

Application A11-23-PC

June 16, 2023

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 2.8.1 (a) (ii) 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 1761 New Plan 772 Lot 8, in the City of Port Colborne, located in the Second Density Residential (R2) zone, municipally known as 38 Church Street.

AND IN THE MATTER OF AN APPLICATION by the applicant Victor Denobriga 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 an accessory structure, notwithstanding the following:

1. That a maximum height of 7.3m be permitted, whereas the maximum permitted height is 6m.

That minor variance application **A11-23-PC** be **granted** for the following reasons:

The application is minor in nature as the proposed structure is located behind the existing dwelling, within permissible distance from the lot lines, and does not exceed the height of the main dwelling, ensuring the garage remains accessory in nature.

2. It is appropriate for the development of the site as the proposed structure is a permitted use in the R2 zone, complies with most zoning by-law requirements, and will be built in the rear yard, set back from the front property line and behind the existing dwelling, resulting in reduced visual impact from the road.

3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law as the proposed structure meets the lot coverage requirements established in the R2 zone and does not exceed the main dwelling's height, thus remaining accessory in nature to the primary dwelling and maintaining the intention of the Zoning By-law.

4. It is desirable and in compliance with the general intent and purpose of the Official Plan as accessory structures are permitted in the Urban Residential designation established in the Official Plan.

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

DATED AT PORT COLBORNE this 14th day of June 2023.

DECISIONS SIGNED:

	"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 4, 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