

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

Staff Present: David Schulz, Senior Planner
Chris Roome, Planner / Acting Secretary-Treasurer
Samantha Yeung, Planning Technician

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

1. Disclosures of Pecuniary Interest:

Member Eric Beauregard declared a conflict of interest with application B06-22-PC.

2. Requests for Deferrals or Withdrawals of Applications:

Application A20-21-PC was deferred.

3. New Business

i) Application: A33-22-PC

Action: Minor Variance
Agent: Defilippis Design
Owner: Ron Lucchino
Location: 3475 Firelane 2

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

The applicant did not defer nor provide any further comments, questions and information.

The Chair asked if the location of the existing shed could be moved inward to avoid an overhang of the structure crossing the property line.

Applicant responded stating property lines are difficult to distinguish sometimes and the shed had been there for a long time. The minor variance is to allow for the shed to be close to the property line.

The Chair was concerned about future neighbours and encroachment on their property.

Applicant does not feel it would be a problem for future buyers. They would be aware of the of shed when purchasing.

Member Beauregard asked Planner Chris for his comments on encroachment.

Mr. Roome responded that it would be a private matter with the owners of the property and to come to an encroachment agreement together.

The Chair asked if conditions could be made to ensure shed is within property boundary.

Mr. Roome states that planning department could ensure the entirety of the structure is within the property, which on the site plan supports this case. Encroachment agreements could not be forced by the planning department.

Applicant reiterated that the wall of the structure is entirely on the property. Suggested to amend the minor variance to have a side yard setback of 0m to the overhang of the structure.

Mr. Roome stated this is possible.

That minor variance application A33-21-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 accessory structure is located in a suitable location on the site.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the majority of the requirements of the by-law have been satisfied.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as accessory structures are permitted in the Rural designation.

Motion: Dan O'hara

Seconded: Angie Desmarais

Carries: 3-0

Member Gary Bruno enters Committee of Adjustment meeting at 6:25pm at beginning of the next application. No conflicts with applications.

ii) Application: A04-22-PC

Action: Minor Variance

Agent: N/A

Owner: Adam Ahlstedt

Location: Page St

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

The applicant did not defer nor provide any further comments, questions, and information.

Member Beauregard asked if the property is too small to allow for any semi-detached dwelling.

The applicant responded that the municipality's zoning by law have a requirement and require the committee's approval to allow for a shorter lot frontage.

Mr. Roome clarified a semi-detached dwelling would fit on the lot however according to the zoning by-law, a required lot frontage of 18 metres is required whereas the applicant is proposing for a 16.81 metres lot frontage. There was past confusion when severing the land and now is requiring a minor variance to approve for the shorter frontage.

That minor variance application **A04-22-PC** be **granted** for the following reasons:

1. **Minor in nature** as the requested variance is considered a reasonable and measured request.
2. **Appropriate for development of the site** as the reduced lot frontage will not negatively impact the location of the future semi-detached dwelling.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as semi-detached dwellings are permitted in the R2 zone and the majority of the requirements of the by-law have been satisfied.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as semi-detached dwellings are permitted in the Urban Residential designation.

Motion: Gary Bruno

Seconded: Eric Beauregard

Carried: 4-0

iii) Application: A02-22-PC

Action: Minor Variance

Agent: Leigh Whyte

Owner: Wach Properties

Location: 126 Chippawa Road

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

Mr. Whyte provided comments on non-conforming apartments within the zones that were there for some time. There are no exterior changes however there were discussions during pre-consultations to include a vent on the northern side. The proposal includes two units on the second floors, two units on the first floor, and one unit currently in the basement. They are proposing to include one additional apartment unit in the basement.

Member Bruno asked if the unit had been brought online. He noticed the meters are new and up-to-date, but the proposed additional unit does not have a meter.

Mr. Whyte responded recent changes were made for the existing parts of the dwelling. They are proposing to apply for permits. The unit in the basement had not been processed for a meter.

There were no additional questions from the Committee.

Mr. Schulz stated he spoke with Ms. Bigford and she may not have additional questions for this meeting.

Delegate Melissa Bigford enters meeting.

Ms. Bigford mentioned her questions were answered by Mr. Roome through email. Her concern was regarding plant buffering in the parking lot that was found in the Official Plan and had thought it would override the zoning by-law, however Mr. Roome stated the property was non-conforming and so it could continue to be non-conforming. She questioned if there would be enough spots in the back area and if it would end up being on the streets. Chippawa is not a wide street and has vision concerns when driving currently.

Mr. Leigh reassured that the parking does work and it is all graveled existing area.

The Chair asked if the structure in the backlot is a garage.

Mr. Leigh answered yes it is.

The Chair asked how many bays are in the garage.

Mr. Leight stated 5 bays.

The Chair asked if there are two additional spots in the back.

Mr. Leigh answered yes.

There were no additional questions from the Committee.

That minor variance application **A02-22-PC** be **granted** for the following reasons:

2. **Minor in nature** as the requested variance is considered a reasonable and measured request.
2. **Appropriate for development of the site** as there are no proposed external additions to the dwelling.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the majority of the by-law requirements have been met.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as apartments are permitted in the Urban Residential designation and the requirements of the Official Plan have been met.

Motion: Angie Desmarais

Seconded: Gary Bruno

Carried: 4-0

Member Beauregard exited meeting due to conflict of interest of the following application.

iv) Application: B06-22-PC

Action: Consent

Agent: William Heikoop

Owner: N/A

Location: 72 Killaly St E

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

The applicant did not defer the application. He made note that they are currently undertaking the site plan application for a new warehouse on the part 3 property. In order to accommodate that site plan application, they require extra space for the driveway access and loading docks. This is being processed independently from this application.

The Chair questioned if the property was once severed.

The applicant responded that the property was severed and they are applying for a boundary adjustment to move the property line as opposed to creating a new line. 72 Killaly St is already a separate property from Part 3.

The Chair mentioned the site plan sketch submitted shows the property line to be 3 metres from the property line. When looking on Niagara navigator, the property boundaries are over where they are proposing to put it. He is wondering about the backstory of the property.

The applicant stated the properties were always split previously. They are looking to meet the interior side yard setback where the new property line goes and any other zoning deficiencies are an existing legal non-conforming situation.

There were no additional questions from the Committee.

That consent application **B06-22-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 Part 1 and Part 3 be merged on title.

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.

Motion: Gary Bruno Seconded: Angie Desmarais

Carried: 3-0

Member Beauregard entered meeting for the next application.

v) Application: A03-22-PC

Action: Minor Variance

Agent: Jacob Dicke

Owner: N/A

Location: 80 Nickle St

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

The applicant did not defer application. The applicant provided a presentation on behalf of the owners regarding the subject property.

Member Desmarais expressed concern on the location of the garbage site. Her concerns included the small space at the front of the property, people are constantly walking past it, odor issues unless there will be an odorless system implemented, rodent issues. Would the applicant be able to relocate the garbage site to another location?

Mr. Glover explained there were a few options with the location of the garbage site. They elected to have the garbage site at the front to have two extra parking space available for the development. They are now over their parking requirement and they are able to move the garbage site back and would remove the two extra parking space. He stated that the difference between the legal way of approaching the application and the proposed way of it is about 3 metres and they gain two extra parking spaces, so there is a net benefit for them. If the committee feels it is a critical issue to approve, then they will redesign accordingly.

Member Bruno asked about the method of garbage pick up.

Mr. Glover explained that it is a street pickup garbage process. They could get bins that are rodent-proof and odour-proof. They will be doing municipal pickup for the site as opposed to private pickup.

Member Bruno asked if people would go on property to pick up garbage or if there is a designated person to move the garbage to the garbage site for street pickup.

Mr. Glover responded it will be to the curb for pickup.

Member Bruno asked if the garbage could go to the back and have the designated person to bring the garbage from the back to the front.

Mr. Dicke explained that it would be more convenient for residents as they step out. Having the garbage site at the back may cause nuisance for units with patios at the back.

Mr. Glover if it is an issue with council to approve this minor variance, he requests to have this variance denied and a chance to redesign the garbage location.

Member Bruno would like the garbage at the back due to aesthetics.

Member Beaugard asked if the Region had comments on garbage pickup.

Mr. Roome the Region did not have any concerns and that the standard pickup would be fine.

Mr. Glover understands the situation and hear the comments coming in. He feels the issue is too great and would like to request to have the variance regarding garbage location to be removed if it pleases the committee.

Member Beauregard asked if the alternative solution is to remove the two parking spaces.

Mr. Glover said it is an option. He will have to talk with the client and in review of the plans, they will provide the best recommendation for the client.

Member Beauregard expressed he thinks the current plan is most logical.

Member Bruno asked if there was conflict with relocating the garbage site to the back, could the applicant reapply/come back?

Mr. Roome answered they would have the option to reapply. In the event that they move the garbage to the back, the applicant is over their parking requirement so if they remove the two parking spaces, they would still meet the zoning requirements for parking. With that, they would not need to apply for a minor variance for parking.

The Chair asked when the Region would not pick up the garbage. Does the bins have apartment numbers?

Mr. Glover answered if there are more bags out for collection, there are tags people can purchase so that they are collected. It does not matter who the garbage belongs to, it is about paying for the extra bags. The responsibility is on the building management rather than the Region.

The Chair asked if there is a limit for garbage bags.

Mr. Glover does not remember the number on the top of his mind.

The Chair stated if the garbage is at the front, it needs to be more neat and tidy due to it being apparent.

Member Beauregard asked if the collection would be private or municipal if the garbage location changes.

Mr. Glover answered it would be municipal.

Julie Barker enters meeting as delegate.

Ms. Barker has concerns regard the minor variances in regards to micro-housing being a concern which leads to health risks, psychological risks, privacy issues. Housing shouldn't be a commodity. She has concerns with the density and privacy issues. She asked where the recycling would be located. She is concerned about the size of the

units and terms of affordable housing. There is concern with the quality of living and the location of the garbage.

The Chair stated that the size of the units is not a topic the committee would address.

Mr. Dicke answered saying recycling will be located in the proposed garbage location.

The Chair is asking to clarify the process for waste management.

Mr. Glover explained there would be a larger sized bin that people would be putting their garbage and recycling in. It would then be wheeled to the curb for collection.

Ms. Desmarais asked if all units are considered affordable housing.

Mr. Glover it's not technically affordable housing. Explained that the sizing of the units is acceptable and are more affordable housing.

That minor variance application **A03-22-PC** be **granted** for the following reasons:

1. **Minor in nature** as the requested variance is considered a reasonable and measured request.
2. **Appropriate for development of the site** as the building will be located in a suitable location on the site.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as townhouse dwellings are permitted in the R4 zone and the majority of the requirements of the by-law have been satisfied.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as townhouse dwellings are permitted in the urban residential designation.

Motion: Gary Bruno

Seconded: Angie Desmarais

Carried: 4-0

4. Other Business:

The Committee discussed the recent changes to the Planning Act.

5. Approval of Minutes:

Minutes from the February 9th, 2021 and January 12th Committee of Adjustment meetings were approved.

6. Adjournment

There being no further business, the meeting was adjourned at approximately 7:45 PM.