

**Members Present:**

Angie Desmarais, Deputy Chair  
Dave Elliott, Committee Member  
Eric Beauregard, Committee Member  
Gary Bruno, Committee Member

**Staff Present:**

Diana Vasu, Secretary-Treasurer  
Dave Schulz, Planner (virtually)

**1. Call Meeting to Order**

The Deputy Chair called the meeting to order at approximately 6:31 pm.

**3. Reading of Meeting Protocol**

The Deputy Chair read the Meeting Protocol.

**4. Disclosures of Interest**

Member Beauregard declared an indirect pecuniary interest on application A09-23-PC, as he is employed by Upper Canada Consultants, the agent of the applicant.

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

Nil.

**6. New Business**

- a. Application: A09-23-PC  
Action: Minor Variance  
Agent: Amritpal Bansal  
Owners: 2472131 Ontario Inc.  
Location: 401 Main Street East

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

The Deputy Chair asked if the applicant had any further information to add.

The applicant confirmed he had no further information to add.

Member Elliott noted that the southerly border of the land abuts a residential property, then asked whether a fence or barrier would be put in place to ensure the lights from the development would not negatively impact the residential property.

The applicant confirmed that a fence will be incorporated into the next phase of submissions as part of their Site Plan Control application, adding that all lights from the development would be directed inward on the subject lands to limit interference with the residential property.

Member Bruno asked whether the proposed entrance/exit to the development is proposed to be located as far as is possible from the intersection.

The applicant stated that the existing entrance/exit is proposed to be eliminated and the new entrance/exit proposed to replace it will be located as far away as possible from the intersection, adding that the Ministry of Transportation has approved of this plan.

No further comments or questions from members of the public and Committee of Adjustment.

That minor variance application **A09-23-PC** be **granted** for the following reasons:

1. **The application is minor in nature** as the decreased driveway width would allow for appropriately sized parking stalls, the reduced landscape buffer would increase the parking and drive-thru safety while potential nuisances would be mitigated through site plan requirements, the reduced rear yard setback facilitates an appropriate fire route, and the reduced setback of a drive-thru to a residential zone would reduce traffic congestion on the site.
2. **It is appropriate for the development of the site** as the variances are being requested to accommodate a permitted use on the subject property and are required to reduce traffic congestion and ensure that structures on the site are adequately spaced.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** the proposal complies with the purpose of the provisions from which relief is being requested, ensuring that there will not be a negative impact on traffic safety, fire, and emergency servicing, nor neighbouring properties.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as commercial uses are permitted in the Highway Commercial designation established in the Official Plan.

Carried: 3-0

## **7. Other Business**

Member Elliott asked if the entrance driveway by-law violation identified at 248 Port Colborne Drive during the January 18, 2023, Committee of Adjustment hearing had been remedied yet, given that this condition applied to that consent application should be able to be dealt with by the by-law department.

Member Bruno asked if applicants were required to have a “clean slate” before getting a Planning Act application approved, suggesting that applications should only be accepted and approved if a property conforms with all planning by-laws.

Mr. Schulz confirmed that the by-law could be remedied in accordance with the standard procedure for remedying zoning by-law violations, however staff would need to confirm whether the violation had been remedied and whether applications could be reviewed for compliance with all by-laws before a submission is accepted.

Member Beauregard suggested that as extra protection to ensure by-law violations are remedied, an additional condition could be added to future consent applications.

Member Elliott requested that staff follow up regarding whether the violations identified at 248 Port Colborne Drive were remedied.

## **8. Approval of Minutes**

That the minutes from the January 18<sup>th</sup>, 2023, Committee of Adjustment meeting be approved.

Motioned: Gary Bruno      Seconded: Dave Elliott

Carried: 4-0

That the minutes from the March 8<sup>th</sup>, 2023, Committee of Adjustment meeting be approved.

Motioned: Gary Bruno      Seconded: Dave Elliott

Carried: 4-0

## **9. Adjournment**

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