



**COMMITTEE OF ADJUSTMENT
MINUTES OF PUBLIC HEARING - IN-PERSON, COUNCIL CHAMBERS**

January 14, 2026, 5:00 PM

Members Present: Diane Zakraysek-Bourque, Chair
Kristen McNutt, Member
Wayne Ursacki, Member

Staff Present: Christine Rossetto, Secretary-Treasurer
Taylor Meadows, Manager of Development Planning

Others Present: File No. A45-2024 – B. Kerezsi
File No. PLMV202500072 - J. Bodner, C. Bodner
File No. PLMV202500077 – J. Brouwer, D. Lee, E. Steck, A. Parrotta
File Nos. PLCON202500087, PLCON202500088, PLMV202500091,
PLMV202500092, PLMV202500089 – N. Godfrey, M. Carl, T. Febers
File No. PLMV202500097 – O. Abo Nassar, K. Cross

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. **LAND ACKNOWLEDGEMENT** – The Chair recited the Land Acknowledgment.

3. **AGENDA ADDITIONS** – The Secretary-Treasurer advised of new Planning Division comments received for the 76 Division Street file and the Chair asked the Committee to accept them.

CARRIED

4. **CONFLICTS OF INTEREST** – Nil.

5. **ADOPTION OF MINUTES** – December 10, 2025 minutes not available.

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

File No. A45-2025 – Deferral extension request from owner – Brenda Kerezsi, owner, said deferral requested until Official Plan (OP) decision is made (regarding chickens).

The Chair questioned status of OP update, if Council had discussed urban chickens, expected timing for OP approval, subsequent Zoning By-law approval and if any additional by-law complaints for these chickens. Secretary-Treasurer said Manager of Policy Planning noted Council seemed okay with 4 urban chickens, Council to consider the OP in late February, and provincial approval will be over 3 months. Taylor Meadows said an OP policy will facilitate ability to have chickens, zoning implications to be considered through a comprehensive zoning amendment and until that is completed (minimum 12 months), minor variance approval would be required for urban chickens. Secretary-Treasurer said that additional complaints on an open By-law file are not logged per the By-law Enforcement Supervisor.

In response to Member Ursacki, the owner said she has 10 hens (no roosters) and said she wishes to maintain 10 hens after the OP is finalized.

The Chair noted her concerns with an extension given that OP is draft and Council has not considered it.

Member Ursacki questioned minor variance approval if the OP allows 4 chickens. Taylor Meadows said that as the OP is draft, the number of permitted chickens in the OP is unknown, if it is approved to permit only 4 then anyone wanting to have more than 4 will require an Official Plan Amendment in addition to minor variance approval.

Moved by Ursacki to approve the deferral extension request until November 12, 2026.

CARRIED

Chair Zakraysek-Bourque was not in favour of the deferral extension.

7. MINOR VARIANCE FILE NO. PLMV202500077

Owner: Jeff and Casey Bodner

Location: 72 Milkweed Trail

Correspondence and Discussion

- Traffic Division email – December 19, 2025
- Engineering Division memo – January 7, 2026
- Building Division email – January 8, 2026
- Planning Division memo – January 14, 2026

Jeff Bodner, owner, said rebuilding garage with addition for more storage space after a garage fire, and was parking a trailer in second driveway but want it for family parking.

Committee members questioned/discussed: end use and if any commercial use of the garage addition, if owner is aware of all requested conditions, if all outbuildings/shed have been shown on the shed, south driveway predates passing of the By-law, removal of the trailer (recreational vehicle) and if road occupancy permit should be a condition.

The owner said no commercial use of the garage, and he will remove the trailer.

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

Decision PLMV202500072 – **APPROVES with 1 Condition** and 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 variances will facilitate uses accessory to the permitted single-detached dwelling in a Low Density Residential designation.
2. The application is compliant with the general intent and purpose of the Zoning By-law as the existing dwelling and accessory structures are permitted uses within the RL1-7 Zone and all other provisions of the Zoning By-law are expected to be satisfied.

3. The application is desirable for the appropriate development of the site as the existing dwelling and accessory structures meet all other zoning provisions, are compatible uses, and the property is sufficiently sized to accommodate them.
4. The application is minor in nature as the requested variances are not anticipated to adversely impact neighbouring properties, the public, and are keeping with the intent of the zone.

Condition:

1. That the recreational vehicle parked on the northern driveway be removed or relocated to satisfy the zoning provisions until such a time in the year that one is permitted as per Zoning By-law 2017-117, as amended.

Decision Signed Electronically:

“Diane Zakraysek-Bourque”

“Kristen McNutt”

“Wayne Ursacki”

CARRIED

8. MINOR VARIANCE FILE NO. PLCON202500077

Owner: Division Street Properties Inc.

Location: 115 Division Street

Correspondence and Discussion

- Dik Lee email – December 19, 2025
- Niagara Region email – January 5, 2026
- Engineering Division memo – January 7, 2026
- Building Division email – January 8, 2026
- Planning Division memo – January 14, 2026

Jason Brouwer, agent, said variances requested for new housing, 30-40 units will be affordable per CMHC requirements, and front entry to face Division Street with variety of unit sizes.

Committee members questioned/discussed: clarification required for question 9 in application with request for waiver of cash-in-lieu of parking versus Planning report condition for a \$15,000/reduced parking stall, any parking complaints for Division Street, timing for new development, existing murals on the building, clarification on zoning by-law parking requirements, if building is occupied and why the owner is removing commercial use.

Taylor Meadows said applicant appears to request a waiver of the anticipated fee for condition of approval, which is not in reference to any current By-law, is likely an error in the application and for the Committee to consider the parking space reduction request from 26 to 0. He clarified the calculation of the zoning parking requirements.

Dik Lee questioned where residents of this building will park, if City Council has approved their parking at market square, overnight parking, 83 units with 0 parking spaces assumes parking will occur at the market square, setting a precedent for buildings with no parking and for increased coverage, and if promoting Welland as a reputable City, how does taking away 26 parking spaces at the market square promote it.

The Secretary-Treasurer read aloud the Parking Division comments noting 290 regular parking spaces, 16 accessible parking spaces, free day parking, overnight permits at \$41.00/month and no parking complaints on Division Street.

The agent said they anticipate that most tenants will not have vehicles as some of the building will be affordable units.

Eric Steck said there are no parking complaints today since the units do not yet exist, there will be a concern with parking once it is constructed, no loading dock on site for deliveries, no visitor parking, site could be designed to include parking or underground parking, and disagrees with the application.

Aldo Parrotta said permitting only residential on the ground floor in the downtown sets a precedent as the mixed-use policies for the downtown core weaken and the downtown shifts from a shared civic environment to more private and the Downtown BIA promotion of “shop dine and play” will no longer be an option, this exception questions the role of the City’s policies in the long term, problems not dealt with for the building are pushed outward and a concern if all downtown buildings become residential.

The agent said it is difficult to find commercial tenants at that size.

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

Decision PLMV202500077 – **APPROVES with 1 Condition** and 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 consistent with the general intent and purpose of the Official Plan as the proposal maintains the intent of the Official Plan and provides intensification to the Downtown in an appropriate location, providing new dwelling units in an area that is already serviced and accessible via public transit.
2. The application is consistent with the general intent and purpose of the Zoning By-law as future development will comply with all other provisions of the By-law.
3. The application is desirable for the appropriate development of the site as the proposal is appropriate for the context of Downtown Welland.
4. The application is minor in nature as the proposed future development of the site will fit cohesively into the downtown core.

Condition:

1. That at the time of development application(s), the Owner is required to submit payment to the City at a rate of \$15,000 per reduced parking stall associated with the market-rate units as a condition of approval.

Decision Signed Electronically:

“Diane Zakraysek-Bourque”
“Kristen McNutt”
“Wayne Ursacki”

CARRIED

9. CONSENT FILE NOS. PLSN202500087 and PLSN202500088
MINOR VARIANCE FILE NOS. PLMV202500091, PLMV202500092 and PLMV202500089
Owner: Habitat for Humanity Niagara
Location: 68 Plymouth Road

Correspondence and Discussion

- Enbridge email – December 23, 2025
- Tom Febers email – January 6, 2026
- Engineering Division memos – January 7, 2026
- Building Division email and memos – January 8, 2026 and January 14, 2026
- Planning Division memo – January 7, 2026

Nicolas Godfrey, agent, provided PowerPoint presentation noting that the Official Plan and Zoning both permit the street townhouse use, lot created via consent in 2023, variances required for parking space at 0 metres and lot coverage for interior unit with no negative impacts, 3 street townhouses are compatible with the area, and negligible traffic impact.

Committee members questioned/discussed: neighbour concerns regarding additional traffic, and if agent aware of the requested conditions.

Tom Febers questioned responsibility for the driveways crossing over City lands if any accidents occur on City lands, and the increase in lot density. Taylor Meadows advised that every driveway crosses over a City right-of-way. The agent said site by site consideration for lot coverage.

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

Decision PLCON202500087 - **GRANTED** with 8 conditions and the following reasons:

1. That a plan showing the location of the existing and proposed services relative to the proposed lot line be provided to the Manager of Development Engineering for approval. The plan must show that no services cross the proposed lot line and must be prepared by an OLS or Professional Engineer licenced to practice in the province of Ontario. The Applicant is responsible for the removal and/or relocation of any services in breach of this requirement.
2. That the applicant provide a revised site plan showing the location of the existing water and sanitary services located within the proposed properties. If the services cross the proposed property lines, a building permit and all required inspections to the satisfaction of the Chief Building Official will be required to comply with the OBC.
3. That the Owner obtain approval for all necessary Minor Variances.
4. The Owner(s) prepare to the City of Welland \$727.00 plus HST for one tree planting.
5. That Consent Application File No. PLCON202500088 receive final certification of the Secretary-Treasurer concurrently with final certification of Consent Application File No. PLCON202500087.
6. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the Deposited Reference Plan, if applicable, for use in the issuance of the Certificate of Consent.
7. Confirmation of payment of outstanding taxes to the satisfaction of the City of Welland Finance Division.
8. That all Conditions of Consent be fulfilled within 2 years of giving Notice of Decision.

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. With Conditions fulfilled, the Application will comply with the Zoning By-law
2. The consent application is consistent with the relevant provincial and City of Welland planning policy.
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 PLCON202500088 - **GRANTED** with 8 conditions and the following reasons:

1. That a plan showing the location of the existing and proposed services relative to the proposed lot line be provided to the Manager of Development Engineering for approval. The plan must show that no services cross the proposed lot line and must be prepared by an OLS or Professional Engineer licenced to practice in the province of Ontario. The Applicant is responsible for the removal and/or relocation of any services in breach of this requirement.
2. That the applicant provide a revised site plan showing the location of the existing water and sanitary services located within the proposed properties. If the services cross the proposed property lines, a building permit and all required inspections to the satisfaction of the Chief Building Official will be required to comply with the OBC.
3. That the Owner obtain approval for all necessary Minor Variances.
4. The Owner(s) prepare to the City of Welland \$727.00 plus HST for one tree planting.
5. That Consent Application File No. PLCON202500088 receive final certification of the Secretary-Treasurer concurrently with final certification of Consent Application File No. PLCON202500087.
6. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the Deposited Reference Plan, if applicable, for use in the issuance of the Certificate of Consent.
7. Confirmation of payment of outstanding taxes to the satisfaction of the City of Welland Finance Division.
8. That all Conditions of Consent be fulfilled within 2 years of giving Notice of Decision.

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. With Conditions fulfilled, the Application will comply with the Zoning By-law
2. The consent application is consistent with the relevant provincial and City of Welland planning policy.

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 PLMV202500091 – **APPROVES** and 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 maintains the intent and purpose of the Official Plan as the uses are supportive of objectives and policy within the Official Plan.
2. The application maintains the intent and purpose of the Zoning By-law as the proposed use is permitted in the applicable zone and is anticipated to satisfy all other requirements of the Zoning By-Law 2017-117.
3. The application is desirable for the appropriate development of the site as the requested variances will permit efficient use of the land to provide more housing opportunities in a well-serviced area.
4. The application is minor in nature as the requested variances are not expected to negatively affect the surrounding area nor the public, and it is in keeping with the intent of the zone.

Decision PLMV202500092 – **APPROVES** and 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 maintains the intent and purpose of the Official Plan as the uses are supportive of objectives and policy within the Official Plan.
2. The application maintains the intent and purpose of the Zoning By-law as the proposed use is permitted in the applicable zone and is anticipated to satisfy all other requirements of the Zoning By-Law 2017-117.
3. The application is desirable for the appropriate development of the site as the requested variances will permit efficient use of the land to provide more housing opportunities in a well-serviced area.
4. The application is minor in nature as the requested variances are not expected to negatively affect the surrounding area nor the public, and it is in keeping with the intent of the zone.

Decision PLMV202500089 – **APPROVES** and 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 maintains the intent and purpose of the Official Plan as the uses are supportive of objectives and policy within the Official Plan.
2. The application maintains the intent and purpose of the Zoning By-law as the proposed use is permitted in the applicable zone and is anticipated to satisfy all other requirements of the Zoning By-Law 2017-117.

3. The application is desirable for the appropriate development of the site as the requested variances will permit efficient use of the land to provide more housing opportunities in a well-serviced area.
4. The application is minor in nature as the requested variances are not expected to negatively affect the surrounding area nor the public, and it is in keeping with the intent of the zone.

All 5 Decisions Signed Electronically: “Diane Zakraysek-Bourque”
“Kristen McNutt”
“Wayne Ursacki”

CARRIED

10. MINOR VARIANCE FILE NO. PLMV202500097

Owner: Prime Housing Inc.
Location: 76 Division Street

Correspondence and Discussion

- Niagara Region email – January 5, 2026
- Engineering Division memo – January 7, 2026
- Building Division email – January 8, 2026
- Planning Division memo and email – January 14, 2026
- Delta Bingo and Gaming email – January 13, 2026

Osama Abo Nassar, agent, said requesting relief from 24 to 0 parking spaces, previous variance approval received for parking spaces from 16 to 0, shift in ownership and now proposing an increase in number of units to 36 and maintaining the minimum 25% commercial on ground floor.

The Secretary-Treasurer read aloud the new Planning Division comments requesting a payment per reduced parking space as a condition of approval.

Committee members questioned/discussed: the proposed commercial uses of a gym and laundromat and if for use by the tenants or the for the public, agent’s awareness of the Planning’s requested condition of approval, and if units will be market value units or affordable.

The agent asked if the condition for the parking payment could be waived due to large amount being requested. Taylor Meadows said Staff wish to bring a future By-law to Council for cash-in-lieu of parking with intent for a future parking garage in the downtown, and until that time, Staff request the payment except for affordable units.

Katie Cross, representing Delta Bingo, said Bingo Hall parking lot abuts this property and concern is that the tenants of this building will use the Bingo Hall parking lot.

Member McNutt asked if the parking payment condition was applied to the previous minor variance decision and the Secretary-Treasurer advised that there was no condition.

In response to the Chair, the agent said that he wishes for the Committee to proceed with its decision and requested no parking payment condition.

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

Decision PLMV202500097 – **APPROVES with 1 Condition** and for the following reasons:

