

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

Staff Present: Chris Roome, Planner  
Samantha Yeung, Planning Technician/Secretary-Treasurer

The meeting was called to order at approximately 6:10pm by Chair Dan O'Hara.

1. Disclosures of Pecuniary Interest:

Nil.

2. Requests for Deferrals or Withdrawals of Applications:

Application: A09-22-PC  
Action: Minor Variance  
Agent: Michael Sabelli  
Owners: Acacio Terceira & Jennifer Rocha  
Location: Mapleview Crescent

3. New Business

**i) Application: A10-22-PC**

Action: Minor Variance  
Agent: N/A  
Owner: Jennifer Puhalski  
Location: 346 Sugarloaf Street

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

The applicant did not defer nor provide any further comments.

Member Kalailieff asked if there would be sleeping quarters in the loft.

The applicant confirmed that the loft would only be for storage.

Member Kalailieff addressed the neighbour's concerns in regard to the placement of the east facing window.

The applicant stated that the window placement should not be an issue because the loft will only be used for storage purposes.

The Chair invited delegates Mike and Treasure Curry into the meeting at this time.

Mike Curry expressed concerns over privacy and stated that if the loft will only be used for storage, there are no concerns.

There were no additional questions from the Committee.

That minor variance application A10-22-PC be **granted** for the following reasons:

1. **Minor in nature** as the increase in height will not negatively impact the subject parcel or neighbouring properties.
2. **Appropriate for development of the site** as the development 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 accessory structures are permitted in the R1 zone and the proposal meets the setbacks and lot coverage requirements.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as accessory structures are permitted in the Urban Residential designation.

Motion: Angie Desmarais

Seconded: Gary Bruno

Carries: 4-0

**ii) Application: A11-22-PC**

Action: Minor Variance

Agent: Jamie McNay

Owner: Karen Stewart

Location: 138 Omer Avenue

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

The applicant stated that they had already be granted a permit and that there is already a garage existing on the property line. He also noted that drainage should not be an issue because of where the storm sewer is located.

Member Bruno asked if the agent, Jamie McNay, would be the contractor.

The agent responded yes.

Member Bruno asked if McNay would use standard procedure for drainage.

The agent responded yes.

The Chair noted that there are no storm sewers on Omer Avenue, just covered ditches, so drainage may sometimes be an issue with heavy rainfall. He also asked if the setback for the new garage will be farther than the setback of the current garage.

The agent responded yes; the new setback will be four feet off the property line.

That minor variance application A11-22-PC be **granted** for the following reasons:

1. **Minor in nature** as there is already a garage existing in the corner side yard and setback of the new garage will be greater than the existing setback.
2. **Appropriate for development of the site** as the proposal is located in a suitable location on the site and will not result in any visibility issues within a site triangle.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as accessory structures are permitted in the R2 zone and the proposal meets the majority of the requirements of the by-law.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as accessory structures are permitted in the Urban Residential area.

Motion: Gary Bruno

Seconded: Angie Desmarais

Carried: 4-0

**iii) Application: A12-22-PC**

Action: Minor Variance

Agent: N/A

Owners: Lisa Skerk & Ervin Goertzen

Location: 21 Walnut Street

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

The applicant (Mr. Goertzen) stated that the deck has been existing since the construction of the house, and that he is only looking to cover the deck, not expand it.

The Chair noted that there is a southern wall already erected.

The applicant stated that the wall was put up to protect the antique windows, and that he applied for a permit after.

There were no additional questions from the Committee.

That minor variance application A12-22-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 proposal is located in a suitable location on the site and the proposed setback will not negatively affect the amount of usable space on the property.
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 residential uses are permitted in the Urban Residential designation and the requirements of the Official Plan have been met.

Motion: Donna Kalailieff

Seconded: Gary Bruno

Carried: 4-0

**iv) Application: B08-22-PC**

Action: Consent  
Agent: N/A  
Owner: Mayo & Patricia Ridesic  
Location: 141 Merritt Parkway

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

The applicant did not defer, nor offer any additional comments.

Member Bruno asked if the applicant currently lives in the house on the subject property.

The applicant responded that it is currently under renovation.

Member Bruno asked if the lot is being severed to someday build upon it.

The applicant responded yes, most likely.

Member Bruno suggested to consider the distancing of a new dwelling from neighbours and asked if the applicant has any plans to build.

The applicant responded that they do not have plans to build at this time.

The Chair acknowledged the comments received from Mrs. Jodie Trottier, and clarified that envelope shown on the sketch was simply the available area to build, and that the entire envelope will not necessarily be built upon.

Member Kalailieff asked if the applicants understand the MTO requirements if they were to build upon the corner lot in the future.

The applicant responded yes, and that the corner lot is not being changed at all.

Member Kalailieff reiterated that there would be restrictions from the MTO if they were to build in the future.

The applicant responded that they understand.

There were no additional questions from the Committee.

That application B08-22-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 the owner/applicant, at their own expense, obtains and submits an appraisal for the purposes of payment of cash-in-lieu of parkland dedication, by a qualified appraiser, which is to be based on the fair market value of Part 1 the day before the building permit is issued, and that the owner/applicant pays to the City a cash-in-lieu of parkland dedication, which shall be 5% of the appraised value of Part 1.
4. That all conditions of consent be completed by May 11<sup>th</sup>, 2024.

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.

Motion: Chair Dan O'Hara

Seconded: Angie Desmarais

Carried: 4-0

v) **Application: A20-21-PC**

Action: Minor Variance  
Agent: Hamid Bahrami  
Owner: Elizabeth Dimitrov  
Location: 954 Wyldewood Road

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

The applicant explained that this is the third time coming to the Committee of Adjustments.

The Chair asked if the applicant is planning on demolishing the existing dwelling and building a new dwelling.

The applicant responded that the owner is only building the north parcel as staff recommended. Half of the existing dwelling will be demolished, and the other half will be kept during the construction of the new house for storage, then demolished eighteen months later.

There were no other questions from the Committee.

That minor variance application A20-21-PC be **granted** for the following reasons:

1. **Minor in nature** as the increase in lot coverage will not negatively impact the subject parcel or the neighbouring properties, and is a reasonable and measured request.
2. **Appropriate for development of the site** as the proposed dwelling is in a suitable location on the site.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as detached dwellings are permitted in the AR zone and the proposal meets the majority of the requirements of the zoning by-law.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as detached dwellings are permitted in the Agricultural designation.

Motion: Gary Bruno      Seconded: Angie Desmarais

Carried: 4-0

4. Other Business:

Member Bruno asked if Committee of Adjustment meetings would be moving to a hybrid model in June.

Mr. Roome responded that there are plans to go hybrid in June, but some details still need to be worked out.

The Chair asked about application A09-22-PC and its placement on the agenda.

The Secretary/Treasurer responded that they had to adjourn and resubmit their application, and recirculation was required. There was discussion around the definition of adjournment versus deferral.

5. Approval of Minutes:

Minutes from the April 13<sup>th</sup>, 2022 meetings were approved.

Motioned: Angie Desmarais

Seconded: Gary Bruno

Carried: 4-0

6. Adjournment

There being no further business, the meeting was adjourned at approximately 7:05pm.