



**Application A05-23-PC**

**March 13, 2023**

**IN THE MATTER OF** the *Planning Act, R.S.O., 1990, c.P.13*, as amended and Section 22.3 (d) and Section 22.3 (f) 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 853 Lots 28 & 29 Part Lots 27 & 30, in the City of Port Colborne, located in the Commercial Plaza (CP) zone, municipally known as 427 Steele Street.

**AND IN THE MATTER OF AN APPLICATION** by the agent Brianna Bodorkos, on behalf of the applicant 1825142 Ontario 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 a to permit the construction of an accessory structure, notwithstanding the following:

1. That a minimum interior side yard setback of 2.07m be permitted, whereas the minimum permitted interior side yard setback in the CP zone is 15m.
2. That a minimum rear yard setback of 9.16m be permitted, whereas the minimum permitted rear yard setback in the CP zone is 15m.

That minor variance application A05-23-PC be **granted** for the following reasons:

1. **The application is minor in nature** as the decrease in the side and rear yard setbacks are being requested to enclose, and thereby improve, an existing garbage storage area which will remain in the same location.
2. **It is appropriate for the development of the site** as the development is in a suitable location on the site and will reduce the unsightly visual of the existing garbage storage area, along with the odors and foraging animals.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the proposed addition will be used in conjunction with the existing commercial use, which the Zoning By-law permits in the CP zone, and the proposal meets the majority of the zoning requirements.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as the Official Plan permits commercial uses in the Commercial Plaza designation.

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

**DATED AT PORT COLBORNE this March 8, 2023.**

**DECISIONS SIGNED:**

<u>"Dan O'Hara"</u>	<u>"Dave Elliott"</u>	<u>"Eric Beauregard"</u>	<u>"Gary Bruno"</u>
Signature of Committee Chair	Signature of Committee Member	Signature of Committee Member	Signature of Committee Member
<b>Dan O'Hara</b>	<b>Angie Desmarais</b>	<b>Dave Elliott</b>	<b>Eric Beauregard</b>
			<b>Gary Bruno</b>

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

**March 28, 2023**

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) 835-2900 ext. 204