement of purchase and sale in place on condition of this severance. Mr. Heywood explained that the applicants have had a viable business for 16 years and will continue to have additional lands if they want to expand in the future.

In response to a question from Nancy Simon, Mr. Heywood explained that the purchaser does not own a greenhouse business, but rather they are acquiring these lands to expand their agricultural business.

**LOCATION OF THE LAND AND PURPOSE OF THIS APPLICATION:**

Application is made for consent to convey 2.43 hectares (6 acres) of land, shown as Part 1 on the drawing submitted, being Part of Lot 22, Concession 1, in the former Township of Louth, now in the Town of Lincoln.

**DECISION GRANTED**

The above decision is subject to the following conditions and reasons:

**CONDITIONS:**

Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land (**PART 1**) has been conveyed to the owner of the parcel abutting to the **NORTH**, the subject parcel and the said abutting parcel shall merge in title and become one parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken.

That the applicant provide the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel, or a registrable 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.

That a final certification fee of \$250 payable to the Town of Lincoln, be submitted to the Secretary-Treasurer.

That all conditions of consent be fulfilled by **AUGUST 29, 2007.**

**REASONS**

Consent permits a boundary adjustment and no new lots will be created.

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

**CARRIED**

**ADJOURNMENT**

**Motion**

Moved by: Dianne Fullerton-Rintjema

Seconded by: Robert Troup

That the Committee of Adjustment meet again on September 25, 2006.

**CARRIED**

*M. Cocchiara*

SECRETARY-TREASURER

Prepared by: Monika Cocchiara

Prepared on: 2006 08 10

Copies to:

- Committee Members
- CAO (E-mail)
- Director of Planning and Development, Town of Lincoln (E-mail)
- Regional Planning Department

/cc

  
CHAIRMAN