

H06/2023

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

HEARING OF THE COMMITTEE OF ADJUSTMENT

AGENDA

WEDNESDAY MAY 17TH, 2023 at 4:00 P.M.

COUNCIL CHAMBERS

- 1. Call to Order
- 2. Disclosure of Pecuniary Interest and the General Nature Thereof
- 3. Requests for Adjournment

4. Adoption of Minutes

- a) Minutes of the Committee of Adjustment Hearing held April 19th, 2023
- 5. Consent Applications None.

6. Minor Variance Applications

a) A05/2023W - Michelle Hall

The subject property is located on the south side of Memme Court, east of Deeks Road South, and is known municipally as 50921 Memme Court. The subject property is zoned Rural – A4-5 and contains a single detached dwelling and accessory building (shed). An application for a minor variance has been submitted to request relief from the following provisions of Zoning By-law 034-2014 to permit the construction of a detached garage:

Section of By-law	By-law Requirement	Application Request
6.2.1 Table 6 Maximum Lot Coverage – Single Detached Dwelling as a Principle	7%	8.7%
Use on a Lot		

b) <u>A06/2023W – Ryan Snippe on behalf of Todd Seburn</u> The subject property is located on the east side of Flanagan Road, between Bell Road and Wainfleet Dunnville Townline Road, and is known municipally as 33845 Flanagan Road. The subject property is zoned Agricultural – A2 with an Environmental Protection Overlay on part of the property. An application for a minor variance has been submitted to request relief from Zoning By-law 034-2014 to permit the issuance of a building permit for a workshop:

Section of By-law	By-law Requirement	Application Request
4.21 Table 2 - Accessory Buildings Maximum Height	5m	6.5m

c) <u>A07/2023W – Hank Nauta on behalf of David & Therese Wyatt</u> The subject property is located on the west side of Perry Road, between Highway #3 and Willford Road and is known municipally as 53024 Perry Road. The property is zoned Agricultural Transition – A1 and contains a single detached dwelling and accessory buildings. An application for a minor variance has been submitted to request relief from the following provisions of Zoning By-law 034-2014 to permit the construction of a detached garage with a secondary suite on the second storey:

Section of By-law	By-law Requirement	Application Request
4.21 Table 2 - Accessory Buildings Maximum Height	5m	6.7m

7. Other Business

a) Minutes of the Property Standards Committee Appeal Hearing held on April 19th, 2023

8. Adjournment



H05/2023

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

MINUTES OF THE HEARING OF THE COMMITTEE OF ADJUSTMENT

WEDNESDAY APRIL 19, 2023 at 4:00 P.M.

TOWNSHIP OF WAINFLEET COUNCIL CHAMBERS

PRESENT:	M. Feduck	Chair	
	G. Balicki	Member	
	D. Chase	Member	
	R. Leone	Member	
	S. McMillan	Member	
REGRETS:	None.		

STAFF PRESENT:	S. Ivins	Planner, Assistant Secretary–Treasurer
	C. Dickens	Planning Technician, Secretary–Treasurer

1. Call to Order

The hearing was called to order by the Chair at 4:00 p.m.

- 2. Disclosure of Pecuniary Interest and the General Nature Thereof None.
- 3. Requests for Adjournment None.
- 4. Adoption of Minutes
 - a) Minutes of the General Membership Meeting of the Committee of Adjustment held March 9th, 2023

Motion COA-012-2023

Moved by Member Chase Seconded by Member McMillan

"THAT the minutes of the General Membership Meeting of the Committee of Adjustment held on March 9th, 2023 be adopted as circulated."

CARRIED.

b) Minutes of the Committee of Adjustment Hearing held March 15th, 2023

Motion COA-013-2023

Moved by Member McMillan Seconded by Member Chase

"THAT the minutes of the Committee of Adjustment Hearing held on March 15th, 2023 be adopted as circulated."

CARRIED.

5. Consent Applications

None.

6. Minor Variance Applications

a) A03/2023W - Erikka Gaudet on behalf of Mark Gaudet

The subject property is located on the north side of Regional Road 27, between Regional Road 24 and Elsie Road and is known municipally as 72354 Regional Road 27. The subject property is zoned Agricultural – A2 with Environmental Protection, Environmental Conservation and Hazard Overlays on part of the property. An application for a minor variance has been submitted to request relief from the following provisions of Zoning By-law 034-2014 to permit the construction of an addition to the existing single detached dwelling:

Section of By-law	By-law Requirement	Application Request
6.2.1 Table 6 Maximum Lot Coverage – Single Detached Dwelling as a Principle	7%	10%
Use on a Lot	170	1070

Correspondence

Correspondence was received from the following agencies and Township departments:

- 1. Niagara Peninsula Conservation Authority;
- 2. Niagara Region Planning & Development Services;
- 3. Township of Wainfleet Building Department;
- 4. Township of Wainfleet Drainage Department;
- 5. Township of Wainfleet By-law Enforcement Department;
- 6. Township of Wainfleet Planning Department.

Comments

Sarah Ivins, Planner/Assistant Secretary – Treasurer, provided an overview of the application as well as a summary of the planning report and the comments received. Ms. Ivins provided her opinion that the application satisfies the four tests under the Planning Act and as such recommended

approval subject to the following conditions of approval, which address the comments received:

- 1. That the applicant obtain Works Permit from the Niagara Peninsula Conservation Authority.
- 2. That the applicant implement the recommendations of the Hydrogeological and Site Servicing Study, prepared by Envisions Consultants Ltd., dated March 6, 2023, by obtaining a Septic Permit from the Township Building Department.

Ms. Ivins noted that these conditions are to be fulfilled prior to the issuance of a building permit.

The applicants Erikka & Mark Gaudet were in attendance but did not speak to the application. There were no questions or comments from the Committee.

Decision

Motion COA-014-2023

Moved by Member McMillan Seconded by Member Balicki

"THAT minor variance application A03/2023W made by Erikka Gaudet on behalf of Mark Gaudet be APPROVED subject to the following conditions:

- 1. That the applicant obtain Works Permit from the Niagara Peninsula Conservation Authority.
- 2. That the applicant implement the recommendations of the Hydrogeological and Site Servicing Study, prepared by Envisions Consultants Ltd., dated March 6, 2023, by obtaining a Septic Permit from the Township Building Department.

CARRIED.

b) <u>A04/2023W – Jeff Obdeyn (Mabo Westside Construction Ltd) on behalf of Lisa Burland</u>

The subject property is located on the south side of Lakeshore Road, between Golf Course Road and Ellsworth Road South. The subject property is zoned Residential Lakeshore – RLS.C10 with a Hazard Overlay on part of the property. An application for a minor variance has been submitted to request relief from Zoning By-law 034-2014 to permit the construction of a new single detached dwelling and detached garage:

Section of By-law	By-law Requirement	Application Request
7.2.1, Table 10 Maximum Lot Coverage – All uses permitted in an RLS zone where an existing lot of record is less than 4,000m ²	10%	14.1%
4.21 Accessory Buildings, Table 2 Maximum Height	5m	6.9m

<u>Correspondence</u>

Correspondence was received from the following agencies and Township departments:

- 1. Niagara Peninsula Conservation Authority;
- 2. Township of Wainfleet Building Department;
- 3. Township of Wainfleet Drainage Department;
- 4. Township of Wainfleet By-law Enforcement Department;
- 5. Township of Wainfleet Planning Department.

<u>Comments</u>

Sarah Ivins, Planner/Assistant Secretary – Treasurer, provided an overview of the application as well as a summary of the planning report and the comments received. Ms. Ivins provided her opinion that the application satisfies the four tests under the Planning Act and as such recommended approval subject to the following condition of approval, which address the comments received:

1. That the applicant obtain Works Permit from the Niagara Peninsula Conservation Authority.

Ms. Ivins noted that these conditions are to be fulfilled prior to the issuance of a building permit.

Member Feduck inquired as to whether there should be a condition of approval requiring a septic permit for the proposed dwelling. Ms. Ivins noted that a septic permit is required as part of the regular building permit process and that since there were no studies identifying specific septic requirements, that a condition of approval was not necessary in this instance.

The applicant's agent Jeff Obdeyn (Mabo Westside Construction Ltd.) appeared before the Committee to speak in support of the application. Mr. Obdeyn indicated that the shoreline protection for the property has been completed but that there are some minor repairs to a drainage pipe that Rankin Construction will be addressing shortly. Mr. Obdeyn noted that the proposed dwelling and garage are suitable for the property and that proper grading and drainage will be provided to ensure there are no impacts to adjacent properties. Mr. Obdeyn noted that the property holds a sentimental value to Ms. Burland and her three adult sons as this is where their late husband/father spent his final days. Mr. Obdeyn noted that Ms. Burland and her sons plan to use the proposed dwelling for seasonal use until Ms. Burland retires and resides at the property full-time.

Decision

Motion COA-015-2023

Moved by Member Balicki Seconded by Member Chase **"THAT** minor variance application A04/2023W made by Jeff Obdeyn (Mabo Westside Construction Ltd.) on behalf of Lisa Burland be APPROVED subject to the following conditions:

1. That the applicant obtain Works Permit from the Niagara Peninsula Conservation Authority.

CARRIED.

7. Other Business

None.

8. Adjournment

Motion COA-016-2023

Moved by Member McMillan Seconded by Member Chase

"THAT the Committee of Adjustment for the Township of Wainfleet be adjourned."

Committee adjourned at 4:16 p.m.

CARRIED.

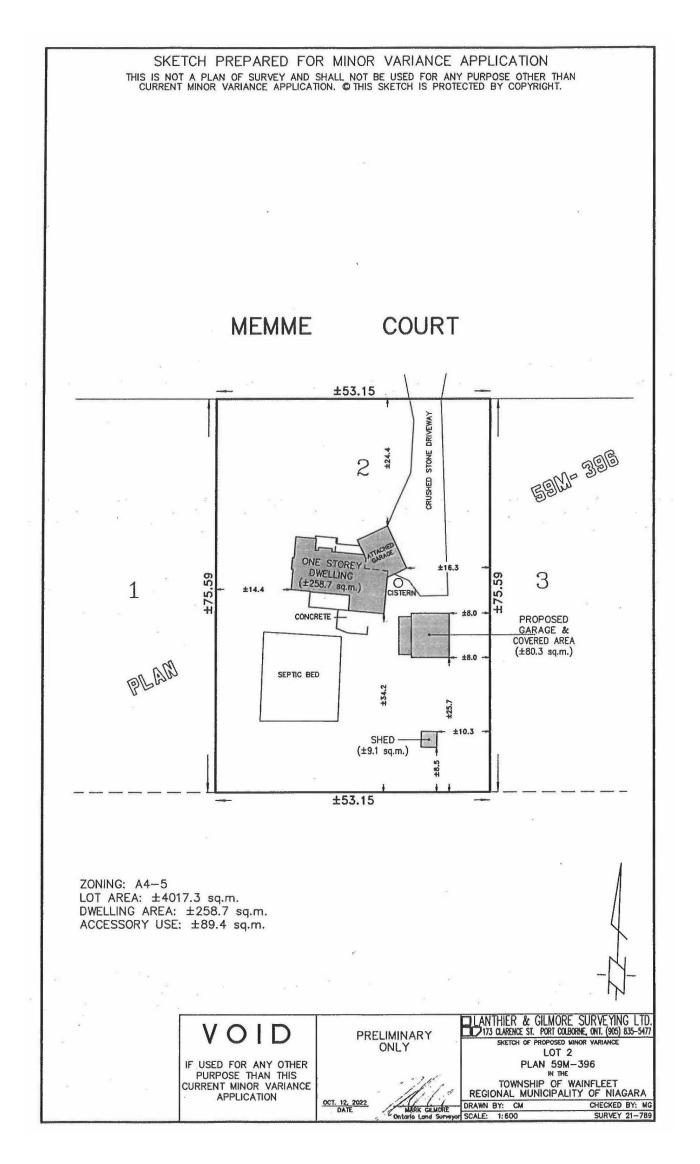
M. Feduck, CHAIR

S. Ivins, PLANNER/ ASSISTANT SECRETARY-TREASURER



In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P.13 and; notice is hereby given that an application for minor variance under the file number noted below will be heard by the Committee of Adjustment for the Township of Wainfleet at the date and place shown below.

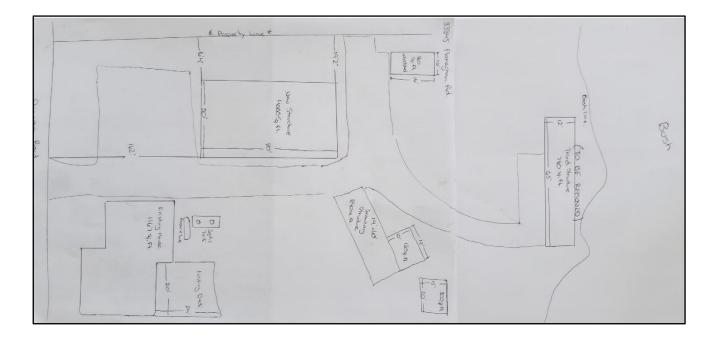
	FILE NUMBER	A05/2023W		
	APPLICANT	Michelle Hall		
•	SUBJECT LANDS	50921 Memme Court		
	SUBJECT LANDS	PLAN 59M396 Lot 2		
	HEARING DATE	Wednesday May 17, 2	023 at 4:00 p.m.	
	LOCATION	Township of Wainfleet		ers
		31940 Highway #3, Wa	•	
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		is located on the south	side of Memme	Court, east of
		and is known municipally		
Notice of Public		Iral – A4-5 and contains		
Hearing	accessory building (shed). An application for a minor variance has been			e has been
	submitted to request	relief from the following	provisions of Zo	ning By-law 034-
	2014 to permit the co	onstruction of a detache	<u> </u>	
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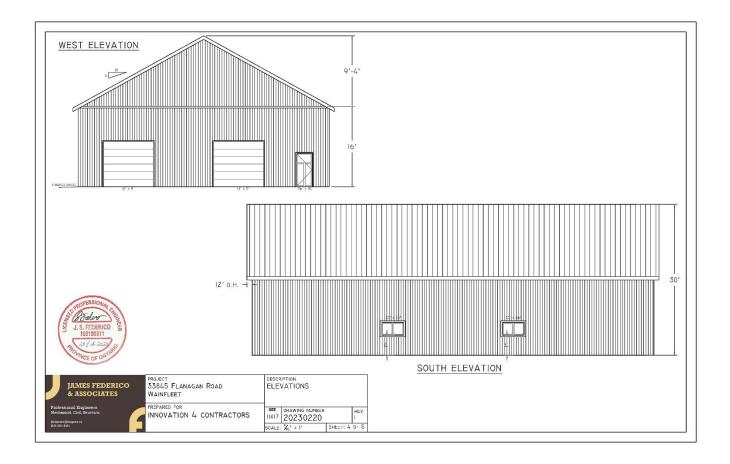




In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P.13 and; notice is hereby given that an application for minor variance under the file number noted below will be heard by the Committee of Adjustment for the Township of Wainfleet at the date and place shown below.

	FILE NUMBER	A06/2023W		
	APPLICANT	Ryan Snippe (Agent) on	behalf of Todd	Seburn (Owner)
	SUBJECT LANDS	33845 Flanagan Road		
Car		Concession 3, Part Lot 3		
	HEARING DATE	Wednesday May 17, 202		
	LOCATION	Township of Wainfleet,		
		31940 Highway #3, Wair	nfleet, ON LOS 1	VO
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			Requirement	Request
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	Maximum Height		om	0.011
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	this application by Ma	ay 11th, 2023. If the Secre	etary-Treasurer of	does not receive
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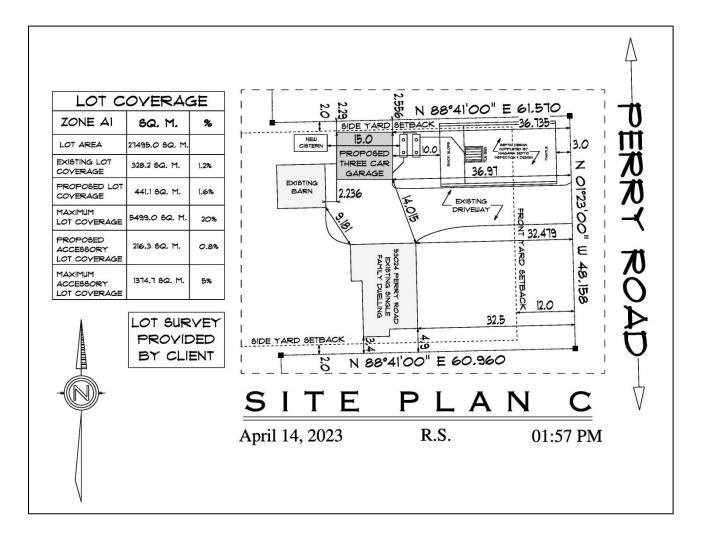






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	FILE NUMBER	A07/2023W		
	APPLICANT	Hank Nauta (Agent) on	behalf of	
		David & Therese Wyatt		
C	SUBJECT LANDS	53024 Perry Road		
57		Concession 5, Part Lot 3		Part 1
	HEARING DATE	Wednesday May 17, 20		
	LOCATION	Township of Wainfleet,		
		31940 Highway #3, Wai	nfleet, ON LOS 1	VO
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		nd accessory buildings. A		u
	•	ubmitted to request relief		
	•••	2014 to permit the constru	ction of a detach	ned garage with
	a secondary suite on	the second storey:	1	T
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A07/2023W



H01/23

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

MINUTES OF THE HEARING OF THE PROPERTY STANDARDS COMMITTEE

WEDNESDAY APRIL 19, 2023 at 4:00 P.M.

(following Committee of Adjustment)

COUNCIL CHAMBERS

PRESENT:	M. Feduck G. Balicki D. Chase R. Leon S. McMillan	Chair Member Member Member Member
REGRETS:	None.	
STAFF PRESENT:	S. Ivins M. Tardif	Committee Secretary By-law Enforcement Officer

1. Call to Order

The hearing was called to order by the Chair at 4:19 p.m.

2. Disclosure of Pecuniary Interests and the General Nature Thereof None.

3. Items for Consideration

a) Property Standards Order 23-012 – 43969 Highway #3, Unit 9

Township has received an appeal of Property Standards Order 23-012 issued with respect to 43969 Highway #3, Unit 9. The subject property is located on the south side of Highway #3 between Hendershot Road and Flanagan Road and is operating as Southlands Village Mobile Home Park. Property Standards Order 23-012 was issued on March 3, 2023 for the violations of the following Sections of Property Standards By-law 059-2000:

- Section 2.3.1 and 2.3.2 (Structural Soundness);
- Section 2.6.1 (Roofs);
- 2.8.1 (Weatherproofing);
- Section 2.25.1 (Electrical Service Installation);

• Section 2.27.1 (Maintenance of Yards).

Mr. Chris Kollee (occupant of Unit 9) has submitted an appeal of this order, citing disagreement with the violations.

Presentation of the Appellant

Mr. Kollee appeared before the Committee and reaffirmed his appeal submission, citing disagreement that the building is unsafe. However, Mr. Kollee stated that he is willing to complete the necessary repairs but requires additional time to secure the funding needed to hire the engineer, obtain the building permit and purchase the construction materials. Mr. Kollee stated that he has health and financial issues that make addressing this order difficult but noted that he is working with various agencies to secure the necessary funds. This includes working with his Ontario Works/Ontario Disability Support Program Case Manager, Port Cares and income tax professional. Mr. Kollee stated that he does not qualify for the Niagara Renovates program because he has not filed income taxes for the past several years and he needs the most recent Notice of Assessment from the Canada Revenue Agency to submit with the application. Mr. Kollee stated that his tax filings are being completed with assistance from Port Cares and that he anticipates a significant tax refund to help fund the required repairs. Mr. Kollee noted that given his circumstances, that he will need an additional five or six months to comply with the Order.

Member Chase noted that she attended the property to review the structure and noticed that the exterior wood sheathing has been damaged by moisture. Member Chase inquired as to whether this wood sheathing will be replaced. Mr. Kollee stated that he intends to replace any damaged or older materials.

Member Chase stated that from her perspective that the tarp is unsafe and noted that Mr. Kollee's appeal submission disputed the statement that the tarp is unsafe. Member Chase asked Mr. Kollee what evidence he can provide the Committee to demonstrate that the tarp is safe. Mr. Kollee indicated that the tarp is a heavy duty tarp and is supported by the side walls/framing and that he made sure that there are no fire safety hazards.

Member Chase requested clarification from Mr. Kollee as to what modifications to the unit were completed before he purchased the unit and which modifications were completed by Mr. Kollee. Mr. Kollee stated that there were two additions completed by the previous owners, being a front porch/room and opening up the interior so that it had an open concept floorplan. Mr. Kollee stated that he modified stairs from the basement and completed an addition to square off the unit.

Member Chase stated that this issue, being the condition of the unit, has been ongoing for a year now and asked Mr. Kollee what assurance he can give to the Committee that he will comply within his requested extension of five or six months. Mr. Kollee stated that he has been working with agencies to secure the funding necessary for the repairs but noted that the Property Standards Order was only issued on March 3, 2023 and so it has only been a little over a month. Member Leone asked Mr. Kollee is he is living in the unit. Mr. Kollee confirmed that he is living in the unit. Mr. Leone advised Mr. Kollee that the Committee has a responsibility to ensure that Mr. Kollee has a safe home and that the Township has provided significant assistance to help Mr. Kollee to remedy his living situation by connecting Mr. Kollee with programs and agencies. Mr. Kollee stated that he does not qualify for the Niagara Renovates program because he has not filed his taxes. Mr. Kollee stated that his taxes are being reviewed and should be completed shortly, which is one hurdle in qualifying for Niagara Renovates. Member Leone indicated that Mr. Kollee's request for an additional five or six months is a bit ambitious given that Mr. Kollee still has to get his finances in order as well as obtain engineering and materials.

Presentation of the Investigating Officer

Mark Tardif, By-law Enforcement Officer, provided an overview of Property Standards Order 23-012 and the circumstances of the current enforcement activities for the subject property, including connecting Mr. Kollee with various programs and organizations. Mr. Tardif noted that while he is sympathetic to Mr. Kollee's situation, the property standards violations pose a significant safety threat to Mr. Kollee and the Township cannot in good conscious allow this to go on longer. Mr. Tardif recommended that the Committee confirm the order.

Member Chase thanked Mr. Tardif for going above and beyond to assist Mr. Kollee by facilitating contacts with support agencies.

Mr. Kollee sought clarification as to what items are the subject of appeal for this hearing. Mr. Tardif clarified that the purpose of this appeal is to consider the items in Property Standards Order 23-012 only and that the Ontario Building Code violations are being handled through the court system. Mr. Kollee opined that the structure is not unsafe and so that should not be a consideration for the Committee.

Being no further questions, comments or discussion regarding the appeal, the following motion was made:

Decision

Motion: PSC-001-2023 Moved by: Member McMillan Seconded: Member Balicki

"THAT Property Standards Order 23-012 respecting 43969 Highway #3, Unit 9 be confirmed;

AND THAT a building permit for the required repairs be obtained no later than May 19, 2023 and that work under the issued building permit be started within 30 days of the date of issuance of the building permit.

CARRIED.

4. New Business

None.

5. Next Meeting

None scheduled, Property Standards Appeal Committee will continue to meet as required when appeals are received.

6. Adjournment of Meeting

Motion PSC-002-2023

Moved by: Member Leone Seconded by: Member McMillan

"THAT the Property Standards Committee for the Township of Wainfleet do now adjourn."

Committee adjourned at 5:03 p.m.

CARRIED.

M. Feduck, Chair

S. Ivins, Secretary