

Application A12-23-PC

June 16, 2023

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 21.6 (b) and (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 Registered Plan 797 Lots 111 and 112, in the City of Port Colborne, located in the Mixed Use (MU) zone, municipally known as 510 Main Street West.

AND IN THE MATTER OF AN APPLICATION by the agent Joseph Tomaino on behalf of the owner Susan Nenadovich 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 reduced lot area and rear yard to Part 1 to facilitate a concurrent severance application under application B10-23-PC, notwithstanding the following:

1. That a minimum lot area of 489.03m² be permitted, whereas the minimum permitted lot area is 500m².
2. That a minimum rear yard of 2.04m be permitted, whereas the minimum permitted rear yard is 6m.

That minor variance application **A12-23-PC** be **granted** for the following reasons:

1. **The application is minor in nature** as the requested variances would not significantly affect the property size nor adjacent properties, amenity space is still available in the corner side yard, and the rear yard setback variance is due to the consent application redesignating this existing side yard into the new rear yard of the proposed parcel.
2. **It is appropriate for the development of the site** as the requested variance facilitates the creation of a new lot with sufficient amenity space and landscaped area along the corner side yard for the subject lot, which is consistent with the surrounding residential dwellings and lots of similar size.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the requested variances align with the parcel fabrication of surrounding properties, and the existing dwelling, setbacks, driveway, and amenity space provisions are intended to provide adequate room and amenity space for residents, which staff are satisfied are all maintained.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as the proposed development and minor variance application are consistent with the scale of developments in the neighbourhood, the nature of the community, and thus the requested variances align with general intent and purpose of the Downtown Commercial Official Plan designation.

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