



Members Present: Dan O'Hara, Angie Desmarais, Eric Beauregard, Gary Bruno,
Donna Kalailieff

Staff Present: David Schulz, Senior Planner
Chris Roome, Planner / Acting Secretary-Treasurer

The meeting was called to order at approximately 6:00pm by Chair Dan O'Hara.

1. Disclosures of Interest:

Nil.

2. Requests for Deferrals or Withdrawals of Applications:

Nil.

3. New Business

i) Application: A33-21-PC

Action: Minor Variance
Agent: Defillipis Design
Owner: Ron Lucchino
Location: 3475 Firelane 12

The Chair motioned that the application be deferred until the next Committee of Adjustment meeting.

That minor variance application A33-21-PC be **Deferred** until February 9th, 2022.

Motioned: Gary Bruno Seconded by: Angie Desmarais
Carried: 5-0

ii) Application: B18-21-PC

Action: Consent
Agent: Harry Kalantzakos
Owner: Gabriella Guo
Location: 664 King Street

The Secretary-Treasurer read all the correspondence received for this application.

The owner did not provide any additional comments.

No additional questions were asked by the Committee.

Harry Wells asked about the nature of the shed on the property and if it will be permanent.

The owner stated that if they need to they can remove the shed.

Mr. Wells asked why the building isn't considered a fourplex.

Mr. Roome responded that the building is a semi-detached dwelling with 2 accessory dwelling units that meet the requirements of the zoning by-law. A fourplex would not be permitted in this zone and planning staff has reviewed the building permit and are confident the by-law requirements for ADU's have been met.

The Chair added that the application is for a severance, not the use of the property.

Mr. Wells asked what the address of the property is.

The Chair questioned the relevance of this question to the application.

Mr. Wells stated that Part 1 of the application should require a minor variance to address setback deficiencies.

Mr. Schulz responded that Section 6.5 (k) of the by-law states that nothing shall prevent the splitting of a semi-detached dwelling.

The Chair asked if the applicant applied for a minor variance, if the front yard setback for Part 1 would be included.

Mr. Schulz responded yes, to bring the property into further conformity with the by-law.

Member Kalailieff stated that she remembered discussing this property at a Council meeting and it was discussed that the shed would be removed.

Mrs. Guo stated it can be taken down if it is an issue.

Member Bruno asked if it should be added as a condition.

Mr. Schulz said it is up to the Committee.

Member Bruno suggested the condition be added.

Member Beaugard asked if a lot grading plan would be required.

Mr. Roome stated that it would be required during the building permit stage.

That consent application **B18-21-PC** be **GRANTED** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.
3. That the storage shed on the subject property be removed.

For the following reasons:

1. The application conforms to Provincial Policy Statement, the policies of the Regional Official Plan, City of Port Colborne Official Plan and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.
2. This decision is rendered having regard to the provisions of subsection 51(24) of the Planning Act. R.S.O. 1990, c.P.13.

iii) Application: A32-21-PC

Action: Minor Variance

Agent: Nancy Waters

Owner: Club Castropignano

Location: 664 King Street

The Secretary-Treasurer read all the correspondence received for this application.

The applicant did not provide any further comments at this time.

The Committee members did not ask any additional questions.

Amanda Volpatti asked what the capacity limit of the use was.

Ms. Waters responded that the limit was 75 people.

Ms. Volpatti asked if the facility would be rented out to anybody.

Ms. Waters responded that people will have the opportunity to rent the facility, however all events would be run by the Club.

Ms. Volpatti raised some parking concerns and asked if they will be applying for a liquor license.

Ms. Waters responded that they will be applying for a liquor license, but all events would be run during nighttime hours. She also stated that all AGCO rules will apply.

Ms. Volpatti asked how often events would be held.

Ms. Waters responded that events would be held a few times a month.

Jesse Morin asked if there would be any sound issues, since his property is right beside the club.

Ms. Waters responded that sound proofing will be installed.

Mr. Morin asked if the applicant could change the use again if they wanted to.

The Chair responded that they would need a minor variance to do so.

Brett Pirson raised concerns about parking and renting the facility.

Ms. Waters responded that club staff will always be present to run rented events and events wont be held during regular business hours. She also stated that they can explore alternative parking options on Highland Ave.

Mr. Moring asked if the food will be cooked on site or catered.

Ms. Waters responded that not much cooking would be done on site.

Sheri Teasdale raised concerns over parking.

Ms. Waters responded that they will consider alternative options.

Member Bruno asked what the parking requirements are.

Mr. Schulz responded that the parking requirements are also a legal non-conforming use and the 1 space per 20sqm of GFA was the requirement for a place of worship.

Member Bruno asked if parking requirements would have to be addressed through a by-law.

Mr. Schulz responded it would need to be directed through Council.

Member Beauregard asked if the City can collect cash in lieu of parking.

Mr. Schulz responded that we do not have a policy in our Official Plan.

Member Beauregard asked if a private contract for parking could be implemented.

Mr. Schulz responded it could be possible however it isn't recommended and that a condition to further pave the property for more parking would make more sense.

That minor variance application **A32-21-PC** be **GRANTED** for the following reasons:

1. **Minor in nature** as the requested variances are considered reasonable and measured requests.
2. **Appropriate for development of the site** as the proposal will not change the exterior or footprint of the building.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the requirements listed in regard to legal non-conforming uses are satisfied.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as community facilities are permitted in the Urban Residential designation.

Subject to the following condition:

1. That the applicant explore potential on-site parking alternatives within the provisions of the by-law and to the satisfaction of the Planning Department.

Motion: Dan O'Hara

Seconded: Eric Beauregard

Carried: 4-1

4. Other Business:

Member Beauregard asked if a report addressing the 4 tests for a minor variance was a requirement for the applicant to submit.

Mr. Schulz responded that it is not a requirement, however sometimes staff request a Planning Justification Report that will highlight the 4 tests.

5. Approval of Minutes:

Minutes from the December 8th, 2021 Committee of Adjustment meeting were approved.

Moved: Angie Desmarais
Carried: 5-0

Seconded by: Eric Beauregard

6. Adjournment

There being no further business, the meeting was adjourned at approximately 7:10 PM.