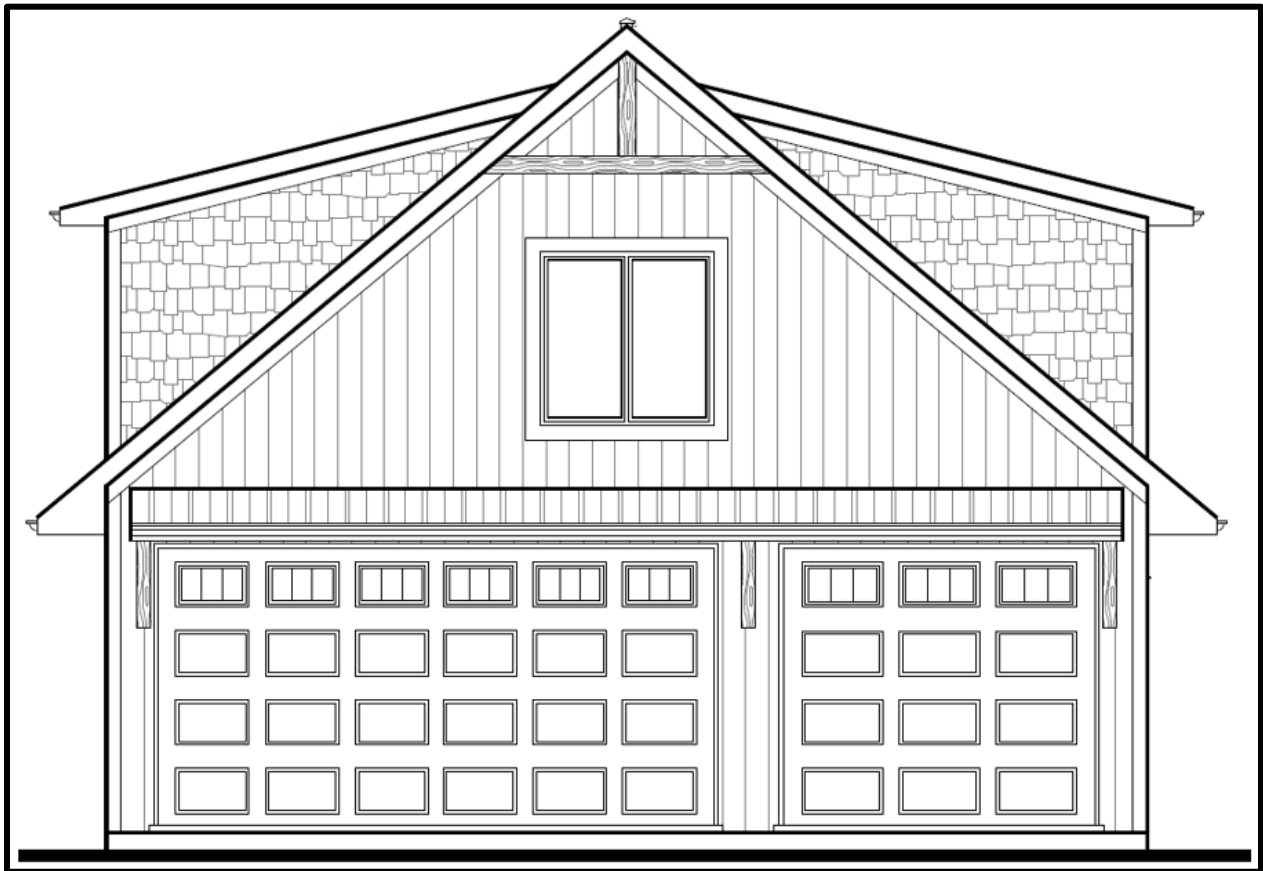


Planning Justification Report

Zoning By-law Amendment

0 Churchill Avenue, Wainfleet (CON 1 PT LOT 11 PCL 32)



Prepared for Niagara Planning Consultants,
on behalf of Richard Jowett

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Introduction

AD Moote Consulting (ADMC) is the planning consultant to Niagara Planning Consultants, agent for the Richard Jowlett, owner of the property located on Churchill Avenue, located in Wainfleet with no civic address, but legally described as CON 1 PT LOT 11 PCL 32.

The proposal for the property is to rezone it to permit the use of an accessory building (detached garage) on a vacant lot without a primary use (principal dwelling). Additionally, site-specific zoning permissions are requested to enable the construction. being an increased overall and accessory building lot coverage of 22.5%

The owner has received direction from the Township that to permit the proposal a zoning by-law amendment would be required, along with Planning Justification Report to address applicable Provincial, Regional, and Township policy.

This Planning Justification Report provides an analysis and justification of the proposed severance in accordance with the applicable planning policies and zoning by-laws.

Site Context

The subject property is located on Churchill Avenue, in Wainfleet with no civic address. More specifically, the property is located in the geographic area known as the Lakeshore Area, as identified in Schedule B9 of the Official Plan.

The surrounding area of the property is dominated by lakeshore residential uses, with Lake Erie nearby to the south, and agricultural uses nearby to the north.

Figure 1: Location of Property



Description of Proposal

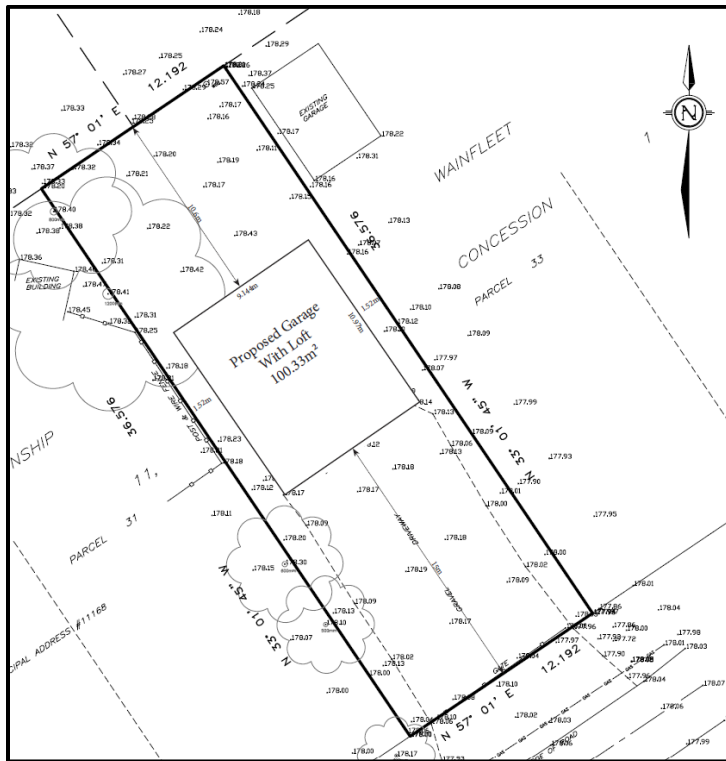
The proposal for the property is to rezone it to permit the use of an accessory building (detached garage) on a vacant lot without a primary use (principal dwelling). Additionally, site-specific zoning permissions are requested to enable the construction, they are:

1. To permit an accessory building without the erection of the primary dwelling.
2. To permit a maximum lot coverage in the Residential Lakeshore Zone (RLS) of 25% where 15% is permitted.
3. To permit a maximum lot coverage of an accessory building of 25% where the lesser of 2.5% or 100 sq.m is permitted.
4. To permit an overall height of 7.5 m where 5 m is permitted.

Table 1 - Property Dimensions

0 Churchill Avenue	
Lot Frontage	12.19 m
Lot Depth	36.57 m
Lot Area	445 sq.m

Figure 2: Conceptual Site Plan



Policy and Analysis

The following documents were reviewed and analyzed to demonstrate good planning with respect to this application.

1. Planning Act, R.S.O 1990
2. Provincial Planning Statement, 2024
3. Niagara Region Official Plan, 2022
4. Township of Wainfleet Official Plan
5. Township of Wainfleet Zoning By-law 034-2014

Planning Act

The Planning Act is the provincial legislation that provides the basis for land use planning in Ontario, identifying tools for managing how, where and when land use change occurs. The Act is designed to recognize the decision-making authority and accountability of municipal councils in planning.

The purposes of the Act as outlined in Section 1.1 are (a) to promote sustainable economic development in a healthy natural environment, (b) to provide for a land use planning system led by provincial policy, (c) to integrate matters of provincial interest in provincial and municipal decisions, (d) to provide for planning processes that are fair, (e) to encourage co-operation and coordination among various



interests, and (f) to recognize the decision-making authority and accountability of municipal councils in planning.

The matters of Provincial Interest are outlined in Section 2 of the Act. This application has regard to the following matters: e), f), h), i), k), l), p), q).

This application has regard for the relevant sections of the Planning Act.

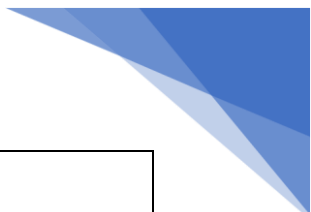
Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS) provides policy direction on matters relating to land use planning and development that are of provincial interest. The PPS sets the policy foundation for regulating the development and use of land province-wide, to help achieve the provincial goal of meeting the needs of Ontarians while enhancing their quality of life. All while maintaining the vision to increase the supply and mix of housing options in the province, with a goal of getting at least 1.5 million homes built by 2031.

Applicable to this application, the PPS provides supporting policies in Chapter 2: Building Homes, Sustaining Strong and Competitive Communities. The applicable policies are below.

2.6 Rural Lands in Municipalities

PPS Policy	Planning Comment
1. On <i>rural lands</i> located in municipalities, permitted uses are: a) the management or use of resources; b) resource-based recreational uses (including recreational dwellings not intended as permanent residences); g) other rural land uses.	The subject lands are unutilized and have been for many years. The lot is vacant and has no use. Developing this property to support the main dwelling would utilize the land resource to a higher potential as an accessory building to the adjacent residential dwelling across the road. The building will be utilized as an accessory building to support the principal dwellings resource-based recreational uses, that being the lake and associated uses of such including fishing, and boating.
2. Development that can be sustained by rural service levels should be promoted.	The building can be serviced by rural service levels as it is an accessory building to the principal building across the word which has full private servicing.
3. Development shall be appropriate to the <i>infrastructure</i> which is planned or available, and avoid the need for the uneconomical expansion	Development is appropriate for the lot as the surrounding area is primarily utilized by residential dwellings and recreational buildings



of this <i>infrastructure</i> .	served by existing infrastructure.
4. Planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.	No agricultural land will be impacted by the development, and the proposed use will be enhance the lake resource by providing an accessory building to enhance the principal residential use.
5. New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the <i>minimum distance separation formulae</i> .	There are no MDS implications for the proposal.

Additionally, in accordance with Section 4.6.2 of the PPS, a Stage 1 and 2 archaeological assessment has been undertaken on the property and no archaeological resources have been found.

The applications are consistent with the applicable PPS policies for rural lands. The subject lands are currently vacant and underutilized, and the proposed accessory building would make more productive use of the property in support of the principal residential and the resource-based recreational use associated with the lake. The comments also indicate that the proposed development can be accommodated by existing rural service levels and available infrastructure. No agricultural lands or resource-related uses are expected to be adversely affected, and there are no minimum distance separation implications. Overall, the proposal represents an appropriate rural land use that supports the existing residential and recreational character of the area while remaining compatible with the PPS policy framework.

The application is consistent with the Provincial Planning Statement.

Niagara Peninsula Conservation Authority

The NPCA has indicated that the property is not impacted by NPCA regulated features and offer no comments on development for the subject property.

Niagara Region Official Plan

The Niagara Official Plan is the Regional Municipality of Niagara's long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of the Plan guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond.

The Niagara Official Plan (NOP) identifies what to protect; how and where to grow; and policy tools to manage the same. It identifies resources such as the natural environment system, agricultural system, source water, aggregates and petroleum, and cultural heritage and archaeology that are to be protected for specific reasons whether it be ecological, economic, cultural heritage or community health.

As of March 31, 2025, the Niagara Official Plan is no longer a Regional Plan. It is now an Official Plan of the Township of Wainfleet and policies are to be implemented by the Township.

The subject lands are designated as Rural Lands, identified in Schedule F of the NOP, which is distinct from Specialty Crop Area and Prime Agricultural Areas of the Official Plan. Rural Lands are subject to policies with Section 4.1 of the NOP, more specifically Section 4.1.8 Rural Lands as Part of the Agricultural System. NOP objectives of this section for Rural Lands includes:

- h. protect and recognize *rural lands* as part of the *agricultural system*;
- i. provide for a limited amount of non-agricultural residential development on *rural lands*; and

The NOP policies applicable to this include:

4.1 The Agricultural System	
NOP Policy	Planning Comment
4.1.8.1 The predominant use of <i>rural lands</i> will continue to be agriculture, but some non-agricultural related development may be permitted subject to the policies in Sections 4.1.8 and 4.1.9.	Although designated as Rural Lands the NOP is clear that in its understanding that the rural lands located along the lakeshore contain historic patterns of seasonal and permanent residential uses. The proposed use will serve as an accessory use to a residential use in the area.
4.1.8.2 Permitted uses on <i>rural lands</i> include: a. management or use of resources in accordance with all other applicable provisions of this Plan;	Same as Policy 4.1.8.1. Although not primarily residential, the proposed use will serve as an accessory building to an adjacent residential building, located across the street.
4.1.8.3 The <i>rural lands</i> along the Lake Erie shoreline contain historic patterns of seasonal and permanent residential development. These uses and expansions thereof continue to be permitted in accordance with Local official plans and zoning by-law provisions.	The NOP recognizes that the rural lands along the Lake Erie shoreline contain patterns of seasonal; and residential development. The subject property is within an area that is predominantly residential use, which is permitted.
4.1.9.1 Limited non-agricultural residential development may be permitted on <i>rural lands</i> in	Although not primarily residential, the proposed use will serve as an accessory building to an

accordance with the policies of this section.	adjacent residential building, located across the street.
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In accordance with Section 6.4 Archaeology a Stage 1 and 2 archaeological assessments has been undertaken on the property and no archaeological resources have been found.

The proposal is consistent with the policy framework for rural lands along the Lake Erie shoreline. While the lands are designated Rural Lands and agriculture remains the predominant intended use, the Niagara Official Plan recognizes the historic pattern of seasonal and permanent residential development in this shoreline area. The proposed use is accessory to an existing residential use nearby and is located within an area that is predominantly residential in character. The proposal is compatible with the applicable rural lands policies, including those permitting existing residential uses, expansions, and limited non-agricultural residential development where supported by local official plan and zoning provisions.

The application conforms with the Niagara Region Official Plan.

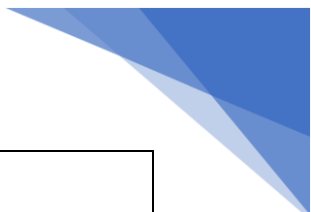
Township of Wainfleet Official Plan

The Township of Wainfleet Official Plan (TWOP) outlines a long-term vision, goals, and policies to guide land use and preserve township qualities. It provides a framework for Council to make decisions on land uses, municipal services, environmental protection, and evaluate development proposals such as amendments, approvals, permits, subdivisions, and severances.

The lands are designated as Lakeshore Residential as found in Schedule B9 of the TWOP. Accordingly, Section 2.5 of the TWOP informs that the Lakeshore Area is part of the Township's rural area. The TWOP acknowledges that much of the Lakeshore area is developed, but it is not considered a settlement area under the Provincial Planning Statement or its predecessors. Although the TWOP does not intend to expand the Lakeshore Area, it permits limited infill opportunities. Subsequently, the policies of the Lakeshore Residential Designation are found in Section 3.3.3 of the TWOP. Lastly, the TWOP does not speak directly to accessory buildings for the permitted uses but it does provide some guidance on residential design in Section 3.3.5.

The TWOP policies applicable to this include:

TWOP Policies	Planning Comment
2.5.5 The Township shall ensure the maintenance and protection of the character of the Lakeshore Area while recognizing the eclectic nature of the built-form. Applications for residential infilling, and new tourist cabins and resort recreational	The building will fit the character of the area including the existing residential area and surrounding neighbourhood as the building is accessory to a residential use. Effectively it is a garage for the residential use on an adjacent lot.



uses should be respectful of the character within the immediate surrounding area and shall address the policies of Section 3.3.6 and 3.10 where applicable.	
3.3.3.1 Within the Lakeshore Residential Designation, delineated on Schedules B and B9 , permitted uses may include: a) Seasonal and full year single detached dwellings, and <i>secondary suites</i> ;	The building will serve as an accessory use building to a single detached dwelling.

Although the TWOP does not speak directly to accessory buildings for the permitted uses but it does provide some guidance on residential design in Section 3.3.5.

TWOP 3.3.5 Design Policies for Residential Areas Policies	Planning Comment
3.3.5.1 It is an objective of this Plan to: a) Enhance the livability and physical appeal of the Township through the quality, layout and attractiveness of the both public streetscapes and private spaces and buildings. b) Ensure that <i>development</i> within residential areas reflects and fits in with the established character. c) Create a built environment which provides: i) Sensitive integration of new <i>development</i> with existing <i>development</i> ; ii) Visual diversity, interest and beauty; and iii) A well-defined public realm, including an interconnected open space network.	The building will enhance the livability of the associated residential use. The layout and quality will enhance the attractiveness of the surrounding area by infilling a vacant lot with a similar character to the built form of the area.
3.3.5.3 New lots and/or the location of new dwellings on a lot shall: a) Maintain the established rhythm of lot	The proposed built form maintains appropriate lot coverage, massing, and setbacks, ensuring the development reflects the scale, appearance, streetscape, and



frontages on <i>adjacent housing</i> lots; b) Provide a building height that reflects the pattern of heights of <i>adjacent housing</i>; c) Provide for a similar lot coverage to <i>adjacent housing</i> to ensure that the massing or volume of the new dwelling reflects the scale and appearance of <i>adjacent housing</i>. This coverage may be less than that permitted by the zoning by-law under Section 3.3.4.9; d) Maintain the predominant or average front yard setback for <i>adjacent housing</i> to preserve the streetscape edge, and character; and e) Provide for similar side yard setbacks to preserve the spaciousness on the street.	neighbourhood character of adjacent built form.
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Although the building is not a residential use, but rather accessory, it has been designed to conform with the objectives and built form policies of the Township's Official Plan by reinforcing the established character, scale, and streetscape of the surrounding residential area. The building is oriented toward the public street, the proposed height, massing, and lot coverage reflect those of adjacent housing, ensuring that the scale and appearance of the development are compatible with neighbouring dwellings. Overall, the proposal represents sensitive infill development that meets the intent of the Official Plan by integrating appropriately with existing development while enhancing the livability and visual quality of the Township.

Additionally, the property is located within a Highly Vulnerable Aquifer area. Typically, the development would require the completion of a hydrogeological study under TWOP Section 4.2 Water Resources to review private servicing sustainability for the property and groundwater, however no water or septic services are contemplated for the building.

The application conforms with the Township's Official Plan.

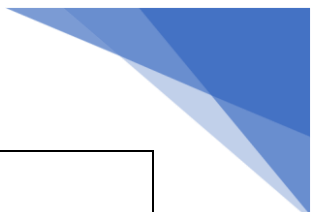
Township of Wainfleet Zoning By-law 034-2014

The Township of Wainfleet's zoning by-law enforces the objectives and policies of the Official Plan by controlling how land is used, where buildings can go, the types of buildings permitted, and requirements for lot size, parking, height, and setbacks. This ensures development is orderly, compatible with existing uses, and preserves the Township's character.

Table 2 - Zoning Conformity -

Residential Lakeshore Zone (RLS)			
Zone Provision	Required	Proposed	Complies: Yes/No
Permitted Uses	• Single detached dwelling • Semi-detached dwelling • Converted Dwelling • Secondary suite • Home occupation • Bed & breakfast • Day care facility • Group home	Accessory Building	No
Minimum lot area	As existing	445 sq.m	Complies
Max. Lot Coverage	Refer to 7.2.2.1 15%	22.5%	No
Minimum lot frontage	As existing	12.19 m	Complies

Accessory Building Requirements			
Zone Provision	Required	Proposed	Complies: Yes/No
Max. Lot Coverage	The lesser of 2.5% or 100 sq.m	25%	No
Minimum setback from front lot line	6 m	15 m	Complies
Minimum	1 m	1.5 m	Complies



setback from interior lot line			
Minimum setback from back lot line	1 m	10 m	Complies
Max. Height	5 m	Overall height 7.5 m	No

Site-specific requests:

1. To permit an accessory building without the erection of the primary dwelling.
2. To permit a maximum lot coverage in the Residential Lakeshore Zone (RLS) of 25% where 15% is permitted.
3. To permit a maximum lot coverage of an accessory building of 25% where the lesser of 2.5% or 100 sq.m is permitted.
4. To permit an overall height of 7.5 m where 5 m is permitted.

	<u>Zone Regulation</u>	<u>Required</u>	<u>Proposed</u>
Site-specific request 1	The uses permitted in the Residential Lakeshore Zone (RLS) zone.	Accessory buildings not permitted without a principal use, like a single detached dwelling.	To permit an accessory building without the erection of the primary dwelling
Comment: The site-specific request is to permit an accessory building without the erection of the primary dwelling. Although accessory buildings are permitted as accessory to a primary use, this lot is vacant, with the residential use across the street on an adjacent lot. There are others instances of this occurring in the municipality in the lakeshore areas. The existing residential lot is too small to permit the addition of an accessory use building. This proposal will permit an accessory use building on a vacant lot making the best use of the land.			
Site-specific request 2	Maximum Lot Coverage (RLS) Zone	15%	25%
Comment: The requested maximum lot coverage is similar to the development patterns of the area, whether			

they be legal non-conforming historical developments or contemporary design, the requested coverage reflects the character of area and surrounding neighbourhood.

Site-specific request 3	Maximum Lot Coverage (RLS) Zone	The lesser of 2.5% or 100 sq.m	25%
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Comment:

The requested maximum lot coverage is similar to the development patterns of the area, whether they be legal non-conforming historical developments or contemporary design, the requested coverage reflects the character of area and surrounding neighbourhood.

Site-specific request 4	Maximum Height	5 m	Overall height 7.5 m
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Comment:

The requested maximum height permission is similar to the development patterns of the area, whether they be legal non-conforming historical developments or contemporary design, the requested height reflects the character of area and surrounding neighbourhood. The additional height will accommodate a loft that will provide additional storage for the applicant.

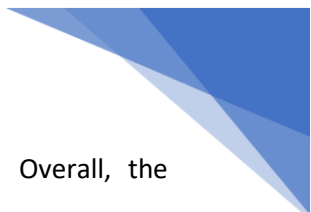
The Zoning By-law Amendment proposes to permit an accessory building without the erection of a primary dwelling, along with several associated site-specific amendments. The property works in conjunction with the adjacent residential lot located across the street with the subject lands being utilized for the accessory building. The associated site-specific amendment requests will permit the construction of the accessory building that is reflective and maintains the character of the surrounding area and neighbourhood and are reasonable and appropriate for the area.

Summary

The proposed accessory building represents an appropriate and compatible form of development within the lakeshore area of the Township. The subject lands are vacant and underutilized, and the proposal would support the existing residential and resource-based recreational use of the adjacent property while maintaining the established residential character of the surrounding area. The building has been designed with a scale, massing, orientation, and appearance that are consistent with nearby dwellings and supportive of the Township's built form objectives.

The proposal is consistent with the applicable Provincial Planning Statement policies and conforms with the relevant Niagara Official Plan and Township Official Plan policies. It can be accommodated within existing rural service levels and does not require new water or septic servicing. No adverse impacts to agricultural lands, resource-related uses, or archaeological resources are anticipated, and the property's location within a Highly Vulnerable Aquifer area has been appropriately considered given that no private servicing is proposed.

The requested Zoning By-law Amendment is reasonable and appropriate, as it would permit the accessory building to function in conjunction with the adjacent residential lot while implementing site-



specific provisions that reflect the character and conditions of the neighbourhood. Overall, the applications represent good planning and are recommended for approval.

Conclusion

It is the opinion of the author that the zoning by-law amendment application represents good planning and should be approved because of the following, it:

1. Has regard to the Planning Act;
2. Is consistent with the Provincial Planning Statement;
3. Conforms with the Niagara Region Official Plan;
4. Conforms with the Township of Wainfleet Official Plan;
5. Conforms with the Township of Wainfleet Zoning By-law 79-200.

Sincerely,



Adam Moote, MPlan, RPP, MCIP