



MINUTES OF HEARING OF THE CITY OF WELLAND COMMITTEE OF ADJUSTMENT

WELLAND CITY HALL, COUNCIL CHAMBERS
December 14, 2011, 5:00 PM

Committee Members: Diane Zakraysek, Chair
Mark Tayti, Member
Linda Baird, Member

Staff Present: Christine Rossetto, Secretary-Treasurer

Others Present: Randy Morrison, 84 Kingsway, A22/2011
Domenico Iannetti, Fenwick, B014/2011WELL, B015/2011WELL
D. Covello, 31 Carlton, A21/2011

CALL TO ORDER - Chair Zakraysek called the Hearing to order and introduced the Committee members and staff.

The Secretary-Treasurer explained the purpose of the Committee of Adjustment decision-making process, including the manner in which objections could be filed with the Secretary-Treasurer of the Committee of Adjustment for the purpose of appealing a Decision to the Ontario Municipal Board.

CONFLICTS OF INTEREST – Nil.

ADOPTION OF MINUTES

Moved by Mark Tayti that the Minutes of the Hearing held on October 19, 2011 be adopted as circulated.

CARRIED

REQUESTS FOR DEFERRAL OR WITHDRAWAL OF APPLICATIONS – Nil.

APPLICATIONS Consent Application File Nos. B014/2011WELL and B015/2011WELL
Gabmar Construction Ltd.
125 and 117 Clare Avenue

Presentation

The following correspondence was received and read:

- Emails from City of Welland Infrastructure Services dated November 23, 2011 and December 5, 2011.
- Responses from Niagara Region Public Works Department dated November 30, 2011 and December 8, 2011.
- Memorandum from City of Welland Integrated Services - Planning Division, dated December 9, 2011.

Domenico Iannetti, Owner, advised that Lot 1 is bigger than other lots in the subdivision, Parts 2 and 3 will be one lot, proposal is consistent with the zoning, a subdivision is going in to the rear and he agrees with the conditions.

In response to Baird's question regarding the central air and lot grading and drainage comments, the Secretary-Treasurer advised that lot grading and drainage plans are required at the building permit stage whereas previously such plans were required at the consent stage, the Owner will be required to do a plan for the lots given that the proposed lot will impact the approved subdivision grading plan, and the Committee can place conditions of approval related to the central air or grading comments however such conditions have not been requested by the Planning Manager.

In response to the Chair's question regarding the proposed lot not already being part of the subdivision, the Owner advised that he did not own the lots at that time.

The members advised that the proposal keeps with smart growth principles, is a good infill and use of land, and meets the plans.

No further discussions occurred and the Committee rendered and declared its Decisions.

Decisions

Consent Application File No. B014/2011WELL – Granted with 5 conditions:

- 1 That the Owner(s) prepay to the City of Welland a \$300.00 tree prepayment.
- 2 Pursuant to Section 50(12) of The Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or (5), as the case may be, shall apply to any subsequent Conveyance of, or other transaction involving the identical subject parcel of land. Therefore, once the subject parcel of land (Part 2) has been Conveyed to the Owner of the parcel abutting to the south (Part 3), the subject parcel and the said abutting parcel shall merge in Title and become parcel of land.
- 3 That Consent Application File Nos. B014/2011WELL and B015/2011WELL receive final certification of the Secretary-Treasurer concurrently.
- 4 That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy and a digital copy of the Deposited Reference Plan, if applicable, for use in the issuance of the Certificate of Consent.
- 5 That all Conditions of Consent be fulfilled by December 15, 2012.

Reasons:

- 1 With Conditions fulfilled, the Application will comply with the Zoning By-law.
- 2 Consent facilitates the consolidation of lands for a residential lot.
- 3 This Decision is rendered having regard to the provisions of Subsection 51(24) of The Planning Act, R.S.O. 1990, as amended.

Signed: "Diane Zakraysek"
"Linda Baird"
"Mark Tayti"

CARRIED

All members of the Committee of Adjustment were in favour of the above Decision.

Consent Application File No. B015/2011WELL – Granted with 4 conditions:

- 1 Pursuant to Section 50(12) of The Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or (5), as the case may be, shall apply to any subsequent Conveyance of, or other transaction involving the identical subject parcel of land. Therefore, once the subject parcel of land (Part 3) has been Conveyed to the Owner of the parcel abutting to the north (Part 2), the subject parcel and the said abutting parcel shall merge in Title and become one parcel of land.
- 2 That Consent Application File Nos. B014/2011WELL and B015/2011WELL receive final certification of the Secretary-Treasurer concurrently.

- 3 That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy and a digital copy of the Deposited Reference Plan, if applicable, for use in the issuance of the Certificate of Consent.
- 4 That all Conditions of Consent be fulfilled by December 15, 2012.

Reasons:

- 1 With Conditions fulfilled, the Application will comply with the Zoning By-law.
- 2 Consent facilitates the consolidation of lands for a residential lot.
- 3 This Decision is rendered having regard to the provisions of Subsection 51(24) of The Planning Act, R.S.O. 1990, as amended.

Signed: "Diane Zakraysek"
"Linda Baird"
"Mark Tayti"

CARRIED

All members of the Committee of Adjustment were in favour of the above Decision.

APPLICATION

Minor Variance Application File No. A21/2011
Dennis A. Covello
31 Carlton Avenue

Presentation

The following correspondence was received and read:

- Memorandum from City of Welland Integrated Services - Planning Division, dated December 6, 2011.

Dennis Covello had no comments.

The Chair advised that the Owner has created a rear lot on the property and the fencing does not seem to allow for the new lot in the rear. Mr. Covello advised that he has an 8 foot gate in the fence, the fence is 5 feet in height and the fence is new. The Secretary-Treasurer advised that once the new lot off of Beatty Avenue is created, the 5' fence along the front lot line will be in contravention of the Fence By-law with respect to fence height, and the Committee may condition the Variance with respect to the fence. She advised that the Committee does not create new lots in contravention of City By-laws and noted that once final certification is received, the Owner has 2 years to register the new lot. She also advised that the fence may contravene the Fence By-law due to the height limitation of 1 metre in the front yard.

In response to the Chair's question regarding the high posts on the front porch, the Owner advised that the front porch will not be enclosed/roofed. The Chair noted her concern with lot coverage if it was enclosed.

The Committee discussed the possibility of conditioning the minor variance with respect to the fence. In response to Tayti's question, the Owner indicated that he would cut down the fence to 3' along the front lot line of the new lot off of Beatty Avenue. The Committee determined that at this time, the fence at the rear of the existing property does not contravene the Fence By-law. The Chair directed the Secretary-Treasurer to notify the appropriate Departments with respect to the fence for Part 1 on the sketch, any other fence issues on site, and to monitor the front porch for enclosure.

No further discussions occurred and the Committee rendered and declared its Decision.

Decision

Minor Variance Application File No. A21/2011 – Approved for the following reasons:

1. The request is a Minor Variance from the provisions of the By-law.
2. The Variance is desirable in the opinion of the Committee for the appropriate development or use of the land, building or structure.

3. The general intent and purpose of the Zoning By-law are maintained.
4. The general intent and purpose of the Official Plan are maintained.

Signed: "Diane Zakraysek"
"Linda Baird"
"Mark Tayti"

CARRIED

All members of the Committee of Adjustment were in favour of the above Decision.

APPLICATION

Minor Variance Application File No. A22/2011
Randy Morrison and Toni Tamulynas
84 Kingsway

Presentation

The following correspondence was received and read:

- Memorandum from City of Welland Integrated Services - Planning Division, dated December 6, 2011.
- Letter from Ed and Roxanne Slachta dated December 7, 2011.

Randy Morrison had no comments.

In response to Tayti's question, the Owner advised that the garage is for tools as he will work on his house. Tayti advised that the garage may not be used for a business. The Owner advised that he thought the top of the slab was grade, however it was actually 4 inches below the slab.

The Chair questioned if the roofed garbage bin in the rear yard is included in lot coverage and the Secretary-Treasurer advised that generally they are not included. It was determined that by including the garage bin (1.5 square metres in size), the accessory building lot coverage will be 85 percent of the footprint, as per the request, so there is no impact on the request by including the garbage bin in the percentage calculation.

The members noted that there is no impact on the neighbour and the adjoining neighbour is not objecting.

No further discussions occurred and the Committee rendered and declared its Decision.

Decision

Minor Variance Application File No. A22/2011 – Approved for the following reasons:

1. The requests are Minor Variances from the provisions of the By-law.
2. The Variances are desirable in the opinion of the Committee for the appropriate development or use of the land, building or structure.
3. The general intent and purpose of the Zoning By-law are maintained.
4. The general intent and purpose of the Official Plan are maintained.

Signed: "Diane Zakraysek"
"Linda Baird"
"Mark Tayti"

CARRIED

All members of the Committee of Adjustment were in favour of the above Decision.

OTHER ITEMS - Nil

NEXT MEETING – January 18, 2012 in Council Chambers.

ADJOURNMENT – The hearing closed at 6:15pm.