

Application A08-25-PC

June 18, 2025

**IN THE MATTER OF** the *Planning Act, R.S.O., 1990, c.P.13*, as amended, and Section 8.7 (b) (c) (d) (g) (i), Section 2.19.1, and Section 3.1.1, 3.11.1 (a), 3.13 (c) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

**AND IN THE MATTER OF** the lands legally known as Lots 22, 23, and Part Lot 24 on Plan 857, in the City of Port Colborne, located in the Fourth Density Residential (R4) zone, municipally known as 80 Nickel Street;

**AND IN THE MATTER OF AN APPLICATION** by the agent, Aaron Butler, on behalf of the owner, Vergel Group Developments Inc., 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 development of a new apartment building, notwithstanding the following:

**Main Building**

- 1. That a minimum front yard setback of 0.3m be permitted, whereas a minimum front yard setback of 9m is required;
- 2. That a minimum interior side yard of 2.4m be permitted, whereas a minimum interior side yard of 3m is required;

**Balconies and Barrier Wall**

- 1. That an attached barrier wall, projecting east-west of the building’s proposed front façade, be allowed to encroach into the perimeter of the lots;
- 2. That a minimum front lot line setback of 0.3m be permitted, whereas a minimum front lot line setback of 7.5m is required;
- 3. That a minimum interior side lot line setback of 0.8m be permitted, whereas a minimum interior side lot line setback of 3m is required

**General Lot**

- 1. That a minimum landscaped area of 21% be permitted, whereas a minimum landscaped area of 25% is required;
- 2. That a minimum lot area per unit of 61m² be permitted, whereas a minimum lot area per unit of 125m² is required;
- 3. That a maximum lot coverage of 52% be permitted, whereas a maximum lot coverage of 40% is permitted;
- 4. That the minimum number of parking spaces required for an apartment building is reduced from 1.25 spaces to 1.05 spaces per unit;
- 5. That the minimum landscape buffer provided between the edge of any parking area and the abutting lot line be reduced from 3m to 1.1m on the Western lot line, from 3m to 2.3m on the North lot line, and from 3m to 0.95m on the South lot line;
- 6. That the location of the required bicycle parking be changed from the principal entrance of the building to the rear access of the building.

The Committee of Adjustment **approves** application A09-25-PC for the following reasons:

- 1. **It is minor in nature.**
- 2. **It is appropriate for the development of the site.**
- 3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-law.**
- 4. **It is desirable and in compliance with the general intent and purpose of the Official Plan.**

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

**DATED AT PORT COLBORNE this 11<sup>th</sup> of June 2025.**

**DECISIONS SIGNED:**

“Dan O’Hara”		“Dave Elliot”		“Eric Beauregard”	“Gary Bruno”
Signature of	Signature of	Signature of	Signature of	Signature of	Signature of
Committee	Committee	Committee	Committee	Committee	Committee
Chair	Member	Member	Member	Member	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:**

**4:30 p.m. on July 2, 2025**

The Decision of the Committee of Adjustment, when not appealed, does not become final and binding until **20 days** from the making of the decision has elapsed as set out in subsection (12) of section 45 of the *Planning Act, R.S.O. 1990, c.P.13*, as amended.

## **Appeal to the Ontario Land Tribunal**

Take notice that an appeal to the Ontario Land Tribunal in respect to all or part of this application may be made by filing a notice of appeal with the City Clerk either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service> by selecting Port Colborne (City) as the Approval Authority or by mail, 66 Charlotte Street, Port Colborne, no later than 4:30 p.m. on April 29, 2025. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fee of \$400 can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at [www.olt.gov.on.ca](http://www.olt.gov.on.ca). If the e-file portal is down, you can submit your appeal to [planningappeals@portcolborne.ca](mailto:planningappeals@portcolborne.ca).

### **Appeals should be directed to:**

Secretary-Treasurer  
Port Colborne Committee of Adjustment  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, Ontario L3K 3C8