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## COMMITTEE OF ADJUSTMENT MEETING MINUTES

August 15, 2024, 6:00 p.m.

Members Present: Margaret Louter, Angelo Miniaci, Eric Lehtinen, Paul Johnston

Members Absent: Steve Bartolini

Staff Present: Natalie Thomson, Aimee Alderman, Victoria Nikoltcheva and  
Connor Maclsaac

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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. ADOPTION OF AGENDA

Moved by: Angelo Miniaci

that the agenda be adopted, as presented.

**APPROVED**

### 3. CONFLICT OF INTEREST

#### 3.1 Margaret Louter - Minor Variance Application A-15/24 – 1114 Concession 2 Road, CDS-24-138

Having a professional connection with the applicant.

#### 3.2 Margaret Louter - Consent Applications B-07/24 and B-08/24 – 216- 224 Hunter Road, CDS-24-124

Having a professional connection with the applicant.

#### 3.3 Margaret Louter - Consent Application B-09/24 – 187 Queen Street, CDS-24-141

Having a professional connection with the applicant.

#### 3.4 Margaret Louter - Consent Application B-11/24 – 181 Hunter Road, CDS-24-127

Having a professional connection with the applicant.

**3.5 Margaret Louter - Consent Application B-12/24 – 855 Line 2 Road, CDS-24-135**

Having a professional connection with the applicant.

**4. REQUEST FOR WITHDRAWAL OR ADJOURNMENT**

There were no requests for withdrawal or adjournment.

**5. APPLICATIONS**

**5.1 Minor Variance Application A-15/24 – 1114 Concession 2 Road, CDS-24-138**

Margaret Louter declared a conflict on this item. (Having a professional connection with the applicant)

Margaret Louter exited the meeting.

Natalie Thomson summarized the notice.

Victoria Nikoltcheva summarized the staff report.

Justin Nauta (Nauta Homes) was present on behalf of the application. Justin acknowledged the home owners were aware of and accepting of the required condition.

The Committee briefly discussed a prior Zoning By-law Amendment on the subject property.

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.

Moved by: Angelo Miniaci

to accept the recommendation of the staff report that Minor Variance Application A-15/24 for 1114 Concession 2 Road be approved, subject to the following conditions:

1. That the owner/applicant provides a written undertaking, to the satisfaction of the Niagara Region and the Town, confirming that the accessory structure does not contain any plumbing, bedroom and/or living spaces, and is built in accordance with the submitted plans; and

2. That the owner/applicant provides confirmation to the Niagara Region that the riser on the outlet of the septic tank has been repaired, to the satisfaction of the Niagara Region.

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

Reasons: The Committee of Adjustment agrees with the minor variance report analysis and recommendation that this application meets the four Planning Act tests for minor variance:

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

The Chair summarized the decision.

**5.2 Minor Variance Application A-16/24 – Ball Street & Delater Street, CDS-24-139**

Margaret Louter rejoined the meeting.

Natalie Thomson summarized the notice and noted one letter of correspondence received.

Victoria Nikoltcheva summarized the staff report and noted an additional variance requirement for parking deficiencies.

Dave Funk (agent) and homeowners David and Kimberely were present on behalf of the application.

General discussion ensued regarding the following topics:

- Explanation of additional variance request
- Urban Design requirements
- Lot coverage massing
- Dwelling proposal compared to surrounding area

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.

Moved by: Margaret Louter

to accept the recommendation of the staff report that Minor Variance Application A-16/24 for Ball Street and Delater Street be modified to include Variance 7 (minimum exterior side yard setback from 2 metres, as required in the Zoning By-law, to 0.77 metres for the proposed parking space); and

1. Minor Variance Application A-16/24 for Ball Street and Delater Street be approved with the modified addition of Variance 7, subject to the following conditions:
  1. That the owner/applicant enter into a Development Agreement with the Town to require Urban Design Committee review prior to the issuance of a Building Permit for the dwelling, and that any construction will be consistent with the Town's Official Plan and urban design guidelines and associated review by the Urban Design Committee, to the satisfaction of the Director of Community and Development Services; and
  2. That the owner/applicant provides a signed copy of the Town's Tree Protection Declaration form, to the satisfaction of the Town's Urban Forestry Officer.

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

Reasons: The Committee of Adjustment agrees with the minor variance report analysis and recommendation that this application meets the four Planning Act tests for minor variance:

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

The Chair summarized the decision.

**5.3 Minor Variance Application A-17/24 – 475 Victoria Street, CDS-24-140**

Natalie Thomson summarized the notice.

Victoria Nikoltcheva summarized the staff report.

Joseph Mulholland (agent) was present on behalf of the application.

General discussion ensued regarding the following topics:

- Front yard trees and tree protection
- Window and door placement on dwelling

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.

Moved by: Margaret Louter

to accept the recommendation of the staff report that Minor Variance Application A-17/24 for 475 Victoria Street be approved.

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

Reasons: The Committee of Adjustment agrees with the minor variance report analysis and recommendation that this application meets the four Planning Act tests for minor variance:

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.

**5.4 Consent Applications B-07/24 and B-08/24 – 216-224 Hunter Road, CDS-24-124**

Margaret Louter declared a conflict on this item. (Having a professional connection with the applicant)

Margaret Louter exited the meeting.

Natalie Thomson summarized the notice and noted one member of the public requested to speak to the application.

Connor MacIsaac summarized the staff report.

Dan Banatkiewicz (Niagara Planning Group) was present on behalf of the application.

The Chair called on those registered to speak in support or against the proposal. Kevin Leicht was present and inquired about existing setbacks of the property as a result of the severance.

Moved by: Angelo Miniaci

to accept the recommendation of the staff report that Consent Application B-07/24 for 216 Hunter Road be approved, subject to the following conditions:

1. That the owner/applicant obtain final approval of Zoning By-law Amendment Application ZBA-10-2024, to the satisfaction of the Director of Community and Development Services, to rezone Part 1 to “Rural (A) Site-Specific Zone” with provisions for lot frontage, accessory building height, and accessory building setbacks, to rezone Part 2 and Part 3 to “Rural (A) Site-Specific Zone” with provisions for lot frontage, accessory building setback, and front yard setback, and to rezone Part 4, Part 5, Part 6, and Part 7 to “Agricultural Purposes Only (APO) Site-Specific Zone” with provisions for the proposed lot configuration, and to preclude a residential dwelling in perpetuity;

2. That pursuant to *Planning Act* Section 50 (12), 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 (Part 2); that Part 2 is merged in title with Part 3 and they become one parcel of land; and that the owner/applicant provides a lawyer’s undertaking, to the satisfaction of the Director of Community and Development Services, that Part 2 shall be conveyed to the owner of Part 3 and to prepare and register the application to consolidate the lands and forward a copy of the receipted application within two years of issuance of the consent certificate; and

3. That the owner/applicant provides a legal description of Part 2, acceptable to the Registrar, together with 1 digital copy to-scale of the deposited reference plan, if applicable, or a copy of all instruments and plans referred to in the legal description, to the satisfaction of the Director of Community and Development Services, for use in the issuance of the Certificate of Consent.

and that Consent Application B-08/24 for 224 Hunter Road (Part 1) be approved, subject to the following conditions:

1. That the owner/applicant obtain final approval of Zoning By-law Amendment Application ZBA-10-2024, to the satisfaction of the Director of Community and Development Services, to rezone Part 1 to “Rural (A) Site-Specific Zone” with provisions for lot frontage, accessory building

height and accessory building setbacks, to rezone Part 2 and Part 3 to “Rural (A) Site-Specific Zone” with provisions lot frontage, accessory structure setback and front yard setback, and, and to rezone Part 4, Part 5, Part 6, and Part 7 to “Agricultural Purposes Only (APO) Site-Specific Zone” with provisions for the proposed lot configuration, and to preclude a residential dwelling in perpetuity;

2. That the owner/applicant provides a legal description of Part 1, acceptable to the Registrar, together with 1 digital copy to-scale of the deposited reference plan, if applicable, or a copy of all instruments and plans referred to in the legal description, to the satisfaction of the Director of Community and Development Services, for use in the issuance of the Certificate of Consent;

3. That the owner/applicant obtains a Sewage System Permit to replace the defective septic tank on the proposed lot (Part 1) at 224 Hunter Road issued by the Regional Growth Strategy and Economic Development Department, to the satisfaction of the Region;

4. That the owner/applicant provides a lawyer’s undertaking, to the satisfaction of the Director of Community and Development Services, to forward a copy of documentation confirming the transaction, i.e. transfer of Part 1, has been carried out, the documentation to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first;

5. That the owner/applicant provides a lawyer’s undertaking, to the satisfaction of the Director of Community and Development Services, to forward a copy of documentation confirming the transaction, i.e. merging of Part 4, Part 5 with Part 6 and Part 7, has been carried out, the documentation to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first; and

6. That the owner/applicant provides proof of the removal of all agricultural components from Part 1, including the existing fruit stand, chicken coop, and farm accesses, at their own expense to the satisfaction of the Director of Community and Development Services.

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

**Reasons:** The Committee of Adjustment agrees that this application meets Planning Act requirements, is consistent with Provincial Policy, the

Niagara Region Official Plan and the Town Official Plan regarding the severance applications.

The Chair summarized the decision.

### **5.5 Consent Application B-09/24 – 187 Queen Street, CDS-24-141**

Margaret Louter declared a conflict on this item. (Having a professional connection with the applicant)

Natalie Thomson summarized the notice and noted 8 letters of correspondence, 4 request to attend and 1 additional comment that was submitted after the deadline but circulated to Committee members.

Aimee Alderman summarized the staff report and provided background information.

Jennifer Vida (agent) was present on behalf of the application. Jennifer delivered a brief presentation.

General discussion ensued among Committee members regarding the following topics:

- Reasoning for Zoning By-Law Amendment refusal
- Municipal Heritage Committee review of the proposal
- Parts of the Development Agreement
- Inquiry about heritage impacts on the property
- Garage addition

The Chair called on those registered to speak in support or against the proposal. Ian Gibson, Gracia Janes, Karen Taylor-Jones, Peter Howe, Gary Burroughs and Brian Marshall spoke in objection to the proposal highlighting the following topics:

- Heritage designation of the property
- Ontario Heritage Act
- Proposal returning to Municipal Heritage Committee
- Protection of Town's heritage
- Garage addition resulting in driveway entrance on Queen Street

Moved by: Angelo Miniaci



to accept the recommendation of the staff report that Consent Application B-09/24 for 187 Queen Street be approved, subject to the following conditions:

1. That the owner/applicant provides a legal description of Part 1, acceptable to the Registrar, together with 1 digital copy to-scale of the deposited reference plan, if applicable, or a copy of all instruments and plans referred to in the legal description, to the satisfaction of the Director of Community and Development Services, for use in the issuance of the Certificate of Consent;
2. That the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Director of Community and Development Services, to forward a copy of documentation confirming the transaction, i.e. transfer of Part 1, has been carried out, the documentation to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first;
3. That the owner/applicant, at their own expense, obtains and submits an appraisal for the purposes of payment of cash-in-lieu of parkland dedication, by a qualified appraiser, which is to be based on the fair market value of Part 1 using the direct comparison approach, to the satisfaction of the Manager of Finance; and that the owner/applicant pays to the Town a cash-in-lieu of parkland dedication, which shall be 5% of the appraised value of Part 1;
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 Part 1, to the satisfaction of the Director of Community and Development Services, in which the owner/applicant shall agree:
  - a. That Urban Design Committee review is required prior to issuance of a Building Permit for any new dwelling built on Part 1, and that any construction shall be in keeping with the heritage character of the surrounding area, consistent with the Town's Official Plan and urban design guidelines and associated review by the Urban Design Committee, to the satisfaction of the Director of Community and Development Services;

- b. That, prior to the issuance of a Building Permit for a new dwelling, the owner/applicant submit a Heritage Impact Assessment to evaluate impacts to the adjacent heritage resources, determine compatibility of the new development within its historic context, and provide recommendations for mitigation and conservation measures, to the satisfaction of the Director of Community and Development Services;
  - c. That a water service wholly fronting Part 1 of the proposed severance be installed via an application to the Town's Environmental Services Department;
  - d. That the owner/applicant provides a lot grading plan for Part 1, completed by an Ontario Land Surveyor or Civil Engineer, and include existing grades on adjacent properties, to the satisfaction of the Chief Building Official;
  - e. That the owner/applicant submits an application to facilitate the removal of trees, in accordance with the Town's Tree By-laws and to the satisfaction of the Town's Urban Forestry Officer;
  - f. That the owner/applicant implements the recommendations of the Tree Inventory and Preservation Plan, prepared by Jackson Arboriculture Inc., dated January 25, 2024, to the satisfaction of the Director of Community and Development Services and in consultation with the Town's Urban Forestry Officer;
  - g. That the owner/applicant provides a signed copy of the Town's Tree Protection Declaration form, to the satisfaction of the Town's Urban Forestry Officer; and
  - h. Any agreements of Purchase and Sale or Lease of Part 1, which may be negotiated, shall contain a clause notifying the purchaser of the Development Agreement and the requirement to comply with the Development Agreement.
5. That the owner/applicant enter into a Development Agreement with the Town, and that such Development Agreement will be registered on the title of Part 2, to the satisfaction of the Director of Community and Development Services, in which the owner/applicant shall agree:

- a. That the owner acquires a heritage permit, through the Town's Municipal Heritage Committee, for any proposed alterations to the Part IV designated dwelling on Part 2 (187 Queen Street), to the satisfaction of the Director of Community and Development Services;
  - b. That the owner submits an application to facilitate the removal of trees, in accordance with the Town's Tree By-laws and to the satisfaction of the Town's Urban Forestry Officer;
  - c. That the owner implements the recommendations of the Tree Inventory and Preservation Plan, prepared by Jackson Arboriculture Inc., dated January 25, 2024, to the satisfaction of the Director of Community and Development Services and in consultation with the Town's Urban Forestry Officer;
  - d. That the owner/applicant provides a signed copy of the Town's Tree Protection Declaration form, to the satisfaction of the Town's Urban Forestry Officer; and
  - e. Any agreements of Purchase and Sale or Lease of Part 2, which may be negotiated, shall contain a clause notifying the purchaser of the Development Agreement and the requirement to comply with the Development Agreement.
6. That the owner/applicant receives final approval for a Zoning By-law Amendment that contains provisions required to facilitate the proposal;
  7. That the owner/applicant modifies Designation By-law 3633-02, in accordance with all requirements of the *Ontario Heritage Act*, to remove Part 1 from the "real property" legal description, to the satisfaction of the Director of Community & Development Services;
  8. That the owner/applicant obtains any required building permit for the removal/demolition of the existing detached garage on Part 1, and that final inspection and closure of the permit is completed to the satisfaction of the Chief Building Official;
  9. That the Town Operations Department be provided with a copy of the deposited reference plan;

10. That the owner/applicant identifies, disconnects and caps any existing internal water and sanitary sewer connections between Parts 1 and 2 of the proposed severance to a minimum of 2 metres from the boundary line between Parts 1 and 2, to the satisfaction of the Director of Operations;
11. That the owner/applicant is required to:
  - a. Disconnect the existing storm sewer lateral currently traversing Part 1 between Part 2 and the Simcoe Street storm sewer and cap it at the boundary between Parts 1 and 2. Storm water is temporarily discharged to the ground on Part 2 as per Town policy; and
  - b. Enter into a servicing agreement with the Town, to be registered on title of the property, for the extension of the existing 375 mm storm main on Simcoe Street to a point a minimum of 3 metres south of the northern boundary of Part 2 including the installation of a storm lateral connecting to the storm main service, to the satisfaction of the Director of Operations.
12. That the Owner/applicant must obtain approval in the form of a municipal entrance permit from the Town's Operations Department for a new driveway on Part 2, including location/renewal/replacement of any boulevard trees or public infrastructure. Any costs associated with relocation of municipal parking stalls, parking meters or other requirements to facilitate the entrance will be at the Owner's expense; and
13. That the owner/applicant enter into an encroachment agreement with the Town for the building encroachment located on the Queen Street frontage of Part 2, to be registered on the title of Part 2 of the proposed severance, to the satisfaction of the Town.

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

**Reasons:** The Committee of Adjustment agrees that this application does not meet the Planning Act requirements, is not consistent with Provincial Policy, the Niagara Region Official Plan and the Town Official Plan regarding the severance applications.

The Chair summarized the decision.

## **5.6 Consent Application B-10/24 – 1221 Queenston Road, CDS-24-126**

Margaret Louter rejoined the meeting.

Natalie Thomson summarized the notice.

Connor MacIsaac summarized the staff report.

Eric Beauregard (Upper Canada Consultants) was present on behalf of the application. Eric delivered a brief presentation.

General discussion ensued regarding the following topics:

- Sewer connection on property opposed to septic
- Clarification on driveway access

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.

Moved by: Paul Johnston

to accept the recommendation of the staff report that Consent Application B-10/24 for 1221 Queenston Road be approved, subject to the following conditions:

1. That the owner/applicant provides a legal description of Part 2, acceptable to the Registrar, together with 1 digital copy to-scale of the deposited reference plan, if applicable, or a copy of all instruments and plans referred to in the legal description, to the satisfaction of the Director of Community and Development Services, for use in the issuance of the Certificate of Consent;
2. That the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Director of Community and Development Services, to forward a copy of documentation confirming the transaction, i.e. transfer of Part 2, has been carried out, the documentation to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first;
3. That the owner/applicant, at their own expense, obtains and submits an appraisal for the purposes of payment of cash-in-lieu of parkland dedication, by a qualified appraiser, which is to be based on the fair market value of Part 2 using the direct comparison approach, to the satisfaction of the Manager of

Finance; and that the owner/applicant pays to the Town a cash-in-lieu of parkland dedication, which shall be 5% of the appraised value of Part 2;

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 Part 2, to the satisfaction of the Director of Community and Development Services, in which the owner/applicant shall agree:
  1. That prior to the issuance of a building permit for any new construction on Part 2, that an archaeological assessment be completed at the owner/applicants' expense, that the Ministry of Citizenship and Multiculturalism confirm to the Town that all archaeological resources concerns have met licensing and resource conservation requirements, and that a copy of all Ministry letters are submitted to the Town, to the satisfaction of the Town;
  2. That the owner submits an Arborist Report and Tree Preservation Plan that aims to protect and preserve as many trees as possible on Part 2 that is specific to the proposed location of the dwelling, driveway and any associated construction works, to the satisfaction of the Director of Community and Development Services, in consultation with the Town's Urban Forestry Officer;
5. That the owner provides a Replanting and Replacement Plan to replace trees required to be removed to facilitate development, to the satisfaction of the Director of Community and Development Services. The number of trees to be replaced, and amount of security fees will be determined by Town Staff once final tree removal requirements have been finalized.
  1. That the owner retains a Certified Arborist to attend the property to ensure trees are protected as described in the updated Tree Preservation Plan in accordance with Condition 1.1.4.2;
  2. That the owner implements the Tree Inventory and Preservation Plan, as approved by Town Staff in accordance with Condition 1.1.4.2;

3. That prior to the issuance of a building permit for a new dwelling on Part 2, Urban Design Committee review is required to ensure consistency of the dwelling design with the Town's Official Plan and urban design guidelines, to the satisfaction of the Director of Community and Development Services; and
4. Any agreements of Purchase and Sale or Lease of Part 2, which may be negotiated, shall contain a clause notifying the purchaser of the Development Agreement and the requirement to comply with the Development Agreement.
6. That the Town Operations Department be provided with a copy of the deposited reference plan;
7. That the owner/applicant install new water and sanitary services wholly fronting Part 2 of the proposed severance via application to the Town's Environmental Services Department;
8. That the owner/applicant obtains approval in the form of a municipal entrance permit from the Town's Operations Department for a future driveway on Part 2 of the proposed severance and that a tree preservation plan be completed for any tree removal necessary to accommodate the new entrance;
9. That the owner/applicant provides a lawyer's undertaking, to, at their own expense revise the existing asphalt driveway on Part 1 to comply with the required 1-meter setback from the proposed lot line, and to obtain a municipal entrance permit from the Town's Operation Department for alterations, if any, made to the existing driveway on Part 1 within the municipal road allowance;
10. That the owner/applicant obtains any required building permit for the removal/demolition of the accessory structures that are partially and/or wholly located on the proposed Part 2, and that final inspection and closure of the permit is completed to the satisfaction of the Chief Building Official; and
11. That the owner/applicant provide a lot grading plan for Part 2, completed by an Ontario Land Surveyor or Civil Engineer, and include existing grades on adjacent properties, to the satisfaction of the Chief Building Official.

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

**Reasons:** The Committee of Adjustment agrees that this application meets Planning Act requirements, is consistent with Provincial Policy, the Niagara Region Official Plan and the Town Official Plan regarding the severance applications.

The Chair summarized the decision.

**5.7 Consent Application B-11/24 – 181 Hunter Road, CDS-24-127**

Margaret Louter declared a conflict on this item. (Having a professional connection with the applicant)

Margaret Louter exited the meeting.

Natalie Thomson summarized the notice.

Connor MacIsaac summarized the staff report.

Robert Smit (Niagara Planning Group) was present on behalf of the application.

The Committee did not have any questions.

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.

Moved by: Angelo Miniaci

to accept the recommendation of the staff report that Consent Application B-11/24 for 181 Hunter Road (Part 1) be approved, subject to the following conditions:

1. That the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Director of Community and Development Services, to forward a copy of documentation confirming the transaction, i.e. transfer of Part 1, has been carried out, the documentation to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first;
2. That the owner/applicant obtain final approval of Zoning By-law Amendment Application ZBA-11-2024, to the satisfaction of the Director of Community and Development Services, to rezone Part 1



to “Rural (A) Site-Specific Zone” with a provision for lot frontage and to rezone Part 2 to “Agricultural Purposes Only (APO) Site-Specific Zone” with provisions for the proposed lot configuration, and to preclude a residential dwelling in perpetuity; and,

3. That the Town Operations Department be provided with a copy of the deposited reference plan.

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

**Reasons:** The Committee of Adjustment agrees that this application meets Planning Act requirements, is consistent with Provincial Policy, the Niagara Region Official Plan and the Town Official Plan regarding the severance applications.

The Chair summarized the decision.

**5.8 Consent Application B-12/24 – 855 Line 2 Road, CDS-24-135**

Margaret Louter declared a conflict on this item. (Having a professional connection with the applicant)

Natalie Thomson summarized the notice.

Connor MacIsaac summarized the staff report.

Robert Smit (Niagara Planning Group) was present on behalf of the application.

Committee members inquired about tree removal on the property.

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.

Moved by: Angelo Miniaci

to accept the recommendation of the staff report that Consent Application B-12/24 for 855 Line 2 Road (Part 1) be approved, subject to the following conditions:

1. That the owner/applicant provides a lawyer’s undertaking, to the satisfaction of the Director of Community and Development Services, to forward a copy of documentation confirming the transaction, i.e. transfer of Part 1, has been carried out, the documentation to be provided within two years of issuance of the

consent certificate, or prior to the issuance of a building permit, whichever occurs first;

2. That the owner/applicant obtain final approval of Zoning By-law Amendment Application ZBA-12-2024, to the satisfaction of the Director of Community and Development Services, to rezone Part 1 to “Rural (A) Site-Specific Zone” with provisions for a reduced front yard setback and increased maximum accessory building height, and, to rezone Part 2 to “Agricultural Purposes Only (APO) Site-Specific Zone” with provisions for the proposed lot configuration, and to preclude a residential dwelling in perpetuity;
3. That the owner/applicant obtains approval in the form of a municipal entrance permit from the Town's Operations Department to restore the portion of the shared driveway access between 863 and 855 Line 2 Road to unimproved (grass) lands to the eastern property line of the proposed severed parcel matching the full depth of the municipal boulevard fronting that parcel through obtaining a municipal entrance permit; and,
4. That the Town Operations Department be provided with a copy of the deposited reference plan.

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

**Reasons:** The Committee of Adjustment agrees that this application meets Planning Act requirements, is consistent with Provincial Policy, the Niagara Region Official Plan and the Town Official Plan regarding the severance applications.

The Chair summarized the decision.

**6. MINUTES FOR APPROVAL**

Margaret Louter rejoined the meeting.

The July 18, 2024 minutes were approved by unanimous consent.

**7. NEW BUSINESS**

**7.1 Notice of Appeal - 474 William Street, Fence Variance FV-02/24**

Natalie Thomson noted a fence appeal was received for 474 William Street. Natalie informed Committee members that this appeal would be

going to Council, not the Ontario Land Tribunal, as it is not a Planning Act application. Date is to be determined.

**8. NEXT MEETING DATE**

Thursday, September 19 2024 at 6:00pm.

**9. ADJOURNMENT**

The meeting was adjourned at 7:56pm.