
AGENDA

1. Election of Committee of Adjustment Chair and Vice-Chair
2. Call Meeting to Order
3. Reading of Meeting Protocol
4. Disclosures of Interest
5. Request for Any Deferrals or Withdrawals of Applications
6. New Business
 - a. Application: B01-23-PC & A01-23-PC
Action: Consent & Minor Variance
Agent: N/A
Owners: Fangzy Wealth Corps LTD. And Ljubomir Manojlovic
Location: 194 Neff Street
 - b. Application: B02-23-PC, A02-23-PC, & A03-23-PC
Action: Consent & 2 Minor Variances
Agent: Connor Rush
Owners: 1703306 Ontario Inc
Location: 248 Port Colborne Drive
7. Other Business
 - a. 2023 Committee of Adjustment Hearing Schedule
8. Approval of Minutes
 - a. November 9, 2022, Committee of Adjustment Meeting
9. Adjournment



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR CONSENT

APPLICATION NO. B01-23-PC

IN THE MATTER OF the *Planning Act, R.S.O., 1990, c.P.13, Section 53 (1)*.

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 consent for the purpose of creating a new lot. The subject parcels are shown as Parts 1 and 2 on the proposed sketch, where Part 1 is to be severed for future residential use and Part 2 is to be retained for an existing residential use. A sketch of the subject lands is shown on the reverse side of this notice.



LOCATION MAP

PLEASE TAKE NOTICE that this application will be heard virtually by the Committee of Adjustment as shown below:

DATE: January 18, 2023
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street - Third floor of Council Chambers; and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at Diana.Vasu@portcolborne.ca.

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, January 13th, 2023**.

NOTE: If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures: How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, while being live-streamed on the City's YouTube channel.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on Tuesday, January 17, 2023**, by emailing Diana.Vasu@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204.

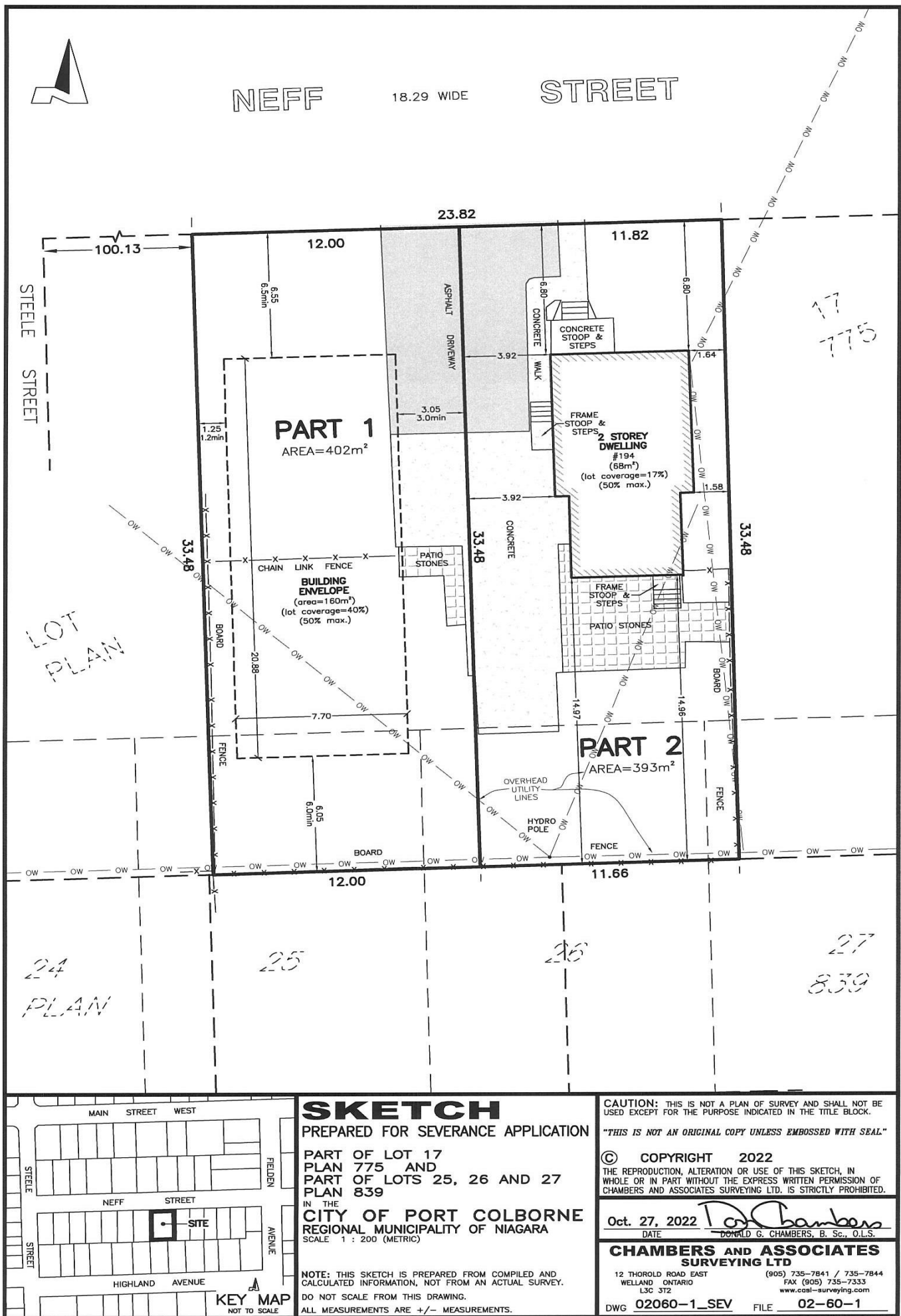
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the *Planning Act*, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

By order of the Committee of Adjustment,

Date of Mailing: January 4, 2023

Diana Vasu
Secretary-Treasurer



CONSENT

This application form is to be used by persons applying to the City of Port Colborne Committee of Adjustment for approval for Consent.

The Applicant is required to provide appropriate answers to **all** questions on the application form. If all prescribed information is not provided, the application will not be accepted.

SUBMISSION OF APPLICATION:

Please submit the completed application form together with fees and other information as set out herein to:

City of Port Colborne
Samantha Yeung
Secretary - Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: 1-905-835-2900 ext. 204
FAX: 1-905-835-2939
Email: Samantha.yeung@portcolborne.ca

COMPLETENESS OF APPLICATION:

The information required in this application form complies with the *Planning Act* and will assist in ensuring a complete evaluation. The *Planning Act* allows the Committee of Adjustment to refuse to accept or further consider any application that does not provide the information, material and fees prescribed.

A Consent approved by the Committee of Adjustment of the City of Port Colborne must sometimes be reviewed by the Regional Municipality of Niagara and other regional or provincial agencies. The Niagara Region and Niagara Peninsula Conservation Authority have additional fees / information requirements.

PRE-CONSULTATION / OFFICIAL PLAN POLICY AND PROVINCIAL POLICY STATEMENT:

To help you complete the application form, please call and make an appointment with the Planning and Development Services Division at City Hall.

In making decisions on planning applications, Committee of Adjustment shall have regard to Official Plan Policy and be consistent with the Province of Ontario's Provincial Policy Statement which came into effect on May 1st, 2020. Both provide policy direction on matters relating to land use planning and development. A copy of the Provincial Policy Statement can be obtained from the Ministry of Municipal Affairs website

(www.mah.gov.on.ca) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

To avoid delays, the applicant must be informed of Official Plan Policy and the Provincial Policy Statement and should also consult with staff prior to submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement. An application for a pre-consultation meeting can be found on the City of Port Colborne's website under Planning & Development.


PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

Under the provisions of Sections 50 and 53 of the Planning Act, as amended, the approval of the Committee of Adjustment is required for land transactions covering the separation of a parcel of land from existing holdings. This approval is called a "consent". Consent is also required for leases, rights-of-way or easements if such extend beyond a period of 21 years and to mortgage or discharge a mortgage over part of a parcel of land.

As provided for by the Planning Act and Regulation 197/96 under The Act, every application for consent must be brought to the attention of certain authorities and to property owners within 60 metres of the subject land, either by personal service or prepaid first class mail or by posting notice of the application at every separately assessed property in the area that constitutes the subject land. In addition, and by policy of the City Council and the Committee of Adjustment, other agencies may be consulted if the location of the subject lands falls within their respective field of responsibility. Refer to "A Suggestion to the Applicant".

It is this Committee's policy to conduct a public hearing on each application for consent. Notice of this hearing is circulated to the applicant/agent/solicitor and all other persons or agencies as required at least 14 days prior to the date of hearing.

Prior to the hearing, members of the Committee may conduct a site visit of the subject lands at their discretion and may contact applicants. **Please note that the Committee is considered a quasi-judicial body of the Government and should not be contacted by a member of the public.** Any comments, questions or concerns should be addressed through the Planning and Development Services Division.

x 

To assist the members and other interest persons or agencies in locating the lands under consideration, the applicant will be required to place one or more posters, 14 days prior to the hearing, on the lands subject of the application. This poster MUST remain in place for the entire 14 day period. If removed, the meeting date will be re-scheduled as proper notice will not have been given. The poster and instructions for its use will be given to the applicant/agent/solicitor by the Secretary-Treasurer of the Committee when application is made or shortly thereafter.

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee will be sent a copy of the decision.

Any person objecting to the decision of the Committee or the condition(s) imposed by the Committee may appeal either the decision and/or the conditions of consent to the Local Planning Appeal Tribunal within 20 days after the giving of the notice of decision. The notice of appeal, together with written reasons supporting the appeal and the fee, by certified cheque or money order payable to the Minister of Finance, must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The fee is \$300.00 for the first application to be appealed and \$25.00 for each additional related consent appeal.

Prior to final consent being issued, written proof must be submitted to the Secretary-Treasurer to the effect that any conditions imposed by the Committee in granting consent have been fulfilled. According to the *Planning Act*, if the consent granted by the Committee is conditional, the conditions must be fulfilled within one year of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

POLICIES

In addition to the matters set out in "Procedures for Processing Applications for Consent", the Committee has adopted the following general policies:

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for consent form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization for the applicant(s) for applications which are signed by someone other than the owner(s).
- Two (2) copies of a sketch prepared by a licensed Land Surveyor.
- Payment of the appropriate fee submitted at the time of application as cash or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne.
- Payment of the appropriate Regional Review & Approval fee(s) required by the region, submitted to the City of Port Colborne at the time of the preliminary review. If this does not occur, then the fee will be due at the time the application is submitted to the Region for review (usually at the time of the Notice of Public Meeting). Failure to pay the Region's fee may result in the Region refusing to consider the Consent Application until the fee has been received. The Region's fees are available on its web site.

https://www.niagararegion.ca/business/fpr/forms_fees.aspx

The applicant and/or representing agent must be present at the hearing to represent the application.

In granting consent to an application, the Committee may impose conditions as requested by municipal or other agencies.

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

To assist the City of Port Colborne in processing the Consent application the following supplementary information / sketches are requested:

1. As provided for in Ontario Regulation 197/96, as amended, and as required by this Committee of Adjustment, an application must be accompanied by two (2) copies of a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor.
2. One (1) copy of each separate type of plan reduced to legal size.
3. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
4. One (1) copy of a Registered Deed including full legal description of the subject lands.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 metres of a water course; on or within 30 metres of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within

a groundwater recharge / discharge area, aquifer or headwater on the property or within 30 metres of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.

NOTICE REQUIREMENTS

Notice of Public Hearing MUST be posted on the property where it is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the Manager of Planning and Development Services. The notice of public hearing must be posted 14 days prior to the hearing and must remain in that location until after the hearing is held. If the notice is removed during this 14 day period, the public hearing date may be rescheduled.



PORT COLBORNE
• PLANNING AND DEVELOPMENT DEPARTMENT •

**APPLICATION FOR
CONSENT**

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Fangzy Wealth Corps LTD. & Ljubomir Manojlovic	
Mailing Address: 6140 Culp Street & 370 Macintosh Drive	
City: Niagara Falls & Stoney Creek	Province: ON
Postal Code: L2G 2B8 & L8E 4E2	Telephone: 289-339-7898; 905-541-2241
Fax:	Email: michaelfang888@msn.com; ljubomir_manojlovic@hotmail.com

1.2 Owner's SOLICITOR (if applicable)	
Name: Jelica Boskovic Law Firm	
Mailing Address: 31 King Street West	
City: Stoney Creek	Province: ON
Postal Code: L8G 1H2	Telephone: 905-930-8000
Fax: 905-930-8676	Email: info@jboskoviclaw.com

1.3 Owner's Authorized AGENT (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
N/A

1.5 Date and Subject Land was acquired by the Current Owner:
April 14, 2022

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)
Russell Technical Service Inc.

Name: Gary Russell	
Mailing Address: 43 Darby Road	
City: Welland	Province: ON
Postal Code: L3B 5N4	Telephone: 289-213-3807
Fax:	Email: russellrts43@gmail.com

1.7 All communications should be sent to the:
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent

Section 2: LOCATION

Former Municipality: Port Colborne	
Concession No.	Lot(s): 17
Registered Plan No. 775 & 839	Lot(s): 25,26,27
Reference Plan No. PIN # 64145 - 0031 LT	Part(s):
Name of Street: Neff Street	Street No. 194

2.1 Type of proposed transaction: (Check appropriate space(s))
<input checked="" type="checkbox"/> Creation of New Lot <input type="checkbox"/> Addition to lot <input type="checkbox"/> Mortgage or Charge <input type="checkbox"/> Lease <input type="checkbox"/> Disposal of Surplus Farm Dwelling <input type="checkbox"/> Farm Retirement Lot <input type="checkbox"/> Partial Discharge or Mortgage <input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement Reason for proposed transaction: To create a new lot to build a new detached dwelling in the near future.

2.2 If a lot addition, identify the lands to which the parcel will be added:
n/a

2.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:
n/a

Section 3: OFFICIAL PLAN & ZONING

3.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: Secondary Density Residential Zone (R2)
Regional Policy Plan:

3.2 What is the Zoning of the land (By-law 6575/30/18)?
Secondary Density Residential Zone (R2)

3.3 Is the proposal consistent with Provincial policy statements issued under Subsection 3(1) of the Planning Act, 1990, R.S.O., as amended?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No

Section 4

Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If “Yes” describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	

Section 5

Type of ACCESS
<input type="checkbox"/> Provincial Highway
<input type="checkbox"/> Regional Road
<input checked="" type="checkbox"/> Municipal Road maintained all year
<input type="checkbox"/> Other Public Road
<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Water Access
<input type="checkbox"/> Private Road

Section 6

What type of WATER SUPPLY is proposed?
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply
<input type="checkbox"/> Lake
<input type="checkbox"/> Well (private or communal)
<input type="checkbox"/> Other (specify)

Section 7

What type of SEWAGE DISPOSAL is proposed?
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system
<input type="checkbox"/> Septic system (private or communal)
<input type="checkbox"/> Other (specify)

Section 8

What type of STORMWATER DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system	
<input type="checkbox"/> Other (specify)	

Section 9

Part No. On Sketch: 1

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)		
Frontage: 12.00	Depth: 33.48	Area: 402m2
Existing Use: Side Yard		
Proposed Use: Residential		

Existing and proposed buildings and structures on the subject land. For each existing and / or proposed building or structure, the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, and the height of the building or structure and the dimensions or floor area of the building or structure IN METRES. Please use additional sheets if necessary:

Existing: Side Yard
Proposed: Two Storey Dwelling

Section 10

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 11.82	Depth: 33.48	Area: 393m2
Existing Use: Residential		
Proposed Use: No Change		

Existing and proposed buildings and structures on the land to be retained. For each existing and / or proposed building or structure, the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, and the height of the building or structure and the dimensions or floor area of the building or structure IN METRES. Please use additional sheets if necessary:

Existing: Two Storey Dwelling
Proposed: Remain as Two Storey Dwelling

Section 11

Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?	
<input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> No	
<input type="checkbox"/> Unknown	

If the answer is "Yes," please provide the following information:

File Number:
Decision:

Section 12

HAS THE LAND BEEN SEVERED from the parcel originally acquired by the owner of the land?	
<input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> No	

If the answer is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name:
Land Use on severed parcel:
Date Parcel Transferred:
Consent file number (if known): B

Section 13: OTHER APPLICATIONS

13.1 If known, identify whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of:		
Official Plan Amendment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Zoning By-Law Amendment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Minor Variance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Consent	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Site Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

13.2 If the answer to the above is yes, and if known, provide the following for each application noted:	
File number of the application:	
Name of the approval authority considering the application:	
Lands affected by the application:	
Purpose of the application:	Land Severance
Status of the application:	
Effect of the application on the proposed amendment:	

Section 14 ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

14.1 ALL EXISTING USE	
<input checked="" type="checkbox"/> Residential	
<input type="checkbox"/> Industrial	
<input type="checkbox"/> Commercial	
<input type="checkbox"/> Institutional	
<input type="checkbox"/> Agricultural	
<input type="checkbox"/> Parkland	
<input type="checkbox"/> Vacant	
<input type="checkbox"/> Other	
<hr/>	

If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

X Oct 28, 2022

Date

Ljubomir
Manojlovic

Digitally signed by Ljubomir
Manojlovic
Date: 2022.10.28 08:47:07 -04'00'

X Zhuo Fei Fang

Digitally signed by Zhuo Fei
Fang
Date: 2022.10.28 08:45:03
-04'00'

Signature of Owner

14.16 Are there any buildings designated under the Ontario Heritage Act?

- ☐ Yes
☒ No
☐ Unknown

14.17 If there are any existing buildings on the site, briefly describe them and indicate their proposed use

Existing 2 Storey Dwelling on Part 2 to be remains as residential building.

14.18 If there has been industrial or commercial uses on the property, a previous use inventory is needed. Is a previous use inventory attached?

- ☐ Yes
☒ No

Pre-screening Criteria

15.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as “hazard lands”?
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No
<input type="checkbox"/> Unknown

15.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No
<input type="checkbox"/> Unknown

15.3 Is the property located on or within 30 metres of the Lake Erie shoreline?
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No
<input type="checkbox"/> Unknown

15.4 Is there a valley slope on the property?
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No
<input type="checkbox"/> Unknown

15.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No
<input type="checkbox"/> Unknown

X Oct 28, 2022

Date

Ljubomir
Manojlovic

X Zhuo Fei Fang

Signature of Applicant(s)

Digitally signed by Ljubomir
Manojlovic
Date: 2022.10.28 08:48:04 -04'00'

Digitally signed by Zhuo Fei
Fang
Date: 2022.10.28 08:47:50 -04'00'

Please note:

If the applicant is not the owner of the subject land or there is more than one owner, written authorization of the owner(s) is required (Complete Form 1) indicating that the applicant is authorized to make application.

I/We Fangzy Wealth Corps, Ljubomir Manojlovic

Of the City/Town/Township of Niagara Falls

In the County/District/Regional Municipality of Niagara Region

solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

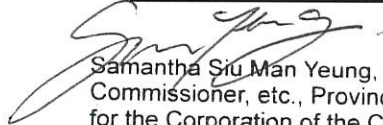
DECLARED before me at the

City Port Colborne Of Port Colborne.

In the Niagara Region of Niagara

This 7th day of November

A.D 20 22


Samantha Siu Man Yeung, a
Commissioner, etc., Province of Ontario,
for the Corporation of the City of Port
Colborne.
Expires September 8, 2025.

TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS

X

Signature of applicant(s), solicitor, or authorized agent

A Commissioner, etc.

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to the City Clerk at 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

(name of agent)

of the _____ of _____

to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment / Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium / Site Plan Control Approval (please circle the appropriate application) in accordance with the *Planning Act*.

Dated at the _____ of _____

in the _____ of _____

this _____ day of _____ 20____

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.

If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign only once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

SUGGESTION TO THE APPLICANT

Notice of your application is required for a number of agencies. All written responses will be taken into account before reaching a decision on your application.

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below, before submitting an application. This pre-consultation could provide you with information about the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 6575/30/18, the Regional Policy Plan, the concerns of various Provincial Ministries and other relevant information which may have a direct effect upon the final decision on your application.

Port Colborne Planning and Development Department

1. 66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Manager of Planning & Development
(905) 835-2900, Ext. 203
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Engineering & Operations Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Director of Engineering & Operations
(905) 835-2900, Ext. 223
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Chief of Building
(905) 835-2900, Ext 201
Information about the Building Code
4. Region of Niagara Public Works Department
Planning and Development Department
1815 Sir Isaac Brock Way, Thorold, Ontario L2V 4T7
(905) 980-6000, Ext. 3727
Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health, and for concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2
Watershed Planner
(905) 788-3135, Ext 272
For information about lands which may be zoned as “Hazard” in the local zoning by law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario
Corridor Management Section
159 Sir William Hearst Ave, 7th Floor, Toronto, Ontario M3M 1J8
For information about sight plan applications for lands fronting onto provincial Highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor, Downsview, ON, M3M 1J8
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>
Under “Your Ministry” – Land Use Planning – Provincial Policy Statement

Planning and Legislative Services

Planning Division Report

January 13th, 2023

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

Re: Application for Consent B01-23-PC
Part Lot 17, 25,26 and 27 Block A on Plan 775 and 839
194 Neff Street
Agent: N/A
Owner(s): Fangzy Wealth Corps Ltd. And Ljubomir Manojlavic

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 1 (as depicted on Appendix A) having a lot frontage of 12m along Neff Street and a lot area of 402m² for future residential use. Part 2 will retain a lot frontage of 11.82m on Neff Street with a lot area of 393m² for an existing residential use.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Second Density Residential (R2) to the north, south, east, and west. The surrounding uses consist of dwellings to the north, south, east, and west.



Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on January 4th, 2023, to adjacent landowners within 60m of the subject property as per the Planning Act. As of January 13th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on December 21st, 2022, to internal departments. As of January 13th, 2023, the following has been received.

Drainage Superintendent

There are no concerns regarding municipal drains for this application.

Fire Department

Port Colborne Fire has no objection to the proposed application.

Engineering Technologist

A master lot grading plan is recommended to ensure that the severed parcel will drain independently and without adversely affecting the adjacent property. A municipal consent permit will also be required for work within the City's right-of-way, such as, site servicing and the construction of a new entrance or alteration to the existing entrance.

Staff Response

Staff has added the condition that the applicant submits a master lot grading plan to ensure that the severed parcel will drain independently.

Discussion:

This application was reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, the *City of Port Colborne Official Plan*, and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a "settlement area" according to the PPS. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses that efficiently use land and resources.

Staff is satisfied that the proposed application is consistent with the PPS. The proposal efficiently uses land and resources by creating a buildable lot and promotes growth within the settlement area.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a "Delineated Built-up Area" where intensification is generally encouraged. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy

and active living and meet people's needs for daily living throughout an entire lifetime. Furthermore, the proposal supports a range and mix of housing options, including additional residential units, to serve all sizes, incomes, and ages of households.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application supports a range of housing types and encourages intensification in the delineated built-up area.

The Regional Official Plan (ROP), designates the subject lands as within the "Urban Area Boundary" and "Built-up Area". Intensification is generally encouraged throughout the Built-up Area and includes residential uses that make efficient use of existing services.

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The proposed lot adds to the intensification of the built-up area and makes efficient use of the existing services.

City of Port Colborne Official Plan

The subject property is designated as Urban Residential in the City's Official Plan (OP). This designation permits residential uses and the creation of new residential lots and intensification is encouraged.

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP. Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the lots created will have frontage on a public road.

City of Port Colborne Comprehensive Zoning By-law 6575/30/18

The subject lands are zoned Second Density Residential (R2) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 12m and a lot area of 402m²

Part 2: A lot frontage of 11.82m and a lot area of 393m².

The R2 zone requires a lot frontage of 12m and a minimum lot area of 0.04ha. To address the lot frontage and lot area deficiency on Part 2, the applicant has also submitted a minor variance application requesting relief from those provisions of the by-law.

The building footprint on Part 2 shows that the existing detached dwelling will remain in compliance with the required setbacks of the Zoning By-law despite the reduced lot size. The proposed building envelope on Part 1 demonstrates the potential footprint that a proposed dwelling could have without exceeding the requirements of the by-law.

Staff is satisfied that all the requirements of the zoning by-law will be met, subject to the approval of minor variance application A01-23-PC

Recommendation:

Given the information above, Planning Staff recommends application A01-23-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$231 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the applicant submits a Master Lot Grading Plan, demonstrating that the severed parcel will drain independently and will not adversely affect surrounding properties, to the satisfaction of City Staff.
4. That the existing chain link fence on Part 1 be removed.
5. That minor variance application A01-23-PC be approved.
6. That the applicant(s) sign the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
7. That all conditions of consent be completed by January 18th, 2025.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Prepared by,



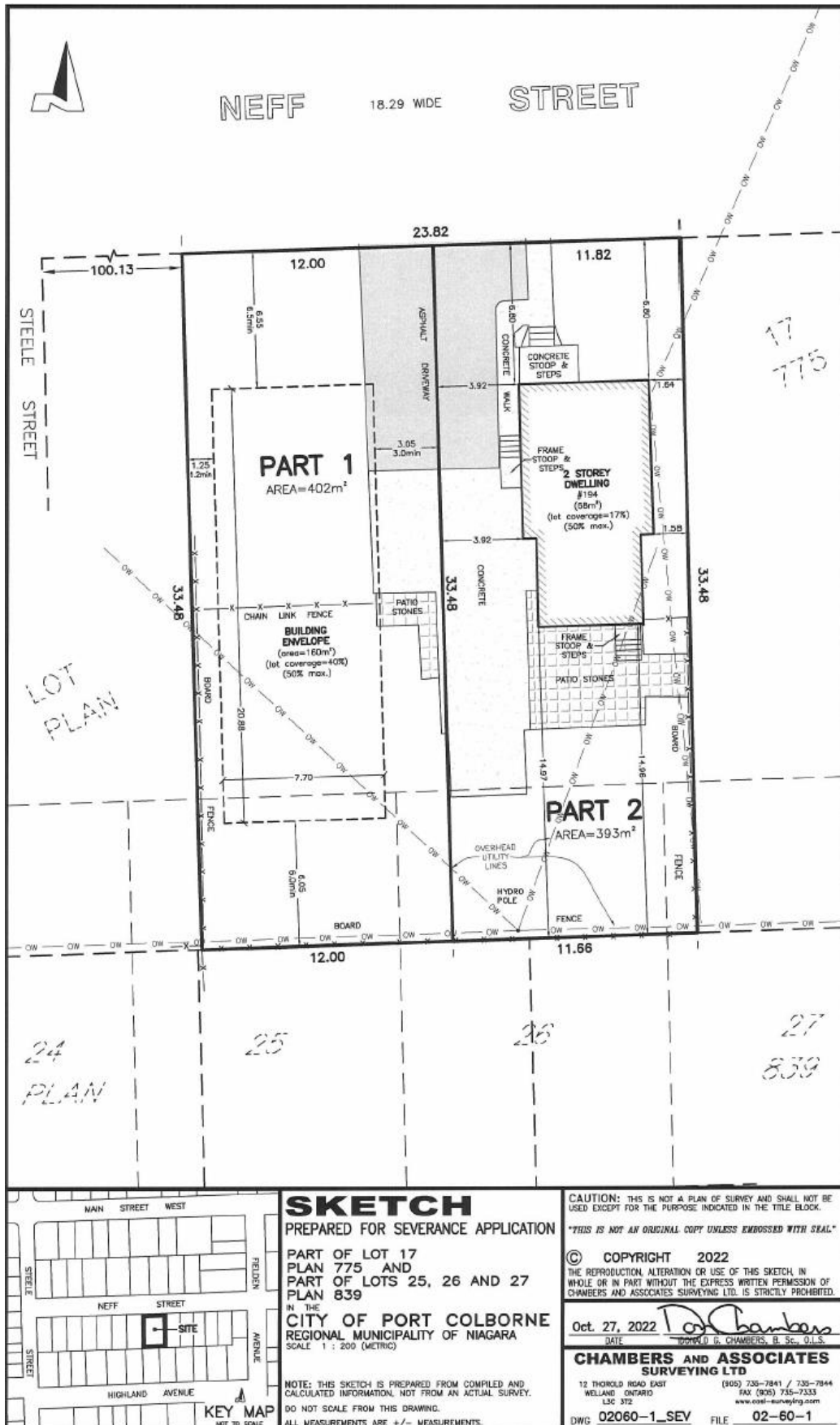
Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

Appendix A



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 5675/30/18, 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 393m² be permitted, whereas 400m² is required in the R2 zone.

Explanatory Relief from the Zoning By-law: The applicant is seeking to sever the property at 194 Neff Street. As a result of the proposed lot frontage and lot area, a minor variance is required. A sketch of the proposed severance is shown on the reverse side of this notice.



LOCATION MAP

PLEASE TAKE NOTICE that this application will be heard virtually by the Committee of Adjustment as shown below:

DATE: January 18, 2023
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at Diana.Vasu@portcolborne.ca.

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, January 13th, 2023**.

NOTE: If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

**Electronic Hearing Procedures
How to get involved in the Virtual Hearing**

The Public Meeting will be held in-person, while being live-streamed on the City's YouTube channel.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by**

noon on Tuesday, January 17, 2023, by emailing Diana.Vasu@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204.

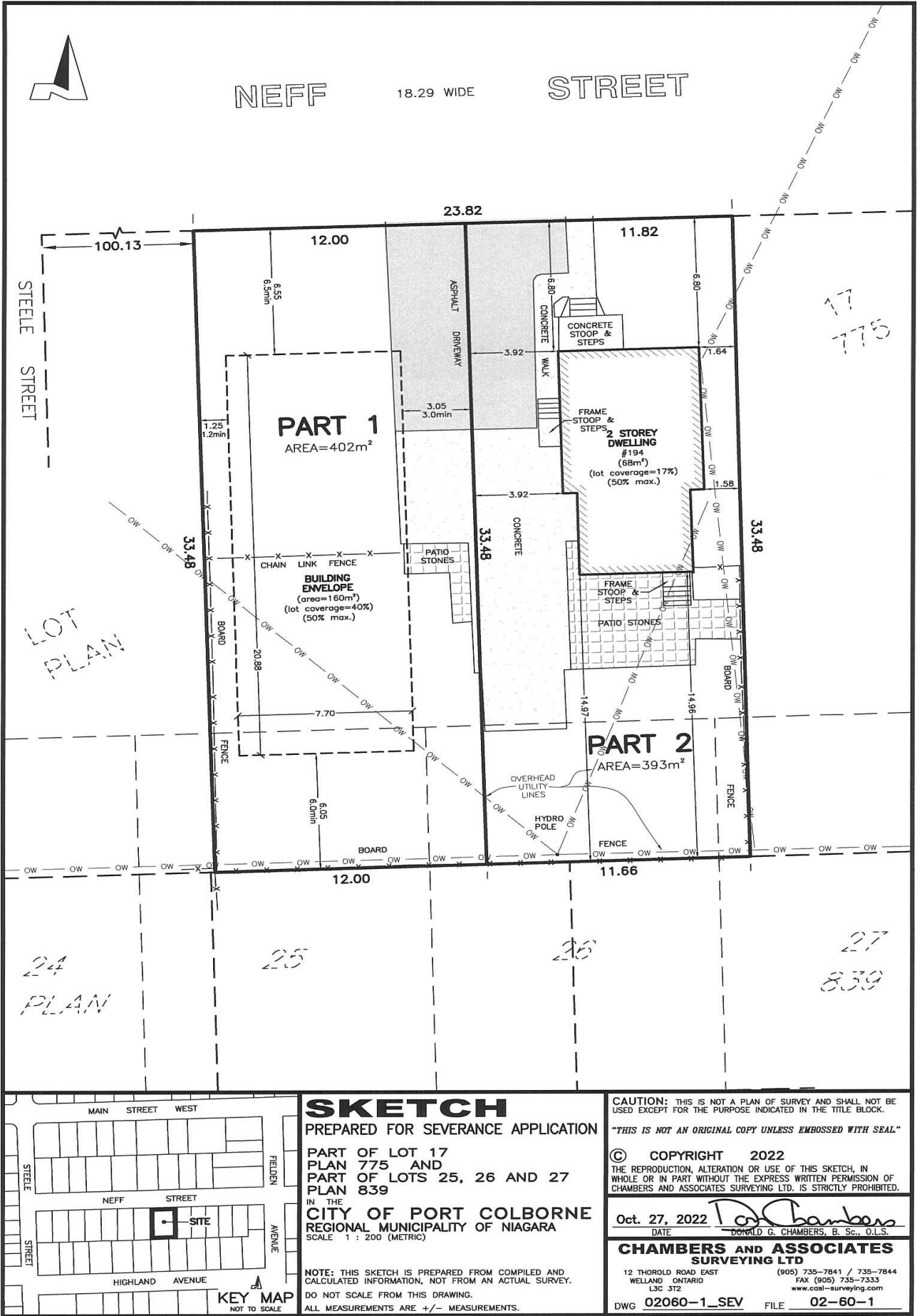
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

By order of the Committee of Adjustment,

Diana Vasu
Secretary-Treasurer

Date of Mailing: January 4, 2023





PORT COLBORNE
DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE OR PERMISSION

THE CITY OF PORT COLBORNE
THE PLANNING ACT – SECTION 45.

For Office Use Only

Date Received: _____ Application Complete: ☐ Yes ☐ No

Date of Completion: _____

SUBMISSION OF APPLICATION:

Please submit the completed application form together with fees and other information as set out herein to:

City of Port Colborne
Samantha Yeung
Secretary/Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: 1-905-835-2900 ext. 204
FAX: 1-905-835-2939
Email: samantha.yeung@portcolborne.ca

APPLICATION FEES - 2022

Minor Variance	\$1,244
Minor Variance (Building without a Permit)	\$1,624
Minor Variance & Consent Combination	\$2,274

COMPLETENESS OF APPLICATION:

A complete application includes all required forms, fees, and applicable sketches, as well as any additional information that may be identified by the Secretary-Treasurer in accordance with the provisions under the Planning Act, R.S.O. 1990, c.P. 13, as amended.

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application form for minor variance or permission signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the property, if applicable.
- **Two (2) copies** of a preliminary drawing showing all information referred to in section 1 of *DRAWING REQUIREMENTS*, reduced to legal size.
- Payment of the appropriate Regional Review & Approval fee(s) if required by the Region, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the Niagara Region. If payment is submitted to the Region directly, please submit the receipt to the City of Port Colborne. Failure to pay the Region's fee may result in an incomplete application. The Region's fees are available on its website, https://www.niagararegion.ca/business/fpr/forms_fees.aspx
- Payment of the appropriate NPCA fee, if required, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the NPCA. If payment is submitted to the NPCA directly, please submit the receipt to the City of Port Colborne. Failure to pay the NPCA's fee may result in an incomplete application.

***Please note that additional information may be required once a full review has been completed by planning staff. This may prevent deferral of your application. ***

DRAWING REQUIREMENTS

Please submit two copies of each separate plan along with your completed application. Ensure that all the information below is included in the plan(s). Depending on the extent of the proposal, **the Planning Division may request a sketch prepared by a professional, and the Committee may require (at the discretion of the Manager of Planning Services) that the sketch be signed by an Ontario Land Surveyor.** This requirement can be clarified by the Planning Staff.

1. A sketch or sketches showing the following shall be submitted:
 - i. The boundaries and dimensions of the land / lot.
 - ii. The location and nature of any easement affecting the land, if applicable.
 - iii. The location, size, height, and type of all existing and proposed buildings and structures on the land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
 - iv. Parking areas, loading spaces, driveway entrance / exits
2. The required sketch should be based on an actual survey by an Ontario Land Surveyor or drawn to a usable metric scale [e.g., 1:100, 1:300, 1:500].

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

Once the Secretary-Treasurer has received a complete application along with the application fee, it will be pre-circulated to external agencies for up to 10 days to determine whether additional information and/or fees are required. Once comments from these agencies have been received, the Secretary-Treasurer will inform the applicant of any additional information and/or fees required by these agencies (ie. Niagara Region, Niagara Peninsula Conservation Authority). Once the application is deemed complete, a hearing date will be confirmed in writing by the Secretary-Treasurer.

Prior to the hearing, members of the Committee may choose to conduct a site visit and/or contact the applicants. **Please note that the Committee should not be contacted by members of the public.** Any comments may be addressed through the Planning Division.

Following the hearing, the applicant/agent/solicitor will be notified of the Committee's decision in a written Notice of Decision. In addition, any other person or agency who filed a written request for the Committee's decision will be sent a copy. Any person objecting to the decision of the Committee, or the condition(s) imposed by the Committee may appeal the decision to the Local Planning Appeal Tribunal within 20 days after the Notice of Decision has been given. The notice of appeal, together with written reasons supporting the appeal and the fee, by certified cheque or money order payable to the Minister of Finance, must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The fee is \$300.00 for the first application to be appealed and \$25.00 for each additional related minor variance appeal.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location the type of application. For land abutting or within 15 metres of a water course; on or within 30 metres of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within a groundwater recharge / discharge area, aquifer or headwater on the property or within 30 metres of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE OR PERMISSION

THE CITY OF PORT COLBORNE
THE PLANNING ACT – SECTION 45.

Section 1 – CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: Fangzy Wealth Corps LTD. & Ljubomir Manojlovic	
Mailing Address: 6140 Culp Street & 370 Macintosh Drive	
City: Niagara Falls & Stoney Creek	Province: ON
Postal Code: L2G 2B8 & L8E 4E2	Telephone: 289-339-7898; 905-541-2241
Fax:	Email: michaelfang888@msn.com; ljubomir_manojlovic@hotmail.com
1.2 Owner's SOLICITOR (if applicable)	
Name: Jelica Boskovic Law Firm	
Mailing Address: 31 King Street West	
City: Stoney Creek	Province: ON
Postal Code: L8G 1H2	Telephone: 905-930-8000
Fax: 905-930-8676	Email: info@jboskoviclaw.com
1.3 Owner's Authorized AGENT (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Russell Technical Service Inc.	
Mailing Address: 43 Darby Road	
City: Walland	Province: ON
Postal Code: L3B 5N4	Telephone: 289-213-3807
Fax:	Email: russellrts43@gmail.com
1.5 All communications should be sent to the:	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

Section 2: LOCATION OF SUBJECT LAND

Municipal Address of Subject Property: 194 Neff Street, Port Colborne	
Concession No.	Lot(s):
Registered Plan No. PIN # 64145 - 0031 LT	
Reference Plan No.	Part(s):

3.1 Lot Description		
Frontage: 11.82	Depth: 33.48	Area: 393
Existing Use: Residential		
Proposed Use: No Change		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: Secondary Density Residential Zone (R2)		
Regional Policy Plan:		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
Secondary Density Residential Zone (R2)		

Section 4 : LAND INFORMATION

4.1 Date and Subject Land was acquired by the Current Owner:	
April 14, 2022	
4.2 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	
4.3 MORTGAGES, Charges & Other Encumbrances:	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
N/A	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
Over 80 years ago	
4.5 Type of ACCESS	
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Right-of-Way
<input checked="" type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Water Access
<input type="checkbox"/> Other Public Road	<input type="checkbox"/> Private Road
4.6 What type of WATER SUPPLY is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply	
<input type="checkbox"/> Lake	
<input type="checkbox"/> Well (private or communal)	
<input type="checkbox"/> Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system	
<input type="checkbox"/> Septic system (private or communal)	
<input type="checkbox"/> Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system	
<input type="checkbox"/> Other (specify)	
4.9 Has a Pre-Consultation application been filed for this proposal?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, please indicate the meeting date:	

Section 5 : NATURE & EXTENT OF RELIEF FROM THE ZONING BY-LAW

5.1 NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:		
Land Severance, to create another building lot on the side yard		
Request Frontage change to 11.82m from 12.00m		
Request Area change to 393m ² from 400m ²		
5.2 WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:		
The frontage was off by a decimal, if we roundup, we have 12 metre frontage		
The min area was off by 1.75% of the total area that is required		
5.3 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?		
<input type="checkbox"/> Yes		
<input checked="" type="checkbox"/> No		

Section 6 : ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

6.1 ALL EXISTING USE		
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Institutional	<input type="checkbox"/> Vacant
<input type="checkbox"/> Industrial	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Other
<input type="checkbox"/> Commercial	<input type="checkbox"/> Parkland	
6.2 What is the length of time the existing use(s) of the land have continued?		
No change to the existing use		
6.3 Are there any buildings or structures on the subject land?		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
6.4 ALL PREVIOUS USE		
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Institutional	<input type="checkbox"/> Vacant
<input type="checkbox"/> Industrial	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Other
<input type="checkbox"/> Commercial	<input type="checkbox"/> Parkland	
6.5 If Industrial or Commercial, specify use		
N/A		
6.6 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
6.7 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
6.8 Has there been petroleum or other fuel stored on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
6.9 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
6.10 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown

6.11 Have the lands or adjacent lands ever been used as a weapons firing range?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
6.12 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
6.13 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
6.14 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*		
<div> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown </div> <ul style="list-style-type: none"> Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present. <p>If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.</p> <p>ACKNOWLEDGMENT CLAUSE</p> <p>I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.</p> <div> <div> <div>X</div> <div>Oct 28, 2022</div> </div> <div> <div>X</div> <div> Ljubomir Manojlovic Zhuo Fei Fang </div> </div> </div> <div> Date Signature of Owner </div>		

Section 7 : NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-screening Criteria

7.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as “hazard lands”?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
7.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
7.3 Is the property located on or within 30 metres of the Lake Erie shoreline?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
7.4 Is there a valley slope on the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
7.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X Oct 28, 2022
Date

Ljubomir Manojlovic Digitally signed by Ljubomir Manojlovic
Date: 2022.10.28 08:59:17 -04'00'
X Zhuo Fei Fang Digitally signed by Zhuo Fei Fang
Date: 2022.10.28 08:59:05 -04'00'
Signature of Applicant(s)


Please note: If the applicant is not the owner of the subject land or there is more than one owner, written authorization of the owner(s) is required (Complete Form 1) indicating that the applicant is authorized to make application.

I/We Fangzy Wealth Corps Ltd & Ljubomir Manojlovic
Of the City/Town/Township of Niagara Falls & Stoney Creek
In the County/District/Regional Municipality of Port Colborne


solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the City of Port Colborne
in the Region of Niagara. This
9th day of November 20 22.

TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS

X 

Signature of applicant(s), solicitor, or authorized agent


Samantha Siu Man Yeung, a
Commissioner, etc., Province of Ontario,
for the Corporation of the City of Port
Colborne.
Expires September 8, 2025.

A Commissioner, etc.

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to: City Clerk, Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

POSTING OF PUBLIC HEARING SIGN

A public hearing sign is required to be posted by all applicants or agents on each property under application. A sign will be made available to you after review of your application, and you are required to post each sign in a prominent location on the subject property. The sign should be placed so that it is legible from the roadway.

Each sign must remain posted a minimum of 10 days prior to the hearing, until the day following the hearing. Should a sign go missing or become damaged or illegible please contact the Secretary-Treasurer as soon as possible to request a replacement sign. Failure to post the sign as required may result in deferral of you application(s).

Please note that an affidavit must also be signed and commissioned in the presence of a Commissioner of Oaths. This can be done at City Hall AFTER the signs have been posted.

I/We Fangzy Wealth Corps Ltd & Ljubomir Manojlovic am/are the owner(s) of the land subject to this application for minor variance and I/We agree to post the required sign(s) a minimum of 10 days prior to the hearing and will remain posted, and replaced, if necessary, until the day following the hearing.

<div><div>X</div><div>Zhuo Fei Fang</div><div><div>Digitally signed by Zhuo Fei Fang</div><div>Date: 2022.10.28 08:59:36 -04'00'</div></div></div> <div>Signature of Owner/Agent</div>	<div><div>X</div><div>Oct 28, 2022</div></div> <div>Date</div>
<div><div>X</div><div>Ljubomir Manojlovic</div><div><div>Digitally signed by Ljubomir Manojlovic</div><div>Date: 2022.10.28 08:59:51 -04'00'</div></div></div> <div>Signature of Owner/Agent</div>	<div><div>X</div><div>Oct 28, 2022</div></div> <div>Date</div>

PERMISSION TO ENTER

I/We Fangzy Wealth Corps Ltd & Ljubomir Manojlovic am/are the owner(s) of the land subject to this application for minor variance and I/We authorize the members of the Committee of Adjustment and the City of Port Colborne Planning Staff to enter onto the property for the purpose of evaluating the merits of the application(s).

***Please note that the Committee is considered a quasi-judicial body of the Government and should not be contacted by members of the public.** Any comments, questions or concerns should be addressed through the Planning Division.*

<div><div>X</div><div>Zhuo Fei Fang</div><div><div>Digitally signed by Zhuo Fei Fang</div><div>Date: 2022.10.28 09:00:16 -04'00'</div></div></div> <div>Signature of Owner</div>	<div><div>X</div><div>Oct 28, 2022</div></div> <div>Date</div>
<div><div>X</div><div>Ljubomir Manojlovic</div><div><div>Digitally signed by Ljubomir Manojlovic</div><div>Date: 2022.10.28 09:00:28 -04'00'</div></div></div> <div>Signature of Owner</div>	<div><div>X</div><div>Oct 28, 2022</div></div> <div>Date</div>

AUTHORIZATION FOR AGENT / SOLICITOR (if applicable)

If the application is not the owner of the lane that is subject to this application for minor variance, the authorization set out below must be completed by the owner(s). All registered owners must complete the authorization form for it to be valid.

Please Note: If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign only once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

I/We _____ am/are the owner(s) of the land that is subject to this application for minor variance and I/We hereby authorize _____ as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a minor variance.

X

Signature of Owner

X

Date

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date

SUGGESTION TO THE APPLICANT

Notice of your application is required for a number of agencies. All written responses will be taken into account before reaching a decision on your application.

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below before submitting an application. A pre-consultation could provide you with information about the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 6575/30/18, the Regional Policy Plan, the concerns of various Provincial Ministries and other relevant information which may have a direct effect upon the final decision on your application.

1. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
General Planning Department
(905) 835-2900, Ext. 286
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Engineering Technologist
(905) 835-2900, Ext. 226
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Building Clerk
(905) 835-2900, Ext 229
Information about the Building Code
4. Region of Niagara Public Works Department
Planning and Development Department
1815 Sir Isaac Brock Way, Thorold, Ontario L2V 4T7
(905) 980-6000, Ext. 3727
Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health, and for concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2
Watershed Planner
(905) 788-3135, Ext 272
For information about lands which may be zoned as “Hazard” in the local zoning by law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario
Corridor Management Section
159 Sir William Hearst Ave, 7th Floor, Toronto, Ontario M3M 1J8
For information about sight plan applications for lands fronting onto provincial highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor, Downsview, ON, M3M 1J8
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (Online) at: <http://www.mah.gov.on.ca>
Under “Your Ministry” – Land Use Planning – Provincial Policy Statement

Development and Legislative Services

Planning Division Report

January 13th, 2023

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

Re: Application for Minor Variance A01-23-PC
194 Neff Street
Part Lot 17, 25, 26 and 27 Block A on Plan 775 and 839
194 Neff Street
Agent: N/A
Owner(s): Fangzy Wealth Corps Ltd. And Ljubomir Manojlavic

Proposal:

The purpose and effect of this application is to permit a reduced lot frontage of 11.82m whereas 12m is required, a reduced lot area of 393.3m², whereas 400m² is required. This application is being sought to facilitate the proposed severance application B01-23-PC. The lot currently contains a detached dwelling.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Second Density Residential (R2) to the north, south, east, and west. The surrounding uses consist of dwellings to the north, south, east, and west.



Official Plan:

The subject property is designated as Urban Residential in the City's Official Plan. Detached dwellings are permitted in this designation.

Zoning:

The subject property is zoned Second Density Residential (R2) in accordance with Zoning By-Law 6575/30/18. Detached dwellings are permitted in this zone.

Environmentally Sensitive Areas:

There are no environmentally sensitive areas on the subject lands.

Public Comments:

Notice was circulated on January 4th, 2023, to adjacent landowners within 60m of the subject property as per the Planning Act. As of January 13th, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on December 21st, 2022, to internal departments. As of January 13th, 2023, the following has been received.

Drainage Superintendant

No concerns regarding municipal drains.

Fire Department

Port Colborne Fire has no objection to the application.

Engineering Technologist

A master lot grading plan is recommended to ensure that the severed parcel will drain independently and without adversely affecting the adjacent property. A municipal consent permit will also be required for work within the City's right-of-way, such as, site servicing and the construction of a new entrance or alteration to the existing entrance.

Staff Response

These comments were addressed as a part of the recommendation for severance application B01-23-PC.

Planning Act – Four Tests:

In order for a Minor Variance to be approved, it must meet the four-part test as outlined under Section 45 (1) of the Planning Act. These four tests are listed and analyzed below.

Is the application minor in nature?

Staff finds the requested variances to be minor in nature. The decrease in lot frontage and lot area will not negatively impact the subject parcel. The lot frontage and lot area requirements intend to ensure that a dwelling can suitably fit on the subject property and provide enough amenity space. It has been shown on the survey sketch that the existing dwelling on Part 2 will remain in compliance with the by-law and the building envelope on Part 1 demonstrates that a dwelling could be located on the property and meet the requirements of the by-law.

Is it desirable for the appropriate development or use of the land, building or structure?

The proposal is desirable and appropriate as a new buildable lot is being created and the retained lot is of sufficient size to contain the existing dwelling. Detached dwellings are permitted in the R2 zone, so the proposal is compatible with most of the zoning by-law requirements. As such, it is the opinion of planning staff that the application is desirable for the appropriate development or use of the land.

Is it in keeping with the general intent and purpose of the Zoning By-law?

The Zoning By-law permits detached dwellings in the R2 zone and the proposal meets the majority of the zone requirements. The lot frontage and lot area requirements exist to ensure that lots are suitable in size and will provide the owner with enough space for amenities and parking. The existing dwelling has access to adequate parking and meets the setback requirements that provide amenity space. These requirements also ensure that created lots are compatible with the existing lots in the neighbourhood. Based on the existing lot fabric in the area, the proposed lots are similar to the ones existing in the area. Staff believes that the proposal is in keeping with the general intent and purpose of the Zoning By-law.

Is it in keeping with the general intent and purpose of the Official Plan?

The Official Plan permits lot creation for residential purposes in the Urban Residential designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A01-23-PC be **granted** for the following reasons:

- 1. The application is minor in nature.**
- 2. It is appropriate for the development of the site.**
- 3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.**
- 4. It is desirable and in compliance with the general intent and purpose of the Official Plan**

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

From: Nicholas Olschansky
RE: Notices of Hearing - Jan 18 COA

Hey Chris,

Please see my comments below.

A01-23-PC, & B01-23-PC – #194 Neff Steet

- Master grading plan is recommended to ensure the severed parcel will drain independently and without adversely affecting adjacent property
- Municipal Consent will be required for work within the City's right-of-way, such as; site servicing and construction of new entrance or alteration to existing entrance

Let me know if you have any questions or concerns.

Cheers,
Nick



Nicholas Olschansky
Engineering Technologist
City of Port Colborne



www.portcolborne.ca

Port Colborne, ON

Phone 905-835-2900 x226

Email Nicholas.Olschansky@portcolborne.ca

"To provide an exceptional small-town experience in a big way"

This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by telephone, fax or e-mail and permanently delete the original transmission from us, including any attachments, without making a copy.



DEVELOPMENT AND LEGISLATIVE SERVICES

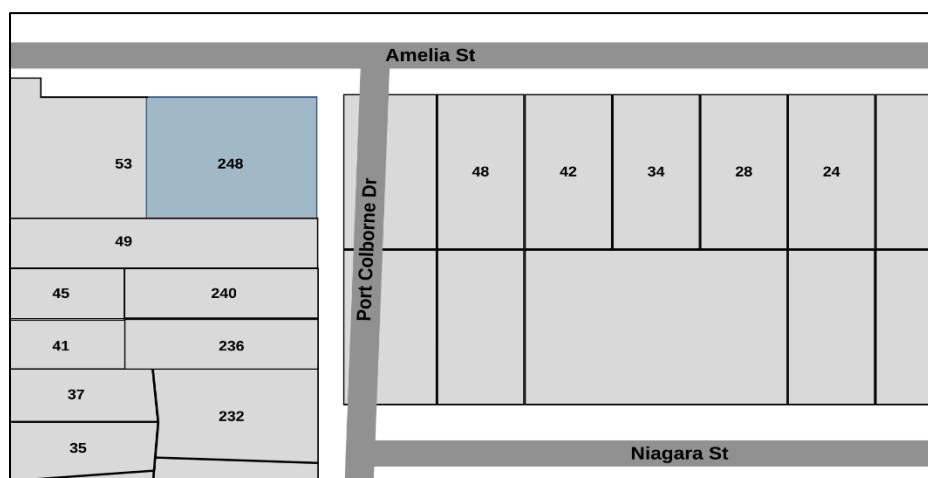
COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR CONSENT

APPLICATION NO. B02-23-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, Section 53 (1).

AND IN THE MATTER OF the lands legally known as Part Lot F on Reference Plan 59R-13389, in the City of Port Colborne, located in the Third Density Residential (R3) zone, municipally known as 248 Port Colborne Drive.

AND IN THE MATTER OF AN APPLICATION by the agent Connor Rush, on behalf of the applicant 1703306 Ontario Inc. for consent for the purpose of creating a new lot. The subject parcels are shown on the proposed sketch as Part 1 (to be severed) and Part 2 (to be retained), where both lots are to be for future residential use. A fourplex is under construction on the current lot. The applicant would like one half of the fourplex to be situated on Part 1, and the other half of the fourplex on Part 2. A sketch of the subject lands is shown on the reverse side of this notice.



LOCATION MAP

PLEASE TAKE NOTICE that this application will be heard virtually by the Committee of Adjustment as shown below:

DATE: January 18, 2023
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at Diana.Vasu@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, January 13th, 2023**.

NOTE: If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, while being live-streamed on the City's YouTube channel.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on Tuesday, January 17, 2023**, by emailing Diana.Vasu@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

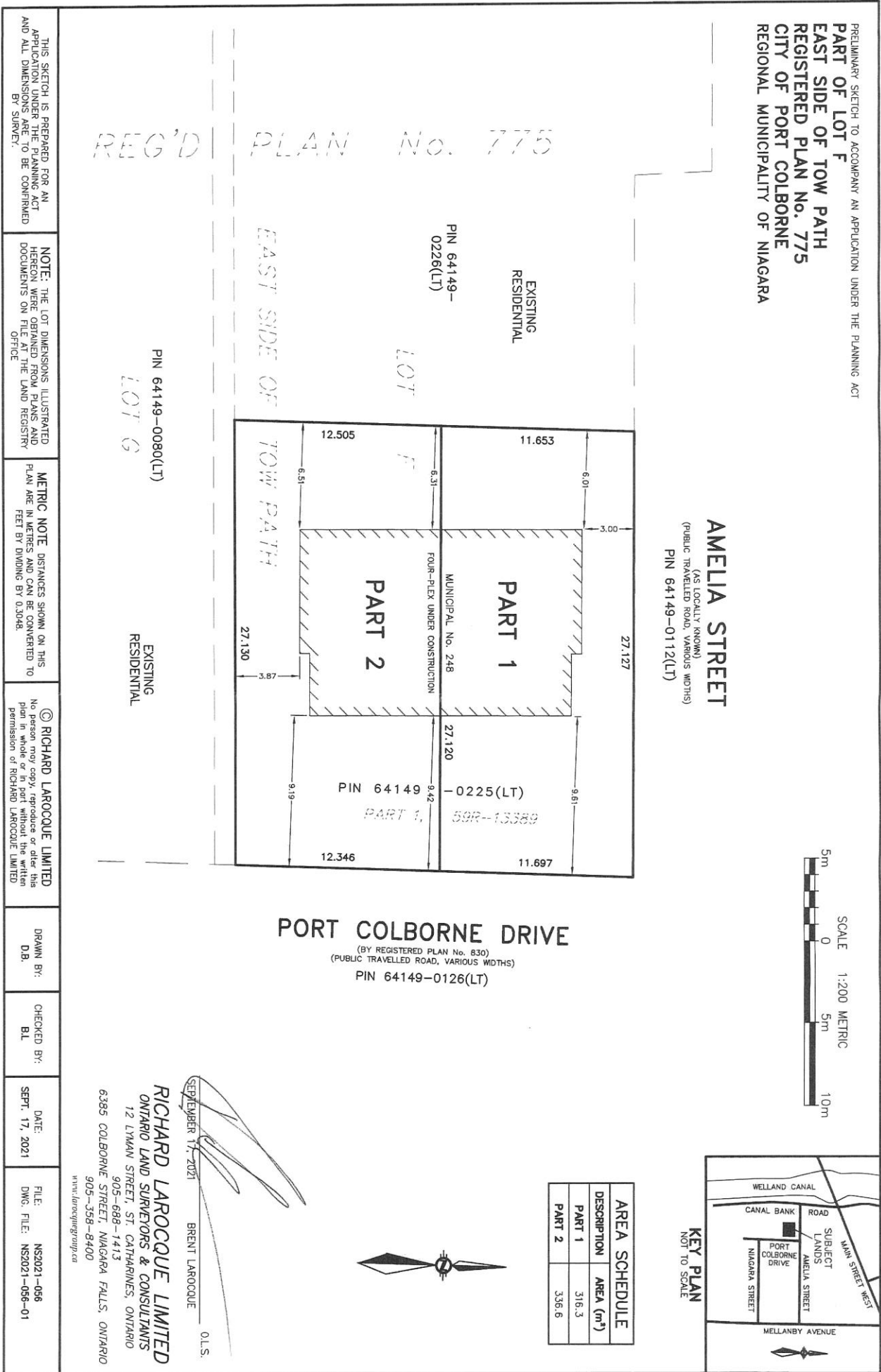
If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204.

The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision. If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the *Planning Act*, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

By order of the Committee of Adjustment,

Date of Mailing: January 4, 2023

Diana Vasu
Secretary-Treasurer





PORT COLBORNE
• PLANNING AND LEGISLATIVE SERVICES •

File No. _____

THE CITY OF PORT COLBORNE
THE PLANNING ACT – SECTION 53.
APPLICATION FOR:

CONSENT

This application form is to be used by persons applying to the City of Port Colborne Committee of Adjustment for approval for Consent.

The Applicant is required to provide appropriate answers to **all** questions on the application form. If all prescribed information is not provided, the application will not be accepted.

SUBMISSION OF APPLICATION:

Please submit the completed application form together with fees and other information as set out herein to:

City of Port Colborne
Samantha Yeung
Secretary - Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: 1-905-835-2900 ext. 204
FAX: 1-905-835-2939
Email: Samantha.yeung@portcolborne.ca

COMPLETENESS OF APPLICATION:

The information required in this application form complies with the *Planning Act* and will assist in ensuring a complete evaluation. The *Planning Act* allows the Committee of Adjustment to refuse to accept or further consider any application that does not provide the information, material and fees prescribed.

A Consent approved by the Committee of Adjustment of the City of Port Colborne must sometimes be reviewed by the Regional Municipality of Niagara and other regional or provincial agencies. The Niagara Region and Niagara Peninsula Conservation Authority have additional fees / information requirements.

PRE-CONSULTATION / OFFICIAL PLAN POLICY AND PROVINCIAL POLICY STATEMENT:

To help you complete the application form, please call and make an appointment with the Planning and Development Services Division at City Hall.

In making decisions on planning applications, Committee of Adjustment shall have regard to Official Plan Policy and be consistent with the Province of Ontario's Provincial Policy Statement which came into effect on May 1st, 2020. Both provide policy direction on matters relating to land use planning and development. A copy of the Provincial Policy Statement can be obtained from the Ministry of Municipal Affairs website

(www.mah.gov.on.ca) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

To avoid delays, the applicant must be informed of Official Plan Policy and the Provincial Policy Statement and should also consult with staff prior to submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement. An application for a pre-consultation meeting can be found on the City of Port Colborne's website under Planning & Development.

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

Under the provisions of Sections 50 and 53 of the Planning Act, as amended, the approval of the Committee of Adjustment is required for land transactions covering the separation of a parcel of land from existing holdings. This approval is called a "consent". Consent is also required for leases, rights-of-way or easements if such extend beyond a period of 21 years and to mortgage or discharge a mortgage over part of a parcel of land.

As provided for by the Planning Act and Regulation 197/96 under The Act, every application for consent must be brought to the attention of certain authorities and to property owners within 60 metres of the subject land, either by personal service or prepaid first class mail or by posting notice of the application at every separately assessed property in the area that constitutes the subject land. In addition, and by policy of the City Council and the Committee of Adjustment, other agencies may be consulted if the location of the subject lands falls within their respective field of responsibility. Refer to "A Suggestion to the Applicant".

It is this Committee's policy to conduct a public hearing on each application for consent. Notice of this hearing is circulated to the applicant/agent/solicitor and all other persons or agencies as required at least 14 days prior to the date of hearing.

Prior to the hearing, members of the Committee may conduct a site visit of the subject lands at their discretion and may contact applicants. **Please note that the Committee is considered a quasi-judicial body of the Government and should not be contacted by a member of the public.** Any comments, questions or concerns should be addressed through the Planning and Development Services Division.

x _____

To assist the members and other interest persons or agencies in locating the lands under consideration, the applicant will be required to place one or more posters, 14 days prior to the hearing, on the lands subject of the application. This poster MUST remain in place for the entire 14 day period. If removed, the meeting date will be re-scheduled as proper notice will not have been given. The poster and instructions for its use will be given to the applicant/agent/solicitor by the Secretary-Treasurer of the Committee when application is made or shortly thereafter.

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee will be sent a copy of the decision.

Any person objecting to the decision of the Committee or the condition(s) imposed by the Committee may appeal either the decision and/or the conditions of consent to the Local Planning Appeal Tribunal within 20 days after the giving of the notice of decision. The notice of appeal, together with written reasons supporting the appeal and the fee, by certified cheque or money order payable to the Minister of Finance, must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The fee is \$300.00 for the first application to be appealed and \$25.00 for each additional related consent appeal.

Prior to final consent being issued, written proof must be submitted to the Secretary-Treasurer to the effect that any conditions imposed by the Committee in granting consent have been fulfilled. According to the *Planning Act*, if the consent granted by the Committee is conditional, the conditions must be fulfilled within one year of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

POLICIES

In addition to the matters set out in "Procedures for Processing Applications for Consent", the Committee has adopted the following general policies:

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for consent form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization for the applicant(s) for applications which are signed by someone other than the owner(s).
- Two (2) copies of a sketch prepared by a licensed Land Surveyor.
- Payment of the appropriate fee submitted at the time of application as cash or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne.
- Payment of the appropriate Regional Review & Approval fee(s) required by the region, submitted to the City of Port Colborne at the time of the preliminary review. If this does not occur, then the fee will be due at the time the application is submitted to the Region for review (usually at the time of the Notice of Public Meeting). Failure to pay the Region's fee may result in the Region refusing to consider the Consent Application until the fee has been received. The Region's fees are available on its web site.
https://www.niagararegion.ca/business/fpr/forms_fees.aspx

The applicant and/or representing agent must be present at the hearing to represent the application.

In granting consent to an application, the Committee may impose conditions as requested by municipal or other agencies.

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

To assist the City of Port Colborne in processing the Consent application the following supplementary information / sketches are requested:

1. As provided for in Ontario Regulation 197/96, as amended, and as required by this Committee of Adjustment, an application must be accompanied by two (2) copies of a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor.
2. One (1) copy of each separate type of plan reduced to legal size.
3. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
4. One (1) copy of a Registered Deed including full legal description of the subject lands.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 metres of a water course; on or within 30 metres of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within

a groundwater recharge / discharge area, aquifer or headwater on the property or within 30 metres of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.

NOTICE REQUIREMENTS

Notice of Public Hearing MUST be posted on the property where it is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the Manager of Planning and Development Services. The notice of public hearing must be posted 14 days prior to the hearing and must remain in that location until after the hearing is held. If the notice is removed during this 14 day period, the public hearing date may be rescheduled.



PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

APPLICATION FOR CONSENT

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s): 1703306 Ontario Inc	
Name:	
Mailing Address:2055 Fourth Ave	
City: St. Catharines	Province: ON
Postal Code: L2R6P9	Telephone: 905-685-4189
Fax:	Email: mike@beambuildinggroup.com

1.2 Owner's SOLICITOR (if applicable)	
Name: Michael Liddiard	
Mailing Address: 145 Carlton Street Suite 206	
City: St. Catharines	Province: ON
Postal Code: L2R7P9	Telephone: 905-932-5437
Fax:	Email: michael@liddiardlaw.ca

1.3 Owner's Authorized AGENT (if applicable)	
Name: Connor Rush	
Mailing Address: 2601 Hwy 20 Unit 5	
City: Fonthill	Province: ON
Postal Code: L0S1E6	Telephone: 289-668-6916
Fax:	Email: connor@beambuildinggroup.com

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
Titan Mortgage, 13 King St. Stoney Creek ON L8G 1G9

1.5 Date and Subject Land was acquired by the Current Owner:
November 1, 2022

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)
Larocque Group

Name: Brent Larocque	
Mailing Address: 12 Lyman St.	
City: St. Catharines	Province: ON
Postal Code: L2R5M7	Telephone: 905-688-1413
Fax:	Email: Brent@larocquegroup.ca

1.7 All communications should be sent to the:

- ☐ Owner
☐ Solicitor
☒ Agent

Section 2: LOCATION

Former Municipality: Port Colborne	
Concession No.	Lot(s): F
Registered Plan No. 59R-13389	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Port Colborne Drive	Street No. 248

2.1 Type of proposed transaction: (Check appropriate space(s))

- ☒ Creation of New Lot
☐ Addition to lot
☐ Mortgage or Charge
☐ Lease
☐ Disposal of Surplus Farm Dwelling
☐ Farm Retirement Lot
☒ Partial Discharge or Mortgage
☐ Right-of-Way
☐ Easement

Reason for proposed transaction:

To sever the lot in half

2.2 If a lot addition, identify the lands to which the parcel will be added:

<hr/> <hr/>

2.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:

<hr/> <hr/>

Section 3: OFFICIAL PLAN & ZONING

3.1 What is the current designation of the land in the Official Plan and the Regional Plan?

Port Colborne Official Plan: Urban Residential

Regional Policy Plan: Built Up Area

3.2 What is the Zoning of the land (By-law 6575/30/18)?

R3

3.3 Is the proposal consistent with Provincial policy statements issued under Subsection 3(1) of the Planning Act, 1990, R.S.O., as amended?

☒ Yes

☐ No

Section 4

Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?

☐ Yes

☒ No

If "Yes" describe the easement or covenant and its effect:

Section 5

Type of ACCESS

☐ Provincial Highway

☐ Regional Road

☒ Municipal Road maintained all year

☐ Other Public Road

☐ Municipal Road maintained **seasonally**

☐ Right-of-Way

☐ Water Access

☐ Private Road

Section 6

What type of WATER SUPPLY is proposed?

☒ Publicly owned and operated piped water supply

☐ Lake

☐ Well (private or communal)

☐ Other (specify)

Section 7

What type of SEWAGE DISPOSAL is proposed?

☒ Publicly owned and operated sanitary sewage system

☐ Septic system (private or communal)

☐ Other (specify)

Section 8

What type of STORMWATER DISPOSAL is proposed?
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system
<input type="checkbox"/> Other (specify) _____

Section 9

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)		
Frontage: 12.346	Depth: 27.13	Area: 336.6
Existing Use: Residential		
Proposed Use: Residential		

Existing and proposed buildings and structures on the subject land. For each existing and / or proposed building or structure, the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, and the height of the building or structure and the dimensions or floor area of the building or structure IN METRES. Please use additional sheets if necessary:

Existing: Four-plex
Proposed: semi-detached

Section 10

Part No. On Sketch: 1

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 11.697	Depth: 27.127	Area: 316.3
Existing Use: Residential		
Proposed Use: Residential		

Existing and proposed buildings and structures on the land to be retained. For each existing and / or proposed building or structure, the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, and the height of the building or structure and the dimensions or floor area of the building or structure IN METRES. Please use additional sheets if necessary:

Existing: Four-plex
Proposed: semi-detached

Section 11

Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No
<input type="checkbox"/> Unknown

If the answer is "Yes," please provide the following information:

File Number:
Decision:

Section 12**HAS THE LAND BEEN SEVERED** from the parcel originally acquired by the owner of the land?☐ Yes☒ No

If the answer is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name:

Land Use on severed parcel:

Date Parcel Transferred:

Consent file number (if known):

B _____

Section 13: OTHER APPLICATIONS**13.1 If known, identify whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of:**

Official Plan Amendment

☐ Yes☐ No

Zoning By-Law Amendment

☐ Yes☐ No

Minor Variance

☐ Yes☐ No

Plan of Subdivision

☐ Yes☐ No

Consent

☐ Yes☐ No

Site Plan

☐ Yes☐ No**13.2 If the answer to the above is yes, and if known, provide the following for each application noted:**

File number of the application:

Name of the approval authority considering the application:

Lands affected by the application:

Purpose of the application:

Status of the application:

Effect of the application on the proposed amendment:

Section 14 ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND**14.1 ALL EXISTING USE**☒ Residential☐ Industrial☐ Commercial☐ Institutional☐ Agricultural☐ Parkland☐ Vacant☐ Other

14.2 What is the length of time the existing use(s) of the land have continued?

14.3 Are there any buildings or structures on the subject land?

☒ Yes **four-plex building**
☐ No

If Yes, for each existing building or structure, complete the following:

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
four-plex	9.42	6.31	3	3.87	Approx 6.9		2021
					2 Storeys		

14.4 ALL PREVIOUS USE

- ☒ Residential
☐ Industrial
☐ Commercial
☐ Institutional
☐ Agricultural
☐ Parkland
☐ Vacant
☐ Other

14.5 ALL ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	<input type="checkbox"/> X	<input type="checkbox"/> X	<input type="checkbox"/> X	<input type="checkbox"/> X
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14.6 If Industrial or Commercial, specify use

14.7 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?

- ☐ Yes
☒ No
☐ Unknown

14.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?

- ☐ Yes
☒ No
☐ Unknown

14.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

- ☐ Yes
☒ No
☐ Unknown

14.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

- ☐ Yes
☒ No
☐ Unknown

14.11 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?

- ☐ Yes
☒ No
☐ Unknown

14.12 Have the lands or adjacent lands ever been used as a weapons firing range?

- ☐ Yes
☒ No
☐ Unknown

14.13 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?

- ☐ Yes
☒ No
☐ Unknown

14.14 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?

- ☐ Yes
☒ No
☐ Unknown

14.15 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*

- ☐ Yes
☒ No
☐ Unknown

- Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

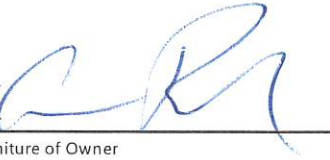
X

Date

Doc 14

X

Signature of Owner



14.16 Are there any buildings designated under the Ontario Heritage Act?

- ☐ Yes
☒ No
☐ Unknown

14.17 If there are any existing buildings on the site, briefly describe them and indicate their proposed use

4-plex for residential use

14.18 If there has been industrial or commercial uses on the property, a previous use inventory is needed. Is a previous use inventory attached?

- ☐ Yes
☒ No N/A

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-screening Criteria

15.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as "hazard lands"?

- ☐ Yes
☒ No
☐ Unknown

15.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?

- ☐ Yes
☒ No
☐ Unknown

15.3 Is the property located on or within 30 metres of the Lake Erie shoreline?

- ☐ Yes
☒ No
☐ Unknown

15.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

15.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?

- ☐ Yes
☒ No
☐ Unknown

X Dec 13 2022
Date

X GR
Signature of Applicant(s)

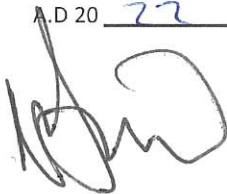
Please note:

If the applicant is not the owner of the subject land or there is more than one owner, written authorization of the owner(s) is required (Complete Form 1) indicating that the applicant is authorized to make application.

I/We Connor Rush
Of the City/Town/Township of St. Catharines
In the County/District/Regional Municipality of Niagara

solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the
City Port Colborne of Port Colborne
In the Region of Niagara
This 14 day of Dec.
A.D. 20 22



Whitney Gilliland, a Commissioner, etc.,
Regional Municipality of Niagara, while a
Deputy Clerk, for the Corporation of the
City of Port Colborne.
A Commissioner, etc.

TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS

X GR

Signature of applicant(s), solicitor, or authorized agent

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to the City Clerk at 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

248 Port Colborne Drive

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize
 Connor Rush

(name of agent)

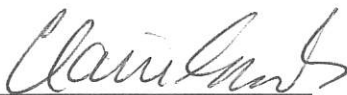
of the City _____ of St. Catharines

to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment / Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium / Site Plan Control Approval (please circle the appropriate application) in accordance with the *Planning Act*.

Dated at the City _____ of Thorold

in the Region _____ of Niagara

this 13 day of December 20 22

X 

Signature of Witness

X 

Signature of Owner

X _____

Signature of Witness

X _____

Signature of Owner

X _____

Signature of Witness

X _____

Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.

If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign only once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

SUGGESTION TO THE APPLICANT

Notice of your application is required for a number of agencies. All written responses will be taken into account before reaching a decision on your application.

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below, before submitting an application. This pre-consultation could provide you with information about the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 6575/30/18, the Regional Policy Plan, the concerns of various Provincial Ministries and other relevant information which may have a direct effect upon the final decision on your application.

Port Colborne Planning and Development Department

1. 66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Manager of Planning & Development
(905) 835-2900, Ext. 203
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Engineering & Operations Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Director of Engineering & Operations
(905) 835-2900, Ext. 223
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Chief of Building
(905) 835-2900, Ext 201
Information about the Building Code
4. Region of Niagara Public Works Department
Planning and Development Department
1815 Sir Isaac Brock Way, Thorold, Ontario L2V 4T7
(905) 980-6000, Ext. 3727
Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health, and for concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2
Watershed Planner
(905) 788-3135, Ext 272
For information about lands which may be zoned as "Hazard" in the local zoning by law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario
Corridor Management Section
159 Sir William Hearst Ave, 7th Floor, Toronto, Ontario M3M 1J8
For information about sight plan applications for lands fronting onto provincial Highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor, Downsview, ON, M3M 1J8
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement

Planning and Legislative Services

Planning Division Report

January 13th, 2023

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

Re: Application for Consent B02-23-PC
248 Port Colborne Drive
Part Lot F on Reference Plan 59R-13389
Agent: Connor Rush
Owner(s): 1703306

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 1 (see appendix A attached) having a lot frontage of 11.697m on Port Colborne Drive and a lot area of 316.3m² for an existing fourplex dwelling. Part 2 will retain a lot frontage of 12.346m on Port Colborne Drive and a lot area of 336.6m². The subject property currently contains a fourplex dwelling with two units on the ground floor and two on the second floor. The applicant is applying to sever the property which will result in two units on Part 1 and two units on Part 2.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Downtown Commercial (DC) to the north, and Second Density Residential (R2) to the east, south and west. The surrounding uses consist of commercial uses to the north and dwellings to the east, south and west.



Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on January 4th, 2023, to adjacent landowners within 60m of the subject property as per the Planning Act. As of January 13th, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on December 21st, 2022, to internal departments. As of January 13th, 2023, the following has been received.

Drainage Superintendent

There are no concerns regarding municipal drains for this application.

Fire Department

Port Colborne Fire has no objection to the proposed application.

Engineering Technologist

An as-constructed lot grading plan remains outstanding for this permit. Currently, the lot grading is adversely affecting the adjacent properties and does not match the proposed lot grading plan that was approved by the City at the Building Permit stage. It is recommended that a revised grading plan be submitted that meets the City's lot grading by-law 2464/80/90. The revised plan must include the concrete walkways, air-conditioners, entrances to the building and driveway entrances. It is also recommended that the proposed parcels drain independently of one another, or a Mutual Agreement Drain will be required on title. The driveway is not constructed as proposed and is in violation of the City's entrance by-law 1117/64/81, as the entrance is located less than the minimum 8m from an intersecting street and the originally proposed entrances allowed for a 1m setback from the proposed property line. The sanitary laterals appear to be installed in a common trench along the proposed severance line with very little separation. If the sanitary laterals are not wholly contained on each parcel, an easement is recommended to allow for future maintenance/ replacement.

Staff Response

Planning staff has added conditions in the recommendation below that will require the applicant to submit a revised lot grading plan that shows the properties properly draining, that the applicant conforms to the requirements of entrance by-law 1117/64/81 and that the applicant provide a plan showing that the sanitary laterals are wholly contained on each lot. In the event that they are not, an easement will be required.

Discussion:

This application was reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, the *City of Port Colborne Official Plan*, and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses should efficiently use land and resources.

Staff are satisfied that the proposed consent is consistent with the PPS. The application efficiently uses land and resources as the existing dwelling has a compact form and adds to a mix of dwelling types in the area.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. Furthermore, they support a range and mix of housing options, including additional residential units and affordable units, to serve all sizes, incomes, and ages of households.

Staff are satisfied that the proposed consent application conforms to the Growth Plan. The proposed application supports a range of housing types, and has convenient access to local stores, services, and public service facilities.

The Regional Official Plan (ROP), designates the subject lands as within the “Urban Area Boundary” and “Built-up Area”. Intensification is generally encouraged throughout the Built-up Area and includes residential uses that make efficient use of existing services.

Planning Staff are satisfied that the proposed consent application conforms to the ROP. The proposed lots add to the intensification of the built-up area and make efficient use of the existing infrastructure and services.

City of Port Colborne Official Plan

The subject property is designated as Urban Residential in the City’s Official Plan (OP). This designation permits residential uses and the creation of new residential lots and intensification is encouraged.

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP. Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the lots created will have frontage on a public road.

City of Port Colborne Comprehensive Zoning By-law 6575/30/18

The subject lands are zoned Third Density Residential (R3) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 11.367m and a lot area of 316.3m²

Part 2: A lot frontage of 12.346m and a lot area of 336.3m².

The subject property currently contains a fourplex dwelling that the applicant is proposing the sever in two. If granted, Part 1 and 2 will contain 2 units each and will be divided by a party wall. Unlike severances for semi-detached dwellings, the Zoning By-law does not contain provisions for severing fourplex dwellings. Planning Staff do not have any concerns with the proposal, however, minor variances are required to address the reduction in the interior side yard setback to the proposed lot line and for the reduction in lot area for Parts 1 and 2.

Comparatively, Section 6.5 (K) of the Zoning By-law states that nothing shall prevent the splitting of any lot on which a semi-detached dwelling is erected into 2 parts divided in part by the centre line of the common or party wall separating the dwelling units, provided each lot have a minimum lot area of 0.02 hectares. These provisions are not in place for fourplex dwellings and as a result, minor variances are required, however the applications are similar.

As shown on the sketch, The existing building envelope meets the setback requirements of the zoning by-law, with the exception of the interior side yard setback to the proposed lot line. Planning staff is satisfied that the proposal meets the requirements of the zoning by-law.

Recommendation:

Given the information above, Planning Staff recommends application B02-23-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$231 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the applicant provide a revised grading plan that includes the concrete walkways, air conditioners, entrances to the buildings and driveways, to the satisfaction of City Staff.
4. That the applicant revise the driveway entrance to meet the requirements of By-law 1117/64/81.
5. That the applicant provide a plan showing the existing sewer laterals will be wholly contained on each parcel. In the event that they are not, an easement may be required.
6. That minor variance applications A02-23-PC and A03-23-PC be granted
7. That all conditions of consent be completed by January 18th, 2025.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Submitted by,

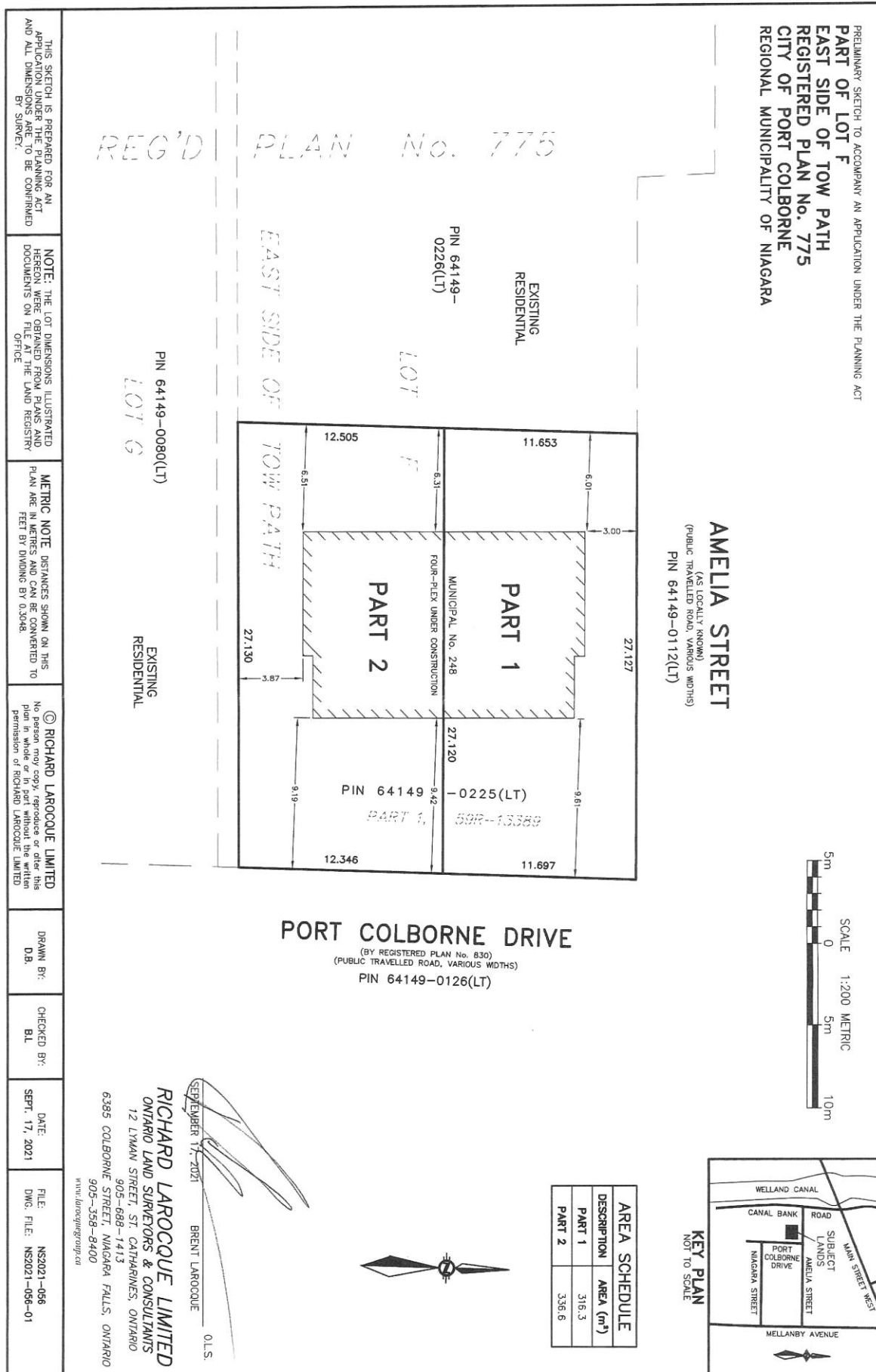
A handwritten signature in black ink, appearing to read 'Chris Roome', with a long horizontal flourish extending to the right.

Chris Roome, BURPI
Planner

Submitted by,

A handwritten signature in black ink, appearing to read 'Denise Landry', with a horizontal line drawn across the middle of the signature.

Denise Landry, MCIP, RPP
Chief Planner





PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A02-23-PC

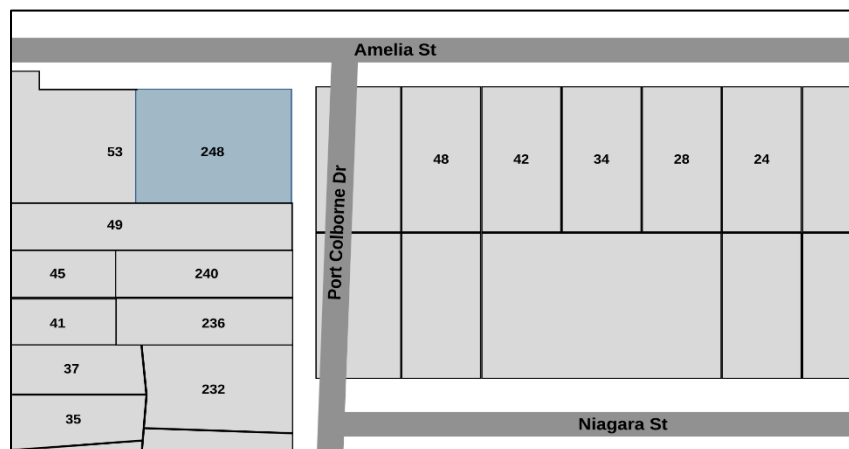
IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 7.6 (a), (b) and (d) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Part Lot F on Reference Plan 59R-13389, in the City of Port Colborne, located in the Third Density Residential (R3) zone, municipally known as 248 Port Colborne Drive.

AND IN THE MATTER OF AN APPLICATION by the agent Connor Rush, on behalf of the applicant 1703306 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, so as to permit a reduced lot area and lot frontage and interior side yard setback to Part 1 in order to facilitate a concurrent severance application under application B02-23-PC, notwithstanding the following:

1. That a minimum lot frontage of 11.7m be permitted, whereas 18m is required in the R3 zone.
2. That a minimum lot area of 316.3m² be permitted, whereas 500m² is required in the R3 zone.
3. That a minimum interior side yard setback of 0m be permitted, whereas 1.2m is required in the R3 zone.

Explanatory Relief from the Zoning By-law: The applicant is seeking to sever the property at 248 Port Colborne Drive. As a result of the proposed lot frontage, lot area and interior side yard setback, a minor variance is required. A sketch of the proposed severance is shown on the reverse side of this notice.



LOCATION MAP

PLEASE TAKE NOTICE that this application will be heard virtually by the Committee of Adjustment as shown below:

DATE: January 18, 2023
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at Diana.Vasu@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, January 13th, 2023**.

NOTE: If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, while being live-streamed on the City's YouTube channel.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting

and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on Tuesday, January 17, 2023**, by emailing Diana.Vasu@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204.

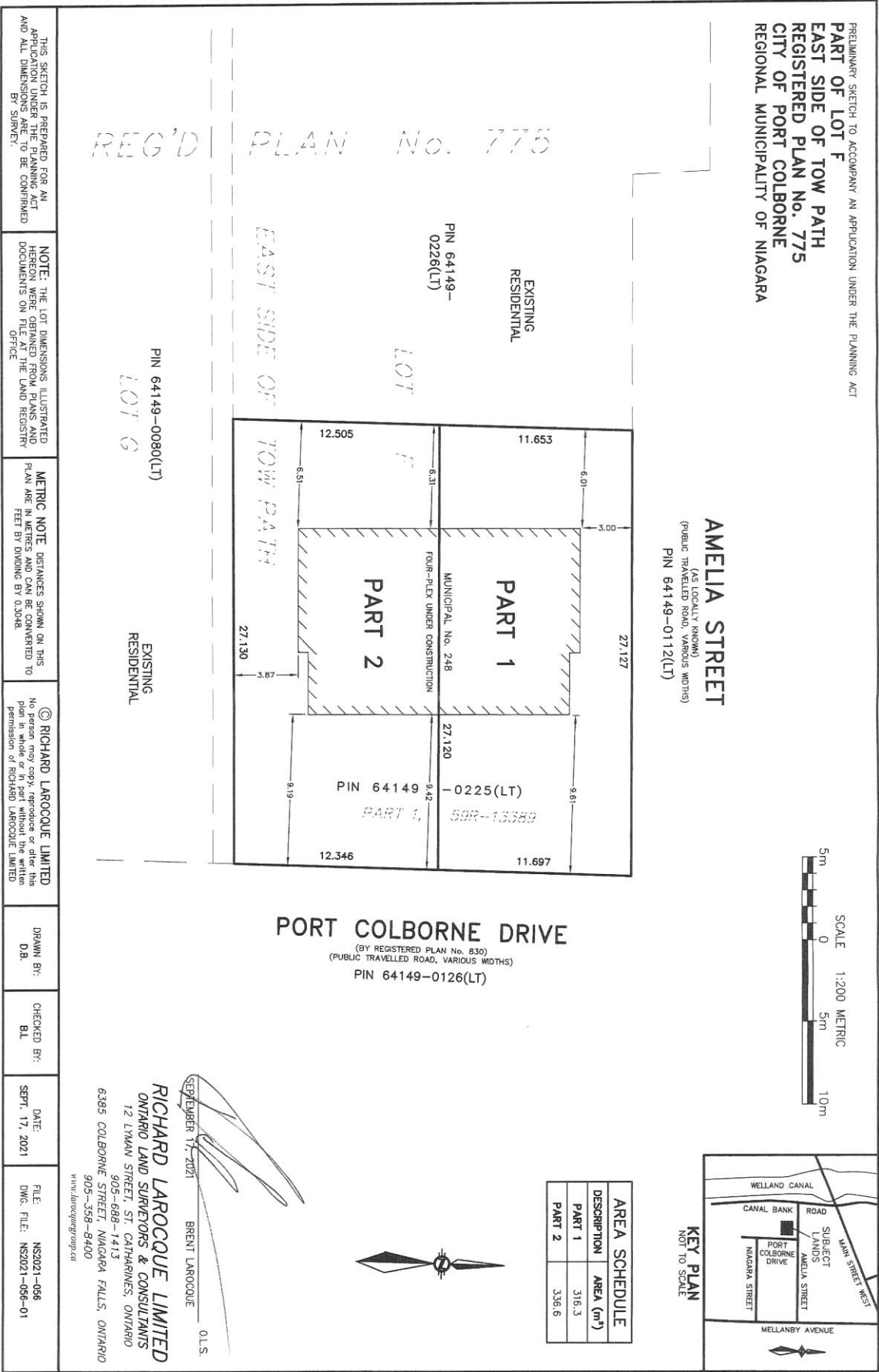
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

By order of the Committee of Adjustment,

Date of Mailing: January 4, 2023

Diana Vasu
Secretary-Treasurer





PORT COLBORNE

· PLANNING AND LEGISLATIVE SERVICES ·

File No. _____

THE CITY OF PORT COLBORNE
THE PLANNING ACT – SECTION 45.
APPLICATION FOR:

MINOR VARIANCE OR PERMISSION

This application is used by persons applying to the Committee of Adjustment for the City of Port Colborne under Section 45 of the *Planning Act*, as amended, for relief from By-law 6575/30/18 (as amended).

The Applicant is required to provide appropriate answers to **all** questions on the application form. If all prescribed information is not provided, the application will not be accepted.

SUBMISSION OF APPLICATION:

Please submit the completed application form together with fees and other information as set out herein to:

City of Port Colborne
Samantha Yeung
Secretary/Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: 1-905-835-2900 ext. 204
FAX: 1-905-835-2939
Email: samantha.yeung@portcolborne.ca

COMPLETENESS OF APPLICATION:

The information required in this application form complies with the *Planning Act* and will assist in ensuring a complete evaluation. The *Planning Act* allows the Committee of Adjustment to refuse, to accept, or further consider any application that does not provide the information, material and fees prescribed.

A Minor Variance or Permission approved by the Committee of Adjustment of the City of Port Colborne may be reviewed by the Regional Municipality of Niagara and several other regional or provincial agencies. The Niagara Region and the Niagara Peninsula Conservation authority have additional fees / information requirements.

PRE-CONSULTATION / OFFICIAL PLAN POLICY AND PROVINCIAL POLICY STATEMENT:

For help completing the application form, please call and make an appointment with the Planning and Development Services Division at City Hall.

In making decisions on planning applications, Committee of Adjustment shall have regard to Official Plan Policy and be consistent with the Province of Ontario's Provincial Policy Statement which came into effect on May 1st, 2020. Both provide policy direction

on matters relating to land use planning and development. A Copy of the Provincial Policy Statement can be obtained from the Ministry of Municipal Affairs web site (www.mah.gov.on.ca) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

To avoid delays, the applicant must be informed of Official Plan Policy and the Provincial Policy Statement and to pre-consult with City, Regional and, if necessary, Provincial planning agencies before submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement. An application for a pre-consultation meeting can be found on the City of Port Colborne's Planning & Development website.

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

Under the provisions of the *Planning Act*, land owners or their agents must obtain approval of the Committee of Adjustment for minor variances from the provisions of the Zoning By-law or from another by-law implementing the City's Official Plan.

Under the Provisions of the *Planning Act*, a public hearing must be held on each application within 30 days of the date upon which the properly completed application for minor variance or permission is received. Notice of Hearing is circulated to the applicant or properly appointed agent at least 10 (ten) days before the hearing date. The applicant and/or agent will be responsible for posting notice of hearing on the subject land of the application.

Prior to the hearing, a planning report consisting of an agenda and this application form would be distributed to the Committee and made available on Port Colborne's website through this link: <https://www.portcolborne.ca/en/business-and-development/committee-of-adjustment.aspx>.

Members of the Committee may conduct a site visit of the subject lands at their discretion and may contact applicants. **Please note that the Committee is considered a quasi-judicial body of the Government and should not be contacted by a member of the public.** Any comments, questions or concerns should be addressed through the Planning and Development Services Division. ☐

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee will be sent a copy of the decision.

Any person objecting to the decision, may appeal within 20 days from the date of the decision. Appeals are filed with the Secretary Treasurer of the Committee of Adjustment, who in turn, files the appeal with the Local Planning Appeal Tribunal. The Local Planning Appeal Tribunal arranges an appeal hearing date and the applicant or agent and the person who appealed, will receive notice of date.

POLICIES

In addition to the matters set out in "Procedures for Procession Applications for Minor Variance or for Permission", the Port Colborne Committee of Adjustment has adopted the following general policies:

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for minor variance or permission form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).
- Two (2) copies of a preliminary drawing showing all information referred to in SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY.
- Payment of the appropriate fee, submitted at the time of application as cash or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne.
- One complete application is required and shall be submitted for each parcel of land on which a variance is requested.

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

To assist the City of Port Colborne in processing the application for Minor Variance or Permission the following supplementary information / sketches are requested:

- Depending on the scope of the request, one or more copies of plan(s) showing the following should be submitted. **The Planning & Development Services Division may request for a sketch submitted by a professional.** This requirement can be clarified by the Planning Staff.
 1. A sketch or sketches showing the following shall be submitted:
 - i. The boundaries and dimensions of the land.
 - ii. The location and nature of any easement affecting the land.
 - iii. The location, size, and type of all existing and height of proposed buildings and structures on the land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
 - iv. The location and nature of any easement affecting the land.
 - v. Parking areas, loading spaces, driveway entrance / exits
 - vi. Existing and proposed servicing [e.g. water, storm and sanitary]
 2. The required sketch should be based on an actual survey by an Ontario Land Surveyor or drawn to a usable metric scale [e.g. 1:100, 1:300, 1:500].
 3. One (1) copy of each separate type of plan reduced to legal size.
 4. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
 5. One (1) copy of a Registered Deed including full legal description of the subject lands.
 6. Council MAY require (at the discretion of the Manager of Planning and Development Services) that the sketch be signed by an Ontario Land Surveyor.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 metres of a water course; on or within 30 metres of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within

a groundwater recharge / discharge area, aquifer or headwater on the property or within 30 metres of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.

NOTICE REQUIREMENTS

Notice of Public Hearing of Council MUST be posted on the property where it is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the Manager of Planning and Development Services. The notice of public hearing must be posted 10 days prior to the hearing and must remain in that location until after the hearing is held. If the notice is removed during this 10 day period, the public hearing date may be rescheduled.



PORT COLBORNE
· PLANNING AND LEGISLATIVE SERVICES ·

**APPLICATION FOR
MINOR VARIANCE**

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: 1703306 Ontario Inc.	
Mailing Address: 2055 Fourth Ave	
City: St. Catharines	Province: ON
Postal Code: L2R6P9	Telephone: 905-685-4189
Fax:	Email: mike@beambuildinggroup.com

1.2 Owner's SOLICITOR (if applicable)	
Name: Michael Liddiard	
Mailing Address: 145 Carlton Street Suite 206	
City: St. Catharines	Province: ON
Postal Code: L2R7P9	Telephone: 905-932-5437
Fax:	Email: michael@liddiardlaw.ca

1.3 Owner's Authorized AGENT (if applicable)	
Name: Connor Rush	
Mailing Address: 2601 Hwy 20 Unit 5	
City: Fonthill	Province: ON
Postal Code:	Telephone: 289-668-6916
Fax:	Email: connor@beambuildinggroup.com

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
Titan Mortgage, 13 King St. Stoney Creek ON L8G 1G9

1.5 Date and Subject Land was acquired by the Current Owner:
November 1 2022

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Brent Larocque	
Mailing Address: 12 Lyman St.	
City: St. Catharines	Province: ON
Postal Code: L2R5M7	Telephone: 905-688-1413
Fax:	Email: Brent@larocquegroup.ca

1.7 All communications should be sent to the:
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent

Section 2: LOCATION

Former Municipality: Port Colborne	
Concession No.	Lot(s): F
Registered Plan No. 59R-13389	
Reference Plan No.	Part(s):
Name of Street: Port Colborne Drive	Street No. 248

Section 3: DESCRIPTION Part No. On Sketch: 2

Frontage: 12.346	Depth: 27.13	Area: 336.6
Existing Use: Residential		
Proposed Use: Residential		

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: Urban Residential
Regional Policy Plan: Built Up Area

4.2 What is the Zoning of the land (By-law 6575/30/18)?
R3

Section 5

Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If "Yes" describe the easement or covenant and its effect:

Section 6

Type of ACCESS
<input type="checkbox"/> Provincial Highway
<input type="checkbox"/> Regional Road
<input checked="" type="checkbox"/> Municipal Road maintained all year
<input type="checkbox"/> Other Public Road
<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Water Access
<input type="checkbox"/> Private Road

Section 7

What type of WATER SUPPLY is proposed?
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply
<input type="checkbox"/> Lake
<input type="checkbox"/> Well (private or communal)
<input type="checkbox"/> Other (specify) _____

Section 8

What type of SEWAGE DISPOSAL is proposed?
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system
<input type="checkbox"/> Septic system (private or communal)
<input type="checkbox"/> Other (specify) _____

Section 9

What type of STORMWATER DISPOSAL is proposed?
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system
<input type="checkbox"/> Other (specify) _____

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
-To allow a minimum lot frontage of 12.346 from the required 18 meters
-To all a minimum lot area of 336.6m ² from the required 500m ²
-To allow a iside yard setback of 0m as the common wall of the building runs on proposed property line.

10.1 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Section 11

WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
Restricted due to lot size

Section 12

DATE OF ACQUISITION of the land by the current owner:
November 1, 2022

Section 13

DATE OF CONSTRUCTION of all existing buildings and structures on the land:
2021

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:

Section 15: OTHER APPLICATIONS

15.1 If known, identify whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of:		
Official Plan Amendment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Zoning By-Law Amendment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Minor Variance	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Consent	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Site Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No

15.2 If the answer to the above is yes, and if known, provide the following for each application noted:
File number of the application:
Name of the approval authority considering the application:
Lands affected by the application:
Purpose of the application:
Status of the application:
Effect of the application on the proposed amendment:

Section 16: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

16.1 ALL EXISTING USE
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Institutional <input type="checkbox"/> Agricultural <input type="checkbox"/> Parkland <input type="checkbox"/> Vacant <input type="checkbox"/> Other

16.2 What is the length of time the existing use(s) of the land have continued?

16.3 Are there any buildings or structures on the subject land?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If Yes, for each existing building or structure, complete the following:

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
fourplex	9.42	6.31	3	3.87	Approx 6.9		2021
					2 Storeys		

16.4 ALL PREVIOUS USE

- ☒ Residential
☐ Industrial
☐ Commercial
☐ Institutional
☐ Agricultural
☐ Parkland
☐ Vacant
☐ Other
-

16.5 ALL ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other				

16.6 If Industrial or Commercial, specify use

**16.7 Has the grading of the subject land been changed by adding earth or material?
Has filling occurred on the subject land?**

- ☐ Yes
☒ No
☐ Unknown

16.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?

- ☐ Yes
☒ No
☐ Unknown

16.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

- ☐ Yes
☒ No
☐ Unknown

16.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

- ☐ Yes
☒ No
☐ Unknown

16.11 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?

- ☐ Yes
☒ No
☐ Unknown

16.12 Have the lands or adjacent lands ever been used as a weapons firing range?

- ☐ Yes
☒ No
☐ Unknown

16.13 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?

- ☐ Yes
☒ No
☐ Unknown

16.14 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?

- ☐ Yes
☒ No
☐ Unknown

16.15 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*

- ☐ Yes
☒ No
☐ Unknown

- Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

X Dec 14/22

Date

X 

Signature of Owner

Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY
Pre-screening Criteria

17.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as "hazard lands"?

- ☐ Yes
☒ No
☐ Unknown

17.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?

- ☐ Yes
☒ No
☐ Unknown

17.3 Is the property located on or within 30 metres of the Lake Erie shoreline?

- ☐ Yes
☒ No
☐ Unknown

17.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

17.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?

- ☐ Yes
☒ No
☐ Unknown

X Dec 13, 2022

Date

X G R

Signature of Applicant(s)

Please note:

If the applicant is not the owner of the subject land or there is more than one owner, written authorization of the owner(s) is required (Complete Form 1) indicating that the applicant is authorized to make application.

I/We Connor Rush

Of the City/Town/Township of St. Catharines

In the County/District/Regional Municipality of Niagara

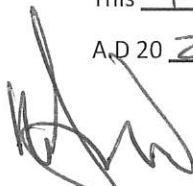
solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the
City Port Colborne of Port Colborne

In the Region of Niagara

This 14 day of Dec.

A.D. 20 22



Whitney Gilliland, a Commissioner, etc.,
Regional Municipality of Niagara, while a
Deputy Clerk, for the Corporation of the
City of Port Colborne.
A Commissioner, etc.

TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS

X G R

Signature of applicant(s), solicitor, or authorized agent

Personal information collected on this application will become part of a public record.
Any questions regarding this collection should be directed to: City Clerk, Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

248 Port Colborne Drive

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

Connor RUsh

(name of agent)

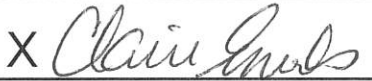
of the City of St. Catharines

to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment / Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium / Site Plan Control Approval (please circle the appropriate application) in accordance with the *Planning Act*.

Dated at the City of Thorold

in the Region of Niagara

this 13 day of December 2022

X 

Signature of Witness

X 

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.

If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign only once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

Development and Legislative Services

Planning Division Report

January 13th, 2023

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

Re: Application for Minor Variance A02-23-PC
248 Port Colborne Drive
Part Lot F on Reference Plan 59R-13389
Agent: Connor Rush
Owner(s): 1703306 Ontario Inc

Proposal:

The purpose and effect of this application is to permit a reduced lot frontage of 11.7m whereas 18m is required, a reduced lot area of 316.3m², whereas 500m² is required and, that a reduced interior side yard setback of 0m be provided whereas 1.2m is required. This application is being sought to facilitate the proposed severance application B02-23-PC. The proposed lot contains an existing fourplex dwelling.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Downtown Commercial (DC) to the north, and Second Density Residential (R2) to the east, south and west. The surrounding uses consist of commercial uses to the north and dwellings to the east, south and west.

Official Plan:

The subject property is designated as Urban Residential in the City's Official Plan. Fourplexes are permitted in this designation.



Zoning:

The subject property is zoned Third Density Residential (R3) in accordance with Zoning By-Law 6575/30/18. Fourplexes are permitted in this zone.

Environmentally Sensitive Areas:

There are no environmentally sensitive areas on the subject lands.

Public Comments:

Notice was circulated on January 4th, 2023, to adjacent landowners within 60m of the subject property as per the Planning Act. As of January 13th, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on December 21st, 2022, to internal departments. As of January 13th, 2023, the following has been received.

Drainage Superintendent

No concerns regarding municipal drains.

Fire Department

Port Colborne Fire has no objection to the application.

Engineering Technologist

An as-constructed lot grading plan remains outstanding for this permit. Currently, the lot grading is adversely affecting the adjacent properties and does not match the proposed lot grading plan that was approved by the City at the Building Permit stage. It is recommended that a revised grading plan be submitted that meets the City's lot grading by-law 2464/80/90. The revised plan must include the concrete walkways, air-conditioners, entrances to the building and driveway entrances. It is also recommended that the proposed parcels drain independently of one another, or a Mutual Agreement Drain will be required on title. The driveway is not constructed as proposed and is in violation of the City's entrance by-law 1117/64/81, as the entrance is located less than the minimum 8m from an intersecting street and the originally proposed entrances allowed for a 1m setback from the proposed property line. The sanitary laterals appear to be installed in a common trench along the proposed severance line with very little separation. If the sanitary laterals are not wholly contained on each parcel, an easement is recommended to allow for future maintenance/ replacement.

Staff Response

These comments have been addressed as a part of consent application B02-23-PC.

Planning Act – Four Tests:

In order for a Minor Variance to be approved, it must meet the four-part test as outlined under Section 45 (1) of the Planning Act. These four tests are listed and analyzed below.

Is the application minor in nature?

Staff finds the requested variances to be minor in nature. The decrease in interior side yard setback and lot area will not negatively impact the subject parcel and is considered a formality since the by-law does not contain any provisions that would easily permit the severance of a fourplex. The lot area requirement intends to ensure that a dwelling can suitably fit on the subject property and provide enough amenity space. The existing fourplex will still maintain the required rear yard, side yard, and front yard setback. This requirement also ensures that created lots are similar to the existing lots in the area. Staff notes that a recent severance of an existing semi-detached dwelling occurred immediately northeast of the property in 2021, setting precedence for smaller lot sizes to accommodate existing dwellings. Staff are of the opinion that the created parcels will be compatible with the existing lots in the area.

Is it desirable for the appropriate development or use of the land, building or structure?

The proposal is desirable and appropriate as the development is existing and is located in a suitable location on the site. Fourplexes are a permitted use in the R3 zone so the proposal is compatible with most of the requirements of the zoning by-law. As such, it is the opinion of planning staff that the application is desirable for the appropriate development or use of the land.

Is it in keeping with the general intent and purpose of the Zoning By-law?

The Zoning By-law permits fourplexes in the R3 zone and the proposal meets the majority of the setback and lot coverage requirements. The lot area requirement exists to ensure that lots are suitable in size and will provide the owner with enough space for amenities and parking. The dwelling is existing and has access to adequate parking and meets the majority of the setback requirements that provide amenity space. The interior side yard setback requirement exists to ensure sufficient spacing between dwellings. Since the dwelling is existing and the relief is requested to facilitate the severance of a fourplex, similar to a semi-detached dwelling, staff believe that the proposal is in keeping with the general intent and purpose of the Zoning By-law.

Is it in keeping with the general intent and purpose of the Official Plan?

The Official Plan permits fourplexes in the Urban Residential designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A02-23-PC be **granted** for the following reasons:

- 1. The application is minor in nature.**
- 2. It is appropriate for the development of the site.**
- 3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.**
- 4. It is desirable and in compliance with the general intent and purpose of the Official Plan**

Prepared by,

A handwritten signature in black ink, appearing to read 'Chris Roome', with a long horizontal flourish extending to the right.

Chris Roome, BURPI
Planner

Submitted by,

A handwritten signature in black ink, appearing to read 'Denise Landry', with a horizontal line drawn across the middle of the signature.

Denise Landry, MCIP, RPP
Chief Planner



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A03-23-PC

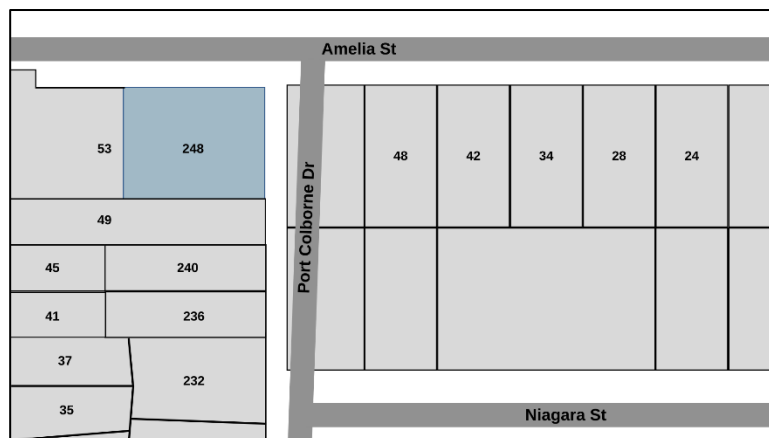
IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 7.6 (a), (b) and (d) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Part Lot F on Reference Plan 59R-13389, in the City of Port Colborne, located in the Third Density Residential (R3) zone, municipally known as 248 Port Colborne Drive.

AND IN THE MATTER OF AN APPLICATION by the agent Connor Rush, on behalf of the applicant 1703306 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, so as to permit a reduced lot area and lot frontage and interior side yard setback to Part 2 in order to facilitate a concurrent severance application under application B02-23-PC, notwithstanding the following:

1. That a minimum lot frontage of 12.4m be permitted, whereas 18m is required in the R3 zone.
2. That a minimum lot area of 336.6m² be permitted, whereas 500m² is required in the R3 zone.
3. That a minimum interior side yard setback of 0m be permitted, whereas 1.2m is required in the R3 zone.

Explanatory Relief from the Zoning By-law: The applicant is seeking to sever the property at 248 Port Colborne Drive. As a result of the proposed lot frontage, lot area and interior side yard setback, a minor variance is required. A sketch of the proposed severance is shown on the reverse side of this notice.



LOCATION MAP

PLEASE TAKE NOTICE that this application will be heard virtually by the Committee of Adjustment as shown below:

DATE: January 18, 2023
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at Diana.Vasu@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, January 13th, 2023**.

NOTE: If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, while being live-streamed on the City's YouTube channel.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting

and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on Tuesday, January 17, 2023**, by emailing Diana.Vasu@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204.

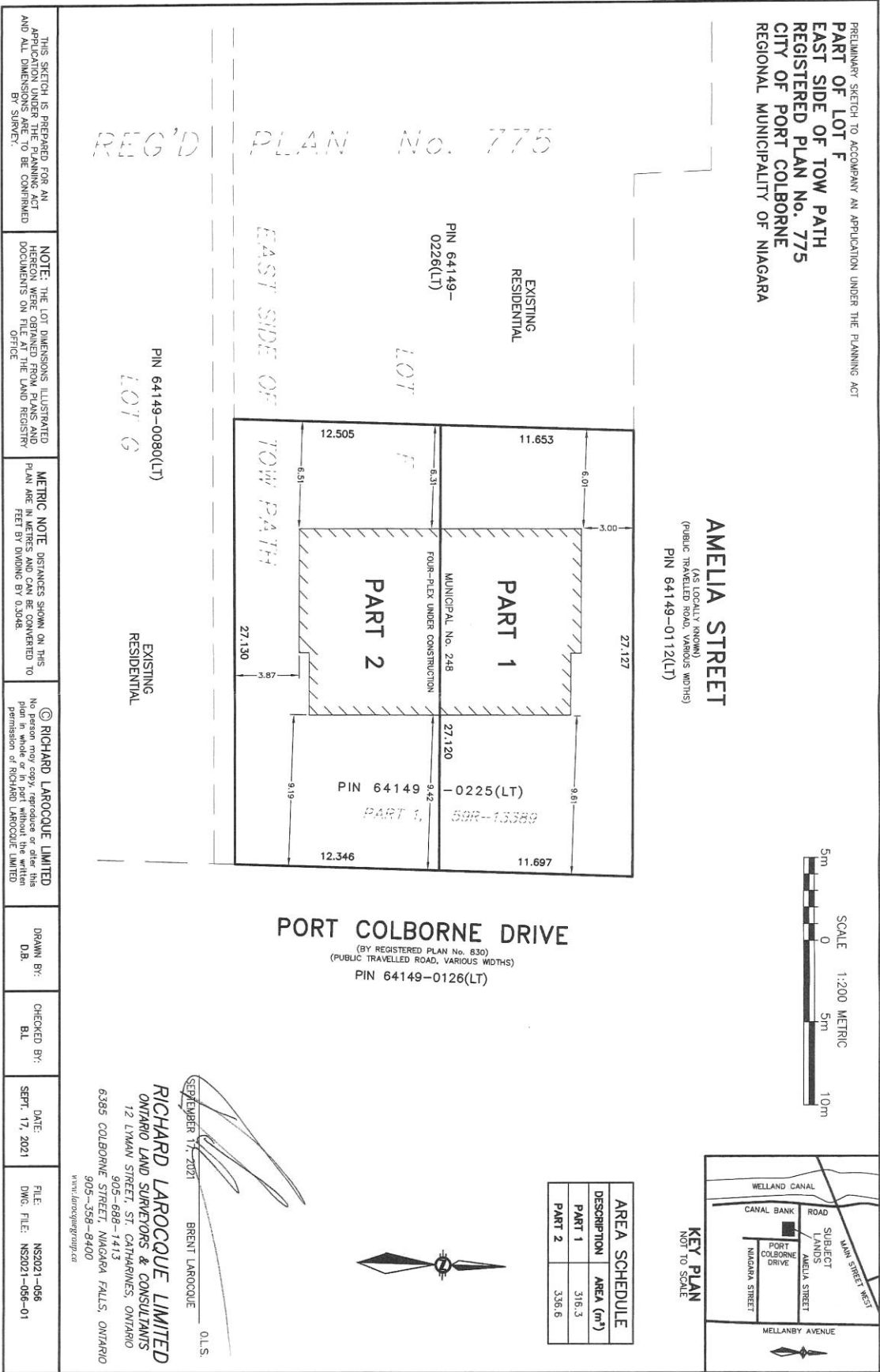
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

By order of the Committee of Adjustment,

Date of Mailing: January 4, 2023

Diana Vasu
Secretary-Treasurer





PORT COLBORNE

• PLANNING AND LEGISLATIVE SERVICES •

File No. _____

THE CITY OF PORT COLBORNE
THE PLANNING ACT – SECTION 45.
APPLICATION FOR:

MINOR VARIANCE OR PERMISSION

This application is used by persons applying to the Committee of Adjustment for the City of Port Colborne under Section 45 of the *Planning Act*, as amended, for relief from By-law 6575/30/18 (as amended).

The Applicant is required to provide appropriate answers to all questions on the application form. If all prescribed information is not provided, the application will not be accepted.

SUBMISSION OF APPLICATION:

Please submit the completed application form together with fees and other information as set out herein to:

City of Port Colborne
Samantha Yeung
Secretary/Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: 1-905-835-2900 ext. 204
FAX: 1-905-835-2939
Email: samantha.yeung@portcolborne.ca

COMPLETENESS OF APPLICATION:

The information required in this application form complies with the *Planning Act* and will assist in ensuring a complete evaluation. The *Planning Act* allows the Committee of Adjustment to refuse, to accept, or further consider any application that does not provide the information, material and fees prescribed.

A Minor Variance or Permission approved by the Committee of Adjustment of the City of Port Colborne may be reviewed by the Regional Municipality of Niagara and several other regional or provincial agencies. The Niagara Region and the Niagara Peninsula Conservation authority have additional fees / information requirements.

PRE-CONSULTATION / OFFICIAL PLAN POLICY AND PROVINCIAL POLICY STATEMENT:

For help completing the application form, please call and make an appointment with the Planning and Development Services Division at City Hall.

In making decisions on planning applications, Committee of Adjustment shall have regard to Official Plan Policy and be consistent with the Province of Ontario's Provincial Policy Statement which came into effect on May 1st, 2020. Both provide policy direction

on matters relating to land use planning and development. A Copy of the Provincial Policy Statement can be obtained from the Ministry of Municipal Affairs web site (www.mah.gov.on.ca) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

To avoid delays, the applicant must be informed of Official Plan Policy and the Provincial Policy Statement and to pre-consult with City, Regional and, if necessary, Provincial planning agencies before submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement. An application for a pre-consultation meeting can be found on the City of Port Colborne's Planning & Development website.

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

Under the provisions of the *Planning Act*, land owners or their agents must obtain approval of the Committee of Adjustment for minor variances from the provisions of the Zoning By-law or from another by-law implementing the City's Official Plan.

Under the Provisions of the *Planning Act*, a public hearing must be held on each application within 30 days of the date upon which the properly completed application for minor variance or permission is received. Notice of Hearing is circulated to the applicant or properly appointed agent at least 10 (ten) days before the hearing date. The applicant and/or agent will be responsible for posting notice of hearing on the subject land of the application.

Prior to the hearing, a planning report consisting of an agenda and this application form would be distributed to the Committee and made available on Port Colborne's website through this link: <https://www.portcolborne.ca/en/business-and-development/committee-of-adjustment.aspx>.

Members of the Committee may conduct a site visit of the subject lands at their discretion and may contact applicants. **Please note that the Committee is considered a quasi-judicial body of the Government and should not be contacted by a member of the public.** Any comments, questions or concerns should be addressed through the Planning and Development Services Division.



Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee will be sent a copy of the decision.

Any person objecting to the decision, may appeal within 20 days from the date of the decision. Appeals are filed with the Secretary Treasurer of the Committee of Adjustment, who in turn, files the appeal with the Local Planning Appeal Tribunal. The Local Planning Appeal Tribunal arranges an appeal hearing date and the applicant or agent and the person who appealed, will receive notice of date.

POLICIES

In addition to the matters set out in "Procedures for Procession Applications for Minor Variance or for Permission", the Port Colborne Committee of Adjustment has adopted the following general policies:

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for minor variance or permission form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).
- Two (2) copies of a preliminary drawing showing all information referred to in SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY.
- Payment of the appropriate fee, submitted at the time of application as cash or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne.
- One complete application is required and shall be submitted for each parcel of land on which a variance is requested.

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

To assist the City of Port Colborne in processing the application for Minor Variance or Permission the following supplementary information / sketches are requested:

- Depending on the scope of the request, one or more copies of plan(s) showing the following should be submitted. **The Planning & Development Services Division may request for a sketch submitted by a professional.** This requirement can be clarified by the Planning Staff.
 1. A sketch or sketches showing the following shall be submitted:
 - i. The boundaries and dimensions of the land.
 - ii. The location and nature of any easement affecting the land.
 - iii. The location, size, and type of all existing and height of proposed buildings and structures on the land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
 - iv. The location and nature of any easement affecting the land.
 - v. Parking areas, loading spaces, driveway entrance / exits
 - vi. Existing and proposed servicing [e.g. water, storm and sanitary]
 2. The required sketch should be based on an actual survey by an Ontario Land Surveyor or drawn to a usable metric scale [e.g. 1:100, 1:300, 1:500].
 3. One (1) copy of each separate type of plan reduced to legal size.
 4. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
 5. One (1) copy of a Registered Deed including full legal description of the subject lands.
 6. Council MAY require (at the discretion of the Manager of Planning and Development Services) that the sketch be signed by an Ontario Land Surveyor.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 metres of a water course; on or within 30 metres of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within

a groundwater recharge / discharge area, aquifer or headwater on the property or within 30 metres of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.

NOTICE REQUIREMENTS

Notice of Public Hearing of Council MUST be posted on the property where it is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the Manager of Planning and Development Services. The notice of public hearing must be posted 10 days prior to the hearing and must remain in that location until after the hearing is held. If the notice is removed during this 10 day period, the public hearing date may be rescheduled.



PORT COLBORNE

· PLANNING AND LEGISLATIVE SERVICES ·

APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: 1703306 Ontario Inc.	
Mailing Address: 2055 Fourth Ave	
City: St. Catharines	Province: ON
Postal Code: L2R6P9	Telephone: 905-685-4189
Fax:	Email: mike@beambuildinggroup.com

1.2 Owner's SOLICITOR (if applicable)	
Name: Michael Liddiard	
Mailing Address: 145 Carlton Street Suite 206	
City: St. Catharines	Province: ON
Postal Code: L2R7P9	Telephone: 905-932-5437
Fax:	Email: michael@liddiardlaw.ca

1.3 Owner's Authorized AGENT (if applicable)	
Name: Connor Rush	
Mailing Address: 2601 Hwy 20 Unit 5	
City: Fonthill	Province: ON
Postal Code:	Telephone: 289-668-6916
Fax:	Email: connor@beambuildinggroup.com

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
Titan Mortgage, 13 King St. Stoney Creek ON L8G 1G9

1.5 Date and Subject Land was acquired by the Current Owner:
November 1 2022

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Brent Larocque	
Mailing Address: 12 Lyman St.	
City: St. Catharines	Province: ON
Postal Code: L2R5M7	Telephone: 905-688-1413
Fax:	Email: Brent@larocquegroup.ca

1.7 All communications should be sent to the:
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent

Section 2: LOCATION

Former Municipality: Port Colborne	
Concession No.	Lot(s): F
Registered Plan No. 59R-13389	
Reference Plan No.	Part(s):
Name of Street: Port Colborne Drive	Street No. 248

Section 3: DESCRIPTION Part No. On Sketch: 1

Frontage: 11.697	Depth: 27.127	Area: 316.3
Existing Use: Residential		
Proposed Use: Residential		

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: Urban Residential
Regional Policy Plan: Built Up Area

4.2 What is the Zoning of the land (By-law 6575/30/18)?
R3

Section 5

Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If "Yes" describe the easement or covenant and its effect:

Section 6

Type of ACCESS

- ☐ Provincial Highway
- ☐ Regional Road
- ☒ Municipal Road maintained all year
- ☐ Other Public Road
- ☐ Municipal Road maintained seasonally
- ☐ Right-of-Way
- ☐ Water Access
- ☐ Private Road

Section 7

What type of WATER SUPPLY is proposed?

- ☒ Publicly owned and operated piped water supply
- ☐ Lake
- ☐ Well (private or communal)
- ☐ Other (specify)

Section 8

What type of SEWAGE DISPOSAL is proposed?

- ☒ Publicly owned and operated sanitary sewage system
- ☐ Septic system (private or communal)
- ☐ Other (specify)

Section 9

What type of STORMWATER DISPOSAL is proposed?

- ☒ Publicly owned and operated stormwater system
- ☐ Other (specify)

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:

- To allow a minimum lot frontage of 11.697 from the required 18 meters
 - To all a minimum lot area of 316.3m² from the required 500m²
 - To allow a iside yard setback of 0m as the common wall of the building runs on
proposed property line.
-
- _____
-
- _____
-
- _____

10.1 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Section 11

WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
Restricted due to lot size

Section 12

DATE OF ACQUISITION of the land by the current owner:
November 1, 2022

Section 13

DATE OF CONSTRUCTION of all existing buildings and structures on the land:
2021

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:

Section 15: OTHER APPLICATIONS

15.1 If known, identify whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of:		
Official Plan Amendment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Zoning By-Law Amendment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Minor Variance	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Consent	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Site Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No

15.2 If the answer to the above is yes, and if known, provide the following for each application noted:
File number of the application:
Name of the approval authority considering the application:
Lands affected by the application:
Purpose of the application:
Status of the application:
Effect of the application on the proposed amendment:

Section 16: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

16.1 ALL EXISTING USE
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Institutional <input type="checkbox"/> Agricultural <input type="checkbox"/> Parkland <input type="checkbox"/> Vacant <input type="checkbox"/> Other

16.2 What is the length of time the existing use(s) of the land have continued?

16.3 Are there any buildings or structures on the subject land?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If Yes, for each existing building or structure, complete the following:

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
fourplex	9.42	6.31	3	3.87	Approx 6.9		2021
					2 Storeys		

16.4 ALL PREVIOUS USE

- ☒ Residential
☐ Industrial
☐ Commercial
☐ Institutional
☐ Agricultural
☐ Parkland
☐ Vacant
☐ Other
-

16.5 ALL ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other				

16.6 If Industrial or Commercial, specify use**16.7 Has the grading of the subject land been changed by adding earth or material?
Has filling occurred on the subject land?**

- ☐ Yes
☒ No
☐ Unknown

16.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?

- ☐ Yes
☒ No
☐ Unknown

16.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

- ☐ Yes
☒ No
☐ Unknown

16.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

- ☐ Yes
☒ No
☐ Unknown

16.15 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*

- ☐ Yes
☒ No
☐ Unknown

- Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

X

Dec 14/22

Date

X



Signature of Owner

Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY
Pre-screening Criteria

17.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as "hazard lands"?

- ☐ Yes
☒ No
☐ Unknown

17.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?

- ☐ Yes
☒ No
☐ Unknown

17.3 Is the property located on or within 30 metres of the Lake Erie shoreline?

- ☐ Yes
☒ No
☐ Unknown

17.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

17.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?

- ☐ Yes
☒ No
☐ Unknown

X Dec 13 2022

Date

X C R

Signature of Applicant(s)

Please note: If the applicant is not the owner of the subject land or there is more than one owner, written authorization of the owner(s) is required (Complete Form 1) indicating that the applicant is authorized to make application.

I/We Connor Rush

Of the City/Town/Township of St. Catharines

In the County/District/Regional Municipality of Niagara

solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the
City Port Colborne of Port Colborne

In the Region of Niagara

This 14 day of Dec

A.D. 20 22

[Handwritten signature]

Whitney Gilliland, a Commissioner, etc.,
Regional Municipality of Niagara, while a
Deputy Clerk, for the Corporation of the

City of Port Colborne.

TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS

X C R

Signature of applicant(s), solicitor, or authorized agent

Personal information collected on this application will become part of a public record.
Any questions regarding this collection should be directed to: City Clerk, Freedom of
Information and Privacy Officer: 66 Charlotte Street, Port Colborne, Ontario L3K 3C8
(905) 835-2900 Ext. 106.

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

248 Port Colborne Drive

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

Connor RUsh

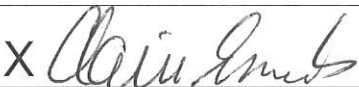
(name of agent)

of the City of St. Catharines

to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment / Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium / Site Plan Control Approval (please circle the appropriate application) in accordance with the *Planning Act*.

Dated at the City of Thorold
in the Region of Niagara

this 13 day of December 2022

X 

Signature of Witness

X 

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.

If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign only once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

SUGGESTION TO THE APPLICANT

Notice of your application is required for a number of agencies. All written responses will be taken into account before reaching a decision on your application.

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below before submitting an application. A pre-consultation could provide you with information about the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 6575/30/18, the Regional Policy Plan, the concerns of various Provincial Ministries and other relevant information which may have a direct effect upon the final decision on your application.

1. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Manager of Planning & Development
(905) 835-2900, Ext. 203
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Engineering & Operations Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Director of Engineering & Operations
(905) 835-2900, Ext. 223
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Chief of Building
(905) 835-2900, Ext 201
Information about the Building Code
4. Region of Niagara Public Works Department
Planning and Development Department
1815 Sir Isaac Brock Way, Thorold, Ontario L2V 4T7
(905) 980-6000, Ext. 3727
Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health, and for concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2
Watershed Planner
(905) 788-3135, Ext 272
For information about lands which may be zoned as "Hazard" in the local zoning by law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario
Corridor Management Section
159 Sir William Hearst Ave, 7th Floor, Toronto, Ontario M3M 1J8
For information about sight plan applications for lands fronting onto provincial Highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor, Downsview, ON, M3M 1J8
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement

Development and Legislative Services

Planning Division Report

January 13th, 2023

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

Re: Application for Minor Variance A03-23-PC
248 Port Colborne Drive
Part Lot F on Reference Plan 59R-13389
Agent: Connor Rush
Owner(s): 1703306 Ontario Inc

Proposal:

The purpose and effect of this application is to permit a reduced lot frontage of 12.4m whereas 18m is required, a reduced lot area of 336.6m², whereas 500m² is required and, that a reduced interior side yard setback of 0m be provided whereas 1.2m is required. This application is being sought to facilitate the proposed severance application B02-23-PC. The proposed lot contains an existing fourplex dwelling.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Downtown Commercial (DC) to the north, and Second Density Residential (R2) to the east, south and west. The surrounding uses consist of commercial uses to the north and dwellings to the east, south and west.

Official Plan:

The subject property is designated as Urban Residential in the City's Official Plan. Fourplexes are permitted in this designation.



Zoning:

The subject property is zoned Third Density Residential (R3) in accordance with Zoning By-Law 6575/30/18. Fourplexes are permitted in this zone.

Environmentally Sensitive Areas:

There are no environmentally sensitive areas on the subject lands.

Public Comments:

Notice was circulated on January 4th, 2023, to adjacent landowners within 60m of the subject property as per the Planning Act. As of January 13th, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on December 21st, 2022, to internal departments. As of January 13th, 2023, the following has been received.

Drainage Superintendent

No concerns regarding municipal drains.

Fire Department

Port Colborne Fire has no objection to the application.

Engineering Technologist

An as-constructed lot grading plan remains outstanding for this permit. Currently, the lot grading is adversely affecting the adjacent properties and does not match the proposed lot grading plan that was approved by the City at the Building Permit stage. It is recommended that a revised grading plan be submitted that meets the City's lot grading by-law 2464/80/90. The revised plan must include the concrete walkways, air-conditioners, entrances to the building and driveway entrances. It is also recommended that the proposed parcels drain independently of one another, or a Mutual Agreement Drain will be required on title. The driveway is not constructed as proposed and is in violation of the City's entrance by-law 1117/64/81, as the entrance is located less than the minimum 8m from an intersecting street and the originally proposed entrances allowed for a 1m setback from the proposed property line. The sanitary laterals appear to be installed in a common trench along the proposed severance line with very little separation. If the sanitary laterals are not wholly contained on each parcel, an easement is recommended to allow for future maintenance/ replacement.

Staff Response

These comments have been addressed as a part of consent application B02-23-PC.

Planning Act – Four Tests:

In order for a Minor Variance to be approved, it must meet the four-part test as outlined under Section 45 (1) of the Planning Act. These four tests are listed and analyzed below.

Is the application minor in nature?

Staff finds the requested variances to be minor in nature. The decrease in interior side yard setback and lot area will not negatively impact the subject parcel and is considered a formality since the by-law does not contain any provisions that would easily permit the severance of a fourplex. The lot area requirement intends to ensure that a dwelling can suitably fit on the subject property and provide enough amenity space. The existing fourplex will still maintain the required rear yard, side yard, and front yard setback. This requirement also ensures that created lots are similar to the existing lots in the area. Staff notes that a recent severance of an existing semi-detached dwelling occurred immediately northeast of the property in 2021, setting precedence for smaller lot sizes to accommodate existing dwellings. Staff are of the opinion that the created parcels will be compatible with the existing lots in the area.

Is it desirable for the appropriate development or use of the land, building or structure?

The proposal is desirable and appropriate as the development is existing and is located in a suitable location on the site. Fourplexes are a permitted use in the R3 zone so the proposal is compatible with most of the requirements of the zoning by-law. As such, it is the opinion of planning staff that the application is desirable for the appropriate development or use of the land.

Is it in keeping with the general intent and purpose of the Zoning By-law?

The Zoning By-law permits fourplexes in the R3 zone and the proposal meets the majority of the setback and lot coverage requirements. The lot area requirement exists to ensure that lots are suitable in size and will provide the owner with enough space for amenities and parking. The dwelling is existing and has access to adequate parking and meets the majority of the setback requirements that provide amenity space. The interior side yard setback requirement exists to ensure sufficient spacing between dwellings. Since the dwelling is existing and the relief is requested to facilitate the severance of a fourplex, similar to a semi-detached dwelling, staff believe that the proposal is in keeping with the general intent and purpose of the Zoning By-law.

Is it in keeping with the general intent and purpose of the Official Plan?

The Official Plan permits fourplexes in the Urban Residential designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A03-23-PC be **granted** for the following reasons:

- 1. The application is minor in nature.**
- 2. It is appropriate for the development of the site.**
- 3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.**
- 4. It is desirable and in compliance with the general intent and purpose of the Official Plan**

Prepared by,

A handwritten signature in black ink, appearing to read 'Chris Roome', with a long horizontal flourish extending to the right.

Chris Roome, BURPI
Planner

Submitted by,

A handwritten signature in black ink, appearing to read 'Denise Landry', with a horizontal line drawn across the middle of the signature.

Denise Landry, MCIP, RPP
Chief Planner

From: Nicholas Olschansky
RE: Notices of Hearing - Jan 18 COA

Hey Chris,

Please see my comments below.

A02-23-PC, A03-23-PC, & B02-23-PC – #248 Port Colborne Drive

- As-constructed lot grading plan remains outstanding
- Current lot grading is adversely affecting adjacent properties and does not match the proposed lot grading plan that was approved by the City at building permit stage
 - Recommendation – request revised grading plan that meets the City's Lot Grading By-law 2464/80/90 (include concrete walkways, air-conditioner(s), entrances to building, and entrance/driveway)
 - Recommendation – ensure parcels will drain independently of one another or a Mutual Agreement Drain will be required on title
- Entrance/driveway not constructed as proposed and is in violation of City's Entrance By-law 1117/64/81 (entrance is located less than the minimum 8.0m from intersecting street line/road allowance and originally proposed entrances allowed for 1.0m setback from proposed severance line)
- Site Servicing – sanitary laterals installed in common trench along proposed severance line with very little separation
 - Recommendation – 3.0m easement along severance line (1.5m per side) to allow for future maintenance/replacement of sanitary lateral(s)

Let me know if you have any questions or concerns.

Cheers,
Nick



Nicholas Olschansky
Engineering Technologist
City of Port Colborne



Port Colborne, ON
Phone 905-835-2900 x226
Email Nicholas.Olschansky@portcolborne.ca

www.portcolborne.ca

"To provide an exceptional small-town experience in a big way"

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PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

CITY OF PORT COLBORNE COMMITTEE OF ADJUSTMENT

2023 Hearing Schedule

Committee of Adjustment 2023 Hearing Schedule

January 18, 2023	February 8, 2023	March 8, 2023
April 12, 2023	May 10, 2023	June 14, 2023
July 12, 2023	August 9, 2023	September 13, 2023
October 11, 2023	November 8, 2023	December 13, 2023

This schedule is intended as a guideline only. Applicants will receive confirmation of their hearing date once a complete application has been received.

A complete application includes all required forms, fees, applicable sketches, and additional information that may be identified by the Secretary-Treasurer in accordance with the provisions under the *Planning Act, R.S.O. 1990, c.P. 13*, as amended.

Once the application has been received by the Secretary-Treasurer, it will be pre-circulated to external agencies for up to 10 days to determine whether additional information is required to deem the application complete. Once comments from these agencies have been received, the Secretary-Treasurer will identify the required fees, including external and internal agency fees, if applicable (i.e. Niagara Region and NPCA).

The hearing date for each application will be confirmed by the Secretary-Treasurer. **Failure to submit a complete application will delay the hearing until deemed complete by Planning Staff.**

Prior to application submission, a pre-consultation meeting may be arranged to discuss the general intent of the application. Consent applications for properties outside the Urban Boundary must attend a pre-consultation meeting. The pre-consultation request form can be found on the City of Port Colborne website on the Planning and Development webpage, at the following link:

<https://www.portcolborne.ca/en/business-and-development/planning-and-development.aspx>

All applications for minor variance or consent may be submitted to the Secretary-Treasurer by email, addressed to diana.vasu@portcolborne.ca, or in person, on the 2nd floor of Port Colborne City Hall, at 66 Charlotte Street, Port Colborne.

Members Present: Dan O'Hara, Eric Beauregard, Donna Kalailieff

Staff Present: Chris Roome, Planner
Samantha Yeung, Secretary-Treasurer

The meeting was called to order at approximately 6:02pm by Chair Dan O'Hara.

1. Disclosures of Pecuniary Interest:

Nil.

2. Requests for Deferrals or Withdrawals of Applications:

Nil.

3. New Business

- i) **Application: B24-22-PC**
Action: Consent
Agent: Steven Bedford
Owners: 2513724 Ontario Inc.
Location: 1053 Steele Street

The Secretary-Treasurer read the correspondence received for this application.

The agent, Mr. Bedford, was not present in the meeting to speak. The application was temporarily adjourned at 6:14pm.

Mr. Bedford attended the meeting at 6:21pm and the application resumed after agenda item A28-22-PC.

Member Kalailieff mentioned the public notice sign was not posted the day before. It could have been an accident.

Mr. Bedford stated he had reposted the sign the same day in the morning.

Member Beauregard asked what the dotted line might be on Part 2 of the sketch.

Mr. Chair responded it might be an overhead utility wire.

Member Beauregard clarified there is a dotted line going north-south that is not labelled whereas the other dotted line is identified as a utility wire. Clarification is to ensure it the unlabelled dotted line is not representing an easement in place as it would affect future development on site.

Mr. Bedford can confirm that the line is not an easement.

No further comments or questions from members of the public and Committee of Adjustment.

That consent application B24-22-PC be **granted** subject to the conditions outlined in the staff report dated October 7th, 2022:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the applicant(s) sign the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
4. That a master lot grading plan be submitted to the satisfaction of the Public Works department. The plan must demonstrate that each parcel will drain independently of one another. In the event that they do not, a mutual agreement drain is suggested.
5. That all conditions of consent be completed by November 9th, 2024.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, the City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Motion: Donna Kalailieff

Seconded: Eric Beauregard

Carries: 3-0

ii) **Application: A28-22-PC**

Action: Minor Variance

Agent: N/A

Owner: Andrew Devries

Location: 39 & 41 Lakeshore Road West

The Secretary-Treasurer read all the correspondence received for these applications.

No comments, questions or delegations from members of the public and Committee of Adjustment.

That minor variance application A28-22-PC be **granted** for the following reasons:

1. **The application is minor in nature** as the requested variances will not negatively impact the property or surrounding properties and the primary function is not changing.
2. **It is appropriate for development of the site** as it is in a suitable location and complies with the setback requirements of the zoning by-law.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the zoning by-law permits accessory structures in the R1 zone and will be accessory in nature to the primary dwelling.
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.

Motion: Dan O'hara

Seconded: Eric Beauregard

Carried: 3-0

iii) **Application: A31-22-PC**
Action: Minor Variance
Agent: N/A
Owners: John Ihnat
Location: 912 Silverbay Road

The Secretary-Treasurer read all the correspondence received for these applications.

Member Beauregard asked if it is a requirement to have the sketches in the metric system.

Mr. Roome answered typically yes, but this application was overlooked.

Member Beauregard asks for future applications to be in the metric system for consistency.

No comments, questions or delegations from members of the public and Committee of Adjustment.

That minor variance application A31-22-PC be granted for the following reasons:

1. **The application is minor in nature** as the requested variance will not negatively impact the property or surrounding properties and will not result in visibility concerns.
2. **It is appropriate for development of the site** as it is located in a suitable location on the site.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the zoning by-law permits accessory structures in the Hamlet Residential zone and the proposal meets the setbacks and lot coverage requirements
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as accessory structures to residential uses are permitted in the Hamlet designation

Motion: Eric Beauregard

Seconded: Donna Kalailieff

Carried: 3-0

iv) **Application: A30-22-PC**

Action: Minor Variance

Agent: N/A

Owners: Mike and Marsha McCreadie

Location: 574 Wyldewood Road

The Secretary-Treasurer read all the correspondence received for these applications.

Member Beauregard asked why the addition is not in line with the existing dwelling.

Mr. McCreadie clarified it is in line with the dwelling, but it is back by approximately 3 feet because of the elevation and to save room for parking.

Member Beauregard is asking because he thought the applicant did not have to apply for a minor variance based on his property size and dwelling location.

Mr. McCreadie explained that the angle and form of the firelane causes the addition to encroach the area there.

No further comments or questions from members of the public and Committee of Adjustment.

That minor variance application A30-22-PC be granted for the following reasons:

1. **The application is minor in nature** as the requested variances will not negatively impact the property or surrounding properties and will not affect visibility within the sight triangle.
2. **It is appropriate for development of the site** as it is in a suitable location and will not affect the property's drainage.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the zoning by-law permits detached dwellings in the Lakeshore Residential zone and meets the majority of zoning requirements.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as detached dwellings are permitted in the Rural designation.

Motion: Donna Kalailieff

Seconded: Eric Beauregard

Mr. Chair clarified that the condition set out for this application has been cleared and will not make it a condition for this application.

Mr. McCreddie added another reason he moved the addition back is that the hydro enters the dwelling through the corner area of the dwelling. He would have had to reconfigure all the hydro wires to make the addition in line with the dwelling. As well, his two water cisterns are in that corner and the house has to be on helical piers.

Member Beauregard asked if the cistern on the sketch is on the side of the driveway.

Mr. McCreddie answered yes but the helical peers have to go down to bedrock and did not want to take a chance at hitting the cistern.

Carried: 3-0

v) Application: A29-22-PC

Action: Minor Variance

Agent: N/A

Owners: Jacob and Nancy Denbesten

Location: 136 West Street

The Secretary-Treasurer read all the correspondence received for these applications.

Mr. Chair asked if the four tests apply to legal non-conforming use applications.

Mr. Roome responded he had thought so initially but was informed that it would have to conform to Section 45(2) of the Planning Act.

No further comments and questions from members of the public and Committee of Adjustment.

That application A29-22-PC be **granted** for the following reasons: the application meets the criteria for extension or enlargement of a legal non-conforming use, under Section 45(2)(a) of the Planning Act and conforms to the requirements of the Official Plan.

Motion: Eric Beauregard

Seconded: Donna Kalailieff

Carried: 3-0

4. Other Business:

Member Beauregard asked to have applicants aware that sketches should be provided in the metric system. He has encountered a few inconsistencies with submissions and would not want to defer an application due to measurements.

Mr. Roome agreed and explained that sometimes the sketches are overlooked because the applicants apply for a building permit which does not require the metric system and the applicants use the same sketch for their Committee of Adjustment application. The Planning team will be more mindful.

Mr. Chair asked for an update on the future Committee of Adjustment meetings.

The Secretary-Treasurer announced the Committee of Adjustment meeting in December will be cancelled and the first meeting in January with the new Committee will be on the third Wednesday. Following suit, meetings will be proposed to continue every second Wednesday.

Member Beauregard asked if there were any applications submitted for December.

The Secretary-Treasurer answered there was one application, and the applicant was aware of the December meeting being cancelled and that their meeting will be held in January.

Member Beauregard asked if a December meeting continued, would there be sufficient time to process applications from the staff's end?

The Secretary-Treasurer answered there would be time to circulate to internal departments and the public if a completed application is submitted by next Wednesday.

The Chair made a motion to have the Committee's first meeting on January 18th.

Member Beauregard wanted clarification with the change being the third Wednesday as opposed to the second and if it will be the third Wednesday moving on.

The Secretary-Treasurer explained the first meeting will be on the third week because of the incoming Committee. Staff wanted to provide training time for the new committee and with the City Hall being closed during the holidays, Staff will require time to process the applications.

Motion: Dan O'hara Seconded: Eric Beauregard
Carried: 3-0

5. Approval of Minutes:

The minutes from the October 12th, 2022 meeting were approved.

Motioned: Eric Beauregard

Seconded: Donna Kalailieff

Carried: 3-0

6. Adjournment

There being no further business, the meeting was adjourned at approximately 6:55 pm.