

Application A09-26-PC

July 10, 2026

IN THE MATTER OF the *Planning Act, R.S.O., 1990, c.P. 13*, as amended, and Section 2.8.1 (a) (ii) (iii) 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 43, Lot 11, Lot 12, New Plan 802, in the City of Port Colborne, located in the Lakeshore Residential (LR) zone, municipally known as 3229 Firelane 10.

AND IN THE MATTER OF AN APPLICATION by the agent, Jamie McNay, on behalf of the owner, Joe and Janine Bellonte, 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 accessory structure, notwithstanding the following:

1. That an accessory building be permitted within the front yard, where the building is otherwise unpermitted to be located.
2. That a maximum accessory building height of 6.6m be permitted, whereas a maximum accessory building height of 6m is required.

That the Committee of Adjustment have decided that application **A09-26-PC** be **granted** for the following reasons:

VARIANCE 1

1. **The application is minor in nature** as the proposed building is set further back from the lake than the main dwelling, which will reduce the visual impact on the yard facing the water. The neighbouring properties contain accessory structures similar in location to what is being proposed and adding the proposed accessory structure to the front yard will help maintain the character of the neighbourhood.
2. **It is appropriate for the development of the site** as the proposed location will still maintain the required setbacks and the lot is larger than neighbouring lots.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-law** as the intent of the policy restricting front yard accessory structures is generally to address smaller lots, lots where the dwelling is located close to the road, or lots that front onto water, however, this property functions as a waterfront lot with frontage onto Lake Erie. In the absence of the intervening beach parcel, the area currently defined as the rear yard would function as the front yard.
1. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as the subject lands are within the Rural designation in the Official Plan, where buildings accessory to residential uses are permitted.

VARIANCE 2

1. **The application is minor in nature** as the proposed building is set further back from the lake than the main dwelling, which will mitigate the visual impact of the increased height.
2. **It is appropriate for the development of the site** as the proposed location will still maintain the required setbacks and the lot is larger than neighbouring lots; the increase in accessory building height will provide necessary functional storage for the property.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-law** as the intent of the maximum accessory building height is to prevent overdevelopment and ensure accessory structures remain accessory to the primary use of the lot. The proposed development maintains the general intent and purpose of this provision as the lot is large enough to accommodate a building of this height without appearing overdeveloped.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as the subject lands are within the Rural designation in the Official Plan, where buildings accessory to residential uses are permitted.

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

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

DECISIONS SIGNED:

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

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

[July 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