



COMMITTEE OF ADJUSTMENT MEETING MINUTES

September 19, 2024, 6:00 p.m.

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

Staff Present: Natalie Thomson, Aimee Alderman

Others Present: Connor MacIsaac - Planner II

1. CALL TO ORDER

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

2. ADOPTION OF AGENDA

New business item raised by Chair Eric Lehtinen regarding the October Committee of Adjustment meeting.

Moved by: Steve Bartolini

that the agenda be adopted, as amended.

APPROVED

3. CONFLICT OF INTEREST

3.1 Steve Bartolini - Minor Variance Application A-18/24 – 486 Queen Street, CDS-24-147

Being the general contractor hired by the owner to oversee the building of 486 Queen Street new single-family dwelling

4. REQUEST FOR WITHDRAWAL OR ADJOURNMENT

There were no requests for withdrawal or adjournment.

5. APPLICATIONS

5.1 Minor Variance Application A-18/24 – 486 Queen Street, CDS-24-147

Steve Bartolini declared a conflict on this item. (Being the general contractor hired by the owner to oversee the building of 486 Queen Street new single-family dwelling)

Steve Bartolini exited the meeting.

Natalie Thomson summarized the notice and noted two letters of support that were received for the proposal.

Connor MacIsaac summarized the staff report.

Sev Palazov (agent) and Ernesto Elia (homeowner) were present on behalf of the application. Sev delivered a brief oral presentation.

General discussion ensued regarding the following topics:

- Condition regarding driveway setback
- Height measurement within the urban area versus rural area
- Roof design of detached garage visually similar to main dwelling
- Accessory structure not being used for human habitation

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-18/24 for 486 Queen Street be approved, subject to the following condition:

1. That the owner/applicant submits a written undertaking, to the satisfaction of the Director of Community and Development Services, in which they agree that, prior to the issuance of a building permit for the reconstructed garage, the existing driveway will comply with the required 1-meter setback from the interior lot line, in accordance with Town Zoning By-law 4316-09, as amended, at their own expense.

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.

5.2 Fence Variance Application FV-05/24 – 14541 Niagara River Parkway, CDS-24-154

Steve Bartolini rejoined the meeting.

Natalie Thomson summarized the notice.

Connor MacIsaac summarized the staff report.

Peter Deiullo (agent) was present on behalf of the application.

General discussion ensued regarding the following topics:

- Front and extended side yard fence lining up with the existing fence
- Visual and safety concerns for traffic
- Large 18 foot road allowance for Niagara Parks Commission
- Niagara Parks Commission offering no concerns with proposal

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: Steve Bartolini

to accept the recommendation of the staff report that Fence Variance Application FV-05/24 for 14541 Niagara River Parkway be approved, subject to the following condition:

1. That the owner/applicant provides a written undertaking, to the satisfaction of the Niagara Parks Commission, confirming that the proposed fence and entry gate will be constructed with a setback of 0.3 metres (1 foot) from the front property line.

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.

5.3 Sign Variance Application SV-01-24 – 976 York Road, CDS-24-155

Natalie Thomson summarized the notice.

Connor MacIsaac summarized the staff report.

Andrea Kaiser (agent) was present on behalf of the application and acknowledged and agreed with the minor change to condition 3.

General discussion ensued regarding the following topics:

- Concerns with foundation of the ground signs
- Archeological requirements
- Building permit not required for signs
- Adding a condition for an engineering report to confirm structural integrity

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 add a fourth condition that reads "That the owner/applicant submit a drawing, prepared and signed/stamped by a Professional Engineer, confirming that the footings for the proposed new ground signs are suitable."

APPROVED

Moved by: Angelo Miniaci

to accept the recommendation of the staff report that Sign Variance Application SV-01-24 for 976 York Road be approved, with modified condition 3 and added condition 4, in accordance with the attached dimensions as detailed in **Appendix II**, subject to the following conditions:

1. That the owner/applicant provides updated drawings prior to the construction of the two new ground signs, to confirm that the proposed signs will be setback a minimum of 1.0 metre setbacks from all property lines, to the satisfaction of the Town and Niagara Region;
2. That the owner/applicant submit a written undertaking, to the satisfaction of the Director of Community and Development Services, agreeing to notify Town Staff and arrange for a site visit at the time of ground disturbance to ensure that the footings are in accordance with the drawing attached as Appendix II. If the footings are deeper than 15 centimetres, as shown in Appendix II, the owner/applicant agrees to undertake a scoped archaeological assessment for the areas of the two new ground signs prior to demolition, grading or other soil disturbances on the subject property. Should an archaeological assessment be required, all necessary archaeological assessment(s) and associated Ministry of Citizenship and Multiculturalism Compliance Letter(s) shall be submitted to the Town, to the satisfaction of the Town;
3. That the owner/applicant obtains a Regional Sign Permit and Town Sign Permit for each sign, as applicable, to the satisfaction of the Niagara Region and Town; and
4. That the owner/applicant submit a drawing, prepared and signed/stamped by a Professional Engineer, confirming that the footings for the proposed new ground signs are suitable.

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.

6. MINUTES FOR APPROVAL

The April 15, 2024 minutes were approved by unanimous consent.

7. NEW BUSINESS

Chair Eric Lehtinen noted the October 17, 2024 meeting is cancelled as a result of no applications being received within the required timeframe.

7.1 Notice of Appeal - 187 Queen Street, Consent B-09/24

Natalie Thomson noted an appeal was received for 187 Queen Street, Consent file B-09/24.

8. NEXT MEETING DATE

Thursday, November 21, 2024 at 6:00pm.

9. ADJOURNMENT

The meeting was adjourned at 7:08 pm.