



**Application A01-23-PC**

**January 20, 2023**

**IN THE MATTER OF** the *Planning Act, R.S.O., 1990*, c.P.13, as amended and Section 6.3 (a) and (c) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

**AND IN THE MATTER OF** the lands legally known as Part Lot 17, 25, 26 and 27 Block A on Plan 775 and 839, in the City of Port Colborne, located in the Second Density Residential (R2) zone, municipally known as 194 Neff Street.

**AND IN THE MATTER OF AN APPLICATION** by the owners Fangzy Wealth Corps Ltd. And Ljubomir Manojlavic 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 lot frontage to Part 1 to facilitate a concurrent severance application under application B01-23-PC, notwithstanding the following:

1. That a minimum lot frontage of 11.82m be permitted, whereas 12m is required in the R2 zone.
2. That a minimum lot area of 393m<sup>2</sup> be permitted, whereas 400m<sup>2</sup> is required in the R2 zone.

That minor variance application A01-23-PC be **granted** for the following reasons:

1. **The application is minor in nature** as the decreased lot frontage and lot area would still provide enough space for a dwelling and enough amenity space to ensure there is no negative impact on the subject parcel.
2. **It is appropriate for the development of the site** as both the retained and severed lots would be of sufficient size and the proposal is compatible with most of the Zoning By-law requirements.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the proposed variance would still provide the owner with enough space for amenities and parking, and the lot fabric of the proposed lots would be similar to those existing in the area.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as lot creation for residential purposes is permitted in the Urban Residential designation established in the Official Plan.

**NOTE: Public comments were considered in the decision-making process.**

**DATED AT PORT COLBORNE this 18th day of January 2023.**

**DECISIONS SIGNED:**

<b>"Dan O'Hara"</b>	<b>"Angie Desmarais"</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:**

**February 7th, 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