



**Application A06-23-PC**

**March 13, 2023**

**IN THE MATTER OF** the *Planning Act, R.S.O., 1990, c.P.13*, as amended and Section 23.5 (j) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

**AND IN THE MATTER OF** the lands legally known as Registered Plan Number 762 Lot 3 Parts 3 & 4 in the Former Municipality of Peterburg, in the City of Port Colborne, located in the Downtown Commercial (DC) zone, municipally known as 193 Main Street West.

**AND IN THE MATTER OF AN APPLICATION** by the agent Amber Cuthbertson, on behalf of the applicant 2792795 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 the conversion of 2 commercial units to 4 residential units, notwithstanding the following:

1. That a minimum floor area of 40m<sup>2</sup> per unit be permitted, whereas the minimum permitted floor area per unit is 50m<sup>2</sup>.

That minor variance application A06-23-PC be **granted** for the following reasons:

1. **The application is minor in nature** as the reduction in minimum floor area does not represent a significant decrease in liveable space; the proposed bachelor-style units are generally smaller in nature and will still provide enough liveable space for future tenants.
2. **It is appropriate for the development of the site** as the application proposes 4 additional units, for a total of 6 residential units, which will provide increased housing options in the area and classify the dwelling as an apartment, a use permitted in the DC 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 apartments in the DC zone, the proposal meets most of the zoning requirements except the requested variance, and the applicant has provided 9 parking spaces where 8 are required.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as the Official Plan encourages downtown developments to be mixed-use, and the preferred built form for mixed-use development being commercial and office uses on the ground floor, with residential units located above, is only a preference and not a requirement of the Official Plan.

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

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

**DECISIONS SIGNED:**

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