



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

COMMITTEE OF ADJUSTMENT MINUTES

August 28, 2024, 7:00p.m.

Present Members:

Deborah Coon-Petersen (Chair)

Bonnie Baarda (Sitting member)

Kim Willis (Sitting member)

Staff:

Madyson Etzl, Senior Planner

Gerrit Boerema, Manager of Planning

Stephanie Pouliot, Secretary/Treasurer to the Committee of Adjustment

Public: Mark Vandenberg

Jared Marcus

Doug Fernick

Gillian Mary Han

Theodore Yung-Ti Han

Ronald Peter

Cheryl Peter

Roy Nicholls

Alison Cross-Nicholls

Patricia Wilson

Siegfried Flaisch

1. CHAIR

The meeting was called into Order at 7:00 pm.

2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

There were none at this time.

3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT

There were no requests at this time.

4. a) **B05/2024WL –Vandenberg**

Property Address: 5324 Canborough Road

Senior Planner, Ms. Etzl provided the presentation overview of the application.

Chair Coon-Petersen asked if the owner was present and if they would like to address the Committee?

The owner, Mr. Vandenberg responded that he has nothing more to add.

Chair Coon-Petersen asked the sitting members if they have any questions?

No questions from sitting members.

Chair Coon-Petersen asked if anyone present in the gallery would like to make comment on the application? (no one from gallery commented).

Chair Coon Petersen noted that it is time for a motion.

Member Baarda motioned to approve the application with the 14 conditions as included.

Member Willis seconded. **Carried** .

Secretary Ms. Pouliot noted the last day for filing an appeal for Consent is 20 days from the mailing date, being tomorrow, and that through recent changes to the Planning Act, there are limitations on who can appeal a decision.

b) **B06/2024WL – Fernick Investments Inc.**

Property Address: 131 St. Catharines Street

Manager of Planning, Mr. Boerema provided the presentation overview of the application and went through the conditions of approval. Mr. Boerema noted that originally there were 8 conditions included but with consultation with the agent, staff are recommending conditions 4 and 5 be removed. There are two zones over the subject lands, the portion being severed is already zoned medium density 'RM2' and staff believe that a future development can comply with the existing zoning. Staff also believe the deficient front yard setback can be dealt with through condition 2 which gives the applicant an opportunity to submit to staff their legal opinion of any legal non-conforming status. In terms of the tree preservation plan (TPP), it would be a qualified individual going to the property and creating an inventory of trees that should be protected for

future development. Staff do not believe the TPP is needed right now for the consent application but can require this at a later time, during a future draft plan of condominium with the future owners who want to develop these lands.

Chair Coon-Petersen asked if the owner or agent were present and if they would like to address the Committee?

The agent, Mr. Marcus took affirmation and provided a presentation of the application. Mr. Marcus spoke to concerns with conditions 4 and 5; including the legal non-conforming status regarding the deficient front yard setback and the requirement for a tree preservation plan and requested that conditions 4 and 5 be removed. He noted that aside from this request, he has no more concerns with the staff recommendation. Mr. Marcus thanked the Committee for their time and noted that he is happy to answer any questions.

Chair Coon Petersen asked the sitting members if they have any questions?

No questions from sitting members.

Chair Coon-Petersen asked if anyone present in the gallery would like to make comment on the application? (no one from gallery commented).

Chair Coon Petersen noted that it is time for a motion.

Member Willis motioned to approve the application with conditions 4 and 5 removed from the recommendation.

Member Baarda seconded. **Carried** .

Secretary Ms. Pouliot noted the last day for filing an appeal for Consent is 20 days from the mailing date, being tomorrow, and that through recent changes to the Planning Act, there are limitations on who can appeal a decision.

c) B07/2024WL – Gillian Mary Han and Theodore Yuag-Ti Han

Property Address: 141 Mill Street

Manager of Planning, Mr. Boerema provided the presentation overview of the application and went through all the conditions of approval.

Chair Coon-Petersen asked if the owner or agent are present and if they would like to address the Committee?

The owners, Mr. and Mrs. Han and the agents, Mr. and Mrs. Peter responded that they have nothing more to add.

Chair Coon-Petersen asked if anyone present in the gallery would like to make comment on the application?

Public member, Mrs. Wilson took oath and noted that she lives on Ellis Street which is across the creek from Mill Street. Mrs. Wilson brought forward concerns with the creek and noted that she also provided written comments. She mentioned that there are flooding concerns in this area and asked whether anyone would be disturbing the creek. She noted that if there will be no impact on the creek, then the complaint can be withdrawn.

Chair Coon-Petersen asked Manager of Planning, Mr. Boerema, if he can please clarify to help ease the concerns brought forward?

Manager of Planning, Mr. Boerema responded that the new property line does not cross the water's edge and there will be nothing physically changing on the property. The neighbours currently maintain the portion being severed and they would continue to maintain it, and noted that it would be next to impossible to build on those lands. The proposed lot boundary would have no impact on the existing flooding or potential of making the flooding worse as there are no physical changes to the property, just moving the lot line.

Public member, Mrs. Wilson asked whether the falling trees will be taken away? She noted that there are lots of older trees that have fallen down.

Chair Coon-Petersen responded that the NPCA (Niagara Peninsula Conservation Authority) will not allow the trees to be removed from around the creek within their regulated area and asked planning staff to confirm.

Manager of Planning, Mr. Boerema responded that he heard that as well and noted that they can also reach out to the conservation authority for more information, but it would be very limited in the creek, floodplain, and the provincially significant wetlands.

Chair Coon-Petersen asked Mrs. Wilson if that satisfied her concerns?

Public member, Mrs. Wilson responded that yes, it did and thanked the Committee for their time.

Chair Coon Petersen asked the sitting members if they have any questions?

No questions from sitting members.

Chair Coon Petersen noted that it is time for a motion.

Member Baarda motioned to approve the application with the 6 conditions included.

Member Willis seconded. **Carried** .

Secretary Ms. Pouliot noted the last day for filing an appeal for Consent is 20 days from the mailing date, being tomorrow, and that through recent changes to the Planning Act, there are limitations on who can appeal a decision.

d) A17/2024WL – Henley Heights Construction Inc. (Lecki Developments Inc., – Agent)

Property Address: Canborough Road, 2602020007129020000

Manager of Planning, Mr. Boerema provided the presentation overview of the application and went through the two conditions of approval.

Chair Coon-Petersen asked if the owner or agent were present and if they would like to address the Committee? (The owner and the agent were not present).

Chair Coon-Petersen asked if anyone present in the gallery would like to make comment on the application?

Public member, Mr. Nicholls took affirmation and noted that him and his wife have no issues with the proposed but would like some clarification on the municipal address. He noted that this property has been sold twice, but it carries the same address as their property.

Manager of Planning, Mr. Boerema responded that it takes some time to update from the land registry office to the Township's mapping, but this property went through a severance and is a separate lot. He noted that typically staff catch the 911 address at the time of a consent application.

Member Baarda asked Manager of Planning Mr. Boerema, when would you recommend they get a new house number?

Chair Coon-Petersen asked Manager of Planning Mr. Boerema, in case of an injury, what number would they give if they don't have a municipal address?

Manager of Planning, Mr. Boerema responded that for condominiums and subdivisions, it is required that all lots are numbered before final approval. However, if the address is not caught during the consent, it would be captured at the building permit stage. This will be the case for the first consent application heard tonight as the 911 address was not included as a condition. He also noted as there is an existing building on this property, the owner could apply for the sign at anytime.

Chair Coon-Petersen asked if the Committee should add this as a condition?

Member Baarda responded that it is already an existing condition and asked Manager of Planning, Mr. Boerema, if they should add to the existing condition that the lot be addressed prior to the building permit?

Manager of Planning, Mr. Boerema responded that the Committee can add to the existing condition if they wish. He noted that it would be required prior to the building permit being issued for hydro and utilities to be set up. He mentioned that staff can encourage the owner to apply for the address sooner and once the address is assigned, it is then sent to Niagara emergency services.

Member Willis noted that she has no comments or questions, the report and Mr. Boerema spoke to the application well.

Chair Coon Petersen noted that it is time for a motion.

Member Willis motioned to approve the application with the 2 conditions included.

Member Baarda seconded. **Carried** .

Secretary Ms. Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date, being 20 days from today, and that through recent changes to the Planning Act, there are limitations on who can appeal a decision.

e) [A18/2024WL –Vandenberg](#)

Property Address: 5324 Canborough Road

Senior Planner, Ms. Etzl provided the presentation overview of the application.

Chair Coon-Petersen asked if the owner was present and if they would like to add anything?

The owner, Mr. Vandenberg took oath and noted that the 1.1 metre setback was an error of the constructor, it was supposed to be 1.2 metres.

Member Willis asked Mr. Vandenberg, was this noticed at the time of the building permit?

The owner, Mr. Vandenberg responded that it was supposed to be 1.2 metres as approved with the building permit. However, it was noticed by the surveyor when he surveyed the property for the consent application.

Member Baarda noted that she had no questions or comments on the application.

Chair Coon Petersen noted that it is time for a motion.

Member Baarda motioned to approve the application as recommended by staff.

Member Willis seconded. Carried .

Secretary Ms. Pouliot noted the last day for filing an appeal for Minor Variance is 20 days from the decision date, being 20 days from today, and that through recent changes to the Planning Act, there are limitations on who can appeal a decision.

5. MINUTES FOR APPROVAL

There were no minutes for approval at this time.

6. NEW BUSINESS

Secretary Ms. Pouliot noted that the Committee should start reviewing the training material again and that the training modules will resume during the fall months.

7. ADJOURNMENT

That, this Committee does now adjourn at the hour of 8:04 pm.
Member Willis, motioned to adjourn.

DEBORAH COON-PETERSEN,
CHAIR

STEPHANIE POULIOT,
SECRETARY-TREASURER