

**MINUTES OF HEARING OF THE CITY OF WELLAND  
COMMITTEE OF ADJUSTMENT**

**WELLAND CITY HALL, COUNCIL CHAMBERS  
November 21, 2018, 5:00 PM**

**Committee Members:** Diane Zakraysek-Bourque, Chair  
Mark Tayti, Member

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

**Others Present:** W. Singh, A17/2018  
S. Bourne, B020/2018WELL and B021/2018WELL  
T. Fitzpatrick, B019/2018WELL  
B. Fine-Doige, A19/2018  
M. Langlais, A19/2018  
P. Burns, A19/2018  
A. Galeota, B019/2018WELL  
D. Toth, A17/2018  
J. and V. Lepore, A18/2018  
H. Nauta, A18/2018  
J. Barrow  
J. Krajcovic, B022/2018WELL and B023/2018WELL  
B. Green  
G. Speck  
C. Lockley, A19/2018  
J. Tomaino, B022/2018WELL and B023/2018WELL

**CALL TO ORDER** - Chair 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 Local Planning Appeal Tribunal.

Chair Zakraysek-Bourque advised that as 2 members are hearing the applications, a tie vote is considered a denial as per By-law 2011-3.

**CONFLICTS OF INTEREST** – Nil.

**ADOPTION OF MINUTES** – Moved by Tayti that the minutes of the Hearing held October 17, 2018 be adopted as circulated.

**CARRIED**

**REQUESTS FOR DEFERRAL OR WITHDRAWAL OF APPLICATIONS**

- File No. B019/2018WELL – Deferred at the request of the agent, T. Fitzpatrick, until the December 12, 2018 Hearing.

**CARRIED**

- File No. A19/2018 – Deferred at the request of Planning Division for up to 4 months until the March 20, 2019 Hearing.

**CARRIED**

**APPLICATION** Minor Variance File No. A17/2018  
Melissa and Rachitha Wickramasinghe  
225 Lincoln Street

**Presentation**

Correspondence received and read:

- Welland Infrastructure and Development Services - Engineering Division email dated November 14, 2018.
- Welland Infrastructure and Development Services - Planning Division memorandum dated November 20, 2018.
- Welland Fire and Emergency Services email dated November 21, 2018.

Wendy Singh, agent, said end unit, parking available, not expanding foot print, fits with the Official Plan, complies with other By-laws, no negative impact and provides affordable housing. In response to the Chair, agent said permit drawings ready but want to wait for minor variance approval. The Secretary-Treasurer said attaching a condition to obtain a building permit is not required. Drew Toth said another agent applied in April 2018 for a permit which triggered the minor variance. Members noted affordable housing good for area.

Chair Zakraysek-Bourque asked the Committee members if they had considered the oral and written comments received and all members, including the Chair, concurred. No further discussions occurred and the Committee rendered and declared its Decision.

**Decision**      Minor Variance File No. A17/2018 – **Approved** for the following reasons:

1. Desirable and in compliance with the general intent and purpose of the Official Plan as the multiple residential housing is provided for in the Health & Wellness Cluster.
2. Desirable and in compliance with the general intent and purpose of the Zoning By-law as the property complies with and will maintain all other By-law provisions and requirements.
3. Appropriate for the development of the site as the existing street townhouse unit and accessory dwelling units are a compatible use in the neighbourhood, development is limited to the existing building footprint and no expansion to the building footprint is proposed.
4. Minor in nature as addition of another accessory dwelling unit will not negatively impact the surrounding character of the neighbourhood.

Signed: "Diane Zakraysek-Bourque"  
"Mark Tayti"

**CARRIED**

The 2 members were in favour of the above Decision.

**APPLICATION**      Minor Variance File No. A18/2018  
Joanne Lepore  
223 Willson Road

**Presentation**

Correspondence received and read:

- Welland Infrastructure and Development Services - Engineering Division email dated November 14, 2018.
- Welland Infrastructure and Development Services - Planning Division memorandum dated November 14, 2018.

Hank Nauta, agent, said lot coverage is for pool house and a future garage and building will comply with Building code.

In response to Tayti, Vince Lepore said the large garage would not be used for commercial or residential use. The Chair noted a large lot and no neighbours in attendance to oppose the application.

Chair Zakraysek-Bourque asked the Committee members if they had considered the oral and written comments received and all members, including the Chair, concurred. No further discussions occurred and the Committee rendered and declared its Decision.

**Decision**      Minor Variance File No. A18/2018 – **Approved** for the following reasons:

1. Desirable and in compliance with the general intent and purpose of the Official Plan as the proposed accessory buildings are provided for in the Low Density Residential designation.
2. Desirable and in compliance with the general intent and purpose of the Zoning By-law as the proposed accessory buildings are a permitted use within the RL1 Zone.
3. Appropriate for the development of the site as the proposed accessory buildings will meet all other zoning provisions, is a compatible use, and the lot is sufficient in size to accommodate the larger sized accessory buildings while maintaining adequate amenity space.
4. Minor in nature as the proposed accessory buildings will not negatively impact the characteristics of the residential neighbourhood.

Signed: "Diane Zakraysek-Bourque"  
"Mark Tayti"

**CARRIED**

The 2 members were in favour of the above Decision.

**APPLICATIONS**

Consent File Nos. B020/2018WELL and B021/2018WELL  
Stephen Bourne  
50 Doans Ridge Road

**Presentation**

Correspondence received and read:

- Hoare email dated November 13, 2018.
- Welland Infrastructure and Development Services - Engineering Division email dated November 14, 2018.
- Niagara Region Planning and Development Services letter dated November 15, 2018.
- Niagara Peninsula Conservation Authority email dated November 19, 2018.
- Welland Infrastructure and Development Services - Planning Division memorandum dated November 19, 2018.

Stephen Bourne said create 2 lots outside of environmental areas, no archaeological issues per study, 45 metre frontages, less than 100 metres between houses, lots meet zoning size of 0.4 hectares, City overlooked the lot size requirement in the Official Plan, proposed lots at same depth of lots to the south, if lots at 0.5 hectares they would be irregular in shape as per submitted sketch (in file), saves farmland for future tree farm on Part 1, smaller lots with smaller frontages exist in the area as per submitted sketch (in file) and if Committee doesn't approve at 0.4 hectare he requests a deferral.

Members questioned/confirmed lot size in the Zoning By-law, archaeological study for Parts 2 and 3, reason lots proposed at 0.41 hectares, if existing storage container on Part 1 is legal non-conforming due to passing of the new Zoning By-law, septic system on proposed lots and that owner aware of the Engineering Division's conditions and the Region's entrance requirements. Secretary-Treasurer said sea containers not permitted as per the new By-law unless being used for construction purposes. Owner said he has a permit for an accessory building and once completed container will be removed.

Chair Zakraysek-Bourque asked the Committee members if they had considered the oral and written comments received and all members, including the Chair, concurred. No further discussions occurred and the Committee rendered and declared its Decisions.

**Decisions**

**Consent File Nos. B020/2018WELL and B021/2018WELL – Granted with 6 conditions:**

- 1 That the Owner submit a Statutory Declaration to the City of Welland stating that the metal sea container existed on the property prior to January 1, 2016.

2 That the Owner(s) prepay to the City of Welland a \$300.00 tree prepayment.

3 The proponent shall prepare a servicing drawing encompassing Parts 1, 2, and 3 of the subject property and obtain approval from the Engineering Department. The proponent must show all existing services on this plan to ensure that all existing lots have separate water and sanitary services and that the location of these services are contained within their respective lot, based on the proposed lot boundaries. The servicing drawing must also show all existing entrances to ensure that all existing lots will have a separate entrance and that the location of these entrances are contained within their respective lot, based on the proposed lot boundaries.

4 Confirmation of payment of outstanding taxes to the satisfaction of the City of Welland Finance Division.

5 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.

6 That all Conditions of Consent be fulfilled by November 22, 2019.

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 lot is a suitable size, farmland is conserved and a reasonable argument has been presented to configure the lot at this size.

2 The Region supports the application, the lot is outside of environmental features and most of the City's Official Plan criteria has been met including frontage, water services, infilling is less than 100 metres between existing houses.

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-Bourque"  
"Mark Tayti"

**CARRIED**

All members were in favour of the above Decisions.

**APPLICATIONS**

Consent File Nos. B022/2018WELL and B023/2018WELL  
Mark Thomas Putman  
639 Clare Avenue

**Presentation**

Correspondence received and read:

- Welland Infrastructure and Development Services - Engineering Division email dated November 14, 2018.
- Welland Infrastructure and Development Services - Planning Division memorandum dated November 15, 2018.

Joe Tomaino, agent, said create 3 parcels, Parts 1 and 2 severed, Part 3 retained for singles, demolish house/garage, lot sizes meet RL1 Zone, agrees with Planning comments and has commenced working on engineering condition.

Chair Zakraysek questioned if the existing trees on Hunter Drive boulevard would they be replaced if removed for construction. The agent said trees could be replanted if removed.

Chair Zakraysek-Bourque asked the Committee members if they had considered the oral and written comments received and all members, including the Chair, concurred. No further discussions occurred and the Committee rendered and declared its Decisions.

**Decisions**

**Consent File Nos. B022/2018WELL and B023/2018WELL – Granted with 7 conditions:**

- 1 The proponent shall prepare a servicing drawing encompassing Parts 1, 2, and 3 of the subject property and obtain approval from the Engineering Department. The proponent must show all existing services on this plan to ensure that all existing lots have separate water and sanitary services and that the location of these services are contained within their respective lot, based on the proposed lot boundaries. The servicing drawing must also show all existing entrances to ensure that all existing lots will have a separate entrance and that the location of these entrances are contained within their respective lot, based on the proposed lot boundaries.
- 2 That the Owner(s) demolish the existing dwelling and detached 2 storey garage located on Part 1 to the satisfaction of the City.
- 3 That the Owner(s) apply to the City to remove the 0.3 metre reserve in front of Part 3, which will have frontage and access on Hunter Drive.
- 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 a digital copy of the Deposited Reference Plan, if applicable, for use in the 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 November 22, 2019.

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

**CARRIED**

All members were in favour of the above Decisions.

**OTHER ITEMS** - Mileage Reimbursement Request from the Chair – Secretary-Treasurer advised that mileage is not in the 2018 budget and it has been proposed for the 2019 budget.

**NEXT HEARING** – December 12, 2018 in Council Chambers.

**ADJOURNMENT** – The hearing closed at 7:00pm.