



H02/2024

**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
MINUTES OF THE HEARING OF THE COMMITTEE OF ADJUSTMENT**

WEDNESDAY MARCH 20, 2024 at 4:00 P.M.

TOWNSHIP OF WAINFLEET COUNCIL CHAMBERS

PRESENT:	M. Feduck	Chair
	S. McMillan	Member
	D. Chase	Member
	G. Balicki	Member
REGRETS:	R. Leone	Member
STAFF PRESENT:	S. Ivins	Planner
	D. Scott	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 Committee of Adjustment Hearing held February 21, 2024.

Motion COA-005-2024

Moved by Member McMillan

Seconded by Member Balicki

“THAT the minutes of the Committee of Adjustment Hearing scheduled February 21, 2024 be adopted as amended.”

CARRIED

5. Applications for Minor Variance

a) A02/2024W – Steve Greenwood (Maxwell Homes) on behalf of Michael Misztal

The subject property is located on the south side of Lakeshore Road, west of Brawn Road and is known municipally as 12381 Lakeshore Road. The property is zoned Lakeshore Residential with a total lot coverage of 15% (RLS.C15) and contains a legal non-conforming single detached dwelling. An application has been made for a minor variance to expand a legal non-conforming building. The applicant proposes to partially demolish and re-build the main level of the existing single detached dwelling and add a second storey with covered front and rear porches resulting in a total lot coverage of 18%, a rear yard setback of 2.8m, an eastern side yard setback of 0.5m and a western side yard setback of 1.2m.

Representation

Steve Greenwood, agent for the application, and Michael Misztal, applicant, were in attendance, but did not speak on the application.

Correspondence

Correspondence was received from the following agencies, departments and members of the public:

1. Township Drainage Department
2. Township By-law Department
3. Township Building Department
4. Township Planning Department
5. Email of support from Patti Misztal
6. Email of support from Mike Misztal

Comments

The Secretary – Treasurer provided an overview of the application and the Planner provided the Committee with a summary of the planning report along with a recommendation.

There was no discussion or questions on the application.

Decision

Motion COA-006-2024

Moved by Member McMillan
Seconded by Member Chase

“**THAT** the application for Minor Variance A02/2024W made by Steve Greenwood (Maxwell Homes) on behalf of Michael Misztal be approved.”

CARRIED

- b) A03/2024W – Kim Hessels on behalf of Keith and Suzanne Wielink
The subject property is located on the south side of Concession 6 Road, between Putman Road and Traver Road. The subject property is zoned Agricultural – A2 and contains a single detached dwelling and a number of agricultural buildings.

An application has been made for a minor variance to request relief from the following provisions of Zoning By-law 034-2014 to permit the construction of an accessory building with a secondary suite:

Section of By-law	By-law Requirement	Application Request	Difference
4.21 Table 2 – Accessory Building Maximum Height	5 m	7.1 m	2.1 m

Representation

Kim Hessels, the agent for the application, was in attendance, but did not speak on the application.

Correspondence

Correspondence was received from the following agencies, departments and members of the public:

1. Township By-law Department
2. Township Drainage Department
3. Township Building Department
4. Township Planning Department

Comments

The Secretary – Treasurer provided an overview of the application and the Planner provided the Committee with a summary of the planning report along with a recommendation.

Member Chase asked the planner for verification as to the location of the proposed building, which was explained. Member McMillan asked, in the event that the son moves from the property, if secondary suite could be rented out to others. The planner said it was possible that the suite could be rented out should it be vacated by the son.

Decision

Motion COA-007-2024

Moved by Member Balicki

Seconded by Member McMillan

“**THAT** the application for Minor Variance A03/2024W made by Kim Hessels on behalf of Keith and Suzanne Wielink be approved.”

CARRIED

c) A04/2024W – Samuel Bak on behalf of Thomas William Bak

The subject property is located on the north side of Maplewood Drive, east of Quarry Road. The subject property is zoned Lakeshore Residential – RLS.C20 and contains a single-detached dwelling and a shed.

An application has been made for a minor variance to request relief from the following provisions of Zoning By-law 034-2014 to permit the construction of an attached garage/workshop to the existing dwelling:

Section of By-law	By-law Requirement	Application Request	Difference
Minimum Front Yard	9 m	4.41 m	4.59 m

Representation

Samuel Bak, the agent for the application, was in attendance, but did not comment on the application.

Correspondence

Correspondence was received from the following agencies, departments and members of the public:

1. Niagara Region Planning Department
2. Township Drainage Department
3. Township Building Department
4. Township By-law Department
5. Township Operations Department
6. Township Planning Department

Comments

The Secretary – Treasurer provided an overview of the application and the Planner provided the Committee with a summary of the planning report along with a recommendation.

Member Chase asked the planner about the location of the existing shed, which is located in the approximate location of the proposed addition, and whether it would be removed. The planner said that the shed would be removed and replaced with the new addition in that location.

Decision

Motion COA-008-2024

Moved by Member Chase

Seconded by Member McMillan

“**THAT** the application for Minor Variance A04/2024W made by Samuel Bak on behalf of Thomas William Bak be approved subject to the following condition(s):

1. That the applicant implement Erosion & Sediment Control (ESC) fencing and Best Management Practices during construction to mitigate impact to the natural heritage features.”

CARRIED

6. Other Business

a) Selection of Chairperson and Vice-Chairperson for 2024

Discussion took place regarding candidates for Chair and Vice-Chair of the Committee for 2024. Members discussed Mark Feduck continuing as Chair, with Diane Chase also nominated for the position. Mark Feduck then dropped out of the running for the position of Chair. Members then discussed Sharon McMillan filling the role of Vice-Chair. A formal motion regarding the appointments for 2024 was made.

Decision

Motion COA-009-2024

Moved by Member Feduck

Seconded by Member McMillan

“**THAT** Diane Chase be appointed as Chair and that Sharon McMillan be appointed as Vice-Chair for 2024.”

CARRIED

b) OACA Conference – June 2 to 5, 2024, Windsor

As the cost for the conference has increased from previous years, the planner provided the options that the committee has to decide on. After discussion, it was determined that Member Chase will attend the conference, with the Township reimbursing her for the registration fees.

Decision

Motion COA-010-2024

Moved by Member McMillan

Seconded by Member Feduck

“**THAT** Diane Chase will attend the 2024 OACA Conference in Windsor, and that the Township will cover the cost of registration for her.”

CARRIED

- c) Short-Term Rental Committee – Committee of Adjustment members to serve as members of this committee

The Secretary-Treasurer let the committee know that they will serve as the Appeal Committee for Short-Term Rentals in the Township of Wainfleet. The members were told that both Mark Tardif, By-law Enforcement Officer, and Cory Guttin, Short-Term Rental and By-law Enforcement Officer will attend the April 17, 2024 Committee of Adjustment hearing to give the committee members training as to what their new roles will entail, as well as to give them a refresher course on their roles as members of the Property Standards Committee.

A general discussion continued as to possible remuneration, the roles of the new committee, and whether there are similar committees around Niagara that may provide some examples of the roles that this committee will play.

7. Adjournment

Motion COA-011-2024

Moved by Member McMillan

Seconded by Member Chase

“**THAT** the Committee of Adjustment for the Township of Wainfleet be adjourned.”

Committee adjourned at 4:49 p.m.

CARRIED



M. Feduck, CHAIR



D. Scott, SECRETARY-TREASURER