



Committee of Adjustment -Meeting Minutes-

Wednesday, May 14, 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
Diana Vasu, 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 requested that a mover and a seconder adopt the agenda.

Motion: Dave Elliot

Seconded: Angie Desmarais

Carried: 5-0

3. Reading of Meeting Protocol

The Chair read the Meeting Protocol.

4. Disclosures of Interest

Nil.

5. Requests for Deferrals or Withdrawals of Applications

Nil.

6. 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 and provided a recap of last month's Hearing regarding this application.

The Secretary-Treasurer read out the comments provided by a member of the public.

The applicant addressed the concerns raised.

Member Beauregard requested that the encroaching patio stones and the metal shed be removed as they will be on the property line when the new lot is created.

Member Beauregard also requested that the utility lines be moved as to not encroach onto the new parcel when the lot is created.

Member Bruno inquired to the Chief Planner as to whether there would have been a grading plan conducted for this property; the Chief Planner mentioned that the plan was too old to determine if a grading plan was done.

The applicant reminded the Committee that she would be providing the severed parcel to her daughter, that they will ensure the correct measures are executed, and that the shed in question has been re-located already.

Member Bruno inquired to the Chair about the conditions being approved.

Member Beauregard followed up with his reasoning for recommending a grading plan and drainage apportionment agreement in reference to the severance.

Member Desmarais raises concerns regarding drainage and if grading would be encompassed later in the building process.

Given the information above, Planning staff recommend application **B15-23-PC** be granted subject to the conditions outlined in the Staff Report dated April 4, 2025:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcel with 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 minor variance applications A05-25-PC and A06-25-PC be approved.

3. That a final certification fee of \$400 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.

4. That the applicant receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the Stage 1-2 Archaeological Assessment, prepared by TMHC Inc. (dated May 27, 2024), or, if applicable, for the further archaeological

work submitted to and acknowledged by the Ministry, with a copy of the MCM acceptance letter being provided to Planning staff.

5. That all existing fences on the parcel be removed or relocated off the subject parcel.

6. That the existing patio stones that cross onto the remnant parcel be removed.

7. That the metal-clad shed be removed off the parcel.

8. That the utility lines that cross the boundary line be relocated solely to the remnant parcel.

9. That a master lot grading and drainage plan be provided to confirm that the subject and remnant parcels can drain independently.

10. 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: Eric Beauregard

Seconded: Angie Desmarais

Carried: N/A

Member Bruno raises concerns regarding the patio stones, as the applicant would be moving them for the sake of the consent to reinstate them anyways, especially if a swale was to be implemented as the swale would interrupt the patio stones. Member Bruno also states that this would negate the need for a development agreement and that the shed has already been moved.

The Chair recommended that the patio stones be removed off the list of conditions. Member Beauregard follows up stating that the development agreement can also be removed, as the agreement would not be required in this instance.

Given the information above, the Committee of Adjustment recommend application **B15-23-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 with 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 minor variance applications A05-25-PC and A06-25-PC be approved.
3. That a final certification fee of \$400 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
4. That the applicant receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the Stage 1-2 Archaeological Assessment, prepared by TMHC Inc. (dated May 27, 2024), or, if applicable, for the further archaeological work submitted to and acknowledged by the Ministry, with a copy of the MCM acceptance letter being provided to Planning staff.
5. That the fencing that encroaches on the easterly side yard be removed.
6. That the shed located on Part 1 of the sketch be removed.
7. That the overhead utility lines be moved, to not encroach on Part 1.
8. That confirmation that all water and wastewater is located on Part 2.
9. 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: Eric Beauregard

Seconded: Angie Desmarais

Carried: 5-0

The Committee of Adjustment recommend that application A05-25-PC and A06-25-PC be **granted** for the following reasons:

1. **It 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: Eric Beauregard

Seconded: Gary Bruno

Carried: 5-0

b) **Application:** A08-25-PC

Action: Minor Variance

Applicant: Graham Hart and Erin Menard

Agent: Dustin Porter

Location: 32 South Crescent

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 if the public wished to add anything further to the application.

The Committee of Adjustment recommend that application A08-25-PC be **granted** for the following reasons:

1. **It 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: Gary Bruno

Seconded: Gary Bruno

Carried: 5-0

c. **Application:** A10-25-PC

Action: Minor Variance

Applicant: Danny Leon

Agent: Craig Esposti

Location: 3611 Firelane 12

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 the requested deferral due to Planning concerns and understood the reasoning.

The Committee of Adjustment recommend that application A11-25-PC be **deferred** to a future Committee of Adjustment hearing for the following reasons:

1. The proposal is revised to ensure the addition is no longer proposed on an unstable portion of the slope, to the satisfaction of the NPCA staff.
2. A Stage 1-2 Archaeological Assessment is completed;
3. A Tree Preservation Plan is completed; and
4. An inspection is completed to determine whether the existing private sanitary service can accommodate the proposal, and if the existing system will not suffice, a new design of the septic system, to the satisfaction of Regional staff;

For the following reasons:

1. While the proposed variances are minor in nature and desirable for the appropriate development of the site, the proposed variances do not maintain the general intent and purpose of the Zoning By-law or Official Plan at this time.

Motion: Angie Desmarais

Seconded: Dave Elliot

Carried: 5-0

d. Application: B11-15-PC

Action: Cancellation of Consent

Applicant: Wendy Lehocki

Location: 166 Chippawa Road

The Chair introduced the request and asked for the applicant to explain the nature of the cancellation.

The applicant explained that the property was purchased in 1989. Recently, they wished to merge the parcels on title, however, complications arose when they attempted to do so. The Municipal Property Assessment Corporation (MPAC) advised that the property could not be merged and that they would need to advise the Committee of Adjustment.

The Chair mentioned to the applicants that requesting the cancellation through the Committee of Adjustment may not be the most ideal way of solving the dilemma, to which, Member Bruno ultimately agreed.

The Chief Planner said that further discussions with the Tax Clerk would be had.

The applicant mentioned that they had paid the application payment to which the Chair deferred to Planning's counsel on that matter.

The Chief Planner recommended to the Chair that the applicant adjourn the application and that they may withdraw the application.

Motion: Angie Desmarais

Seconded: Eric Beauregard.

Carried: 5-0

7. Other Business

The Chair brought up the draft Procedural By-law, as discussed in prior Committee of Adjustment hearings.

Member Beauregard discussed his experience at the OACA Conference.

8. Approval of Minutes

That the minutes from the April 9th, 2025 meeting be approved.

Motion: Eric Beauregard

Seconded: Angie Desmarais

Carried: 5-0

9. Adjournment

There being no further business, the meeting was adjourned at approximately 7:28 pm.

Dan O'Hara, Chair

Taya Taraba, Acting Secretary-Treasurer