



COMMITTEE OF ADJUSTMENT MEETING MINUTES

May 15, 2025, 6:00 p.m.

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

Members Absent: Steve Bartolini

Staff Present: Natalie Thomson, Aimee Alderman, Connor MacIsaac and Alex Boekestyn

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 Paul Johnston - Minor Variance Application A-06/25 – 329 Victoria Street, CDS-25-062

Living in close proximity to the subject property and having a personal acquaintance 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-04/25 – 407 Victoria Street, CDS-25-068

Natalie Thomson summarized the notice.

Alex Boekestyn summarized the staff report.

Julia Czernicki (homeowner) 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:

- Dwelling orientation on property
- 2 storey dwelling versus one storey
- Demolition of existing dwelling
- Exterior side yard setback requirements for a corner lot

Moved by: Angelo Miniaci

to accept the recommendation of the staff report that Minor Variance Application A-04/25 for 407 Victoria Street be approved, subject to the following conditions:

1. That a Stage 1 and 2 archaeological assessment be completed, by a consultant archaeologist licensed by the Ministry of Citizenship and Multiculturalism under the provisions of the Ontario Heritage Act (R.S.O. 1990), on the whole subject lands and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The results of the Stage 1 and 2 archaeological assessment will determine the need for further studies. 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 submit a Tree Inventory and Protection Plan, completed by a certified arborist, including all Town trees, to the satisfaction of the Town's Urban Forestry Officer; and,

3. That the owner/applicant submits and obtains approval from the Town for the removal or relocation of any tree on the subject property, including any compensation, to the satisfaction of the Town's Urban Forestry Officer.

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 Minor Variance Application A-05/25 – 310 Simcoe Street, CDS-25-061

Natalie Thomson summarized the notice.

Connor MacIsaac summarized the staff report.

Santy Yeh (agent) was present on behalf of the application. Santy 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:

- Design of dwelling to compliment the neighbourhood
- Lot coverage request due to bungalow instead of 2 storey

Moved by: Margaret Louter

to accept the recommendation of the staff report that Minor Variance Application A-05/25 for 310 Simcoe Street be approved, subject to the following conditions:

1. That a Stage 1 and 2 archaeological assessment be completed, by a consultant archaeologist licensed by the Ministry of Citizenship and Multiculturalism under the provisions of the Ontario Heritage Act (R.S.O. 1990), on the whole subject lands and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The results of the Stage 1 and 2 archaeological assessment will determine the need for further studies. 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 and obtains approval of Town permit applications for the proposed tree removal, which may include but not be limited to the completion of a Tree Inventory and Protection Plan. If any boundary trees are proposed for removal, the owner/applicant is required to obtain written permission from adjacent landowners for the removal of any boundary trees, to the satisfaction of the Town.

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.

5.3 Minor Variance Application A-06/25 – 329 Victoria Street, CDS-25-062

Paul Johnston declared a conflict on this item. (Living in close proximity to the subject property and having a personal acquaintance with the applicant.)

Paul Johnson exited the room at 6:36pm due to his declared conflict.

Natalie Thomson summarized the notice.

Connor MacIsaac summarized the staff report.

Mark Edwards (agent) 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:

- Tree removals to accommodate proposal
- Existing concrete pad to accommodate future pool equipment

Moved by: Angelo Miniaci

to accept the recommendation of the staff report that Minor Variance Application A-06/25 for 329 Victoria Street be approved, subject to the following conditions:

1. That a Stage 1 and 2 archaeological assessment be completed, by a consultant archaeologist licensed by the Ministry of Citizenship and Multiculturalism under the provisions of the Ontario Heritage Act (R.S.O. 1990), on the whole subject lands and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The results of the Stage 1 and 2 archaeological assessment will determine the need for further studies. 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 signs and submits the Town's Tree Protection Declaration Form, to the satisfaction of the Town's Urban Forestry Officer; and
3. That the owner/applicant submits and obtains approval of permit applications for the proposed tree removal from the Town, which may include but not be limited to the completion of a Tree Inventory and Protection Plan. If any boundary trees are proposed for removal, the owner/applicant is required to obtain written permission from adjacent landowners for the removal of any boundary trees, to the satisfaction of the Town's Urban Forestry Officer.

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.

5.4 Minor Variance Application A-07/25 – 19 Kenmir Avenue, CDS-25-069

Paul Johnson rejoined the meeting at 6:50pm.

Natalie Thomson summarized the notice.

Alex Boekestyn summarized the staff report.

Nick Fortuna (homeowner) 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:

- Average grade of property for measuring height

- Covered porch requiring additional lot coverage

Moved by: Paul Johnston

to accept the recommendation of the staff report that Minor Variance Application A-07/25 for 19 Kenmir Avenue be approved, subject to the following condition:

1. That the owner/applicant submits and obtains approval from the Town for the removal or relocation of the Town tree fronting the subject property, including any compensation, to the satisfaction of the Town's Urban Forestry Officer.

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.

5.5 Consent Application B-04/25 and Minor Variance Application A-08/25 – 767 Concession 2 Road, CDS-25-066

Natalie Thomson summarized the notice.

Alex Boekestyn summarized the staff report.

Susan Wheler (agent) 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:

- Terminology of "minor" boundary adjustment
- Trans Canada Pipeline easement and associated condition

- Reconfiguration of existing lots meaning no new lot created

Moved by: Angelo Miniaci

to accept the recommendation of the staff report that Consent Application B-04/25 be approved, subject to the recommended 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 conditions, restrictions or covenants specified by TransCanada PipeLines Limited (TCPL) shall be registered against title (by agreement) in relation to the "Lands" by way of application to register conditions, restrictions or covenants as applicable, pursuant to the Land Titles Act, or any amendments thereto;
5. That the Town Operations Department be provided with a copy of the deposited reference plan; and,

6. Dedication of 3.05 metre road allowance widening fronting Part 3 of the proposed severance, to the satisfaction of the Director of Operations.

Decision: RECOMMENDATION ACCEPTED / APPLICATION APPROVED.

Reasons: The Committee of Adjustment 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.

and that Minor Variance Application A-08/25 for 767 Concession 2 Road be approved, subject to the recommended condition:

1. That the owner/applicant obtain final approval for Consent Application B/04/25

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.

5.6 Consent Application B-05/25 – 944 Concession 1 Road, CDS-25-063

Natalie Thomson summarized the notice and mentioned one member of the public in attendance with interest about proposal.

Connor MacIsaac summarized the staff report.

Susan Wheler (agent) was present on behalf of the application.

The Chair called on those registered to speak in support or against the proposal. Justin Vanderveen was in the audience but declined speaking to the application.

The following topics were discussed:

- Clarification on surplus farm requirements

Moved by: Paul Johnston

to accept the recommendation of the staff report that Consent Application B-05/25 for the severance of the rural residential lot known as 944 Concession 1 Road (Part 1) as a surplus to a consolidated farming operation, 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. merging of Part 2 with Part 3, 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 obtains approval in the form of a municipal entrance permit from the Town's Operations Department for the proposed driveway on Part 2 providing access to Concession 1 Road, to the satisfaction of the Director of Operations;
4. That the owner/applicant, at their own expense, enter into a reapportionment agreement for assessment of future maintenance of the municipal drain, subject to the approval of the Town's Drainage Superintendent; and,
5. 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 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

The March 20, 2025 minutes were approved by unanimous consent.

7. NEW BUSINESS

Chair Eric Lehtinen noted the posting had recently closed to fill 2 vacancies on Committee of Adjustment.

8. NEXT MEETING DATE

Thursday, June 19, 2025 at 6:00pm.

9. ADJOURNMENT

The meeting was adjourned at 7:28 pm