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## COMMITTEE OF ADJUSTMENT MEETING MINUTES

March 21, 2024, 6:00 p.m.

Members Present: Steve Bartolini, Margaret Louter, Eric Lehtinen, Paul Johnston  
(virtual)

Members Absent: Angelo Miniaci

Staff Absent: Natalie Thomson, Secretary-Treasurer  
Aimee Alderman, Senior Planner

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### 1. CALL TO ORDER

Chair Eric Lehtinen called the meeting to order and confirmed quorum at 6:00 p.m.

### 2. ANNOUNCEMENT

Eric Lehtinen, Chair advised the Committee that member Allan Killin has been removed from the Committee.

### 3. ADOPTION OF AGENDA

Moved by: Steve Bartolini

that the agenda be adopted, as presented

**APPROVED**

### 4. CONFLICT OF INTEREST

There were no conflicts declared.

### 5. REQUEST FOR WITHDRAWAL OR ADJOURNMENT

There were no requests received.

### 6. APPLICATIONS

## 6.1 Minor Variance Application A-03/24 – 332 Johnson Street, CDS-24-050

Natalie Thomson summarized the notice and noted two letters of support that were received by neighbours.

Aimee Alderman summarized the staff report.

Mark and Wendy Edwards (Edwards Design) were present on behalf of the application. Mark delivered a brief verbal presentation.

The Chair called on those registered to speak in support or against the proposal. There was no one in the audience who wished to speak for or against the application.

The following topics were discussed by Committee members:

- Breezeway dimensioning and the option to remove the breezeway to pull the garage back further
- Dominating streetscape with front facing garage but well protected with green space
- Fitting the overall character of the neighbourhood
- Other front facing garages in surrounding properties
- Urban design guidelines
- Previous dwelling on the property before demolition

Moved by: Margaret Louter

to accept the recommendation of the staff report that Minor Variance Application A-03/24 for 332 Johnson Street be refused.

**Decision: RECOMMENDATION REFUSED / APPLICATION APPROVED.**

**Reasons:** The Committee of Adjustment considered all the written and oral submissions and disagrees with the staff minor variance report analysis and recommendation that this application does not meet the four Planning Act tests for minor variance. The Committee believes:

1. The variance is minor in nature.
2. The variance is appropriate for the development of the land.
3. The general intent and purpose of the Zoning By-law is maintained.

4. The general intent and purpose of the Official Plan is maintained.

The Chair summarized the decision and additional discussion took place regarding adding conditions to the approval. Aimee Alderman provided Committee members with the requested conditions.

Moved by: Margaret Louter

that Minor Variance Application A-03/24 for 332 Johnson Street be approved, subject to the following conditions:

1. That an archaeological assessment be completed at the owner/applicants' expense, and that no demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry of Citizenship and Multiculturalism confirming to the Town that all archaeological resources concerns have met licensing and resource conservation requirements, and that a copy of all archaeological assessment reports and Ministry Compliance Letters are submitted to the Town, to the satisfaction of the Town.
2. That the owner/applicant submits an Arborist Report and Tree Inventory, to the satisfaction of the Town's Urban Forestry Officer.
3. That the owner/applicant submits a signed copy of the Tree Protection Declaration Form, to the satisfaction of the Town's Urban Forestry Officer.
4. That the owner/applicant enter into a Development Agreement with the Town, and that such Development Agreement will be registered on the title of the subject property, to the satisfaction of the Director of Community and Development Services, in which the owner/applicant shall agree:
  - That the owner implements the recommendations of the Arborist Report and Tree Inventory, as approved by Town Staff.
  - That any agreements of Purchase and Sale or Lease of subject property, which may be negotiated, shall contain a clause notifying the purchaser of the Development Agreement and the requirement to comply with the Development Agreement.

**Decision: RECOMMENDATION ACCEPTED / APPLICATION APPROVED.**

## **6.2 Minor Variance Application A-04/24 – 69 Firelane 2 Road, CDS-24-049**

Natalie Thomson summarized the notice and mentioned one request to attend was received but noted the resident was not in the audience.

Aimee Alderman summarized the staff report.

Michael Allen (ACK Architects) was present on behalf of the application and inquired about the Regional septic system and NPCA condition.

The Chair called on those registered to speak in support or against the proposal. There was no one in the audience who wished to speak for or against the application.

The Committee briefly discussed the requested engineering review by NPCA along the back side of the dwelling facing the lake.

Moved by: Steve Bartolini

to accept the recommendation of the staff report that Minor Variance Application A-04/24 for 69 Firelane 2 Road be approved subject to the following conditions:

1. That engineered approved plans are provided to mitigate the wave uprush hazard for the proposed development, to the satisfaction of the Niagara Peninsula Conservation Authority; and,
2. That an archaeological assessment be completed at the owner/applicants' expense for the areas of site alteration required to accommodate the proposed garage and rear porch, and that no demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry of Citizenship and Multiculturalism confirming to the Town that all archaeological resources concerns have met licensing and resource conservation requirements, and that a copy of all archaeological assessment reports and Ministry Compliance Letters are submitted to the Town, to the satisfaction of the Town.
3. That a new septic system is installed on the property to service the proposed development, which meets all Ontario Building Code requirements. A permit for the new system shall be applied for and obtained from Niagara Region prior to installation;

**Decision: RECOMMENDATION ACCEPTED / APPLICATION APPROVED.**

**Reasons:** The Committee of Adjustment considered all the written and oral submissions and agrees with the minor variance report analysis and

recommendation that this application meets the four Planning Act tests for minor variance:

4. The variance is minor in nature.
5. The variance is appropriate for the development of the land.
6. The general intent and purpose of the Zoning By-law is maintained.
7. The general intent and purpose of the Official Plan is maintained.

The Chair summarized the decision.

### **APPROVED**

#### **6.3 Consent Application B-27/23 – 298 Niven Road, CDS-23-223**

Natalie Thomson summarized the notice.

Aimee Alderman summarized the staff report.

Craig Rohe (Upper Canada Consultants) was present on behalf of the application. Craig provided additional comments and updates on the application since it was deferred on November 16, 2023. Comments included:

- the intent of a surplus farm dwelling
- further history on the dwelling
- concurrent ZBA application to prohibit any dwellings on the agricultural portion
- undertaking signed by property owner in 2000

The Chair called on those registered to speak in support or against the proposal. There was no one in the audience who wished to speak for or against the application.

The following topics were briefly discussed by Committee members:

- building permit from 2000 with associated undertaking
- standards for farm help houses versus single family dwellings
- dwelling use being up to the owner

Lengthy discussion ensued regarding the signed undertaking regarding the usage of the dwelling. Aimee Alderman indicated this document could

not be released to the public as it is part of a building permit application thus is not a public document.

The Committee took a 5 minute recess break at 7:05pm to allow time for the applicant to search through files to obtain the undertaking.

The Committee returned at 7:09pm. Chair Eric Lehtinen suggested a deferral to allow the applicant and Town staff to further discuss the merits of the undertaking. Craig Rhoe and the applicant agreed to the deferral.

Moved by: Steve Bartolini

to defer Consent Application B-27/23 for 298 Niven Road.

**Decision: RECOMMENDATION ACCEPTED**

**APPROVED**

**7. MINUTES FOR APPROVAL**

The minutes were approved by unanimous consent.

**8. NEW BUSINESS**

There was no new business.

**9. NEXT MEETING DATE**

Thursday, April 18, 2024 at 6:00pm.

**10. ADJOURNMENT**

The meeting was adjourned at 7:15pm.