



CORPORATION OF THE CITY OF  
PORT COLBORNE

**COMMITTEE OF ADJUSTMENT  
-MEETING AGENDA-  
6:00 P.M., Wednesday, April 13th, 2022  
Council Chambers (virtually)**

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1. Call Meeting to Order
2. Reading of Meeting Protocol
3. Disclosures of Interest
4. Request for Any Deferrals or Withdrawals of Applications
5. New Business
  - i) Application: A07-22-PC  
Action: Minor Variance  
Agent: N/A  
Owners: James Joseph Jennings II  
Location: 73 Christmas St
  - ii) Application: A08-22-PC  
Action: Minor Variance  
Agent: N/A  
Owners: Joanne Dasgupta & Stephen White  
Location: 891 Lakeshore Rd E
  - iii) Application: A05-22-PC & B07-22-PC  
Action: Minor Variance  
Agent: N/A  
Owners: Ashleigh Miatello & Glenn Skrubbeltrang  
Location: 8 Catharine St
  - iv) Application: A06-22-PC  
Action: Minor Variance  
Agent: N/A  
Owners: Tricia Panunte  
Location: 192 Queen St
6. Other Business
7. Approval of Minutes
  - i) March 9<sup>th</sup>, 2021, Committee of Adjustment Meeting
8. Adjournment

COMMITTEE OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING  
APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A07-22-PC

**IN THE MATTER OF** the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 2.8.2 (a) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

**AND IN THE MATTER OF** the lands legally known as Lot 64 on Plan 29 in the City of Port Colborne, Regional Municipality of Niagara, located in the Second Density Residential (R2) zone, municipally known as 73 Christmas St.

**AND IN THE MATTER OF AN APPLICATION** by the owner James Joseph Jennings II, 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 proposed accessory, notwithstanding the following;

1. That 14.5% accessory lot coverage be provided, whereas 10% of the lot area is permitted.

**Explanatory Relief from the Zoning By-law:** The applicant is requesting permission for relief on the accessory structure lot coverage for a proposed garage. Due to the proposed coverage, the minor variance is required. A sketch of the proposal is shown on the reverse side of this notice.

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

DATE:

TIME:

LOCATION:

April 13<sup>th</sup>, 2022

6:00 P.M.

Virtually via Zoom  
66 Charlotte Street, Port Colborne, Ontario

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 [Samantha.yeung@portcolborne.ca](mailto:Samantha.yeung@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 **April 8<sup>th</sup>, 2022**.

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City’s YouTube channel at <https://www.youtube.com/watch?v=tLMoQ0uZvoc>.

Anyone wishing to participate in the meeting is asked to submit a written submission that will be circulated to Committee members prior to the meeting. If anyone wishes to virtually participate in the meeting they must pre-register with the Secretary-Treasurer. **Written submissions and virtual participation requests must be received by noon on April 12th, 2022**, by emailing [Samantha.yeung@portcolborne.ca](mailto:Samantha.yeung@portcolborne.ca) or calling (905) 835-2901 ext. 205. Written submissions can 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 [Samantha.yeung@portcolborne.ca](mailto:Samantha.yeung@portcolborne.ca) or call (905) 835-2901 ext. 204.

The owner or agent must be present 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.

**NOTE:** If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal hearing if the decision of the Committee is appealed.

By order of the Committee of Adjustment,

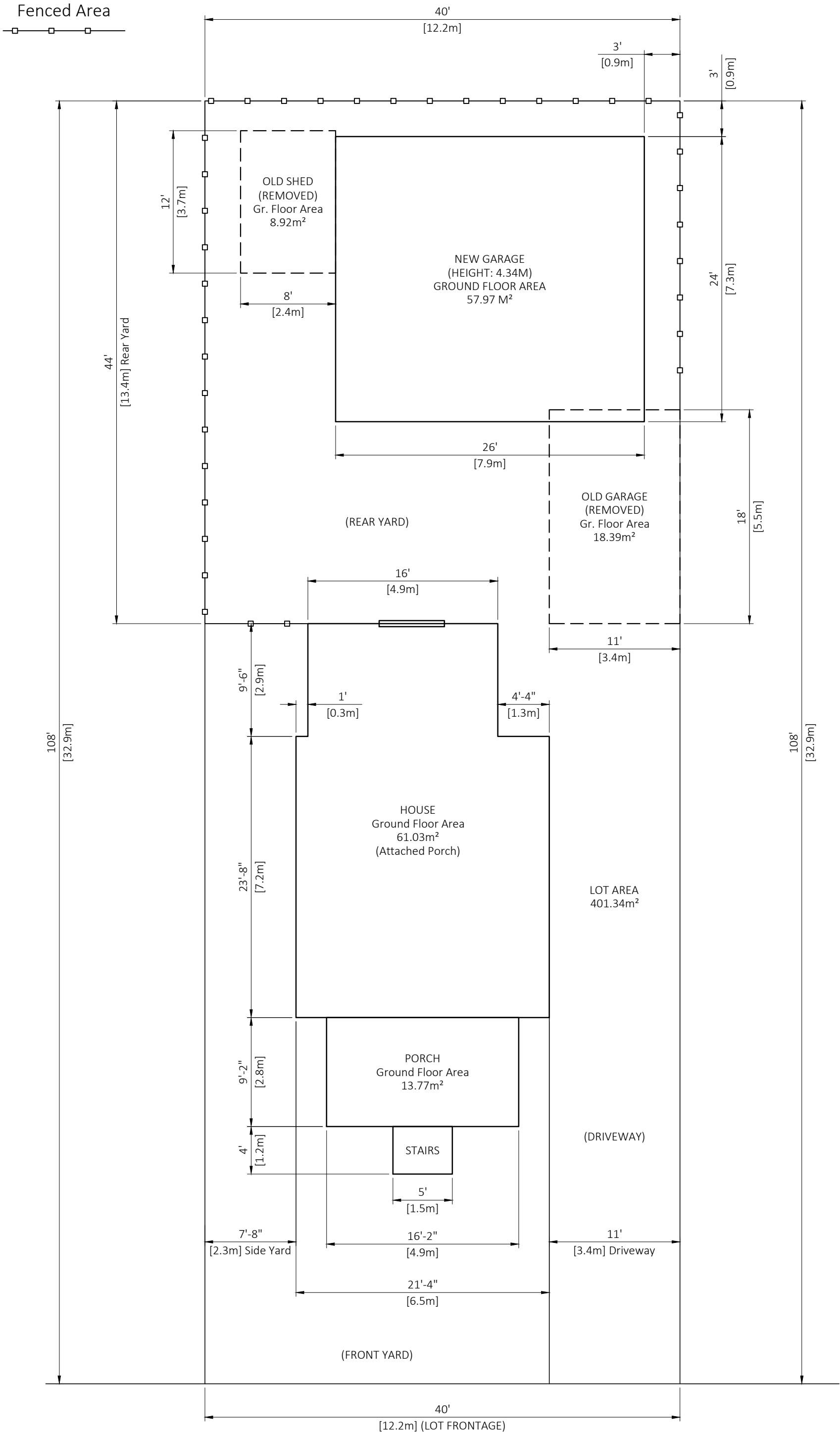


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Samantha Yeung,  
Secretary-Treasurer

Date of Mailing: March 28th, 2022

# 73 CHRISTMAS STREET



STREET

Paper Size: Ledger 11"x17"  
Scale: 1/8" = 1'-0"



## City of Port Colborne

Municipal Offices  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8  
[www.portcolborne.ca](http://www.portcolborne.ca)

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### Development and Legislative Services

Planning Division

April 8th, 2022

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

**Re: Application for Minor Variance A07-22-PC**  
**73 Christmas Street**  
**Lot 64 on Plan 29**  
**Agent: N/A**  
**Owner(s): James Joseph Jennings II**

Planning staff has reviewed the referenced application and offer the following comments for your hearing on Wednesday April 13<sup>th</sup>, 2022.

#### **Proposal:**

The purpose and effect of this application is to permit an increased accessory lot coverage so as to permit the construction of a proposed garage. The applicant is requesting a maximum accessory lot coverage of 14.5% whereas 10% is permitted.

#### **Surrounding Land Uses:**

The subject lands are surrounded by Second Density Residential (R2) zones to the north, east, south and west.

#### **Official Plan:**

The subject property is designated as Urban Residential in the City's Official Plan.

#### **Zoning:**

The subject property is located in the R2 zone under Zoning By-Law 6575/30/18.

#### **Environmentally Sensitive Areas:**

The subject lands do not contain any environmentally sensitive areas.

## Public Comments:

Notice was circulated on March 28th, 2022. As of April 8th, 2022, no comments from the public have been received.

## Agency Comments:

Notice was circulated on March 28<sup>th</sup>, 2022. As of April 8th, 2022, the following has been received.

### Fire Department

No Objection.

## Planning Act – Four Tests:

In order for a Minor Variance to be approved, it must meet the four-part test as outlined in the Planning Act. These four tests are listed and analyzed below.

### ***Is the application minor in nature?***

Staff find the requested variance to be minor in nature. The increase in accessory lot coverage from 10% to 14.5% will not negatively impact the subject parcel as amenity space is still provided in the rear yard.

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

The proposal is desirable and appropriate as the parcel is large enough to accommodate an increase in accessory lot coverage. The maximum lot coverage permitted on this property is 200m<sup>2</sup> and the applicant has proposed a maximum of 132m<sup>2</sup>. Future additions to the house would still be possible up to a maximum of 68m<sup>2</sup> without the need of a minor variance.

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

The Zoning By-law permits accessory structures in the R2 zone and the proposal meets the majority of the requirements of the by-law. Staff find this application to be 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 accessory structures 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 recommend application A07-22-PC be **granted** for the following reasons:

1. **Minor in nature** as the increase in accessory lot coverage will not negatively impact the subject parcel.
2. **Appropriate for development of the site** as the parcel is large enough to accommodate an increase in accessory lot coverage.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as accessory structures are permitted in the R2 zone and the majority of the requirements of the by-law have been satisfied.

4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as accessory structures are permitted in the Urban Residential designation.

Submitted by,

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

Chris Roome  
Planner



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 1150/97/81 (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  
Secretary - Treasurer of the Committee of Adjustment  
City Hall  
66 Charlotte Street  
Port Colborne, Ontario L3K 3C8  
Telephone: 1-905-835-2900  
FAX: 1-905-835-2939  
Email: [planning@portcolborne.ca](mailto:planning@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 City Council 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 must be reviewed by the Regional Municipality of Niagara and several other regional or provincial agencies. The Region has 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 March 1, 2005. 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](http://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.

### 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



Before the public hearing, an agenda is prepared and this, together with a copy of the application form and other relevant information, is forwarded to the members of the Committee of Adjustment who will hear the application. Before the hearing and in as many cases as possible, the members of the Committee will examine the land in an effort to obtain as much information as possible about physical characteristics.

Following the public hearing, the applicant or agent, is notified in writing of the decision of the Committee. In addition, any other person who is present at the public hearing and who makes a written request is also entitled to receive a copy of the decision of the Committee. Any person who objects to the decision and / or the conditions imposed, may lodge an 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 such 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).
- Fifteen (15) copies of a preliminary drawing showing all information referred to in SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY.
- Payment of the appropriate fee. Cheques are to be made payable to "The City of Port Colborne". (See the attached copy of By-law 4806/31/06)

One complete application is required and shall be submitted for each parcel of land on which a variance is requested.

Someone must be present at the hearing to represent the application.

Decisions of the Committee are made in public.

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

Incomplete or improperly submitted documents may result in deferral of the application to a later hearing.

## APPLICATION FEES

The application fee (See the attached copy of By-law 4806/31/06) must be 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. The City will bill the applicant / agent the cost of the newspaper notice if required. Submission of the Staff Recommendation Report to Council is dependant upon receipt of advertising payment.

### 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:

1. Depending on the scope of the request, one or more copies of plan(s) showing the following should be submitted. This requirement can be clarified by the Planning & Development Services Division.
  1. A sketch or sketches showing the following shall be submitted:
    1. The boundaries and dimensions of the land.
    2. The approximate location of all natural and artificial features on the land and on the adjacent land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
    5. The existing uses on adjacent land, such as residential, agricultural and commercial uses;
    6. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right

Manager of Planning and Development Services) that the sketch be signed by an Ontario Land Surveyor.

#### APPLICATION FORM AND SKETCH

It is required that ONE copy of this application form be filed with the Secretary - Treasurer of City of Port Colborne Committee of Adjustment, together with the sketch (referred to above), accompanied by the appropriate fee per application (By-law 4806/31/06), in cash or by cheque made payable to THE CITY OF PORT COLBORNE.

#### NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

In the Region's review of development applications on behalf of several Provincial Ministries, assistance may be required from the Niagara Peninsula Conservation Authority. 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 Regional Municipality (on behalf of the Niagara Peninsula Conservation Authority) will charge an additional Plan Review Fee. These fees are provided on the Regional Niagara web site ([www.regional.niagara.on.ca](http://www.regional.niagara.on.ca)).

#### 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.

#### APPLICATIONS REQUIRED

One copy of this application form is to be filed for each subject parcel, together with the required copies of the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the City of Port Colborne.

PLEASE TYPE OR USE BLACK INK

##### 1. OWNER

1.1 Registered Owner(s): JAMES JOSEPH JENNINGS II

Mailing Address: 73 CHRISTMAS STREET

City: PORT COLBORNE Province: ONTARIO

Postal Code: L3K 1M4 Telephone: 905-401-1116

Fax: \_\_\_\_\_ Email: JJJR@LIVE.CA

1.2 Owner's SOLICITOR (if any): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

1.3 Owner's Authorized AGENT(if any): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

1.4 MORTGAGES, Charges and other Encumbrances:

List the name(s) and address(es) of any mortgages, charges or other encumbrances in respect of the land.

CIBC 56 CLARENCE ST. Port Colborne

1.5 The date the Subject Land was acquired by the Current Owner:

JUNE - 2010.

1.6 Owner's ONTARIO LAND SURVEYOR (if any):

Mailing Address:

City:

Province:

Postal Code:

Telephone:

Fax:

Email:

1.7 All communications should be sent to the:

Owner JAMES JENNINGS Solicitor \_\_\_\_\_ Agent \_\_\_\_\_

2. LOCATION:

Former Municipality Port Colborne.

Concession No. \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No. \_\_\_\_\_ Lot(s) \_\_\_\_\_

Reference Plan No. \_\_\_\_\_ Part(s) \_\_\_\_\_

Name of Street CHRISTMAS Street No. 73

3. DESCRIPTION:

Part No. on sketch \_\_\_\_\_

Frontage 18.8m Depth 36.5m Area 664.3m<sup>2</sup>

Existing Use Residential Storage

Proposed Use " "

4. OFFICIAL PLAN AND ZONING

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

Port Colborne Official Plan Residential

Regional Policy Plan Residential

4.2 What is the Zoning of the land (By-law 1150/97/81)?

Residential

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

Yes \_\_\_\_\_ No X

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

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 \_\_\_\_\_

7. What type of WATER SUPPLY is proposed?  
Publicly owned and operated piped water supply X  
Lake \_\_\_\_\_  
Well (private or communal) \_\_\_\_\_  
Other (specify) \_\_\_\_\_

8. What type of SEWAGE DISPOSAL is proposed?  
Publicly owned and operated sanitary sewage system X  
Septic system (private or communal) \_\_\_\_\_  
Other (specify) \_\_\_\_\_

9. What type of STORMWATER DISPOSAL is proposed? (Check appropriate space)  
Publicly owned and operated stormwater system X  
Other (specify) \_\_\_\_\_

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

requested - 53m<sup>2</sup>  
limited to - 38.9m<sup>2</sup>  
Difference - 14.1m<sup>2</sup>

- 10.1 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?

Yes \_\_\_\_\_ No X

11. WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:

NEED SQUARE Footage to  
Fit personal belongings and  
truck. (Storage)

12. DATE OF ACQUISITION of the land by the current owner:

MAY - 2010

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

1954.

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

10 yrs.

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 \_\_\_\_\_

Zoning By-law Amendment \_\_\_\_\_

Minor Variance \_\_\_\_\_

Plan of Subdivision \_\_\_\_\_

Consent \_\_\_\_\_

Site Plan \_\_\_\_\_

- 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 \_\_\_\_\_

16. ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

- 16.1 ALL EXISTING USE

Residential X

Industrial \_\_\_\_\_

Commercial \_\_\_\_\_

Institutional \_\_\_\_\_

Agricultural \_\_\_\_\_

Parkland \_\_\_\_\_

Vacant \_\_\_\_\_

Other \_\_\_\_\_

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

1954.

- 16.3 Are there any buildings or structures on the subject land?

Yes X No \_\_\_\_\_

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

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 and number of storeys)	Dimensions or floor area (in metres)	Date of Construction
Storage	19.5	7.92	1 Ft	7.62m	2.13	18.39	1954.

16.4 ALL PREVIOUS USE

Residential X  
 Industrial \_\_\_\_\_  
 Commercial \_\_\_\_\_  
 Institutional \_\_\_\_\_  
 Agricultural \_\_\_\_\_  
 Parkland \_\_\_\_\_  
 Vacant \_\_\_\_\_  
 Other \_\_\_\_\_

16.5 ALL ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Industrial	_____	_____	_____	_____
Commercial	_____	_____	_____	_____
Institutional	_____	_____	_____	_____
Agricultural	_____	_____	_____	_____
Parkland	_____	_____	_____	_____
Vacant	_____	_____	_____	_____
Other	_____			

16.7 If Industrial or Commercial, specify use

\_\_\_\_\_

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

Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_

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

Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_

- 6.10 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_
- 16.11 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_
- 16.12 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?  
Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_
- 16.13 Have the lands or adjacent lands ever been used as a weapons firing range?  
Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_
- 16.14 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 X Unknown \_\_\_\_\_
- 16.15 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 X Unknown \_\_\_\_\_
- 16.16 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 X 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.

Date MARCH 11/2022 Signature of Owner [Signature]

- 16.17 Are there any buildings designated under the Ontario Heritage Act?  
Yes \_\_\_\_\_ No X Unknown \_\_\_\_\_
- 16.18 If there are any existing buildings on the site, briefly describe them and indicate their proposed use  
storage garage to be removed  
3.3m x 5.4m
- 16.19 If there has been industrial or commercial uses on the property or if the answer to 1465 to 16.13 is "Yes", a previous use inventory is needed. Is a previous use inventory attached?  
Yes \_\_\_\_\_ No X



17 NIAGARA PENINSULA CONSERVATION AUTHORITY Prescreening Criteria

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

Yes \_\_\_\_\_ No X \_\_\_\_\_ Unknown \_\_\_\_\_

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

Yes \_\_\_\_\_ No X \_\_\_\_\_ Unknown \_\_\_\_\_

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

Yes \_\_\_\_\_ No X \_\_\_\_\_ Unknown \_\_\_\_\_

17.4 Is there a valley slope on the property?

Yes \_\_\_\_\_ No X \_\_\_\_\_ Unknown \_\_\_\_\_

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

Yes \_\_\_\_\_ No X \_\_\_\_\_ Unknown \_\_\_\_\_

Date March 11/2022 Signature of Applicant(s) [Signature]

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 JAMES Joseph Jennings  
of the City/Town/Township of Port Colborne, Ont.  
in the County/District/Regional Municipality of CANADA.

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 11th day of March  
A.D. 20 22

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

[Signature]

(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: Amber LaPointe, Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

Chris Roome, a Commissioner, etc.,  
Regional Municipality of Niagara, while a  
Deputy Clerk, for the Corporation of the  
City of Port Colborne.



FOR OFFICE USE ONLY  
(Not to be completed by the applicant)

Date of Receipt of Completed Application \_\_\_\_\_

Public Hearing Date \_\_\_\_\_

Adjourned Public Hearing Date \_\_\_\_\_

Checked for Completeness by \_\_\_\_\_

PROCESSING

Date

Accepted by Manager of Planning and Development Services: \_\_\_\_\_

Circulated: \_\_\_\_\_

Comments received;

Solicitor \_\_\_\_\_

Engineer \_\_\_\_\_

C.B.O. \_\_\_\_\_

Fire Chief \_\_\_\_\_

C. N. Power \_\_\_\_\_

Region \_\_\_\_\_

NPCA \_\_\_\_\_

MTO \_\_\_\_\_

MOE \_\_\_\_\_

Other \_\_\_\_\_

Notice of Public Meeting \_\_\_\_\_

Public Meeting \_\_\_\_\_

Committee Approval \_\_\_\_\_

Notice Given \_\_\_\_\_

Final Day for OMB Appeal \_\_\_\_\_

OMB Appeal \_\_\_\_\_

OMB Hearing \_\_\_\_\_

OMB Decision \_\_\_\_\_

Final Day to Satisfy Conditions \_\_\_\_\_

Condition \_\_\_\_\_ Satisfied \_\_\_\_\_

Condition \_\_\_\_\_ Satisfied \_\_\_\_\_  
Condition \_\_\_\_\_ Satisfied \_\_\_\_\_  
Condition \_\_\_\_\_ Satisfied \_\_\_\_\_  
Condition \_\_\_\_\_ Satisfied \_\_\_\_\_  
Condition \_\_\_\_\_ Satisfied \_\_\_\_\_

Agreement Signed by Owner \_\_\_\_\_

Agreement Signed by Mayor and Clerk \_\_\_\_\_

Agreement sent to City Solicitor \_\_\_\_\_

Registration \_\_\_\_\_

Instrument No. \_\_\_\_\_

Final Approval \_\_\_\_\_

Application Revised April 2018

COMMITTEE OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING  
APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A08-22-PC

**IN THE MATTER OF** the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 2.8.1 (ii) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

**AND IN THE MATTER OF** the lands legally known as Concession 1 Part Lot 21, in the City of Port Colborne, Regional Municipality of Niagara, located in the Lakeshore Residential (LR) zone, municipally known as 891 Lakeshore Rd E.

**AND IN THE MATTER OF AN APPLICATION** by the owners Joanne Dasgupta and Stephen White, 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 the construction of an accessory structure, notwithstanding the following;

1. That a maximum height of 7.2m be provided, whereas the maximum height permitted is 6m.

**Explanatory Relief from the Zoning By-law:** The applicant is requesting permission for relief on the proposed height of the accessory structure. Due to the proposed height, a minor variance is required. A sketch of the proposal is shown on the reverse side of this notice.

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

**DATE:**  
**TIME:**  
**LOCATION:**

**April 13<sup>th</sup>, 2022**  
**6:00 P.M.**  
**Virtually via Zoom**  
**66 Charlotte Street, Port Colborne, Ontario**

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 Samantha.yeung@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 **April 8<sup>th</sup>, 2022.**

Electronic Hearing Procedures
How to get involved in the Virtual Hearing
<p>To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City’s YouTube channel at <a href="https://www.youtube.com/watch?v=tLMoQ0uZvoc">https://www.youtube.com/watch?v=tLMoQ0uZvoc</a>.</p> <p>Anyone wishing to participate in the meeting is asked to submit a written submission that will be circulated to Committee members prior to the meeting. If anyone wishes to virtually participate in the meeting they must pre-register with the Secretary-Treasurer. <b>Written submissions and virtual participation requests must be received by noon on April 12th, 2022</b>, by emailing <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or calling (905) 835-2901 ext. 204. Written submissions can also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p> <p>If you have any questions about the submission process or would like to explore alternative submission methods, please email <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or call (905) 835-2900 ext. 204.</p> <p>The owner or agent must be present 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.</p>

**NOTE:** If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal hearing if the decision of the Committee is appealed.

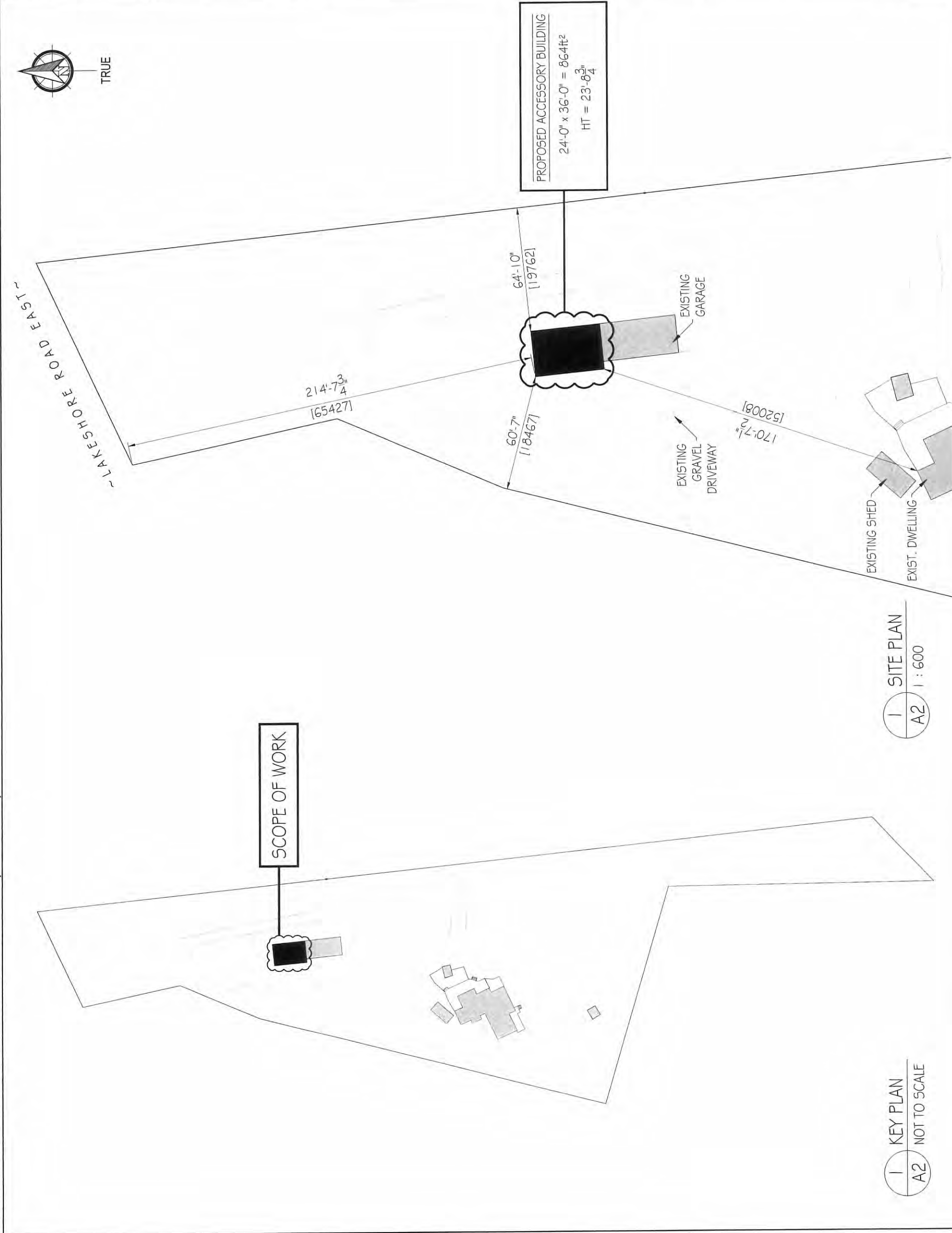
By order of the Committee of Adjustment,



---

Samantha Yeung,  
Secretary-Treasurer

Date of Mailing: March 28th, 2022



ARCHITECTURAL  
DESIGNER  
GRAHAMALEXANDER.CA  
INFO@GRAHAMALEXANDER.CA  
1 905 864 5305

**CHARLES LINSEY**  
& ASSOCIATES LIMITED

Tel: (905) 548-7607  
Info@charleslinsey.com  
www.charleslinsey.com  
37 Main Street South,  
PO Box 1479  
Waterdown, On L0R 2H0

Note:  
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on this document.



CHARLES MacPHAIL  
CHARLES LINSEY & ASSOCIATES LIMITED  
BCIN# 25723  
BCIN# 41983

REV.	DESCRIPTION	DATE
0	FOR BUILDING PERMIT APPLICATION	DEC. 10/21

client  
**HOMEOWNER**

project  
**891 LAKESHORE ROAD EAST  
PORT COLBORNE, ONTARIO**  
**PROJECT No. 21-000**

title  
**KEY PLAN & SITE PLAN**

drawn	G.D.	checked	C.M.
date	DECEMBER 2021	scale	AS NOTED
revision number	0	drawing number	A2



## City of Port Colborne

Municipal Offices  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8  
[www.portcolborne.ca](http://www.portcolborne.ca)

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### Development and Legislative Services

Planning Division

April 8th, 2022

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

**Re: Application for Minor Variance A08-22-PC**  
**891 Lakeshore Road East**  
**Concession 1 Part Lot 21**  
**Agent: N/A**  
**Owner(s): Joanne Dasgupta and Stephen White**

Planning staff has reviewed the referenced application and offer the following comments for your hearing on Wednesday April 13<sup>th</sup>, 2022.

#### **Proposal:**

The purpose and effect of this application is to permit an increased height to an accessory structure so as to permit the construction of a proposed garage addition. The applicant is requesting a maximum accessory structure height of 7.2m whereas 6m is permitted.

#### **Surrounding Land Uses:**

The subject lands are surrounded by Rural Residential (RR) and Agricultural (A) zones to the north, Lakeshore Residential (LR) zones to the east and west and a Hazard Zone to the south, being the Lake Erie Shoreline.

#### **Official Plan:**

The subject property is designated as Rural in the City's Official Plan.

#### **Zoning:**

The subject property is located in the LR zone under Zoning By-Law 6575/30/18.

#### **Environmentally Sensitive Areas:**

The subject lands contain a Hazard Zone, being the Lake Erie shoreline, as well as a watercourse identified on the NPCA Watershed Mapper. The NPCA has been circulated and will be providing comments.

## **Public Comments:**

Notice was circulated on March 28<sup>th</sup>, 2022. As of April 8<sup>th</sup>, 2022, no comments from the public have been received.

## **Agency Comments:**

Notice was circulated on March 28<sup>th</sup>, 2022. As of April 8<sup>th</sup>, 2022, the following has been received.

### Fire Department

No objection.

### Niagara Region:

Regional staff do not object to the proposed Minor Variance application, in principle, as the development is consistent with the PPS and conforms to Provincial and Regional policies. Local staff should be satisfied that the application meets any applicable local requirements and provisions.

## **Planning Act – Four Tests:**

In order for a Minor Variance to be approved, it must meet the four-part test as outlined in the Planning Act. These four tests are listed and analyzed below.

### ***Is the application minor in nature?***

Staff find the requested variance to be minor in nature. The increase in height from 6m to 7.2m will not negatively impact the subject parcel. The structure is located far enough away from any lot lines so that any visibility concerns will have been mitigated.

### ***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 located in a suitable location on the site. The proposed addition is for storage purposes and will not have any impact on the existing septic system.

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

The Zoning By-law permits accessory structures in the LR zone and the proposal meets the majority of the requirements of the by-law. Staff find this application to be 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 accessory structures in the Rural designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

## **Recommendation:**

Given the information above, Planning Staff recommend application A08-22-PC be **granted** for the following reasons:

1. **Minor in nature** as the increase in height will not negatively impact the subject parcel or surrounding area.
2. **Appropriate for development of the site** as the proposal is located in a suitable location on the site and will not have any impact on the existing septic system.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as accessory structures are permitted in the LR zone and the majority of the requirements of the by-law have been satisfied.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as accessory structures are permitted in the Rural designation.

Submitted by,

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

Chris Roome  
Planner



## **Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
(905) 980-6000 Toll-free: 1-800-263-7215

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### **Via Email**

April 8, 2022

Region File: D.16.07.MV-22-0015

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

Dear Ms. Yeung:

**Re: Regional and Provincial Comments  
Proposed Minor Variance Application  
City File: A08-22-PC  
Owners: Joanne Dasgupta and Stephen White  
891 Lakeshore Road East  
Port Colborne**

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Regional Planning and Development Services staff has reviewed the above-noted Minor Variance application as it relates to 891 Lakeshore Road East located in the City of Port Colborne. The property is zoned “Lakeshore Residential (LR)” in the City’s Zoning By-law (No. 6575/30/18), as amended.

The applicant is proposing to construct an accessory structure with a height of 7.2 m, whereas the maximum height that is permitted in the City’s Zoning By-law is 6 m.

Staff note that there was no pre-consultation meeting for this application. The following comments are provided from a Provincial and Regional perspective to assist the Committee in their consideration of the application.

### **Provincial and Regional Policies**

The subject land is designated “Rural Lands” under the *Provincial Policy Statement, 2020* (“PPS”) and within the “Provincial Agricultural System” under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”). The *Regional Official Plan* (“ROP”) designates the subject land as “Rural Area”.

The predominant use of lands in the Rural Area is for agriculture; however, some limited residential development, may be permitted, provided it is compatible with the rural

landscape and can be sustained by rural services. Development in the Rural Area will be permitted only when the individual lot and soil conditions are suitable for the long term operation of a private waste disposal system.

The proposal is for an accessory structure (garage) adjacent to an existing structure on the property. Regional staff is satisfied that the proposal is consistent with the PPS and conforms to the Growth Plan and ROP, subject to the comments below.

## **Archaeological Potential**

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism, and Culture Industries' ("MHSTCI") Criteria for Evaluating Archaeological Potential, the subject land exhibits potential for the discovery of archaeological resources due to the presence of streams (west) and Lake Erie (south) within 300m. Given that the proposed accessory structure (garage) is adjacent to the existing garage, demonstrating potential site disturbance, Regional staff does not offer any archaeological requirements for the application.

Regional staff advise the applicant that the property may not be free and clear of archaeological resources. City staff should be satisfied that any archaeological requirements for the property have been addressed prior to the construction of the accessory structure.

## **Natural Heritage**

The subject property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of Type 1 (Critical) Fish Habitat and Type 2 (Important) Fish Habitat. The property is also mapped as part of the Growth Plan Provincial Natural Heritage System ("NHS"). As such, these features are considered Key Natural Heritage Features ("KNHF") and Key Hydrologic Features ("KHF") and the natural heritage policies identified in the Growth Plan apply accordingly.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation ("NHE") when development and/or site alteration is proposed within 120 m of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study ("EIS") when development and/or site alteration is proposed within 30 m of Type 1 Fish Habitat and within 15 m of Type 2 Fish Habitat. Further, Growth Plan policies also require that a minimum 30 m Vegetation Protection Zone ("VPZ") as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF/KHF or its VPZ.

The accessory structure is greater than 120 m from Type 1 Fish Habitat, but is approximately 20 m from Type 2 Fish Habitat. However, given the nature of the proposed development and its location, Regional Environmental Planning staff are supportive of waiving the requirement to complete further evaluation for the following reasons:

- The watercourse supporting Type 2 Fish Habitat is located entirely on adjacent lands and is within a well-vegetated corridor;
- Additional VPZ plantings to enhance the watercourse corridor is not achievable given the location of the existing driveway;
- The location of the proposed structure will likely not negatively impact the feature.

As such, Environmental Planning staff do not object to the application and offer no environmental requirements at this time.

## **Private Sewage System Comments**

Regional Private Sewage System (“PSS”) staff has reviewed application and note that a Septic Permit was issued by PSS staff in 2018 for the existing septic system that is located north of the existing dwelling. The proposed accessory building does not appear to include any plumbing or living space and meets all Ontario Building Code setbacks to the existing septic system.

Therefore, PSS staff do not object to the proposed application, as the provided floor plans do not indicate any plumbing or additional living space within the proposed accessory building, and the location of the structure meets all applicable Ontario Building Code setbacks to the existing septic system. PSS staff also observe that there is enough useable land for a replacement system should one be needed in the future.

## **Conclusion**

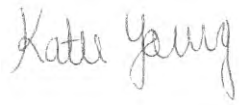
In conclusion, Regional staff do not object to the proposed Minor Variance application, in principle, as the development is consistent with the PPS and conforms to Provincial and Regional policies. Local staff should be satisfied that the application meets any applicable local requirements and provisions.

If you have any questions related to the above comments, please contact the undersigned at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca), or Alexander Morrison, Senior Development Planner at [Alexander.Morrison@niagararegion.ca](mailto:Alexander.Morrison@niagararegion.ca). Please send a copy of the staff report and notice of the Committee’s decision on this application.

April 8, 2022

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Kind regards,

A handwritten signature in cursive script that reads "Katie Young".

Katie Young  
Development Planner

cc: Alexander Morrison, MCIP, RPP, Senior Development Planner, Niagara Region  
Lori Karlewicz, Planning Ecologist, Niagara Region  
Devon Haluka, Private Sewage Systems Inspector, Niagara Region



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 1150/97/81 (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  
Secretary - Treasurer of the Committee of Adjustment  
City Hall  
66 Charlotte Street  
Port Colborne, Ontario L3K 3C8  
Telephone: 1-905-835-2900  
FAX: 1-905-835-2939  
Email: [planning@portcolborne.ca](mailto:planning@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 City Council 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 must be reviewed by the Regional Municipality of Niagara and several other regional or provincial agencies. The Region has 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 March 1, 2005. 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](http://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.

### 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.

As provided for in Regulations made under the *Planning Act*, every application for a minor variance or for permission must be brought to the attention of certain agencies. In addition, and by Policy of the Committee of Adjustment, other agencies will be consulted if the location of the land falls within their field of responsibility. Although you are under no obligation to do so, it is suggested you may wish to discuss your intentions with various municipal departments and authorities.

Under the Provisions of the *Planning Act*, a public hearing must 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 as least 10 (ten) days before the hearing date. The applicant and / or agent will be responsible for posting notice of the hearing on the land subject of the application.

Before the public hearing, an agenda is prepared and this, together with a copy of the application form and other relevant information, is forwarded to the members of the Committee of Adjustment who will hear the application. Before the hearing and in as many cases as possible, the members of the Committee will examine the land in an effort to obtain as much information as possible about physical characteristics.

Following the public hearing, the applicant or agent, is notified in writing of the decision of the Committee. In addition, any other person who is present at the public hearing and who makes a written request is also entitled to receive a copy of the decision of the Committee. Any person who objects to the decision and / or the conditions imposed, may lodge an 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 such 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).
- Fifteen (15) copies of a preliminary drawing showing all information referred to in SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY.
- Payment of the appropriate fee. Cheques are to be made payable to "The City of Port Colborne". (See the attached copy of By-law 4806/31/06)

One complete application is required and shall be submitted for each parcel of land on which a variance is requested.

Someone must be present at the hearing to represent the application.

Decisions of the Committee are made in public.

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

Incomplete or improperly submitted documents may result in deferral of the application to a later hearing.

APPLICATION FEES

The application fee (See the attached copy of By-law 4806/31/06) must be 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. The City will bill the applicant / agent the cost of the newspaper notice if required. Submission of the Staff Recommendation Report to Council is dependant upon receipt of advertising payment.

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:

1. Depending on the scope of the request, one or more copies of plan(s) showing the following should be submitted. This requirement can be clarified by the Planning & Development Services Division.
  1. A sketch or sketches showing the following shall be submitted:
    1. The boundaries and dimensions of the land.
    2. The approximate location of all natural and artificial features on the land and on the adjacent land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
    5. The existing uses on adjacent land, such as residential, agricultural and commercial uses;
    6. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
    7. If access to the land is by water only, the location of the parking and boat docking facilities to be used.
    8. The location and nature of any easement affecting the land.
    9. 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.
    10. The location and nature of any easement affecting the land.
    11. Parking areas, loading spaces, driveway entrance / exits
    12. 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 useable 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. A sketch must be provided with this application. Council MAY require (at the discretion of the

Manager of Planning and Development Services) that the sketch be signed by an Ontario Land Surveyor.

#### APPLICATION FORM AND SKETCH

It is required that ONE copy of this application form be filed with the Secretary - Treasurer of City of Port Colborne Committee of Adjustment, together with the sketch (referred to above), accompanied by the appropriate fee per application (By-law 4806/31/06), in cash or by cheque made payable to THE CITY OF PORT COLBORNE.

#### NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

In the Region's review of development applications on behalf of several Provincial Ministries, assistance may be required from the Niagara Peninsula Conservation Authority. 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 Regional Municipality (on behalf of the Niagara Peninsula Conservation Authority) will charge an additional Plan Review Fee. These fees are provided on the Regional Niagara web site ([www.regional.niagara.on.ca](http://www.regional.niagara.on.ca)).

#### 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.

#### APPLICATIONS REQUIRED

One copy of this application form is to be filed for each subject parcel, together with the required copies of the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the City of Port Colborne.

#### PLEASE TYPE OR USE BLACK INK

##### 1. OWNER

1.1 Registered Owner(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

1.2 Owner's SOLICITOR (if any): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

1.3 Owner's Authorized AGENT(if any): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

1.4MORTGAGES, Charges and other Encumbrances:  
  
List the name(s) and address(es) of any mortgages, charges or other encumbrances in respect of the land.  
  
\_\_\_\_\_

1.5The date the Subject Land was acquired by the Current Owner:  
  
\_\_\_\_\_

1.6Owner’s ONTARIO LAND SURVEYOR (if any): \_\_\_\_\_  
  
Mailing Address: \_\_\_\_\_  
  
City: \_\_\_\_\_ Province: \_\_\_\_\_  
  
Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_  
  
Fax: \_\_\_\_\_ Email: \_\_\_\_\_

1.7All communications should be sent to the:  
  
Owner \_\_\_\_\_ Solicitor \_\_\_\_\_ Agent \_\_\_\_\_

2.LOCATION:  
  
Former Municipality \_\_\_\_\_  
  
Concession No. \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No. \_\_\_\_\_ Lot(s) \_\_\_\_\_  
  
Reference Plan No. \_\_\_\_\_ Part(s) \_\_\_\_\_  
  
Name of Street \_\_\_\_\_ Street No. \_\_\_\_\_

3.DESCRPTION: \_\_\_\_\_ Part No. on sketch \_\_\_\_\_  
  
Frontage \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_  
  
Existing Use \_\_\_\_\_  
  
Proposed Use \_\_\_\_\_

4.OFFICIAL PLAN AND ZONING

4.1What is the current designation of the land in the Official Plan and the Regional Plan  
  
Port Colborne Official Plan \_\_\_\_\_  
  
Regional Policy Plan \_\_\_\_\_

4.2What is the Zoning of the land (By-law 1150/97/81)?  
  
\_\_\_\_\_

5.Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?  
  
Yes \_\_\_\_\_ No \_\_\_\_\_  
  
If "Yes" describe the easement or covenant and its effect: \_\_\_\_\_

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

7.

What type of WATER SUPPLY is proposed?

Publicly owned and operated piped water supply

Lake

Well (private or communal)

Other (specify)

8.

What type of SEWAGE DISPOSAL is proposed?

Publicly owned and operated sanitary sewage system

Septic system (private or communal)

Other (specify)

9.

What type of STORMWATER DISPOSAL is proposed? (Check appropriate space)

Publicly owned and operated stormwater system

Other (specify)

10.

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

10.1

Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?

Yes

No

11.

WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:

12.

DATE OF ACQUISITION of the land by the current owner:

13.

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

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

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

Zoning By-law Amendment

Minor Variance

Plan of Subdivision

Consent

Site Plan

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

16 ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

16.1 ALL EXISTING USE

Residential

Industrial

Commercial

Institutional

Agricultural

Parkland

Vacant

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?

Yes

No

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

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 and number of storeys)	Dimensions or floor area (in metres)	Date of Construction

16.4 ALL PREVIOUS USE

Residential

Industrial

Commercial

Institutional

Agricultural

Parkland

Vacant

Other

16.5 ALL ADJACENT USE(S)

NORTH

SOUTH

EAST

WEST

Residential

Industrial

Commercial

Institutional

Agricultural

Parkland

Vacant

Other

16.7 If Industrial or Commercial, specify use

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

Yes

No

Unknown

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

Yes

No

Unknown

- 6.10

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

Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_
- 16.11

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

Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_
- 16.12

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

Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_
- 16.13

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

Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_
- 16.14

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 \_\_\_\_\_
- 16.15

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 \_\_\_\_\_
- 16.16

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.

Date \_\_\_\_\_

Signature of Owner Stephen White Joanne Dasgupta

- 16.17

Are there any buildings designated under the Ontario Heritage Act?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_
- 16.18

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_
- 16.19

If there has been industrial or commercial uses on the property or if the answer to 1465 to 16.13 is “Yes”, a previous use inventory is needed. Is a previous use inventory attached?

Yes \_\_\_\_\_ No \_\_\_\_\_

## 17 NIAGARA PENINSULA CONSERVATION AUTHORITY Prescreening Criteria

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

Yes X No                      Unknown                     

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

Yes X No \_\_\_\_\_ Unknown \_\_\_\_\_

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

Yes X No \_\_\_\_\_ Unknown \_\_\_\_\_

- 17.4 Is there a valley slope on the property?

Yes \_\_\_\_\_ No X \_\_\_\_\_ 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**

Date FEBRUARY 11, 2022

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 GRAHAM DAY

of the City/Town/Township of **BURLINGTON**

in the County/District/Regional Municipality of HALTON

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 11th day of MARCH

A.D. 20 22

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

3. 0. 1.

J. D. Hunt.

1) Das Supra

(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: Amber LaPointe, Freedom of Information and Privacy Officer, 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

Joseph Derek Perry, a Commissioner, etc.  
Province of Ontario, for Service Ontario  
Office # 128, Government of Ontario,  
Ministries of Revenue and Transportation.  
Expires December 13, 2023.

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application

Public Hearing Date

Adjourned Public Hearing Date

Checked for Completeness by

PROCESSING

Date

Accepted by Manager of Planning and Development Services:

Circulated:

Comments received;

Solicitor

Engineer

C.B.O.

Fire Chief

C. N. Power

Region

NPCA

MTO

MOE

Other

Notice of Public Meeting

Public Meeting

Committee Approval

Notice Given

Final Day for OMB Appeal

OMB Appeal

OMB Hearing

OMB Decision

Final Day to Satisfy Conditions

Condition

Satisfied

Condition _____	Satisfied	_____
Condition _____	Satisfied	_____
Condition _____	Satisfied	_____
Condition _____	Satisfied	_____
Condition _____	Satisfied	_____
Agreement Signed by Owner		_____
Agreement Signed by Mayor and Clerk		_____
Agreement sent to City Solicitor		_____
Registration		_____
Instrument No.		_____
Final Approval		_____

**AUTHORIZATION**

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 \_\_\_\_\_ 200 \_\_\_\_\_

Stephen White  
Signature of Witness

Joanne Dasgupta  
Signature of Owner

Joanne Dasgupta  
Signature of Witness

Stephen White  
Signature of Owner

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
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 1150/97/81, 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  
  
Director of Planning & Development  
(905) 835-2901, 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) 835-2901, Ext. 223  
  
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division  
66 Charlotte Street, Port Colborne, Ontario L3K 3C8  
  
C.B.O.  
(905) 835-2901, Ext 201  
  
Information about the Building Code
4. Region of Niagara Public Works Department  
Development Services Division  
2201 St. David's Road, P.O. Box 1042, Thorold,  
  
Director  
(905) 984-3630  
1-800-263-7215  
  
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, 7<sup>th</sup> Floor,  
Toronto, Ontario M3M 1J8  
  
Christopher Glofcheskie  
1-416-235-5560  
Christopher.Glofcheskie@ontario.ca  
  
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, 7<sup>th</sup> Floor  
Downsview, ON., M3M 1J8  
  
Alexandra Boucetta  
1-416-235-5383  
[Alexandra.Boucetta@ontario.ca](mailto:Alexandra.Boucetta@ontario.ca)  
  
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways 1-866-636-0663
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

COMMITTEE OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING  
APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A05-22-PC

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

**AND IN THE MATTER OF** the lands legally known as Lots 4 to 6 on Plan 987 to 989 in the City of Port Colborne, Regional Municipality of Niagara, located in the Fourth Density Residential (R4) zone, municipally known as 8 Catharine Street.

**AND IN THE MATTER OF AN APPLICATION** by the owners Ashleigh Miatello and Glenn Skrubbeltrang, 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 reduced setbacks to the existing detached dwellings as a result of a concurrent severance, notwithstanding the following;

1. That a rear yard setback of 1.9m be permitted, whereas 6m is required in the R4 zone.

**Explanatory Relief from the Zoning By-law:** The applicant is requesting permission for relief on the property’s rear setback requirements due to severance application B07-22-PC. Due to the proposed rear setback, a minor variance is required. A Sketch of the subject property is shown on the reverse of this notice.

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

**DATE:** April 13<sup>th</sup>, 2022  
**TIME:** 6:00 P.M.  
**LOCATION:** Virtually via Zoom  
66 Charlotte Street, Port Colborne, Ontario

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 [Samantha.yeung@portcolborne.ca](mailto:Samantha.yeung@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 **April 8<sup>th</sup>, 2022**.

Electronic Hearing Procedures
How to get involved in the Virtual Hearing
<p>To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City’s YouTube channel at <a href="https://www.youtube.com/watch?v=tLMoQ0uZvoc">https://www.youtube.com/watch?v=tLMoQ0uZvoc</a>.</p> <p>Anyone wishing to participate in the meeting is asked to submit a written submission that will be circulated to Committee members prior to the meeting. If anyone wishes to virtually participate in the meeting they must pre-register with the Secretary-Treasurer. <b>Written submissions and virtual participation requests must be received by noon on April 12th, 2022</b>, by emailing <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or calling (905) 835-2901 ext. 204. Written submissions can also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p> <p>If you have any questions about the submission process or would like to explore alternative submission methods, please email <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or call (905) 835-2901 ext. 204.</p> <p>The owner or agent must be present 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.</p>

**NOTE:** If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal hearing if the decision of the Committee is appealed.

By order of the Committee of Adjustment,



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Samantha Yeung,  
Secretary-Treasurer

Date of Mailing: March 28th, 2022





## PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

File No. \_\_\_\_\_

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

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### 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  
Chris Roome  
Secretary/Treasurer of the Committee of Adjustment  
City Hall  
66 Charlotte Street  
Port Colborne, Ontario L3K 3C8  
Telephone: 1-905-835-2900 ext. 205  
FAX: 1-905-835-2939  
Email: [chris.roome@portcolborne.ca](mailto:chris.roome@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 1<sup>st</sup>, 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](http://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 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 as least 10 (ten) days before the hearing date. The applicant and / or agent will be responsible for posting notice of the hearing on the land subject of the application.

Before the public hearing, an agenda is prepared and this, together with a copy of the application form and other relevant information, is forwarded to the members of the Committee of Adjustment who will hear the application. Before the hearing and in as many cases as possible, the members of the Committee will examine the land in an effort to obtain as much information as possible about physical characteristics.

Following the public hearing, the applicant or agent, is notified in writing of the decision of the Committee. In addition, any other person who is present at the public hearing and who makes a written request is also entitled to receive a copy of the decision of the Committee. Any person who objects to the decision and / or the conditions imposed, may lodge an 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 such 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:

1. Depending on the scope of the request, one or more copies of plan(s) showing the following should be submitted. This requirement can be clarified by the Planning & Development Services Division.
  1. A sketch or sketches showing the following shall be submitted:
    1. The boundaries and dimensions of the land.
    2. The location and nature of any easement affecting the land.
    3. 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.
    4. The location and nature of any easement affecting the land.
    5. Parking areas, loading spaces, driveway entrance / exits
    6. 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 useable 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. A sketch must be provided with this application. 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 DEVELOPMENT DEPARTMENT •

### APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

#### Section 1

1. Registered Owner (s): <i>Meyeseyes Consulting Corporation</i>	
Name: <i>Ashleigh Miatello + Glenn Skrubbeltrang</i>	
Mailing Address: <i>114 Catharine St.</i>	
City: <i>Port Colborne</i>	Province: <i>ON</i>
Postal Code: <i>L3K 4J7</i>	Telephone: <i>905-931-7434</i>
Fax:	Email: <i>askrubbeltrang@gmail.com</i>

1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

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.
<i>Margaret Ann Giganti</i>
<i>24 Crowland Ave</i>
<i>Welland, ON</i>
<i>L3B 1W9</i>

1.5 Date and Subject Land was acquired by the Current Owner:
<i>October 6, 2021</i>

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: <u>Chambers + Associates</u>	
Mailing Address: <u>12 Thorold Rd.</u>	
City: <u>Welland</u>	Province: <u>ON</u>
Postal Code: <u>L3C 3T2</u>	Telephone:
Fax:	Email:

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:	
Concession No.	Lot(s):
Registered Plan No. <u>987-989</u>	Lots: <u>4-6</u>
Reference Plan No. <u>59R16541</u>	Part(s): <u>2</u>
Name of Street: <u>Catharine</u>	Street No. <u>8</u>

## Section 3: DESCRIPTION

Part No. On Sketch: 1

Frontage: <u>26.35</u>	Depth: <u>27.19</u>	Area: <u>674.</u>
Existing Use: <u>3 detached dwellings</u>		
Proposed Use: <u>3 detached dwellings</u>		

## 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: <u>Urban residential</u>
Regional Policy Plan: <u>Built up area</u>

4.2 What is the Zoning of the land (By-law 1150/97/81)?
<u>R4</u>

## Section 5

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 6

Type of ACCESS
<input type="checkbox"/> 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:

We are requesting relief from the 6m rear yard setback.  
We are requesting 1.9 m rear yard Setback

10.1 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?

- ☒ Yes
- ☐ No

## Section 11

WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:

There are a set of stairs that connect parts 2 and 3 on the sketch and we would like to keep them on 14 Catharine St. property.

## Section 12

DATE OF ACQUISITION of the land by the current owner:

October 6, 2021

## Section 13

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

Approximately 1947

## Section 14

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

Approximately 70 years.

## 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 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

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

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

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

Approximately 70 years

### 16.3 Are there any buildings or structures on the subject land?

- ☒ Yes  
☐ 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
Cottages	5.2	1.9	3.6	13.2	5.75m 1 story	62m <sup>2</sup>	1947
Please refer to sketch prepared for Severance application.							

### 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 checked="" 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?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

16.8 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

16.9 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

16.10 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

16.11 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

16.12 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

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 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 MARCH 11, 2022  
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 March 11, 2022  
Date

X [Signature]  
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 Ashleigh Miatello  
Of the City/Town/Township of Port Colborne  
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 of Port Colborne  
In the Region of Niagara  
This 11<sup>th</sup> day of March  
A.D. 20 22

Chris Roome, 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 [Signature]

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: Amber LaPointe,  
Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne,  
Ontario L3K 3C8 (905) 835-2900 Ext. 106.

## FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application:
Public hearing Date:
Adjourned Public Hearing Date:
Checked for completeness by:

### Processing

Date: \_\_\_\_\_

Accepted by Manager of Planning and Development Services:
Circulated:

Comments Received:
Solicitor:
Engineer:
<input type="checkbox"/> C.B.O <input type="checkbox"/> Fire Chief <input type="checkbox"/> C. N. Power <input type="checkbox"/> Region <input type="checkbox"/> NPCA <input type="checkbox"/> MTO <input type="checkbox"/> MOE <input type="checkbox"/> Other _____

Notice of Public Meeting:
Public Meeting:
Committee Approval:
Notice Given:
Final Day for OMB Appeal:
OMB Appeal:
OMB Hearing:
OMB Decision:
Final Day to Satisfy Conditions:

## 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 1150/97/81, 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      Director of Planning & Development  
(905) 835-2901, 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) 835-2901, Ext. 223

Information on Servicing, Lot Grading and Drainage

3. Port Colborne Building Division  
66 Charlotte Street, Port Colborne, Ontario L3K 3C8      C.B.O.  
(905) 835-2901, Ext 201

Information about the Building Code

4. Region of Niagara Public Works Department  
Development Services Division  
2201 St. David's Road, P.O. Box 1042, Thorold,      Director  
(905) 984-3630  
1-800-263-7215

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, 7<sup>th</sup> 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, 7<sup>th</sup> Floor  
Downsview, ON., M3M 1J8

For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways 1-866-636-0663

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

COMMITTEE OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING  
APPLICATION FOR CONSENT

APPLICATION NO. B07-22-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 Lots 4, 5, and 6 on Plan 987, 988, and 989 in the City of Port Colborne, Regional Municipality of Niagara, located in the Fourth Density Residential (R4) zone, municipally known as 8 Catherine Street.

**AND IN THE MATTER OF AN APPLICATION** by the owners Ashleigh Miatello and Glenn Skrubbeltrang, for a lot boundary adjustment under Section 53(1) of the Planning Act R.S.O 1990 C.P 13, so as to permit the conveyance of Part 2 having a lot area of 790m<sup>2</sup> for a proposed lot addition to the abutting Part 3. Part 1 will retain a lot frontage of 26.35m and a lot area of 674m<sup>2</sup>. This application is also subject to Minor Variance application A05-22-PC. A sketch of the subject land is shown on the reverse side of this notice.

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

**DATE:** April 13<sup>th</sup>, 2022  
**TIME:** 6:00 P.M.  
**LOCATION:** Virtually via Zoom  
66 Charlotte Street, Port Colborne, Ontario

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 [Samantha.yeung@portcolborne.ca](mailto:Samantha.yeung@portcolborne.ca)

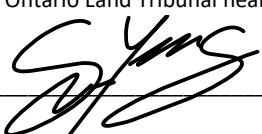
**PUBLIC HEARING:** You are entitled to participate and express your views about this application or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday April 8<sup>th</sup>, 2022.**

**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
To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City's YouTube channel at <a href="https://www.youtube.com/watch?v=tLMoQ0uZvoc">https://www.youtube.com/watch?v=tLMoQ0uZvoc</a> .
Anyone wishing to participate in the meeting is asked to submit a written submission that will be circulated to Committee members prior to the meeting. If anyone wishes to virtually participate in the meeting they must pre-register with the Secretary-Treasurer. <b>Written submissions and virtual participation requests must be received by noon on Tuesday April 12<sup>th</sup>, 2022</b> , by emailing <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or calling (905) 835-2901 ext. 204. Written submissions can 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 <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or call (905) 835-2901 ext. 204.
The owner or agent must be present 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.

**NOTE:** If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Land Tribunal hearing if the decision of the Committee is appealed.

By order of the Committee of Adjustment,

  
Samantha Yeung,  
Secretary-Treasurer  
Date of Mailing: March 28th, 2022





## City of Port Colborne

Municipal Offices  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8  
[www.portcolborne.ca](http://www.portcolborne.ca)

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### Development and Legislative Services

Planning Division

April 8th, 2022

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

**Re: Application for Minor Variance A05-22-PC**  
**Application for Consent B07-22-PC**  
**8 Catharine Street**  
**Lots 4 to 6 on Plan 987 to 989**  
**Agent: N/A**  
**Owner(s): Ashleigh Miatello and Glenn Skrubbeltrang**

Planning staff has reviewed the referenced applications and offer the following comments for your hearing on Wednesday, March 9<sup>th</sup>, 2022.

#### **Proposal:**

The purpose and effect of these applications is to permit the conveyance of Part 2, having a lot area of 790m<sup>2</sup> for a proposed lot addition to the abutting Part 3. Part 1 will retain a lot frontage of 26.35m and a lot area of 674m<sup>2</sup>. Due to the location of the proposed lot lines a minor variance requesting relief from the rear yard setback requirement has also been concurrently applied for.

#### **Surrounding Land Uses:**

The subject lands are surrounded by Fourth Density Residential (R4) zones to the north, east and west and Heavy Industrial (HI) zones to the south.

#### **Official Plan:**

The subject property is designated as Urban Residential in the City's Official Plan.

#### **Zoning:**

The subject property is located in the R4 zone under Zoning By-Law 6575/30/18.



## **Environmentally Sensitive Areas:**

The subject lands contain a Significant Woodland at the rear of the property. Niagara Region staff have indicated that they would not require formal circulation of the application and have no concerns provided there is no site alteration and/or tree removal.

## **Public Comments:**

Notice was circulated on March 28th, 2022. As of April 8th, 2022, the following has been received.

**Note:** Public Comments have been summarized for the purposes of this report. A full copy of the comments can be seen in the Agenda Package.

### Bonney Heatherington – 86 Sugarloaf Street

- Supports the proposed applications.
- Wants to see the property preserved and agrees with the applicants intent to do so.
- Stated the environmental significance of the subject parcel and emphasised the importance of maintaining its status.

## **Agency Comments:**

Notice was circulated on March 28th, 2022. As of April 8th, 2022, the following has been received.

### Fire Department

No objection to proposed application.

## **Discussion**

This consent application proposes a lot addition of Part 2 to the abutting Part 3. The proposed addition will leave the following lot areas and frontages:

Part 1: A lot frontage of 26.35m and a lot area of 674m<sup>2</sup>.

Part 2 and Part 3: A lot frontage of 32.17m and a lot area of 2770m<sup>2</sup>.

The R4 zone requires a lot frontage of 12m and a lot area of 0.04ha in order to create a new lot. Both requirements have been met.

The applicant has indicated that there is a staircase located on the eastern side of Part 2 and that they wish to include the staircase as a part of the conveyance. As a result, the proposed eastern lot line of Part 2 is encroaching into the rear yard of Part 1 and the minor variance is required.

The existing three dwellings and front yard setback were addressed as a part of minor variance application A27-18-PC which permitted the three dwellings to continue the use of the land with a front yard setback of 0m. Furthermore, the applicant has taken steps to address the encroachment of the existing dwelling onto the City's right of way but is not required to address them as a part of this application.

## **Planning Act – Four Tests:**

In order for a Minor Variance to be approved, it must meet the four-part test as outlined in the Planning Act. These four tests are listed and analyzed below.

***Is the application minor in nature?***

Staff find the requested variance to be minor in nature. The reduction in rear yard setback is to accommodate an existing staircase on Part 2. In order to meet the setback requirements, the staircase would have to be included in Part 1. The requested setback of 1.9m where 6m is required is not out of character for the unique layout of this lot and will not negatively impact the subject lands. Staff finds this application to be a reasonable and measured request.

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

The proposal is desirable and appropriate for the use of the land as the location of the proposed lot lines will allow for the retention of the staircase on Parts 2 and 3 and there is no proposed development on any of the subject parcels.

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

Staff find the requested variance to be in keeping with the general intent and purpose of the by-law as the application meets the majority of the By-law requirements.

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

The Official Plan permits detached dwellings 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 recommend application A05-22-PC be **granted** for the following reasons:

1. **Minor in nature** as the requested variance is considered a reasonable and measured request.
2. **Appropriate for development of the site** as the location of the proposed lot lines will allow for the retention of the staircase on Parts 2 and 3 and there is no proposed development on any of the subject parcels.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the majority of the by-law requirements have been met.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as residential uses are permitted in the Urban Residential designation and the requirements of the Official Plan have been met.

AND

That consent application B07-22-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for 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 be submitted to the Secretary-Treasurer.
3. That Part 2 and Part 3 be merged on title.
4. That minor variance application A05-22-PC be approved.

For the following reasons:

1. The application conforms to Provincial Policy Statement, the policies of 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.
2. This decision is rendered having regard to the provisions of subsection 51(24) of the Planning Act. R.S.O. 1990, c.P.13.

Submitted by,

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

Chris Roome  
Planner

## Chris Roome

---

**From:** Bonney Heatherington [REDACTED]  
**Sent:** April 7, 2022 9:42 PM  
**To:** Chris Roome  
**Subject:** Regarding a Notice of Hearing on April 13th at 6 pm

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Chris,

Since I may not be able to attend the Notice of Hearing on April 13th for the requested boundary adjustment and minor variance for 8 and 14 Catharine Street known as Wildwood, I wanted to send a few comments. Feel free to read them at the hearing.

I live at 86 Sugarloaf Street and our property backs onto the property in question, known as Wildwood. The house on 14 Catharine Street has been there since 1875 and is one of the most historic houses in Port Colborne with many unique features that have been preserved. When the house was built, it was a lakefront home. Of course, the building of the breakwall changed the shoreline significantly, but many features of a typical "Lake Erie woodlot" remain on the Wildwood property.

When we bought our old house on Sugarloaf over 20 years ago, the owner of Wildwood at the time shared much of the history of that unique property with me. The greenspace behind the houses on the Wildwood property at that time was the last remaining "Lake Erie woodlot" within the city of Port Colborne. Here is an excerpt of some of the info she gave me at that time, specifically speaking about the greenspace on Wildwood:

"Many mature trees remain from the late 1800s, including a 60 foot "Little Leaf Linden", which contributes to the site. The trees provide homes for numerous bird and animal species including a roosting colony of Black Crowned Night Herons, which are rare in Ontario. It is also a stopping place for the annual migration of the endangered monarch butterflies. Due to the proximity to Lake Erie, soil covering the property consists of ancient beach deposits (age 4000 B.P. to present) and Aeolian dunes."

The previous owner did everything in her power to protect the property from development and lobbied to have it declared a conservation area, based on the presence at the time of two endangered species (a toad and a snake). Since that time, it was always my understanding that this IS protected land!

Unfortunately, as time has gone on, fewer and fewer of these elements have survived. Many of the old trees have fallen simply due to old age and windstorms. I haven't heard the night herons in a few years and the number of monarch butterflies stopping there has declined drastically. But all of these factors are, in my opinion, even MORE of a reason to protect the greenspace!

I applaud the Skrubbletrangs' efforts to steward the historic Wildwood property as much as possible! And I strongly encourage the "powers that be" to approve their requests for a boundary adjustment and a minor variance. Too much of our local history and natural habitat is already gone... please help this community minded family preserve this environmental greenspace!

Bonney Heatherington

86 Sugarloaf Street, Port Colborne ON L3K 2N4



**PORT COLBORNE**

• PLANNING AND DEVELOPMENT DEPARTMENT •

File No. \_\_\_\_\_

THE CITY OF PORT COLBORNE  
THE PLANNING ACT – SECTION 45.  
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  
Chris Roome  
Secretary - Treasurer of the Committee of Adjustment  
City Hall  
66 Charlotte Street  
Port Colborne, Ontario L3K 3C8  
Telephone: 1-905-835-2900 ext. 205  
FAX: 1-905-835-2939  
Email: [chris.roome@portcolborne.ca](mailto:chris.roome@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 1<sup>st</sup>, 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](http://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 Planning & Development website.

## 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 examine the lands which are the subject of the application. 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.

Anyone 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. (See By-law 5718/149/11).
  - 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](https://www.niagararegion.ca/business/fpr/forms_fees.aspx)
- Someone 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**

<b>1. Registered Owner (s):</b> MEYSEYES CONSULTING CORPORATION	
Name: ASHLEIGH MIATELLO & GLENN SKRUBBELTRANG	
Mailing Address: 14 CATHARINE STREET	
City: PORT COLBORNE	Province: ON
Postal Code: L3K 4J7	Telephone: 905-931-7434
Fax:	Email: askrubbeltrang@gmail.com

<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

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

<b>1.4 MORTGAGES, Charges &amp; Other Encumbrances:</b>
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
MARGARET ANN GIGANTI 24 CROWLAND AVE WELLAND, ON L3B 1W9

<b>1.5 Date and Subject Land was acquired by the Current Owner:</b>
OCTOBER 6, 2021

<b>1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: CHAMBERS & ASSOCIATES	
Mailing Address: 12 THOROLD ROAD	
City: WELLAND	Province: ON
Postal Code: L3C 3T2	Telephone: 905-735-7841
Fax:	Email:

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

## Section 2: LOCATION

Former Municipality:	
Concession No.	Lot(s):
Registered Plan No. 987-989	Lot(s): 4-6
Reference Plan No. 59R16541	Part(s): 2
Name of Street: CATHARINE	Street No. 8

<b>2.1 Type of proposed transaction: (Check appropriate space(s))</b>
<input type="checkbox"/> Creation of New Lot <input checked="" 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 PROTECT THE GREENSPACE ON THE WEST SIDE OF THE PROPERTY (PER EPA OVERLAY)

<b>2.2 If a lot addition, identify the lands to which the parcel will be added:</b>
PART 2 WILL BE SEVERED AND ADDED TO THE PROPERTY PART 3 (14 CATHARINE STREET)

<b>2.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:</b>
ASHLEIGH MIATELLO GLENN SKRUBBELTRANG

### Section 3: OFFICIAL PLAN & ZONING

<b>3.1 What is the current designation of the land in the Official Plan and the Regional Plan?</b>	
Port Colborne Official Plan:	URBAN RESIDENTIAL
Regional Policy Plan:	URBAN AREA

<b>3.2 What is the Zoning of the land (By-law 1150/97/81)?</b>
R4

<b>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?</b>
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No

### Section 4

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

### Section 5

<b>Type of ACCESS</b>
<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 <b>seasonally</b>
<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Water Access
<input type="checkbox"/> Private Road

### Section 6

<b>What type of WATER SUPPLY is proposed?</b>
<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

<b>What type of SEWAGE DISPOSAL is proposed?</b>
<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

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

## Section 9

Part No. On Sketch: 2

<b>DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)</b>		
Frontage: <u>25.69m</u>	Depth: <u>36.91m</u>	Area: <u>790m<sup>2</sup></u>
Existing Use: <u>vacant</u>		
Proposed Use: <u>residential</u>		

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: <u>vacant</u>
Proposed: <u>residential</u>

## Section 10

Part No. On Sketch: 3

<b>DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)</b>		
Frontage: <u>32.17m</u>	Depth: <u>60.33m</u>	Area: <u>1,980m<sup>2</sup></u>
Existing Use: <u>residential</u>		
Proposed Use: <u>residential</u>		

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: <u>residential</u>
Proposed: <u>residential</u>

## Section 11

<b>Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?</b>
<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

<b>HAS THE LAND BEEN SEVERED from the parcel originally acquired by the owner of the land?</b>
<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

<b>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:</b>		
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

<b>13.2 If the answer to the above is yes, and if known, provide the following for each application noted:</b>
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

<b>14.1 ALL EXISTING USE</b>
<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  
--

<b>14.2 What is the length of time the existing use(s) of the land have continued?</b>
<i>Approximately 70 years</i>

<b>14.3 Are there any buildings or structures on the subject land?</b>
<input type="checkbox"/> Yes <input checked="" 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

<b>14.4 ALL PREVIOUS USE</b>
<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  

14.5 ALL ADJACENT USE(S)				
	NORTH	SOUTH	EAST	WEST
Residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>14.6 If Industrial or Commercial, specify use</b>

<b>14.7 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>14.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>14.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>14.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>14.11 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>14.12 Have the lands or adjacent lands ever been used as a weapons firing range?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>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?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>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)?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 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 MARCH 11, 2022  
Date

X [Signature]  
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**

**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

## 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 MARCH 11, 2022

Date

X

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 Ashleigh Miatello  
Of the City/Town/Township of Port Colborne  
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 of Port Colborne

In the Region of Niagara

This 11<sup>th</sup> day of March

A.D 20 22

Chris Roome, 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

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: Amber LaPointe, Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

## FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application:
Public hearing Date:
Adjourned Public Hearing Date:
Checked for completeness by:

### Processing

Date: \_\_\_\_\_

Accepted by Manager of Planning and Development Services:
Circulated:

<b>Comments Received:</b>
Solicitor:
Engineer:
<input type="checkbox"/> C.B.O <input type="checkbox"/> Fire Chief <input type="checkbox"/> C. N. Power <input type="checkbox"/> Region <input type="checkbox"/> NPCA <input type="checkbox"/> MTO <input type="checkbox"/> MOE <input type="checkbox"/> Other

Notice of Public Meeting:
Public Meeting:
Committee Approval:
Notice Given:
Final Day for OMB Appeal:
OMB Appeal:
OMB Hearing:
OMB Decision:
Final Day to Satisfy Conditions:

**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 1150/97/81, 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  
Director of Planning & Development  
(905) 835-2901, 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) 835-2901, Ext. 223

Information on Servicing, Lot Grading and Drainage

3. Port Colborne Building Division  
66 Charlotte Street, Port Colborne, Ontario L3K 3C8  
C.B.O.  
(905) 835-2901, Ext 201

Information about the Building Code

4. Region of Niagara Public Works Department  
Development Services Division  
2201 St. David's Road, P.O. Box 1042, Thorold,  
Director  
(905) 984-3630  
1-800-263-7215

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, 7<sup>th</sup> 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, 7<sup>th</sup> Floor  
Downsview, ON., M3M 1J8

For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways 1-866-636-0663

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

COMMITTEE OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING  
APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A06-22-PC

**IN THE MATTER OF** the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 2.8.2 (a) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

**AND IN THE MATTER OF** the lands legally known as Lot 5 on Plan 60 in the City of Port Colborne, Regional Municipality of Niagara, located in the First Density Residential (R1) zone, municipally known as 192 Queen St.

**AND IN THE MATTER OF AN APPLICATION** by the owner Tricia Panunte, 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 proposed garage with a lot area of 725.57m<sup>2</sup> for storage in the rear yard, notwithstanding the following;

1. That 17% accessory lot coverage be permitted, whereas 10% of the lot area is required.

**Explanatory Relief from the Zoning By-law:** The applicant is requesting coverage relief for the proposed accessory lot coverage of the proposed garage. Due to the proposed coverage of the garage, the minor variance is required. A sketch of the proposal is shown on the reverse side of this notice.

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

DATE:

TIME:

LOCATION:

April 13<sup>th</sup>, 2022

6:00 P.M.

Virtually via Zoom  
66 Charlotte Street, Port Colborne, Ontario

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 [Samantha.yeung@portcolborne.ca](mailto:Samantha.yeung@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 **April 8<sup>th</sup>, 2022**.

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City’s YouTube channel at <https://www.youtube.com/watch?v=tLMoQ0uZvoc>.

Anyone wishing to participate in the meeting is asked to submit a written submission that will be circulated to Committee members prior to the meeting. If anyone wishes to virtually participate in the meeting they must pre-register with the Secretary-Treasurer. **Written submissions and virtual participation requests must be received by noon on April 12<sup>th</sup>, 2022**, by emailing [Samantha.yeung@portcolborne.ca](mailto:Samantha.yeung@portcolborne.ca) or calling (905) 835-2901 ext. 204. Written submissions can 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 [Samantha.yeung@portcolborne.ca](mailto:Samantha.yeung@portcolborne.ca) or call (905) 835-2901 ext. 205.

The owner or agent must be present 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.



**NOTE:** If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal hearing if the decision of the Committee is appealed.

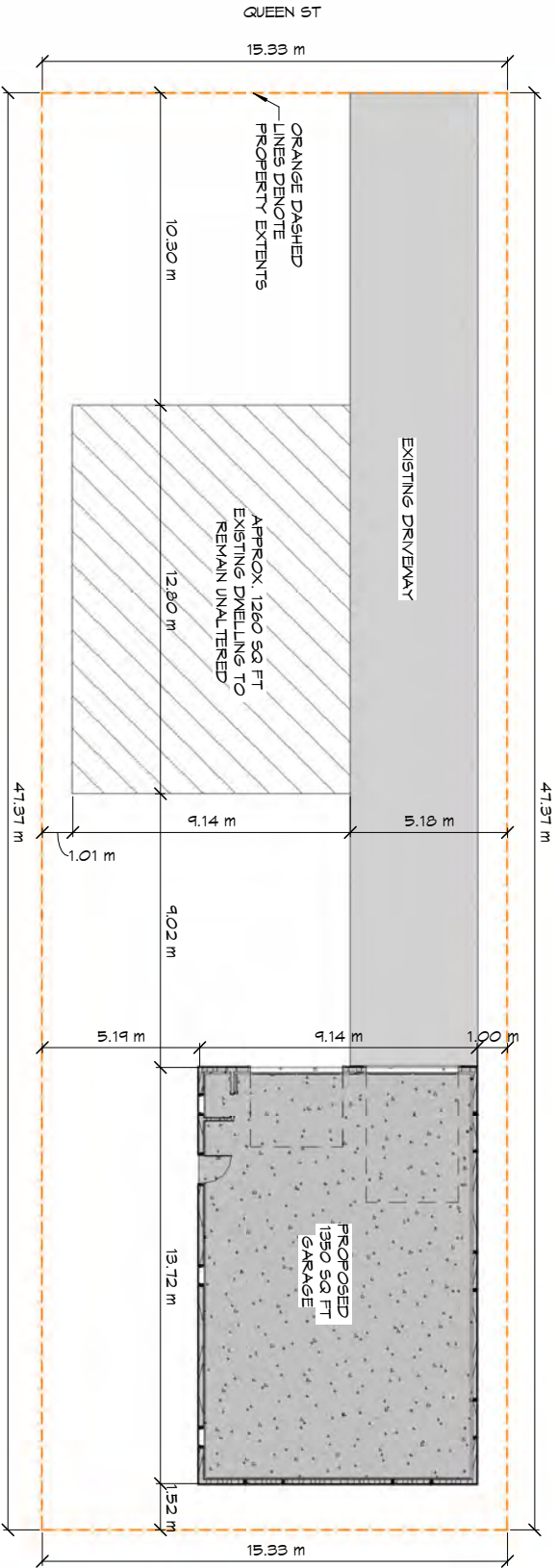
By order of the Committee of Adjustment,



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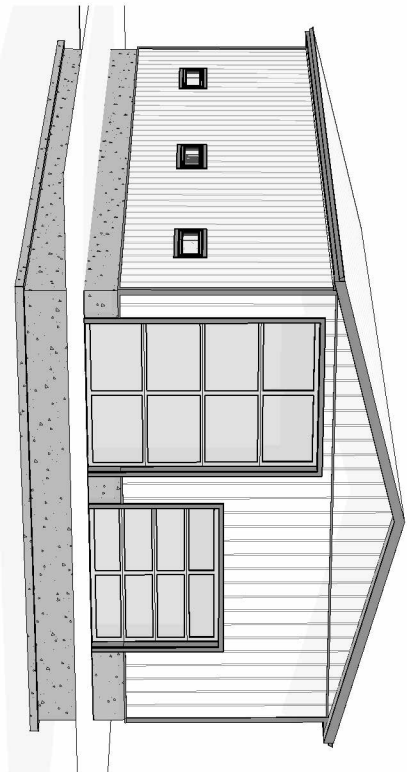
Samantha Yeung,  
Secretary-Treasurer

Date of Mailing: March 28th, 2022



## 2 SITE PLAN - AVERAGE GRADE

A3.1 1" = 20'-0"



THE SITE SKETCH IS NOT A PLAN SURVEY,  
INFORMATION FOR THE PLAN WAS DERIVED  
FROM INFORMATION PROVIDED BY ARIEL MAPPING AND  
ORIGINAL PROPERTY SURVEY.  
ALL PROPOSED LOCATIONS TO BE CONFIRMED WITH  
EXCAVATING CONTRACTOR AND BUILDING OFFICIAL ON  
SITE PRIOR TO EXCAVATING.

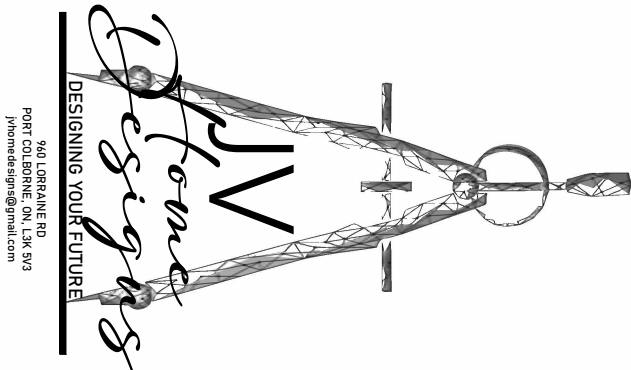


# PANUNTE

STORAGE GARAGE  
192 QUEEN ST,  
PORT COLBORNE, ON  
L3K 5J1

### GENERAL NOTES

-THESE DOCUMENTS ARE NOT TO BE SCALED  
-CONTRACTOR TO FURNISH ANY AND ALL SETTING AND FINISHING AND REPORT ANY AND ALL  
DISCREPANCIES TO THE DESIGNER BEFORE COMMENCING WITH THAT RELATED PORTION OF THE WORK.  
-ONLY SIGNED SEALED AND STAMPED DOCUMENTS ARE TO BE USED FOR THE CONSTRUCTION PURPOSES  
-ANY DEVIATIONS FROM THESE PLANS AND DETAILS WILL REQUIRE REVISED DRAWINGS AND CLEARANCE  
BY THE BUILDING DEPARTMENT.  
-ALL CONSTRUCTION MATERIALS SHALL CONFORM TO THE LATEST EDITION OF THE ONTARIO BUILDING  
CODE AND ALL MATERIALS FOR CONCRETE BUILDING MATERIALS SHALL BE APPROVED BY THE  
DESIGNER AND/OR APPROVED BY THE BUILDING  
-ALL DIMENSIONS ARE IMPERIAL, UNLESS OTHERWISE NOTED



9460 LORRAINE RD  
PORT COLBORNE, ON, L3K 5V3  
jvhomeesigns@gmail.com

### QUALIFICATION INFORMATION

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY  
FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE  
REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A  
DESIGNER REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1.  
OF THE BUILDING CODE

BRIAN BODDORKOS

NAME 44769

BRITAN BODDORKOS BCIN

JV HOME DESIGNS 1110044

FIRM NAME BCIN

## PANUNTE

STORAGE GARAGE  
192 QUEEN ST,  
PORT COLBORNE, ON L3K 5J1

SCALE: 1" = 20'-0"

DRAWN BY: BB

PROJECT NUMBER: JV21 - 38

DATE: MARCH 14, 2022

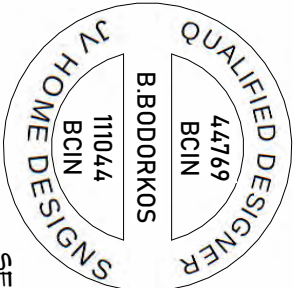
DRAWING TITLE:

SITE PLAN

DRAWING NUMBER:

A3.1

SEAL





## City of Port Colborne

Municipal Offices  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8  
[www.portcolborne.ca](http://www.portcolborne.ca)

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### Development and Legislative Services

Planning Division

April 8th, 2022

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

**Re: Application for Minor Variance A06-22-PC**  
**192 Queen Street**  
**Lot 50 on Plan 60**  
**Agent: N/A**  
**Owner(s): Tricia Panunte**

Planning staff has reviewed the referenced application and offer the following comments for your hearing on Wednesday April 13<sup>th</sup>, 2022.

#### **Proposal:**

The purpose and effect of this application is to permit an increased accessory lot coverage so as to permit the construction of a proposed garage. The applicant is requesting a maximum accessory lot coverage of 17% whereas 10% is permitted.

#### **Surrounding Land Uses:**

The subject lands are surrounded by First Density Residential (R1) zones to the north, east, south and west.

#### **Official Plan:**

The subject property is designated as Urban Residential in the City's Official Plan.

#### **Zoning:**

The subject property is located in the R1 zone under Zoning By-Law 6575/30/18.

#### **Environmentally Sensitive Areas:**

The subject lands do not contain any environmentally sensitive areas.

## **Public Comments:**

Notice was circulated on March 28th, 2022. As of April 8th, 2022, the following has been received.

**Note:** Public Comments have been summarized for the purposes of this report. A full copy of the comments can be seen in the Agenda Package.

### Pauline Thivierge – 199 Oakwood Street

- Objects to proposed application.
- Has concerns with the size of the proposed accessory structure.
- Has concerns with the height of the structure and the impact of the structure's shadow casting onto her property.
- Stated the proposed garage would be larger than the dwelling located on the property.

## **Agency Comments:**

Notice was circulated on March 28<sup>th</sup>, 2022. As of April 8th, 2022, the following has been received.

### Fire Department

No objection.

## **Planning Act – Four Tests:**

In order for a Minor Variance to be approved, it must meet the four-part test as outlined in the Planning Act. These four tests are listed and analyzed below.

### ***Is the application minor in nature?***

Staff find the requested variance to be minor in nature. The increase in accessory lot coverage from 10% to 17% will not negatively impact the subject parcel as amenity space is still provided in the front and rear yard.

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

The proposal is desirable and appropriate as the parcel is large enough to accommodate an increase in accessory lot coverage. The maximum lot coverage permitted on this property is 290m<sup>2</sup> and the applicant has proposed a maximum of 242m<sup>2</sup>. Future additions to the house would still be possible up to a maximum of 48m<sup>2</sup> without the need of a minor variance.

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

The Zoning By-law permits accessory structures in the R1 zone and the proposal meets the majority of the requirements of the by-law. Staff find this application to be 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 accessory structures 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 recommend application A06-22-PC be **granted** for the following reasons:

1. **Minor in nature** as the increase in accessory lot coverage will not negatively impact the subject parcel.
2. **Appropriate for development of the site** as the parcel is large enough to accommodate an increase in accessory lot coverage.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as accessory structures are permitted in the R1 zone and the majority of the requirements of the by-law have been satisfied.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as accessory structures are permitted in the Urban Residential designation.

Submitted by,

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

Chris Roome  
Planner

## Chris Roome

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**From:** Samantha Yeung  
**Sent:** April 8, 2022 3:43 PM  
**To:** Chris Roome  
**Subject:** FW: Comments for Committee of Adjustment

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**From:** pauline thivierge <[REDACTED]>  
**Sent:** April 6, 2022 8:43 PM  
**To:** Samantha Yeung <Samantha.Yeung@portcolborne.ca>  
**Subject:** Re: Comments for Committee of Adjustment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Samantha . Thank you for responding. My contact information is correct. As I had also spoken to Chris in your absence, please forward this information to him.

Please note that I am contacting you TO STATE MY OBJECTION TO: COMMITTEE OF ADJUSTMENT, NOTICE OF PUBLIC HEARING, APPLICATION FOR MINOR VARIANCE;

APPLICATION NO. A06-22-PC

I am stating my OBJECTION to the requested amendment of planning Act, R.S.O., 1990, c.P.13, as amended and Section 2.8.2 (a) of the City of Port Colborne Zoning By-Law 6575/30/18, as amended;

AND THE MATTER OF AN APPLICATION by the owner Tricia Panunte, for the relief from the provisions of Zoning By-law 6575/30/18, as amended. under Section 45 of the Planning Act, R.S.O. 1090 C.P 13, so as to permit a proposed garage with a lot area of 725.57 sq. ms. for storage in the rear yard, notwithstanding the following;

1. That 17% accessory lot coverage be permitted, whereas 10% of the lot area is required.

Note: Section 5.0; Acceptable Accessory Building Location and Regulation

5.1- an accessory building shall not exceed 10% of the lot area for properties with municipal .services.

I would like to make the committee aware that when I bought my property , 199 Oakwood St. ( LT 95 PL 797 Humberstone; LT 96 PL 797 Humberstone; Port Colborne) in February 2017 , the Panunte property did have an existing garage and shed both of which have recently be demolished in March of 2022 , I assume in preparation for building the requested accessory garage.

I did purchase my property with the intention of enjoying a vegetable , herb and flower garden in the back yard. I have used this property for this intended purpose since the time of purchase. I bought my property fully aware of the minor shading posed by the then existing garage and shed on the Panunte property and that it did not pose a concern to my intended purpose . Beside I was the new girl on the block and was not going to complain about what a neighbour had already established all of which was reasonable.

Indeed , all of the backyard properties adjacent to the Panunte property enjoy sunny gardens or pools perfectly situated in the back yards to receive full southern exposure, as is appropriate for a residential back yard. I emphasize

that these are residential properties and the current bi-law is intended to preserve the residential nature of the properties in the neighbourhood .

The accessory structure , the termed garage, proposed by the Panunte request, is actually larger than the home on that property, larger than my home and bigger than the homes adjacent to the Panunte property . In fact it will be the largest backyard structure to dominate the neighbourhood's backyards and it will change the residential aesthetics as well as the reasonable enjoyment of a sunny back yard.

The 20 ft high, 1350 sq.ft. structure it is not an accessory garage. Being the size of a 2 story home in height and sq. footage it should be properly termed a barn or industrial storage unit.

I understand that the intention of such a large structure is to house an RV, racing car and trailer for said racing car but it is unreasonable to expect that neighbours have to accommodate an invasive structure that changes the nature of our backyards and in particular disrupts the intended use of my property. Obviously Tricia Panunte , has, since the purchase of the RV, racing car and its trailer, adequately stored these items off site, as long as my residency in my home. In fact the purchase of these items, before my time in my Oakwood home, was made fully aware of the existing bi-laws.

An accessory building of such proportions is not a residential garage but, is, as I said previously, a barn or industrial storage unit and not a residential garage. It prevents the reasonable enjoyment of the southern exposure and destroys the residential nature of my an adjoining back yards. I respectfully submit that I strongly oppose granting the amendment to the Panunte request.

PS. please note that will researching the bi-law I noted that the City of Port Colbone site still states that the maximum height of an accessory structure is 4.6 ms.



**PORT COLBORNE**

• PLANNING AND DEVELOPMENT DEPARTMENT •

File No. \_\_\_\_\_

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

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## 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  
Chris Roome  
Secretary/Treasurer of the Committee of Adjustment  
City Hall  
66 Charlotte Street  
Port Colborne, Ontario L3K 3C8  
Telephone: 1-905-835-2900 ext. 205  
FAX: 1-905-835-2939  
Email: [chris.roome@portcolborne.ca](mailto:chris.roome@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.



Affairs web site ([www.mah.gov.on.ca](http://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 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 as least 10 (ten) days before the hearing date. The applicant and / or agent will be responsible for posting notice of the hearing on the land subject of the application.

Before the public hearing, an agenda is prepared and this, together with a copy of the application form and other relevant information, is forwarded to the members of the Committee of Adjustment who will hear the application. Before the hearing and in as many cases as possible, the members of the Committee will examine the land in an effort to obtain as much information as possible about physical characteristics.

Following the public hearing, the applicant or agent, is notified in writing of the decision of the Committee. In addition, any other person who is present at the public hearing and who makes a written request is also entitled to receive a copy of the decision of the Committee. Any person who objects to the decision and / or the conditions imposed, may lodge an 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 such 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:

- 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:

1. Depending on the scope of the request, one or more copies of plan(s) showing the following should be submitted. This requirement can be clarified by the Planning & Development Services Division.
  1. A sketch or sketches showing the following shall be submitted:
    1. The boundaries and dimensions of the land.
    2. The location and nature of any easement affecting the land.
    3. 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.
    4. The location and nature of any easement affecting the land.
    5. Parking areas, loading spaces, driveway entrance / exits
    6. 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 useable 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. A sketch must be provided with this application. Council MAY require (at the discretion of the Manager of Planning and Development Services) that the sketch be signed by an Ontario Land Surveyor.



## 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 DEVELOPMENT DEPARTMENT ·

## APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

### Section 1

1. Registered Owner (s):	
Name: <u>Tricia Panunte</u>	
Mailing Address: <u>192 Queen St</u>	
City: <u>Port Colborne</u>	Province: <u>Ontario</u>
Postal Code: <u>L3K 5J1</u>	Telephone: <u>905-834-3832</u>
Fax:	Email: <u>gpanunte@copeco.ca</u>

1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

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

1.4 MORTGAGES, Charges & Other Encumbrances:
--

Meridian Credit Union, 43 Clarence St  
Port Colborne

1.5. The date the Subject land was  
acquired by the current owner.

March 27, 2003

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

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: <u>Port Colborne</u>	
Concession No.	Lot(s):
Registered Plan No.	
Reference Plan No.	Part(s):
Name of Street: <u>Queen St</u>	Street No. <u>192</u>

## Section 3: DESCRIPTION

Part No. On Sketch: \_\_\_\_\_

Frontage: <u>60 ft</u>	Depth: <u>155.48</u>	Area: <u>7810 sq ft</u>
Existing Use: <u>Urban Residential storage</u>		
Proposed Use: <u>Residential Built up Area</u>		

## 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: <u>Urban Residential</u>
Regional Policy Plan: <u>Residential</u>

4.2 What is the Zoning of the land (By-law 1150/97/81)?
<u>R1</u>

## 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:
75sqm and I want 65sqm _____ _____ _____ _____

10.1 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 11

WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:

We would like to build a bigger garage for sq footage and height to protect our camping trailer and other personal vehicles and keep our personal belongings safe from environment and other people

## Section 12

DATE OF ACQUISITION of the land by the current owner:

March 2003

## Section 13

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

1960

## Section 14

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

1960

## 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

<b>16.1 ALL EXISTING USE</b>
<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

<b>16.2 What is the length of time the existing use(s) of the land have continued?</b>
1960

<b>16.3 Are there any buildings or structures on the subject land?</b>
<input checked="" type="checkbox"/> Yes <i>garage to be taken down</i> <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

<b>16.4 ALL PREVIOUS USE</b>
<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



16.5 ALL ADJACENT USE(S)				
	NORTH	SOUTH	EAST	WEST
Residential	<input type="checkbox"/>	<input type="checkbox"/>	<input 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?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

16.8 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

16.9 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

16.10 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

16.11 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

16.12 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

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 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 March 11, 2022

Date

X J. Pomeroy

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 March 11, 2022

Date

X Lucia Ramonito

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 Tricia Ramonito  
Of the City/Town/Township of Port Colborne, Ont.  
In the County/District/Regional Municipality of Canada

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 11th day of March  
A.D. 20 22

Chris Roome, 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 J. Ramonito

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: Amber LaPointe,  
Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne,  
Ontario L3K 3C8 (905) 835-2900 Ext. 106.

## FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application:
Public hearing Date:
Adjourned Public Hearing Date:
Checked for completeness by:

### Processing

Date: \_\_\_\_\_

Accepted by Manager of Planning and Development Services:
Circulated:

Comments Received:
Solicitor:
Engineer:
<input type="checkbox"/> C.B.O <input type="checkbox"/> Fire Chief <input type="checkbox"/> C. N. Power <input type="checkbox"/> Region <input type="checkbox"/> NPCA <input type="checkbox"/> MTO <input type="checkbox"/> MOE <input type="checkbox"/> Other _____

Notice of Public Meeting:
Public Meeting:
Committee Approval:
Notice Given:
Final Day for OMB Appeal:
OMB Appeal:
OMB Hearing:
OMB Decision:
Final Day to Satisfy Conditions:

## 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 1150/97/81, 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      Director of Planning & Development  
(905) 835-2901, 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) 835-2901, Ext. 223

Information on Servicing, Lot Grading and Drainage

3. Port Colborne Building Division  
66 Charlotte Street, Port Colborne, Ontario L3K 3C8      C.B.O.  
(905) 835-2901, Ext 201

Information about the Building Code

4. Region of Niagara Public Works Department  
Development Services Division  
2201 St. David's Road, P.O. Box 1042, Thorold,      Director  
(905) 984-3630  
1-800-263-7215

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, 7<sup>th</sup> 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, 7<sup>th</sup> Floor  
Downsview, ON., M3M 1J8

For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways 1-866-636-0663

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 Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
(905) 980-6000 Toll-free: 1-800-263-7215

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### **Via Email**

April 8, 2022

Region File: D.16.07.MV-22-0015

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

Dear Ms. Yeung:

**Re: Regional and Provincial Comments  
Proposed Minor Variance Application  
City File: A08-22-PC  
Owners: Joanne Dasgupta and Stephen White  
891 Lakeshore Road East  
Port Colborne**

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Regional Planning and Development Services staff has reviewed the above-noted Minor Variance application as it relates to 891 Lakeshore Road East located in the City of Port Colborne. The property is zoned “Lakeshore Residential (LR)” in the City’s Zoning By-law (No. 6575/30/18), as amended.

The applicant is proposing to construct an accessory structure with a height of 7.2 m, whereas the maximum height that is permitted in the City’s Zoning By-law is 6 m.

Staff note that there was no pre-consultation meeting for this application. The following comments are provided from a Provincial and Regional perspective to assist the Committee in their consideration of the application.

### **Provincial and Regional Policies**

The subject land is designated “Rural Lands” under the *Provincial Policy Statement, 2020* (“PPS”) and within the “Provincial Agricultural System” under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”). The *Regional Official Plan* (“ROP”) designates the subject land as “Rural Area”.

The predominant use of lands in the Rural Area is for agriculture; however, some limited residential development, may be permitted, provided it is compatible with the rural

landscape and can be sustained by rural services. Development in the Rural Area will be permitted only when the individual lot and soil conditions are suitable for the long term operation of a private waste disposal system.

The proposal is for an accessory structure (garage) adjacent to an existing structure on the property. Regional staff is satisfied that the proposal is consistent with the PPS and conforms to the Growth Plan and ROP, subject to the comments below.

## **Archaeological Potential**

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism, and Culture Industries' ("MHSTCI") Criteria for Evaluating Archaeological Potential, the subject land exhibits potential for the discovery of archaeological resources due to the presence of streams (west) and Lake Erie (south) within 300m. Given that the proposed accessory structure (garage) is adjacent to the existing garage, demonstrating potential site disturbance, Regional staff does not offer any archaeological requirements for the application.

Regional staff advise the applicant that the property may not be free and clear of archaeological resources. City staff should be satisfied that any archaeological requirements for the property have been addressed prior to the construction of the accessory structure.

## **Natural Heritage**

The subject property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of Type 1 (Critical) Fish Habitat and Type 2 (Important) Fish Habitat. The property is also mapped as part of the Growth Plan Provincial Natural Heritage System ("NHS"). As such, these features are considered Key Natural Heritage Features ("KNHF") and Key Hydrologic Features ("KHF") and the natural heritage policies identified in the Growth Plan apply accordingly.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation ("NHE") when development and/or site alteration is proposed within 120 m of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study ("EIS") when development and/or site alteration is proposed within 30 m of Type 1 Fish Habitat and within 15 m of Type 2 Fish Habitat. Further, Growth Plan policies also require that a minimum 30 m Vegetation Protection Zone ("VPZ") as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF/KHF or its VPZ.

The accessory structure is greater than 120 m from Type 1 Fish Habitat, but is approximately 20 m from Type 2 Fish Habitat. However, given the nature of the proposed development and its location, Regional Environmental Planning staff are supportive of waiving the requirement to complete further evaluation for the following reasons:

- The watercourse supporting Type 2 Fish Habitat is located entirely on adjacent lands and is within a well-vegetated corridor;
- Additional VPZ plantings to enhance the watercourse corridor is not achievable given the location of the existing driveway;
- The location of the proposed structure will likely not negatively impact the feature.

As such, Environmental Planning staff do not object to the application and offer no environmental requirements at this time.

## **Private Sewage System Comments**

Regional Private Sewage System (“PSS”) staff has reviewed application and note that a Septic Permit was issued by PSS staff in 2018 for the existing septic system that is located north of the existing dwelling. The proposed accessory building does not appear to include any plumbing or living space and meets all Ontario Building Code setbacks to the existing septic system.

Therefore, PSS staff do not object to the proposed application, as the provided floor plans do not indicate any plumbing or additional living space within the proposed accessory building, and the location of the structure meets all applicable Ontario Building Code setbacks to the existing septic system. PSS staff also observe that there is enough useable land for a replacement system should one be needed in the future.

## **Conclusion**

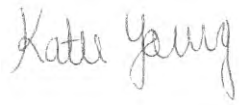
In conclusion, Regional staff do not object to the proposed Minor Variance application, in principle, as the development is consistent with the PPS and conforms to Provincial and Regional policies. Local staff should be satisfied that the application meets any applicable local requirements and provisions.

If you have any questions related to the above comments, please contact the undersigned at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca), or Alexander Morrison, Senior Development Planner at [Alexander.Morrison@niagararegion.ca](mailto:Alexander.Morrison@niagararegion.ca). Please send a copy of the staff report and notice of the Committee’s decision on this application.

April 8, 2022

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Kind regards,

A handwritten signature in cursive script that reads "Katie Young".

Katie Young  
Development Planner

cc: Alexander Morrison, MCIP, RPP, Senior Development Planner, Niagara Region  
Lori Karlewicz, Planning Ecologist, Niagara Region  
Devon Haluka, Private Sewage Systems Inspector, Niagara Region

Members Present: Dan O'Hara, Angie Desmarais, Eric Beauregard, Gary Bruno

Staff Present: David Schulz, Senior Planner  
Chris Roome, Planner / Acting Secretary-Treasurer  
Samantha Yeung, Planning Technician

The meeting was called to order at approximately 6:00pm by Chair Dan O'Hara.

1. Disclosures of Pecuniary Interest:

Member Eric Beauregard declared a conflict of interest with application B06-22-PC.

2. Requests for Deferrals or Withdrawals of Applications:

Application A20-21-PC was deferred.

3. New Business

i) **Application: A33-22-PC**

Action: Minor Variance  
Agent: Defilippis Design  
Owner: Ron Lucchino  
Location: 3475 Firelane 2

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

The applicant did not defer nor provide any further comments, questions and information.

The Chair asked if the location of the existing shed could be moved inward to avoid an overhang of the structure crossing the property line.

Applicant responded stating property lines are difficult to distinguish sometimes and the shed had been there for a long time. The minor variance is to allow for the shed to be close to the property line.

The Chair was concerned about future neighbours and encroachment on their property.

Applicant does not feel it would be a problem for future buyers. They would be aware of the of shed when purchasing.

Member Beauregard asked Planner Chris for his comments on encroachment.

Mr. Roome responded that it would be a private matter with the owners of the property and to come to an encroachment agreement together.

The Chair asked if conditions could be made to ensure shed is within property boundary.

Mr. Roome states that planning department could ensure the entirety of the structure is within the property, which on the site plan supports this case. Encroachment agreements could not be forced by the planning department.

Applicant reiterated that the wall of the structure is entirely on the property. Suggested to amend the minor variance to have a side yard setback of 0m to the overhang of the structure.

Mr. Roome stated this is possible.

That minor variance application A33-21-PC be **granted** for the following reasons:

1. **Minor in nature** as the requested variances are considered reasonable and measured requests.
2. **Appropriate for development of the site** as the accessory structure is located in a suitable location on the site.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the majority of the requirements of the by-law have been satisfied.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as accessory structures are permitted in the Rural designation.

Motion: Dan O'hara

Seconded: Angie Desmarais

Carries: 3-0

**Member Gary Bruno enters Committee of Adjustment meeting at 6:25pm at beginning of the next application. No conflicts with applications.**

**ii) Application: A04-22-PC**

Action: Minor Variance

Agent: N/A

Owner: Adam Ahlstedt

Location: Page St

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

The applicant did not defer nor provide any further comments, questions, and information.

Member Beauregard asked if the property is too small to allow for any semi-detached dwelling.

The applicant responded that the municipality's zoning by law have a requirement and require the committee's approval to allow for a shorter lot frontage.

Mr. Roome clarified a semi-detached dwelling would fit on the lot however according to the zoning by-law, a required lot frontage of 18 metres is required whereas the applicant is proposing for a 16.81 metres lot frontage. There was past confusion when severing the land and now is requiring a minor variance to approve for the shorter frontage.

That minor variance application **A04-22-PC** be **granted** for the following reasons:

1. **Minor in nature** as the requested variance is considered a reasonable and measured request.
2. **Appropriate for development of the site** as the reduced lot frontage will not negatively impact the location of the future semi-detached dwelling.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as semi-detached dwellings are permitted in the R2 zone and the majority of the requirements of the by-law have been satisfied.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as semi-detached dwellings are permitted in the Urban Residential designation.

Motion: Gary Bruno

Seconded: Eric Beauregard

Carried: 4-0

**iii) Application: A02-22-PC**

Action: Minor Variance

Agent: Leigh Whyte

Owner: Wach Properties

Location: 126 Chippawa Road

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

Mr. Whyte provided comments on non-conforming apartments within the zones that were there for some time. There are no exterior changes however there were discussions during pre-consultations to include a vent on the northern side. The proposal includes two units on the second floors, two units on the first floor, and one unit currently in the basement. They are proposing to include one additional apartment unit in the basement.

Member Bruno asked if the unit had been brought online. He noticed the meters are new and up-to-date, but the proposed additional unit does not have a meter.

Mr. Whyte responded recent changes were made for the existing parts of the dwelling. They are proposing to apply for permits. The unit in the basement had not been processed for a meter.

There were no additional questions from the Committee.

Mr. Schulz stated he spoke with Ms. Bigford and she may not have additional questions for this meeting.

Delegate Melissa Bigford enters meeting.

Ms. Bigford mentioned her questions were answered by Mr. Roome through email. Her concern was regarding plant buffering in the parking lot that was found in the Official Plan and had thought it would override the zoning by-law, however Mr. Roome stated the property was non-conforming and so it could continue to be non-conforming. She questioned if there would be enough spots in the back area and if it would end up being on the streets. Chippawa is not a wide street and has vision concerns when driving currently.

Mr. Leigh reassured that the parking does work and it is all graveled existing area.

The Chair asked if the structure in the backlot is a garage.

Mr. Leigh answered yes it is.

The Chair asked how many bays are in the garage.



Mr. Leight stated 5 bays.

The Chair asked if there are two additional spots in the back.

Mr. Leigh answered yes.

There were no additional questions from the Committee.

That minor variance application **A02-22-PC** be **granted** for the following reasons:

2. **Minor in nature** as the requested variance is considered a reasonable and measured request.
2. **Appropriate for development of the site** as there are no proposed external additions to the dwelling.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the majority of the by-law requirements have been met.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as apartments are permitted in the Urban Residential designation and the requirements of the Official Plan have been met.

Motion: Angie Desmarais

Seconded: Gary Bruno

Carried: 4-0

**Member Beauregard exited meeting due to conflict of interest of the following application.**

**iv) Application: B06-22-PC**

Action: Consent

Agent: William Heikoop

Owner: N/A

Location: 72 Killaly St E

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

The applicant did not defer the application. He made note that they are currently undertaking the site plan application for a new warehouse on the part 3 property. In order to accommodate that site plan application, they require extra space for the driveway access and loading docks. This is being processed independently from this application.

The Chair questioned if the property was once severed.

The applicant responded that the property was severed and they are applying for a boundary adjustment to move the property line as opposed to creating a new line. 72 Killaly St is already a separate property from Part 3.

The Chair mentioned the site plan sketch submitted shows the property line to be 3 metres from the property line. When looking on Niagara navigator, the property boundaries are over where they are proposing to put it. He is wondering about the backstory of the property.

The applicant stated the properties were always split previously. They are looking to meet the interior side yard setback where the new property line goes and any other zoning deficiencies are an existing legal non-conforming situation.

There were no additional questions from the Committee.

That consent application **B06-22-PC** be **GRANTED** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for 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 be submitted to the Secretary-Treasurer.
3. That Part 1 and Part 3 be merged on title.

For the following reasons:

1. The application conforms to Provincial Policy Statement, the policies of 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.
2. This decision is rendered having regard to the provisions of subsection 51(24) of the Planning Act. R.S.O. 1990, c.P.13.

Motion: Gary Bruno

Seconded: Angie Desmarais

Carried: 3-0

**Member Beauregard entered meeting for the next application.**

**v) Application: A03-22-PC**

Action: Minor Variance

Agent: Jacob Dicke

Owner: N/A

Location: 80 Nickle St

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

The applicant did not defer application. The applicant provided a presentation on behalf of the owners regarding the subject property.

Member Desmarais expressed concern on the location of the garbage site. Her concerns included the small space at the front of the property, people are constantly walking past it, odor issues unless there will be an odorless system implemented, rodent issues. Would the applicant be able to relocate the garbage site to another location?

Mr. Glover explained there were a few options with the location of the garbage site. They elected to have the garbage site at the front to have two extra parking space available for the development. They are now over their parking requirement and they are able to move the garbage site back and would remove the two extra parking space. He stated that the difference between the legal way of approaching the application and the proposed way of it is about 3 metres and they gain two extra parking spaces, so there is a net benefit for them. If the committee feels it is an critical issue to approve, then they will redesign accordingly.

Member Bruno asked about the method of garbage pick up.

Mr. Glover explained that it is a street pickup garbage process. They could get bins that are rodent-proof and odour-proof. They will be doing municipal pickup for the site as opposed to private pickup.

Member Bruno asked if people would go on property to pick up garbage or if there is a designated person to move the garbage to the garbage site for street pickup.

Mr. Glover responded it will be to the curb for pickup.

Member Bruno asked if the garbage could go to the back and have the designated person to bring the garbage from the back to the front.

Mr. Dicke explained that it would be more convenient for residents as they step out. Having the garbage site at the back may cause nuisance for units with patios at the back.

Mr. Glover if it is an issue with council to approve this minor variance, he requests to have this variance denied and a chance to redesign the garbage location.

Member Bruno would like the garbage at the back due to aesthetics.

Member Beauregard asked if the Region had comments on garbage pickup.

Mr. Roome the Region did not have any concerns and that the standard pickup would be fine.

Mr. Glover understands the situation and hear the comments coming in. He feels the issue is too great and would like to request to have the variance regarding garbage location to be removed if it pleases the committee.

Member Beauregard asked if the alternative solution is to remove the two parking spaces.

Mr. Glover said it is an option. He will have to talk with the client and in review of the plans, they will provide the best recommendation for the client.

Member Beauregard expressed he thinks the current plan is most logical.

Member Bruno asked if there was conflict with relocating the garbage site to the back, could the applicant reapply/come back?

Mr. Roome answered they would have the option to reapply. In the event that they move the garbage to the back, the applicant is over their parking requirement so if they remove the two parking spaces, they would still meet the zoning requirements for parking. With that, they would not need to apply for a minor variance for parking.

The Chair asked when the Region would not pick up the garbage. Does the bins have apartment numbers?

Mr. Glover answered if there are more bags out for collection, there are tags people can purchase so that they are collected. It does not matter who the garbage belongs to, it is about paying for the extra bags. The responsibility is on the building management rather than the Region.

The Chair asked if there is a limit for garbage bags.

Mr. Glover does not remember the number on the top of his mind.

The Chair stated if the garbage is at the front, it needs to be more neat and tidy due to it being apparent.

Member Beauregard asked if the collection would be private or municipal if the garbage location changes.

Mr. Glover answered it would be municipal.

Julie Barker enters meeting as delegate.

Ms. Barker has concerns regard the minor variances in regards to micro-housing being a concern which leads to health risks, psychological risks, privacy issues. Housing shouldn't be a commodity. She has concerns with the density and privacy issues. She asked where the recycling would be located. She is concerned about the size of the

units and terms of affordable housing. There is concern with the quality of living and the location of the garbage.

The Chair stated that the size of the units is not a topic the committee would address.

Mr. Dicke answered saying recycling will be located in the proposed garbage location.

The Chair is asking to clarify the process for waste management.

Mr. Glover explained there would be a larger sized bin that people would be putting their garbage and recycling in. It would then be wheeled to the curb for collection.

Ms. Desmarais asked if all units are considered affordable housing.

Mr. Glover it's not technically affordable housing. Explained that the sizing of the units is acceptable and are more affordable housing.

That minor variance application **A03-22-PC** be **granted** for the following reasons:

1. **Minor in nature** as the requested variance is considered a reasonable and measured request.
2. **Appropriate for development of the site** as the building will be located in a suitable location on the site.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as townhouse dwellings are permitted in the R4 zone and the majority of the requirements of the by-law have been satisfied.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as townhouse dwellings are permitted in the urban residential designation.

Motion: Gary Bruno

Seconded: Angie Desmarais

Carried: 4-0

4. Other Business:

The Committee discussed the recent changes to the Planning Act.

5. Approval of Minutes:

Minutes from the February 9<sup>th</sup>, 2021 and January 12<sup>th</sup> Committee of Adjustment meetings were approved.

6. Adjournment

There being no further business, the meeting was adjourned at approximately 7:45 PM.