

Application A05-26-PC

April 14, 2026

IN THE MATTER OF the *Planning Act, R.S.O., 1990, c.P.13*, as amended, and Section 7.8 (d) (f) (h) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as PLAN 59M428 PT BLK 72 RP 59R17626 PARTS 3 AND 4, in the City of Port Colborne, located in the Third Density Residential (R3) zone, municipally known as 271 Lancaster Drive.

AND IN THE MATTER OF AN APPLICATION by the agent, Dan Cook, on behalf of the owner, Lori Spittal, for relief from the provisions of Zoning By-law 6575/30/18, as amended, under Section 45 of the *Planning Act, R.S.O 1990 C.P 13*, to permit the construction of a new enclosed deck, notwithstanding the following:

1. That a minimum interior side yard setback of 0.5m for an enclosed deck be permitted, whereas a minimum interior side yard setback of 3m is required.
2. That a rear yard setback of 4.5m for an enclosed deck be permitted, whereas a minimum rear yard setback of 6 metres for a deck is required.
3. That a minimum landscaped area of 20 percent be permitted, whereas a minimum landscaped area of 25 percent for a street townhouse is required.

That the Committee of Adjustment recommend have decided **A05-26-PC** be **granted** for the following reasons:

1. **The application is minor in nature** as the decrease in rear and side yard setbacks are modest and do not result in any significant change to the overall use, function, and character of the site.
2. **It is appropriate for the development of the site** as the reduction in side and rear yard setback and landscaped area can facilitate the development of a deck of an adequate size.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-law** as the requests outlined within the application are appropriate and maintain adequate space between buildings, maintaining privacy.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as the subject lands are designated Urban Residential, which are primarily used for residential purposes and represent the existing planning and built-up areas within the Urban Area Boundary. The application is consistent with this designation.

NOTE: No public comments were received during the decision-making process.

DATED AT PORT COLBORNE this 8th day of April 2026.

DECISIONS SIGNED:

"Dan O'Hara"	"Dave Elliott"	"Eric Beauregard"	"Gary Bruno"
Signature of Committee Chair	Signature of Committee Member	Signature of Committee Member	Signature of Committee Member
Dan O'Hara	Angie Desmarais	Dave Elliott	Eric Beauregard

THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL MAY BE FILED IS:

[April 28, 2026](#)

The Decision of the Committee of Adjustment, when not appealed, does not become final and binding until **20 days** from the giving of the notice has elapsed as set out in subsection (21) of Section 53 of The Planning Act, R.S.O. 1990, c.P.13, as amended.

Appeal to the Ontario Land Tribunal

The applicant, the Minister or any specified person or public body who has an interest in the matter may within 20 days of the making of the minor variance decision (20 days from date of mailing of consent decision) appeal to the Ontario Land Tribunal (OLT) against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a completed Appellant Form (A1) accompanied by payment of the fee. **A copy of the appeal form is available on the Ontario Land Tribunals website at <https://olt.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>**

Cost of the Appeal

The cost of the appeal is \$400 for the first consent, or minor variance application. Each additional appeal filed by the same appellant against connected consent or minor variance applications is \$25.00. Appeal fees must be paid by certified cheque or money order to the **Minister of Finance**.

OLT Process

On an appeal to the OLT, the Tribunal shall, except if all appeals are withdrawn or if the Tribunal dismisses the appeal, hold a hearing of which notice shall be given to the applicant, the appellant, the Secretary-Treasurer of the Committee and to such other persons and in such manner as the Tribunal may determine. If within such 20 days no notice of appeal is given, the decision of the Committee is final and binding, and the Secretary-Treasurer shall notify the applicant. Where all appeals to the OLT are withdrawn the decision of the committee is final and binding and the Secretary of the Tribunal shall notify the Secretary-Treasurer of the committee who in turn shall notify the applicant.

OLT Dismissal Without Hearing

The OLT may dismiss the appeal and may make any decision that the Committee could have made on the original application. The OLT may dismiss all or part of any appeal without holding a hearing, on its own motion or on the motion of any party if it is the opinion that,

1. The reasons set out in the notice of appeal do not disclose any apparent land use planning ground which the Tribunal could allow all or part of the appeal;
2. The appeal is not made in good faith, or is frivolous, or vexatious;
3. The appeal is only made for the purpose of delay;
4. The appellant has not provided written reasons for the appeal;
5. The appellant has not paid the fee prescribed under the *Ontario Land Tribunal Act*, or;
6. The appellant has not responded to a request by the OLT for further information within the time specified by the Tribunal.

Appeals should be directed to:

Secretary-Treasurer
Port Colborne Committee of Adjustment
City of Port Colborne
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: (905)-228-8124