



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

July 22, 2026, 5:00 PM

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

Staff Present: Christine Rossetto, Secretary-Treasurer

Others Present: PLCON202600146, PLMV202600147, PLMV202600150 – J. Tomaino

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 updated comments from the Building Division that were not included in the agenda.
4. **CONFLICTS OF INTEREST** – Nil.
5. **ADOPTION OF MINUTES** – Moved by McNutt that the Minutes of the Hearing held June 24, 2026 be adopted as circulated.

CARRIED

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

7. CONSENT FILE NO. PLCON202600146

MINOR VARIANCE FILE NO. PLMV202600150

Owner: Harry Kiers and Michael Harold Jeffrey Kiers

Location: 754 Cope Road

AND

MINOR VARIANCE FILE NO. PLMV202600147

Owner: Diane Kiers

Location: 760 Cope Road

Correspondence and Discussion

- Traffic Division email – June 25, 2026
- Niagara Peninsula Conservation Authority (NPCA) email – July 7, 2026
- Engineering Division memos – July 10, 2026
- R. Rempel email – July 13, 2026
- Building Division email and memo – July 16, 2026 and July 22, 2026
- Planning Division – July 14, 2026

Joe Tomaino, Agent, said this is a boundary lot adjustment, owner in the process of selling 760 Cope Road, property does not have a driveway, taking Part 1 of sketch and adding it to Part 3 of sketch to provide a driveway. He said 1 variance is to recognize the existing driveway and other variance is to recognize reduced lot area for Part 2.

The Chair asked if any new comments were received and the Secretary-Treasurer said that revised comments from Building Division were only with respect to wording of condition 2.

The Chair asked for use of large metal clad building on Part 2, if livestock stored in it, how the metal clad building will be accessed once the driveway becomes part of the other dwelling if application is approved, and if they intend to use the existing driveway on Part 1 for access.

The Agent said building is part of agricultural operation with only farm equipment stored inside, property is used for cash crops, no livestock, there is field access to the barn just north of the existing gravel driveway that is now part of 760 Cope Road and there is a culvert that provides access. He said they will not use the existing driveway as property is to be sold,

The Chair asked for use of the wood frame building and Agent said it is an accessory storage structure storage for the existing house and it has no livestock.

The Chair questioned why a wider driveway is requested and the Agent said want to recognize the existing driveway and not to widen it. He said variance requested because existing driveway is larger than permitted and noted it will be made narrower as removing the gravel to 0.6 metres from the property line for zoning compliance.

The Chair noted Traffic Division's suggestion to reduce driveway width to 7.3 metres and the Agent said the existing driveway meets the requirements at the road access.

The Chair asked if the driveway could be widened to 10.84 metres if approved. The Secretary-Treasurer said Traffic comments relate to the driveway entrance on the City's road allowance at the property line with maximum entrance width being 7.3 metres. She said their comments do not apply to the property as the Zoning By-law sets the driveway width for the lot. She said the variance request is to recognize the widest width of the driveway if Part 1 merges to the south property and that it will be set back 0.6 metres from north lot line.

Member Ursacki asked if the conditions from Building Division is an either/or situation and the Secretary-Treasurer said she believes that is be correct.

The Chair noted no one from the public spoke on the file.

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

Decision PLCON202600146 – **GRANTED with 9 conditions** and for the following reasons:

1. That a plan showing the extents of the existing services, should they exist, relative to the proposed lot line be provided to the Manager of Development Engineering for approval. The plan must show that the services do not cross the proposed lot line and must be prepared by an OLS or Professional Engineer registered to practice in Ontario. The Applicant is responsible for the removal and/or relocation of the services if they are in breach of this requirement.

2. That the applicant provide a revised site plan showing the location of the septic tank and distribution piping of the septic bed. The site plan must include the setbacks of the tank and distribution piping to the proposed property lines in order to show compliance with 8.2.1.6. If compliance is not shown, 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 applicant detail the specific use of the buildings identified as “wood framed building” and “metal clad building” to identify their major occupancy classification. The Applicant must also provide drawings of the elevations adjacent to the proposed property lines. The elevation drawings must show the area of exposing building face and aggregate area of all unprotected openings. The submission will need to meet the approval of staff. If compliance is not shown, a building permit and all required inspections to the satisfaction of the Chief Building Official may be required.
4. 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 1) 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 one parcel of land.
5. That any portion of the driveway that intersects the proposed new lot line shall be removed and set back a minimum of 0.6 metres from the side of the lot line.
6. That final approval be received from the Committee of Adjustment for the City of Welland for any necessary Minor Variances.
7. 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.
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 within 2 years of giving Notice of Decision.

Reasons:

1. The consent application is consistent with the relevant provincial and City of Welland planning policy.
2. The application will have no adverse impact and no new lot is being created.
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 PLMV202600150 – 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 is minor in nature as the requested variance is still considered to be sufficient for the functionality of the property.

2. The application is desirable for the appropriate development of the land as the proposed adjustment aligns with the existing neighbourhood and maintains existing agricultural uses.
3. The application maintains the intent and purpose of the Zoning By-law as the proposal is anticipated to satisfy all other requirements of the By-law and is expected to support permitted uses as outlined in the By-law.
4. The application maintains the intent and purpose of the Official Plan as the proposed lot addition is consistent with the Official Plan's policies for the protection of agricultural areas.

Decision PLMV202600147 – **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 is minor in nature as the requested variance is still considered to be sufficient for the functionality of the property.
2. The application is desirable for the appropriate development of the land as the proposed boundary will provide access to an existing single-detached dwelling that currently has no access.
3. The application maintains the intent and purpose of the Zoning By-law as the proposal is anticipated to satisfy all other requirements of the By-law and is expected to support permitted uses as outlined in the By-law
4. The application maintains the intent and purpose of the Official Plan as the proposed lot addition is consistent with the Official Plan's policies for the protection of agricultural areas.

All 3 Decisions Signed Electronically: "Diane Zakraysek-Bourque"
"Kristen McNutt"
"Wayne Ursacki"

CARRIED

8. NEXT HEARING DATE – August 19, 2026

9. OTHER ITEMS – Nil.

10. ADJOURNMENT – Hearing closed at 5:32pm.

Chair

Secretary-Treasurer