



**CITY OF WELLAND COMMITTEE OF ADJUSTMENT  
MINUTES OF PUBLIC HEARING – IN-PERSON AND VIA ZOOM**

**April 3, 2024, 5:00 PM**

**Members Present:** Diane Zakraysek-Bourque, Chair  
Mamdouh Abdelmaksoud, Member  
Kristen McNutt, Member

**Staff Present:** Christine Rossetto, Secretary-Treasurer

**Others Present:** B029-2023, A52-2023, A53-2023, M. Ribau, C. Loiselle  
B003-2024, A04-2024, S. Rivers  
B004-2024, A05-2024, A06-2024, T. Sinke  
A07-2024, J. Brouwer, D. Even, D. Polzin  
B005-2024, A08-2024, L. Marcantonio, S. Mehen

- 1. 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.
- 2. AGENDA ADDITIONS** - Nil.
- 3. CONFLICTS OF INTEREST** – Member McNutt declared a conflict with File Nos. B003-2024WELL and A04-2024.
- 4. ADOPTION OF MINUTES** – Moved by McNutt that the minutes of the Hearing held March 6, 2024 be adopted as circulated.

**CARRIED**

**5. REQUESTS FOR DEFERRALS OR WITHDRAWALS OF APPLICATIONS –**

**FILE NOS. B005-2024WELL and A08-2024** – Lou Marcantonio, agent from 2M Architects, requested a deferral for 1 month to address the comments received.

Moved by McNutt that the deferral request be approved, and the applications be deferred up to the June 26, 2024 Hearing.

**CARRIED**

**FILES NOS. B029-2023WELL, A52-2023 and A53-2023** – Deferral requested from Planning Division. Matthew Ribau, agent, agreed with the deferral.

Moved by McNutt that the deferral request be approved, and the applications be deferred up to the June 26, 2024 Hearing.

**CARRIED**

**6. FILES NOS. B029-2023WELL, A52-2023 and A53-2023** – Deferred per Item 5.

**7. CONSENT FILE NO. B003-2024WELL  
MINOR VARIANCE FILE NO. A04-2024**

Owner: David Brooks  
Location: 73-75 Afton Avenue

Correspondence and Discussion

- Enbridge email – March 11, 2024
- Engineering Division memos – March 22, 2024
- Building Division memo – March 28, 2024
- Planning Division memo – March 28, 2024

Steven Rivers, agent, said create a new lot with reduced parking setback, duplex dwelling since 1960s construction, concurs with Planning's recommendation, consent conforms to the Plans and minor variance meets the 4 tests.

The Chair questioned if any required setbacks from the Bell pedestal, and if road occupancy permit requirement is a condition or comment.

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

Decision for B003-2024WELL – **GRANTED** with 9 conditions:

- 1 That a plan showing the location of the existing and proposed services relative to the proposed lot line 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 a proposed grading plan for the new driveway be submitted to the Senior Project Manager-Development for approval. The plan should demonstrate that adjacent properties are not negatively impacted by the proposed driveway.
- 3 That the applicant provide a revised site plan showing the location of the services to the existing dwelling. If the services cross the proposed property line or are shared, a building permit will be required to comply with the OBC.
- 4 That the applicant provide drawings of the existing house that show the existing party wall and its construction between units (if one exists). If not, obtain a building permit under section 8 of the BCA to construct a party wall along the proposed property line.
- 5 That final approval be received from the Committee of Adjustment for the City of Welland for any necessary Minor Variances.
- 6 That the Owner pay to the City of Welland a \$691.56 (plus HST) tree planting fee.
- 7 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.
- 8 Confirmation of payment of outstanding taxes to the satisfaction of the City of Welland Finance Division.
- 9 That all Conditions of Consent be fulfilled by April 4, 2026.

Reasons:

Pursuant to Section 53(18)(a) 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 proposal is consistent with the policy direction of the Provincial, Regional, and City Plans which encourage infill and intensification.
- 2 The proposed lot generally complies to Zoning By-law 2017-117 and is compatible and comparable to the surrounding lots within the neighbourhood.

- 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 A04-2024 – **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 minor in nature as the requested variance is not considered to adversely impact the surrounding area.
2. The application is desirable for the appropriate development of the land as the existing units and use are in keeping with the policy direction of the City, Region, and Province.
3. The application maintains the intent and purpose of the Zoning By-law as the proposed retained lot complies fully with Zoning By-law 2017-117 provisions, and the proposed severed lot complies save for the requested parking variance.
4. The application maintains the intent and purpose of the Official Plan as the proposed severed and retained lots for the existing use are in compliance with the Official Plan's policies for infill development and intensification within urban areas.

Both Decisions Signed Electronically: "Diane Zakraysek-Bourque"  
"Mamdouh Abdelmaksoud"  
"Kristen McNutt"

**CARRIED**

**8. CONSENT FILE NO. B004-2024WELL  
MINOR VARIANCE FILE NOS. A05-2024 and A06-2024**

Owner: Henley Heights Construction Inc.  
Location: 546 Lloyd Avenue

Correspondence and Discussion

- Enbridge email – March 11, 2024
- Engineering Division memos – March 22, 2024
- Building Division memo – March 28, 2024
- Planning Division memo – March 28, 2024

Tim Sinke, owner, said proposed consent complies with policy, provides a range of options and housing in settlement areas, and the variance requested for parking space and driveway width is due to neighbour concerns with previous consent across the street.

The Chair questioned when lot grading is required for the new lot and the Secretary-Treasurer advised it would be required at building permit stage.

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

Decision for B004-2024WELL – **GRANTED** with 10 conditions:

- 1 That a plan showing the location of the existing and proposed services relative to the proposed lot line 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 a lot grading plan of Part 1 be provided to the Senior Project Manager-Development for approval. This plan will need to show that adjacent properties are not negatively impacted by the proposed driveway or reduced rear yard.
- 3 That the applicant provide a revised site plan showing the location of the services to the existing dwelling. If the services cross the proposed property lines, a building permit will be required to comply with the OBC.
- 4 That the applicant obtain a permit under section 8 of the BCA for the demolition of the carport.
- 5 That the applicant provide a drawing of the elevation adjacent to the proposed property showing the area of the existing glazed openings and exposing building face. If the area of allowable openings is exceeded, a building permit under section 8 of the BCA will be required to comply with the OBC.
- 6 That final approval be received from the Committee of Adjustment for the City of Welland for any necessary Minor Variances.
- 7 That the Owner pay to the City of Welland a \$691.56 (plus HST) tree planting fee.
- 8 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.
- 9 Confirmation of payment of outstanding taxes to the satisfaction of the City of Welland Finance Division.
- 10 That all Conditions of Consent be fulfilled by April 4, 2026.

Reasons:

Pursuant to Section 53(18)(a) 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 proposal is consistent with the policy direction of the Provincial, Regional, and City Plans which encourage infill and intensification.
- 2 The application is desirable and compatible with the surrounding area and should have no adverse impact on the surrounding properties.
- 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 A05-2024 – 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 minor in nature as the requested variance is not considered to adversely impact the surrounding area. The proposed reduction in lot area is considered to be reasonable and will adequately support the anticipated building typology (single-detached).
2. The application is desirable for the appropriate development of the lands as the proposed residential uses are compatible and align with the existing neighbourhood.
3. The application maintains the intent and purpose of the Zoning By-law as the property is intended to comply with and maintain all other Zoning By-law Provisions and requirements. The proposed use is permitted within the current Zone.
4. The application maintains the intent and purpose of the Official Plan as the uses are supportive of objectives and policy within the Official Plan. The proposed severance has the potential to facilitate intensification.

Decision for A06-2024 – **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 minor in nature as the reductions in lot area, rear yard and location of required parking are reasonable and will not hinder the use of the existing single-detached dwelling.
2. The application is desirable for the appropriate development of the lands as the reduction is not anticipated to significantly impact the neighbouring properties.
3. The application maintains the intent and purpose of the Zoning By-law as the property is intended to comply with and maintain all other Zoning By-law Provisions and requirements.
4. The application maintains the intent and purpose of the Official Plan as the uses are supportive of objectives and policy within the Official Plan. The proposed severance has the potential to facilitate intensification.

All 3 Decisions Signed Electronically: "Diane Zakraysek-Bourque"  
"Mamdouh Abdelmaksoud"  
"Kristen McNutt"

**CARRIED**

## **9. MINOR VARIANCE FILE NO. A07-2024**

Owner: Open Arms Mission of Welland Inc.

Location: 20-22 Fifth Street

### Correspondence and Discussion

- Engineering Division memo – March 22, 2024
- Building Division memo – March 28, 2024
- Planning Division memo – March 25, 2024

Jason Brouwer, agent, said proposed building will be further from the west side lot line than the existing building, most patrons do not require on-site parking, and agrees with the Planning comments.

The Chair questioned if side by side and tandem parking are permitted, and noted that Building Division comments state that a permit is required to demolish existing building.

Don Even questioned the proposed use of the 2 storey building, the picnic tables out front, if apartments are proposed and said that he does not want his house hit.

Doug Polzin questioned the proposed use of the building and why picnic tables are shown in the design.

The agent said the same Open Arms Mission use is proposed, no residential component, second storey is for storage and mechanical purposes, parking will meet needs of the building and a landscape buffer is provided which could be used for picnic tables.

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

Decision for A07-2024 – **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 minor in nature.
  - The requested variances will facilitate available parking for the development and will provide an adequate side yard setback.

2. The application is an appropriate addition to the site.
  - The proposed development is further enhancing the existing use of the site by constructing a larger building for better quality service for residents.
3. The application maintains the general intent and purpose of the Official Plan.
  - The proposed development will promote the planned function of institutional designation of the Official Plan by promoting and serving the immediate neighbourhood by integrating a community service.
4. The application maintains the general intent and purpose of the Zoning By-law.
  - The proposed development is permitted in the INSH Zone and generally complies with the required provisions.

Signed Electronically: "Diane Zakraysek-Bourque"  
"Mamdouh Abdelmaksoud"  
"Kristen McNutt"

**CARRIED**

**10. FILE NOS. B005-2024WELL and A08-2024 – Deferred per Item 5**

**11. NEXT HEARING DATE – May 1, 2024**

**12. OTHER ITEMS**

- OACA Conference – The Secretary-Treasurer advised that Members have not been approved to attend the conference. The Chair noted her concerns and requested that the Secretary-Treasurer follow-up with Management Staff to express her interest and Member Abdelmaksoud's interest in attending. All members concurred.
- Hearing Format to be added to the next Agenda.

**CARRIED**

**13. ADJOURNMENT – Hearing closed at 6:11pm.**