



**CITY OF WELLAND COMMITTEE OF ADJUSTMENT
MINUTES OF ELECTRONIC PUBLIC HEARING VIA ZOOM**

June 1, 2022, 5:00 PM

Members Present: Diane Zakraysek, Chair
Wayne Ursacki, Member
John Conlin, Member

Staff Present: Christine Rossetto, Secretary-Treasurer
Taylor Meadows, Development Planner

Others Present: A24-2022, S. Olesevich
A27-2022, J. Frank
B008-2022, A28-2022, A29-2022, C. Rohe, T. Nemes, A. Iannuzzelli, S. Barnett,
M. Kirby, J. Barker, D. Orsini
B009-2022, C. Rohe
B010-202, B011-2022, A30-2022, A31-2022, C. Rohe, J. Silli, S. Wright, P. Klotz
A34-2022, D. Hassam, C. Laramée, L. Seager, T. Thomas, C. Nadeau, L. Schoot
Uiterkamp, C. Ospina
A 35-2022, J. Lock, B. Forder

CALL TO ORDER – The Chair called the Hearing to order. The Secretary-Treasurer explained the format of the Hearing and the rights of appeal for appealing a Decision to the Ontario Land Tribunal.

AGENDA ADDITIONS – Nil.

CONFLICTS OF INTEREST – Nil.

ADOPTION OF MINUTES – Moved by Ursacki that the minutes of the Hearing held May 4, 2022 be adopted as circulated.

CARRIED

REQUESTS FOR DEFERRALS OR WITHDRAWALS OF APPLICATIONS – Nil.

MINOR VARIANCE FILE NO. A24-2022

Owner: Sharon Olesevich and Maurice Richard
Location: 139 North Valley Drive

Correspondence and Discussion

- Welland Traffic/Parking/Bylaw Division email dated April 27, 2022
- Welland Building Division email dated April 29, 2022
- Welland Engineering Division memo dated May 20, 2022
- Welland Planning Division memo dated April 28, 2022

Sharon Olesevich explained the requests for the older rear fence belonging to rear neighbour, no security issue and not want to put up a new fence along the existing fence.

Committee members questioned/noted: pool enclosure permit review regarding existing fence height, no comments from rear neighbour, fence post spacing, mesh size requirement for a new fence versus existing

chain link fence, Committee's authority under 45(3) to deal with the Fence By-law, and application is considered on its own merit and does not set a precedent.

The Chair asked the Committee members if they had considered the oral and written comments received and all members, including the acting Chair, concurred.

Decision for A24-2022 – **APPROVES** for the following reasons:

Pursuant to Section 45(8.1)(b) of The Planning Act, as amended, the Committee of Adjustment took into consideration all written and oral presentations made to it before rendering a Decision.

1. The general intent and purpose of the Official Plan are maintained.
2. The general intent and purpose of the Swimming Pool Enclosures By-law is maintained.
3. The requests are minor and are applicable to the existing chain link fence.
4. The variances are satisfactory and appropriate for the safety of the property in the opinion of the Committee.

Signed Electronically: "Diane Zakraysek-Bourque"
"John Conlin"
"Wayne Ursacki"

CARRIED

MINOR VARIANCE FILE NO. A27-2022

Owner: The Waterway Inc.

Location: 119 Lincoln Street

Correspondence and Discussion

- Welland Engineering Division memo dated May 25, 2022
- Welland Planning Division memo dated May 25, 2022

Jim Frank, agent, explained proposal, the surrounding land uses, proceeding through site plan process, want to maximize the building site and report lays out comments well.

Committee members questioned/noted: if road widening completed for Lincoln Street and Secretary-Treasurer advised that the lands were transferred to the City as part of the consent process.

The Chair asked the Committee members if they had considered the oral and written comments received and all members, including the Acting Chair, concurred.

Decision for A27-2022 – **APPROVES** for the following reasons:

Pursuant to Section 45(8.1)(b) of The Planning Act, as amended, the Committee of Adjustment took into consideration all written and oral presentations made to it before rendering a Decision.

1. Desirable and in compliance with the general intent and purpose of the Official Plan as the proposed development achieves the density range set out in the High Density Residential designation.
2. Desirable and in compliance with the general intent and purpose of the Zoning By-law as the proposed development complies with all other provisions of the By-law and is a permitted use per the RH Zone.
3. Appropriate addition to the site as the proposed development locates infill development on lands zoned for high density residential, and orients the buildings in a way to compliment the waterfront, locate parking areas away from recreational view, and in a manner that will not negatively impact adjacent properties.
4. Minor in nature as the proposed variances are small decreases to required setbacks to revise the building envelope to design a site with good planning principles.

Signed Electronically: "Diane Zakraysek-Bourque"
"John Conlin"

"Wayne Ursacki"

CARRIED**CONSENT FILE NO. B008-2022WELL
MINOR VARIANCE FILE NOS. A28-2022, A29-2022**

Owner: Cairnwood Developments Inc.

Location: 37 and 39 Riverside Drive

Correspondence and Discussion

- Enbridge email dated May 18, 2022
- Orsini email dated May 30, 2022
- Welland Engineering Division memos dated May 25, 2022
- Welland Planning Division memo dated May 26, 2022

Craig Rohe, agent, provided a PowerPoint presentation and explained the lot area variances required to sever the 3-storey semi-detached dwelling.

Committee members questioned/noted: size of the building in comparison to the neighbourhood and being on a small lot, if semi-detached use is permitted and maximum building height permitted. Taylor Meadows advised that building height maximum is 11 metres, use is allowed, and the severance triggered the minor variance for lot area.

The following persons spoke in opposition to the application: Sue Barnett, Mary Kirby, Julie Barker, Doreen Orsini, Tom Nemes, and Anthony Iannuzzelli. Concerns included:

- Building is too big for lot and does not fit with neighbourhood
- Do not agree with variances
- Not enough parking on Riverside Drive or Oakland Avenue
- No privacy for neighbours
- 20% of lot should have trees/shrubs
- Not all areas should be intensified, Case Law notes being compatible is not the same as similar to
- How will neighbourhood character be impacted with the building
- Why did City allow a building permit.

Member Conlin advised that he lost power and missed some of the oral presentations by the public. He said he would not vote on the applications.

The Chair read the Committee's Procedural By-law for a tie vote given that 2 members will vote. Craig Rohe stated that it was okay to proceed with 2 members voting.

The Chair asked Member Ursacki if he had considered the oral and written comments received. He concurred as did the Chair.

Decision for Consent File No. B008/2022WELL – GRANTED with 6 conditions:

1. That a plan showing the location of the existing services relative to the proposed lot lines be provided to the Senior Project Manager – Development for approval. The plan must show that no services cross the proposed lot line. The Applicant is responsible for the removal and/or relocation of any services in breach of this requirement.
2. That final approval be received from the Committee of Adjustment for the City of Welland for any necessary Minor Variances.
3. That the Owner(s) prepay to the City of Welland a \$300.00 tree prepayment.
4. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy and digital copy of the Deposited Reference Plan, if applicable, for use in issuance of the Certificate of Consent.
5. Confirmation of payment of outstanding taxes to the satisfaction of the City of Welland Finance Division.
6. That all Conditions of Consent be fulfilled by June 2, 2024

4. Confirmation of payment of outstanding taxes to the satisfaction of the City of Welland Finance Division.
5. That all Conditions of Consent be fulfilled by June 2, 2024.

Reasons:

1. Both the severed and retained lots will generally comply with the intent of Provincial Policy, Regional Policy and the City's Official Plan.
2. The Application complies with the requirements of the Zoning By-law.
3. The development will ensure the most efficient use of existing urban serviced land and existing infrastructure.
4. This Decision is rendered having regard to the provisions of Subsection 51(24) of The Planning Act, R.S.O. 1990, as amended.

Signed Electronically: "Diane Zakraysek-Bourque"
 "John Conlin"
 "Wayne Ursacki"

CARRIED

**CONSENT FILE NOS. B010-2022WELL, B011-2022WELL
 MINOR VARIANCE FILE NOS. A30-2022, A31-2022**

Owner: Cairnwood Developments Inc.

Location: 78 Dorothy Street

Correspondence and Discussion

- Bell email dated May 24, 2022
- Welland Engineering Division memos dated May 25, 2022
- Silli emails dated May 20, 2022 and May 23, 2022
- Wright email dated May 25, 2022
- Klotz letter dated May 25, 2022
- Welland Planning Division memo dated May 19, 2022
- Desjardins email dated May 31, 2022

Craig Rohe, agent, provided a PowerPoint presentation and explained there will be 3 more applications next week due to Official Plan consent policy. He said each townhouse will have an accessory dwelling unit, proposed easements are for pedestrian access at the rear, balcony encroachments required for architectural feature, each lot requires 2 parking spaces, By-law does not allow tandem parking for street townhouse, height increase required for more roof pitch and 2 internal lots require lot area increase.

Committee members questioned/noted: if use is allowed under the Zoning By-law and the approach to create 4 lots. Taylor Meadows advised that the RL2 zone allows street townhouses.

The following persons spoke in opposition to the application: Jeff Silli, Stu Wright and Peter Klotz.

Concerns included:

- Parking at the road in the front
- No privacy with balconies, they will overlook all backyards
- Income level for the house
- Bedroom window in neighbour's house beside proposed side door entrance will cause no air circulation in neighbour's house
- No parking on Dorothy Street where the house is proposed
- No reason for rear balconies as no rear yard
- Accident prone intersection and a school bus pick location
- Height increase will keep neighbourhood in the yard
- Neighbourhood has yards and the plan shows approximately 6 feet of back yard after the sidewalk
- Plan is not good aesthetically for neighbourhood
- Structure too big
- Neighbourhood has duplexes so can design be revised to 2 or 3 units
- Location for snow

- Object to balconies and height
- Will be an increase in traffic, should have a traffic study, residential road not designed for heavy traffic, and there should be a median on River Road.

Craig Rohe responded to neighbours' concerns and said parking will be in garage and driveway, proposing 6' fence, balconies same as window, gives amenity space for primary unit, city staff did not require traffic study, within walking distance to bus stop, good urban form, and snow storage in front yard.

The Chair asked the Committee members if they had considered the oral and written comments received and all members, including the Acting Chair, concurred.

Decision for Consent File No. B010/2022WELL – **GRANTED** with 7 conditions:

1. That a plan showing the location of the existing services relative to the proposed lot lines be provided to the Senior Project Manager – Development for approval. The plan must show that no services cross the proposed lot line. The Applicant is responsible for the removal and/or relocation of any services in breach of this requirement.
2. That Consent Application file No. B011/2022WELL receive Final Certification of the Secretary-Treasurer concurrent with or subsequent to Consent Application File No. B010/2022WELL.
3. That final approval be received from the Committee of Adjustment for the City of Welland for any necessary Minor Variances.
4. That the Owner(s) prepay to the City of Welland a \$300.00 tree prepayment.
5. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy and digital copy of the Deposited Reference Plan, if applicable, for use in issuance of the Certificate of Consent.
6. Confirmation of payment of outstanding taxes to the satisfaction of the City of Welland Finance Division.
7. That all Conditions of Consent be fulfilled by June 2, 2024.

Reasons:

1. Both the severed and retained lots will generally comply with the intent of Provincial Policy, Regional Policy and the City's Official Plan.
2. The Application complies with the requirements of the Zoning By-law.
3. This Decision is rendered having regard to the provisions of Subsection 51(24) of The Planning Act, R.S.O. 1990, as amended.

Decision for Consent File No. B011/2022WELL – **GRANTED** with 7 conditions:

1. That a plan showing the location of the existing services relative to the proposed lot lines be provided to the Senior Project Manager – Development for approval. The plan must show that no services cross the proposed lot line. The Applicant is responsible for the removal and/or relocation of any services in breach of this requirement.
2. That Consent Application file No. B010/2022WELL receive Final Certification of the Secretary-Treasurer concurrent with or subsequent to Consent Application File No. B011/2022WELL.
3. That final approval be received from the Committee of Adjustment for the City of Welland for any necessary Minor Variances.
4. That the Owner(s) prepay to the City of Welland a \$300.00 tree prepayment.
5. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy and digital copy of the Deposited Reference Plan, if applicable, for use in issuance of the Certificate of Consent.
6. Confirmation of payment of outstanding taxes to the satisfaction of the City of Welland Finance Division.
7. That all Conditions of Consent be fulfilled by June 2, 2024.

Reasons:

1. Both the severed and retained lots will generally comply with the intent of Provincial Policy, Regional Policy and the City's Official Plan.
2. The Application complies with the requirements of the Zoning By-law.

3. This Decision is rendered having regard to the provisions of Subsection 51(24) of The Planning Act, R.S.O. 1990, as amended.

Decisions for A30-2022 and A31-2022 – **APPROVES** for the following reasons:

Pursuant to Section 45(8.1)(b) of The Planning Act, as amended, the Committee of Adjustment took into consideration all written and oral presentations made to it before rendering a Decision.

1. The application is compliant with the general intent and purpose of the Official Plan as the proposed severance and street townhouse development is in compliance with the Official Plan's policies of infill development and intensification within urban areas.
2. The application is compliant with the general intent and purpose of the Zoning By-law as the proposed severed lot and street townhouse, other than the requested variance, meets zoning provisions for residential uses.
3. The application is desirable and an appropriate development of the subject land as the intended future residential development is in keeping with the policy direction of the City, Region and Province.
4. The application is minor in nature as the proposed variances will not negatively impact adjacent properties or traffic.

All 4 Decisions Signed Electronically: "Diane Zakraysek-Bourque"
"John Conlin"

CARRIED

Note: Member Ursacki was not in favour of the 4 approval Decisions.

MINOR VARIANCE FILE NO. A34-2022

Owner: Thorold Property Corp

Location: 120 Thorold Road

Correspondence and Discussion

- Laramée email dated May 16, 2022
- Thomas emails dated May 18, 2022 and June 1, 2022
- Guitar and Tuin letter received May 20, 2022
- Bradnam email dated May 25, 2022
- Martin and Pirosko letter dated May 24, 2022
- Nadeau and Uiterkamp letter dated May 24, 2022
- Fernades email dated May 26, 2022
- Welland Engineering Division memo dated May 25, 2022
- Welland Planning Division memo dated May 26, 2022
- Welland Traffic Division email dated June 1, 2022

Dhul Hassam, agent, said convert into multi-residential with 6 units, existing building with existing setbacks, 2 units in basement under 50 square metres so required parking is 0.3 spaces per unit for those and 2 obstructed parking spaces and exterior changes to the entrances.

Committee members questioned/noted: Traffic Division comments regarding parking complaints, any exterior changes to the building, garbage location, neighbours have parking concerns, providing any parking off Thorold Road, obstructed parking not workable, too many units in small space, and parking requirements for former law firm that occupied the building. Taylor Meadows said he is unaware of whether the law firm met parking requirements at 1 space per 30 square metres.

The following spoke in opposition to the application: Cindy Laramée, Lyn Seager, Tyler Thomas, Clayton Nadeau, and Lissa Schoot Uiterkamp. Concerns included:

- The no parking sign on Carlton Avenue is on 1 driveway to accommodate a physically disabled person.
- By-laws in place and should stick with them
- Obstructed parking doesn't make sense

- 6 units could amount to 12 vehicles
- Building could have 4 units instead of 6 units
- Opposed to parking variances and more parking should be provided on site so that no parking occurs on the street
- Obstructed parking not safe
- Parking could occur in neighbour's parking lot
- No garbage design
- Building in disrepair
- Measurements wrong on sketch
- Impacts of snow removal on site and on neighbour's commercial parking lot
- 6 units not practical
- Rear stairwell too close to property line for safety beside commercial parking lot
- 2 entrances show on the drawing
- Parking spaces tight to allow walking access to back units
- By-law says only 12-hour parking permitted
- Planning report is speculative regarding use of public transit

Dhul Hassam said walkout requires engineer, dimensions from an outdated survey, zoning by-law allows zero setback on west side, snow areas on site, accessory dwelling units with tandem parking, garbage taken outside by tenants on collection days, wants to use existing driveway off Carlton Avenue and basement renters will not have cars.

Chris Ospina, an owner, said he does not want larger units, thought about parking off Thorold Road and requests a deferral to make a better plan. Taylor Meadows said parking in the front yard off Thorold Road will require variance approval.

The Chair asked the Committee members if they had considered the oral and written comments received and all members, including the acting Chair, concurred.

Decision for A34-2022 – Moved by Conlin to **DEFER** the application for up to 3 months to allow owner to consider more adequate parking for the development.

CARRIED

MINOR VARIANCE FILE NO. A35-2022

Owner: Jeffery Lock and Richard Lock

Location: 36 Hooker Street

Correspondence and Discussion

- Welland Planning Division email dated May 30, 2022
- Forder email dated May 13, 2022
- Mitas email dated May 24, 2022
- Welland Engineering Division memo dated May 25, 2022
- Welland Planning Division memo dated May 18, 2022

Jeff Lock, owner, said existing single garage sits 1.5 feet from line.

Committee members questioned/noted: use of second storey, size of the lot, concern with eaves on the garage at only 1' from lot line, size of eaves, temporary easement required to build it, too close to lot line, if a shared driveway, distance between 2 garages, and neighbour at 44 Hooker not in attendance. Jeff Lock said it is a shared driveway, eaves will be 10 inches, and roof will be hand formed.

Barber Forder said concern with use of space, if will be an office, any other upgrades such sewer/water to the garage, busy street, if current structure can hold second storey, does not want windows on back side and could the existing garage be widened instead of heightened.

The Chair asked the Committee members if they had considered the oral and written comments received and all members, including the Acting Chair, concurred.

Decision for A27-2022 – **DENIES** for the following reasons:

Pursuant to Section 45(8.1)(b) of The Planning Act, as amended, the Committee of Adjustment took into consideration all written and oral presentations made to it before rendering a Decision.

1. The existing garage is too close to the property line.
2. There is insufficient space between the existing garage and the lot line, and an expansion of the legal non-conforming garage does not make it better.

Signed Electronically: “Diane Zakraysek-Bourque”
“John Conlin”

CARRIED

Note: Member Ursacki voted in favour of the application.

OTHER ITEMS – Future Format item deferred to the June 8, 2022 Hearing.

NEXT HEARING – June 8, 2022

ADJOURNMENT – Hearing closed at 9:23 PM.