



## Committee of Adjustment -Meeting Minutes-

Wednesday, April 9, 2025

---

**Members Present:** Dan O'Hara, Chair  
Angie Desmarais, Committee Member  
Gary Bruno, Committee Member  
Dave Elliott, Committee Member  
Eric Beauregard, Committee Member

**Staff Present:** Erik Acs, Chief Planner  
Taya Taraba, Secretary-Treasurer

**1. Call Meeting to Order**

The Chair called the meeting to order at approximately 6:02 p.m.

**2. Reading of Meeting Protocol**

The Chair read the Meeting Protocol.

**3. Disclosures of Interest**

Member Beauregard declared a conflict of interest regarding consent application B05-25-PC due to a direct pecuniary interest as the grading plan completed for the application was done through Member Beauregard's employer.

**4. Requests for Deferrals or Withdrawals of Applications**

Nil.

**5. Order of Business**

**a. Application:** B15-23-PC; A05-25-PC; A06-25-PC

**Action:** Consent and Minor Variance

**Applicant:** Julie Cule

**Location:** 95 Victoria Avenue

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

The Chair asked the applicant if they wished to add any further information to the application. The applicant did not have anything further to add.

Member Beauregard expressed concerns regarding the Notice of Public Hearing sign being insufficiently posted on the property, as the sign was posted to the rear shed rather than the front of the parcel.

Member Beauregard and the Chair addressed various concerns regarding the sketch.

Member Beauregard inquired to the Chair that the application was to be adjourned, as the Notice of Public Hearing sign was posted outside of the *Planning Act* requirements.

That consent application **B15-23-PC** and minor variance applications **A05-25-PC** and **A06-25-PC** be **adjourned**, due to the insufficient postage of the Public Notice of Hearing sign. The applications will be heard at the May 14<sup>th</sup>, 2025, Committee of Adjustment hearing.

**Carried:** 5-0

b) <b>Application:</b>	A07-25-PC
<b>Action:</b>	Minor Variance
<b>Applicant:</b>	Chris Simpson
<b>Location:</b>	3618 Firelane 12

The Secretary-Treasurer read the correspondence for the application.

The Chair asked if the applicant wished to speak to the application. The applicant did not have any additional concerns to add.

The Chair inquired about the footprint of the building and the reasons for the minor variance request. The applicant responded that the interior side-yard setback relief was due to the nature of the landscape and to maintain the general aesthetics of the build, as the neighbouring house is relatively close to the respective property line.

The Chair inquired about where the side-yard setback would pertain to, as a covered porch was proposed alongside the property.

That application **A07-25-PC** be **granted** subject to the following conditions:

1. **The application is minor in nature.**
2. **It is appropriate for the development of the site.**
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.**
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan.**

**Motion:** Angie Desmarais

**Seconded:** Gary Bruno

**Carried:** 5-0

**c. Application:** B05-25-PC  
**Action:** Consent  
**Applicant:** Ahlstedt Homes Ltd.  
**Agent:** Carol Moroziuk  
**Location:** 62-66 Page Street

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

The Chair asked if the applicant wished to speak to the application. The applicant did not have any additional concerns to add.

That consent application **B05-25-PC** be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcel or a registrable legal description of the subject parcel, and a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$400 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That all conditions of consent be completed by April 9, 2027.

For the following reasons:

1. The application is consistent with the Provincial Planning Statement and conforms to the Niagara Official Plan, City of Port Colborne Official Plan, will comply with the provisions of Zoning By-law 6575/30/18, as amended.

**Motion:** Gary Bruno

**Seconded:** Angie Desmarais

**Carried:** 4-0

**d. Application:** A04-25-PC  
**Action:** Minor Variance  
**Applicant:** Mohan Narain  
**Location:** 178 Mitchell Street

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

The Chair asked if the applicant wished to speak to the application. The applicant mentioned that the application has been deferred several times in the past and contested the denial of the application due to the parking provision.

Member Desmarais questioned the amount of parking was offered by the current residential unit, to which the applicant replied that the residence does not offer any parking. Member Desmarais commented on the difficulty for parking to be offered in

the area due to the amount of street parking presently occurring, favouring the denial of the parking variance.

The Chief Planner noted that there was an easement registered the neighbouring property and that parking could be provided to the satisfaction of Planning if the fence was removed, and parking was to be established in the rear yard. The Chief Planner mentioned that requesting for a variance for zero parking is an exemption and does not meet the criteria for a minor variance.

Member Beauregard commented on the lack of Traffic Study encompassing the property and that the parking would be difficult to support.

That Variance 1 in application A04-25-PC be **denied** for the following reasons:

1. **The application is minor in nature.**
2. **It is desirable for the appropriate development or use of the land, building, or structure.**
3. **It does not maintain the general intent and purpose of the Zoning By-law.**
4. **It does not maintain the general intent and purpose of the Official Plan.**

That Variance 2 in application A04-25-PC be **granted** for the following reasons:

1. **The variance is minor in nature.**
2. **It is desirable for the appropriate development or use of the land, building, or structure.**
3. **It maintains the general intent and purpose of the Zoning By-law.**
4. **It maintains the general intent and purpose of the Official Plan.**

Given the information above, Planning Staff recommends Variance 2, as requested in application A04-25-PC, be **granted** for the following reasons:

1. **The variance is minor in nature.**
2. **It is desirable for the appropriate development or use of the land, building, or structure.**
3. **It maintains the general intent and purpose of the Zoning By-law.**
4. **It maintains the general intent and purpose of the Official Plan.**

Given the information above, Planning Staff recommends Variance 2, as requested in application A04-25-PC, be **granted** for the following reasons:

1. **The variance is minor in nature.**
2. **It is desirable for the appropriate development or use of the land, building, or structure.**
3. **It maintains the general intent and purpose of the Zoning By-law.**
4. **It maintains the general intent and purpose of the Official Plan.**

**Motion:** Angie Desmarais

**Seconded:** Eric Beauregard

**Carried:** 5-0

**6. Other Business**

The Chief Planner mentioned that the Secretary-Treasurer and Member Beauregard will attend the OACA conference hosted in Collingwood and that the Chief Planner will attend on behalf of the Secretary-Treasurer should they not be in attendance.

The Chief Planner had provided a progress update on the Procedural By-law for Committee of Adjustment.

**7. Approval of Minutes**

That the minutes from the February 12<sup>th</sup>, 2025 and March 12<sup>th</sup>, 2025 meeting be approved.

**Motion:** Gary Bruno

**Seconded:** Dave Elliot

**Carried:** 5-0

**8. Adjournment**

There being no further business, the meeting was adjourned at approximately 7:36 pm.

---

Dan O'Hara, Chair

---

Taya Taraba, Acting Secretary-Treasurer