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## COMMITTEE OF ADJUSTMENT MEETING MINUTES

February 20, 2025, 6:00 p.m.

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

Staff Present: Natalie Thomson, Secretary-Treasurer  
Aimee Alderman, Manager of Development Planning  
Connor MacIsaac, Planner II  
Victoria Nikoltcheva, 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. ADOPTION OF AGENDA

Moved by: Angelo Miniaci

that the agenda be adopted, as presented.

**APPROVED**

### 3. CONFLICT OF INTEREST

#### 3.1 Margaret Louter - Consent Application B-01/25 – 1708-1710 Niagara Stone Road, CDS-25-036

Professional connection to the applicant.

#### 3.2 Angelo Miniaci - Consent Application B-01/25 – 1708-1710 Niagara Stone Road, CDS-25-036

Personal connection to the property.

### 4. REQUEST FOR WITHDRAWAL OR ADJOURNMENT

There were no requests for withdrawal or adjournment

## 5. APPLICATIONS

### 5.1 Minor Variance Application A-01/25 – 25 Castlereagh Street, CDS-25-037

Natalie Thomson summarized the notice.

Victoria Nikoltcheva summarized the staff report and noted a change in the variance requests.

Mary Lou Tanner (NPG Planning Solutions Inc.) was present on behalf of the application. Mary Lou delivered a brief oral 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:

- Particulars of the undertaking condition
- Timeline for Zoning By-law Amendment and Site Plan
- Variance use exclusive for the museum only
- AODA requirements for accessibility ramp
- Modified variances

Moved by: Steve Bartolini

that Variance 1 of Minor Variance Application A-01/25 for 25 Castlereagh Street be modified to request the following:

*To permit the following uses secondary to and exclusively for the Niagara-on-the-Lake Museum (43 Castlereagh Street) on the subject lands, until such time as the uses are established through a Zoning By-law Amendment and Site Plan Amendment, whereas only permitted uses within the Established Residential (ER) Zone are permitted.*

- a. *Professional office and office-related uses including storage, meeting and research rooms, to a maximum gross floor area (GFA) of 217 square metres.*
- b. *Professional office and office-related uses including storage, meeting and research rooms, to a maximum gross floor area (GFA) of 217 square metres*

and that Variance 4 (minimum interior side setback from 1 metre, as required in the Zoning By-law, to 0.5 metres for the proposed parking space) of Minor Variance Application A-01/25 for 25 Castlereagh Street be removed.

## **APPROVED**

Moved by: Angelo Miniaci

to accept the recommendation of the staff report that Minor Variance Application A-01/25 for 25 Castlereagh Street be approved with the modification to Variance 1 and removal of Variance 4, subject to the following condition:

1. That the owner/applicant provides a lawyer's undertaking confirming the merger of lands known municipally as 25 Castlereagh Street and 43 Castlereagh Street, to the satisfaction of the Director of Community and Development Services.

## **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:

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.

### **5.2 Consent Application B-01/25 – 1708-1710 Niagara Stone Road, CDS-25-036**

Margaret Louter declared a conflict on this item. (Professional connection to the applicant.)

Angelo Miniaci declared a conflict on this item. (Personal connection to the property.)

Natalie Thomson summarized the notice.

Victoria Nikoltcheva summarized the staff report.

Lichheng Lim and Jeremy Tran (NPG Planning Solutions Inc.) were present on behalf of the application. Lichheng delivered a 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:

- Change in driveway access to properties
- Septic systems

Moved by: Steve Bartolini

to accept the recommendation of the staff report that Consent Application B-01/25 for 1708-1710 Niagara Stone 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 one (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 Town, for use in the issuance of the Certificate of Consent;
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 Town, that Part 2 shall be conveyed to the owner of Part 3 and to prepare and register application to consolidate the lands and forward a copy of receipted application within two years of issuance of the consent certificate;

3. That the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Town, 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;
4. That the Town's Operations Department be provided with a copy of the deposited reference plan;
5. That the owner/applicant contact the Town's Environmental Services Department to confirm the location of any water and sanitary service connections between Part 1 and merged Parts 2 and 3 of the proposed boundary adjustment, and that all water and sanitary sewer services between Part 1 and merged Parts 2 and 3 be terminated and capped at the boundary of Part 1, to the satisfaction of the Town's Environmental Services Department;
6. That a new water service wholly fronting merged Parts 2 and 3 of the proposed boundary adjustment be installed to benefit Part 2 via application to the Town's Environmental Services Department, or that connection to an existing water service on Part 3 be provided for Part 2, to the satisfaction of the Town's Environmental Services Department;
7. That the owner/applicant obtains final approval through a *Planning Act* application for Part 1 to recognize any zoning deficiencies resulting from the conveyance of Part 2 to Part 3, to the satisfaction of the Director of Community and Development Services; and
8. That the owner/applicant obtains final approval through a *Planning Act* application for Parts 2 and 3 to recognize any zoning deficiencies resulting from the boundary adjustment, 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 application.

**REASONS:** The Committee of Adjustment considered all the written and oral submissions and agrees with the consent report analysis and recommendation that, subject to the conditions of provisional consent, this application meets Planning Act requirements, is consistent with Provincial Policy, the Niagara Region Official Plan and the Town Official Plan regarding the boundary adjustment.

The Chair summarized the decision.

### **5.3 Consent Application B-02/25 – E/S of Niagara Stone Road, CDS-25-024**

Natalie Thomson summarized the notice.

Connor MacIsaac summarized the staff report.

Jeremy Tran (NPG Planning Solutions Inc.) was present on behalf of the application.

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:

- Future road widening on Line 1 Road
- Zoning designations on the property being Village Commercial

Moved by: Steve Bartolini

to accept the recommendation of the staff report that Consent Application B-02/25 be approved for a boundary adjustment including a partial discharge of mortgage, 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 Town, for use in the issuance of the Certificate of Consent;
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 1 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 1 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;

3. 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;
4. That the Town Operations Department be provided with a copy of the deposited reference plan; and
5. That the owner/applicant removes the lapsed Site Plan Agreement (SPA 128-2022) which applies to Part 2 from title, 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 application.

**REASONS:** The Committee of Adjustment considered all the written and oral submissions and agrees with the consent report analysis and recommendation that, subject to the conditions of provisional consent, this application meets Planning Act requirements, is consistent with Provincial Policy, the Niagara Region Official Plan and the Town Official Plan regarding the boundary adjustment.

The Chair summarized the decision.

**6. MINUTES FOR APPROVAL**

**6.1 January 16, 2025 minutes**

The minutes were approved by unanimous consent.

## **6.2 Modification to November 21, 2024 minutes**

Natalie Thomson noted an administrative error on page 4 of the minutes. Decision for Consent Application B-13/24 to read: RECOMMENDATION ACCEPTED / APPLICATIONS APPROVED. The modified minutes were approved by unanimous consent.

## **7. NEW BUSINESS**

There was no new business.

## **8. NEXT MEETING DATE**

Thursday, March 20, 2025 at 6:00pm

## **9. ADJOURNMENT**

The meeting was adjourned at 7:17pm.