



Members Present: Dan O'Hara, Angie Desmarais, Gary Bruno, Eric Beauregard,  
Donna Kalailieff

Staff Present: Samantha Yeung, Planning Technician/Secretary-Treasurer  
Chris Roome, Planner

The meeting was called to order at approximately 6:02pm by Chair Dan O'Hara.

1. Disclosures of Pecuniary Interest:

Nil.

2. Requests for Deferrals or Withdrawals of Applications:

Nil.

3. New Business

i) **Application: B13-22-PC**

Action: Consent  
Agent: N/A  
Owner: Bridge and Quarry Ltd.  
Location: 675 & 677 Stanley Street

The Secretary-Treasurer read the correspondence received for this application.

The applicant, Jeff Colins, had no further comments on the application. Mr. Colins asked why the process of severing the semi-detached homes comes after the building permits and construction, and what would happen if the public objected to the severance.

Mr. Roome explained when these lots are draft plan approved, we ensure there is flexibility for future development that is permitted in the zoning. The zoning is R2 which permits a duplex, detached and semi-detached dwelling. In the future for severances of multiple units, part lot control will be used to sever the units. The own can retain both units and rent; they have no obligation to sever them.

That consent application B13-22-PC be **granted** subject to the conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That all conditions of consent be completed by September 14<sup>th</sup>, 2024.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Motion: Eric Beauregard    Seconded: Angie Desmarais

Carries: 5-0

ii)    **Application: B14-22-PC**

iii)   **Application: A23-22-PC & A24-22-PC**

Action:        Consent & Minor Variance

Agent:         N/A

Owner:         Brenton Lundy

Location:       134 Fares Street

The Secretary-Treasurer read all the correspondence received for these applications.

The applicant, Brenton Lundy, has no further comments or questions at this time.

Member Beauregard asked what the future development would be on the severed property.

Mr. Lundy responded he plans to build a raised bungalow with an attached garage.

Member Desmarais asked if the engineering comments with respect to drainage have been addressed.

Mr. Roome explained the topographic survey was a recommendation by Engineering and not a condition of the consent. This is typically dealt with at the time of the building permit.

Member Beauregard shared in his experience that topographic surveys are a condition or conceptually to the satisfaction of engineering or public works. It would be beneficial for the applicant to know they can develop on their property. It is also common to have comments on potential laterals crossing property lines. This could be added as standard condition in the future.

That consent application B14-22-PC be **granted** subject to the conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the existing detached garage be removed.
4. That minor variance applications A23-22-PC and A24-22-PC be granted.
5. That a topographic survey is submitted demonstrating that the retained and the severed parcel will drain independently, to the satisfaction of Engineering Staff.
6. That the applicant(s) sign the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
7. That all conditions of consent be completed by September 14<sup>th</sup>, 2024.

For the following reasons:

2. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Motion: Gary Bruno

Seconded: Eric Beauregard

Member Beauregard asked to make a motion to add a condition that a conceptual lot grading plan be submitted to the satisfaction of Public Works.

Carried: 5-0

That minor variance application A23-22-PC be granted for the following reasons:

1. **The application is minor in nature** as the requested variances are minor in nature and the dwelling can meet most of the zoning requirements.
2. **It is appropriate for development of the site** as the existing dwelling is located in a suitable location and detached dwellings are permitted use in the R3 zone.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the zoning by-law permits detached dwellings in the R3 zone and the proposal meets the majority of the setback and lot coverage requirements.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as residential dwellings in the Medium Density Urban Neighbourhood designation of the East Waterfront Secondary Plan Area

And, that minor variance application A24-22-PC be granted for the following reasons:

1. **The application is minor in nature** as the reduction in lot frontage will not negatively impact the subject parcel.
2. **It is appropriate for development of the site** as the proposed lot frontage can accommodate a detached dwelling while meeting the requirements of the zoning by-law.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the zoning by-law permits detached dwellings in the R3 zone and the proposal meets the majority of the lot creation requirements.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as residential dwellings in the Medium Density Urban Neighbourhood designation of the East Waterfront Secondary Plan Area

Motion: Angie Desmarais

Seconded: Eric Beauregard

Carried: 5-0

iv) **Application: B15-22-PC, B16-22-PC, B17-22-PC, B18-22-PC**

v) **Application: A25-22-PC, A26-22-PC**

Action: Consent (x4) & Minor Variance (x2)

Agent: Brian Miller

Owners: Wesley Visser

Location: 59 Omer Avenue

The Secretary-Treasurer read all the correspondence received for these applications.

The agent, Brian Miller, provided additional comments that a stormwater management plan was provided for this property at the time of the building permit issuance. The townhouses were constructed prior to the severances which is in accordance with the zoning by-law.

Mr. Chair asked if there is a maximum allowable severance on a property.

Mr. Roome stated there is a provision in the Official Plan that refers to a plan of subdivision for creating three or more lots, however, it does not apply to townhouses.

The Chairman calls for delegates virtually and in person.

Colin Warner, a resident of 63 Omer Avenue, has concerns on this development. His concerns are as follows:

- Parking on availability and street congestion on narrow streets (Omer).
- The lots are not in the character of the neighbourhood and enlarging the lots that would meet the zoning requirements would not affect the aesthetics of the neighbourhood.
- Drainage concerns since the start of this development. Mr. Warner has concerns the development would flood or have other impacts on neighbouring properties.

Mr. Roome responded to Mr. Warner with respect to the lot area, the property meets all the required setbacks of the zoning by-law. A lot grading plan was submitted at the time of the building permit application and it was approved, but we would have to follow up with the engineering staff to see if further changes could be done.

Member Beauregard asked why the parkland dedication payment be made only for part 5.

Mr. Roome explained Parkland dedication is required at the time of building permits and if future development is proposed on part 5, the condition lets the applicant know a parkland dedication fee will be required.

Member Beauregard will ask further questions in "Other Business". He also asked if a Planning Justification Report was required.

Mr. Roome responded a Planning Justification Report is not required for a severance application.

Member Bruno asked if the drainage plan covers parts 1 through 5. He has concerns over drainage as future development occurs.

Mr. Roome responded yes, the entire parcel has been signed off for drainage. The engineering staff may be required to update the grading plan depending on the scale of the development.

Member Kalailieff expressed if the drainage plan was approved but there are issues with drainage, the City should be responsible to correct the issue.

Mr. Roome agreed and will have to follow up with the engineering staff.

Mr. Miller stated that the final grades have not yet been established and the grading plan not working may be premature. To further explain, the property is going to be developed through draft plan approval. An engineering firm and an independent planner are working on a planning justification report. It will be a complete plan of subdivision with a stormwater management plan.

Mr. Warner expressed further concerns regarding the impact of the development.

The Chairman stated the Committee is not the representation of the City or the City Council and matters have been addressed from the Committee's aspect at this point in time.

The Chairman asked if there needs to be a mutual agreement for access to the backyard for the two middle properties.

Mr. Miller stated in his knowledge and experience, it is not a requirement of the zoning by-law and plans of subdivision.

The Chairman requests there be a condition of the severance that access to the rear yard for the two middle properties be included.

Member Beauregard asked if a blanket easement could be placed without coming back to the Committee of Adjustment.

Mr. Roome explained an easement for up to 21 years could be placed through a lawyer, however the Committee of Adjustment could grant an easement in perpetuity.

Member Bruno asked if there is access to the backyard from the garage or internally for larger items.

Mr. Miller stated no, there is not. The application complies with the zoning by-law, the Planning Act, the building code and the fire code. It is not a requirement but a good practical idea.

That consent application B15-22-PC be **granted** subject to the conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the

subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.

2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That a Mutual Agreement Drain be registered on title that ensures the continued operation and maintenance of the rear yard swale.
4. That access to the rear yard be provided to Part 2 and Part 3, to the satisfaction of Planning Staff.
5. That the applicant(s) sign the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended. This condition only applies to Part 5.
6. That all conditions of consent be completed by September 14<sup>th</sup>, 2024.

For the following reasons:

3. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Motion: Dan O'Hara

Seconded: Eric Beauregard

Carried: 5-0

That consent application B18-22-PC be granted subject to the conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That a Mutual Agreement Drain be registered on title that ensures the continued operation and maintenance of the rear yard swale.
4. That access to the rear yard be provided to Part 2 and Part 3, to the satisfaction of Planning Staff.

5. That the applicant(s) sign the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
6. That all conditions of consent be completed by September 14<sup>th</sup>, 2024.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Motion: Dan O'Hara

Seconded: Eric Beauregard

Carried: 5-0

That consent application B16-22-PC be granted subject to the conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That a Mutual Agreement Drain be registered on title that ensures the continued operation and maintenance of the rear yard swale.
4. That minor variance application A25-22-PC be granted.
5. That the applicant(s) sign the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended. This condition only applies to Part 5.
6. That all conditions of consent be completed by September 14<sup>th</sup>, 2024.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Motion: Eric Beauregard

Seconded: Gary Bruno

Carried: 5-0

That consent application B17-22-PC be **granted** subject to the conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That a Mutual Agreement Drain be registered on title that ensures the continued operation and maintenance of the rear yard swale.
4. That minor variance application A26-22-PC be granted.
5. That the applicant(s) sign the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended. This condition only applies to Part 5.
6. That all conditions of consent be completed by September 14<sup>th</sup>, 2024.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Motion: Eric Beauregard

Seconded: Gary Bruno

Carried: 5-0

That minor variance application A25-22-PC be granted for the following reasons:

1. **The application is minor in nature** as the reduction in lot area will not negatively impact the subject parcel.
2. **It is appropriate for development of the site** as the dwelling is currently existing and the severance is being sought to facilitate the sale of each townhouse unit.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the zoning by-law permits townhouse dwellings in the R4 zone. The proposal meets the majority of the lot creation requirements, and the existing dwelling will meet all the required setbacks
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as townhouse dwellings are permitted in the Urban Residential designation.

Motion: Donna Kalailieff

Seconded: Gary Bruno

Carried: 5-0

That minor variance application A26-22-PC be granted for the following reasons:

1. **The application is minor in nature** as the reduction in lot area will not negatively impact the subject parcel.
2. **It is appropriate for development of the site** as the dwelling is currently existing and the severance is being sought to facilitate the sale of each townhouse unit.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the zoning by-law permits townhouse dwellings in the R4 zone. The proposal meets the majority of the lot creation requirements, and the existing dwelling will meet all the required setbacks.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as townhouse dwellings are permitted in the Urban Residential designation.

Motion: Donna Kalailieff

Seconded: Gary Bruno

Carried: 5-0

4. Other Business:

Member Beauregard asked why Parkland Dedication fees are not required for any new parcel. He explained he is familiar with the process being dealt with the Planning Department rather the Building Department.

Mr. Roome stated this is a part of their update to the Parkland By-Law; is to bring it back to the Planning stage, however it is a work in progress.

Member Beauregard suggests having the Engineering staff comment on laterals crossing in these applications and have Committee consider these aspects.

Mr. Roome explained he will have to follow up with Engineering staff about their review.

The Chairman made a motion to have public notice signs and mailouts be completed for the deferred applications A09-22-PC and A17-22-PC.

Carried: 5-0

5. Approval of Minutes:

Minutes from the August 10th, 2022, meetings were approved.

Motioned: Gary Bruno      Seconded: Angie Desmarais

Carried: 5-0

6. Adjournment

There being no further business, the meeting was adjourned at approximately 7:54 pm.