



CORPORATION OF THE CITY OF
PORT COLBORNE

COMMITTEE OF ADJUSTMENT
-MEETING AGENDA-
6:00 P.M., Wednesday, August 10th, 2022
Council Chambers (Virtual & In-Person)

-
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
 - ii) Application: B09-22-PC
Action: Consent
Agent: N/A
Owners: Andy Veenstra
Location: 1498 Wilhelm Road
 - ii) Application: B12-22-PC
Action: Consent
Agent: Leigh Whyte
Owners: Bryan Keenan
Location: 624 Elm Street
 - iii) Application: A22-22-PC
Action: Minor Variance
Agent: Leigh Whyte
Owners: Bryan Keenan
Location: 624 Elm Street
 - iv) Application: B01-22-PC
Action: Consent
Agent: N/A
Owners: Robert Williams
Location: Killaly St East
 - v) Application: B02-22-PC
Action: Consent
Agent: N/A
Owners: Robert Williams
Location: Killaly St East
 - vi) Application: B03-22-PC
Action: Consent
Agent: N/A
Owners: Robert Williams
Location: Killaly St East

vii) Application: A21-22-PC
 Action: Minor Variance
 Agent: N/A
 Owners: Robert Williams
 Location: Killaly St East

6. Other Business

7. Approval of Minutes

i) July 13th, 2022, Committee of Adjustment Meeting

8. Adjournment

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR CONSENT

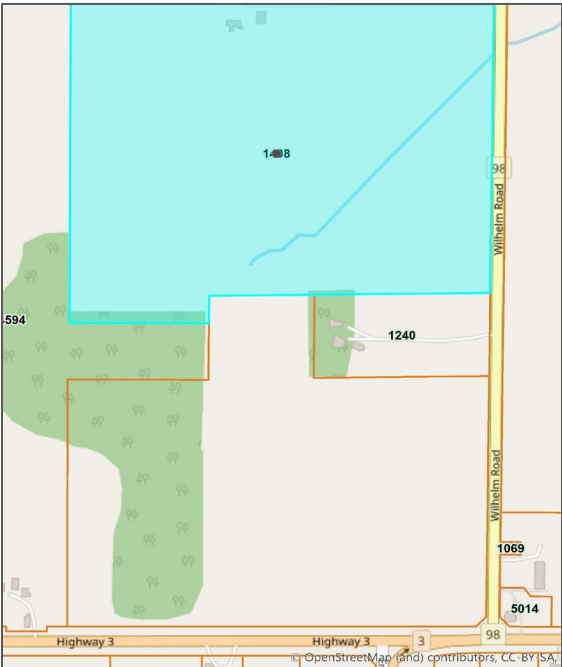
APPLICATION NO. B09-22-PC

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 Con 2 Part Lot 5 and 6 in the City of Port Colborne, Regional Municipality of Niagara, located in the Agricultural (A) zone, municipally known as 1498 Wilhelm Road.

AND IN THE MATTER OF AN APPLICATION by the owner Andy Veenstra, for a severance under Section 53 (1) of the Planning Act R.S.O 1990 C.P 13, so as to permit the conveyance of Part 1 having a lot frontage of 14.2m along Wilhelm Road and a total lot area of 1 ha for an existing residential use. Part 2 will retain a lot frontage of 448m along Wilhelm Road with a total lot area of 69 ha for an existing agricultural use. A sketch of the subject lands is shown on the reverse side of this notice.

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



DATE: August 10, 2022
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street – Third floor Council Chambers and
Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at 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 August 5, 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
<p>The Public Meeting will be held in-person, with the meeting live-streamed on the City’s YouTube channel at https://www.youtube.com/watch?v=bXdn_DHSGzo.</p> <p>Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. Written submissions and participation requests must be received by noon on Tuesday August 9, 2022, by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p> <p>If you have any questions about the submission process or would like to explore alternative submission methods, please email Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.</p> <p>The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.</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 Ontario Land Tribunal hearing if the decision of the Committee is appealed.

By order of the Committee of Adjustment,

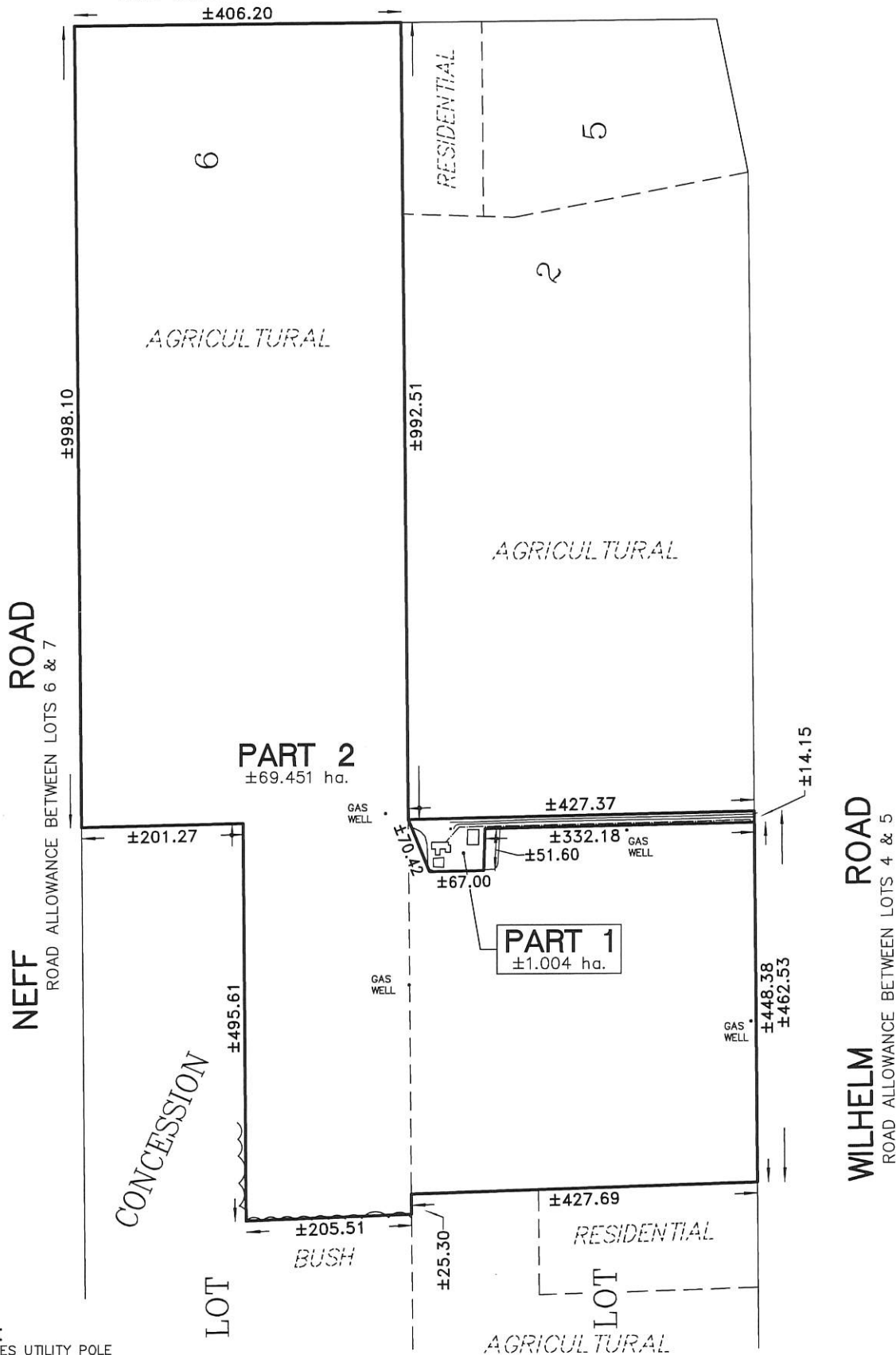


Samantha Yeung
Secretary-Treasurer
Date of Mailing: July 26, 2022

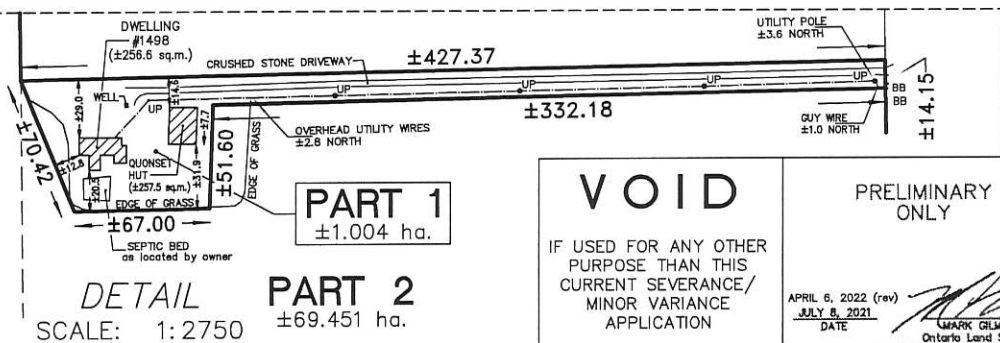
SKETCH PREPARED FOR SEVERANCE/MINOR VARIANCE APPLICATION
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN
CURRENT SEVERANCE/MINOR VARIANCE APPLICATION. © THIS SKETCH IS PROTECTED BY COPYRIGHT.

SECOND CONCESSION ROAD

ROAD ALLOWANCE BETWEEN CONCESSIONS 2 & 3



NOTE:
UP DENOTES UTILITY POLE
BB DENOTES BELL BOX



VOID

IF USED FOR ANY OTHER
PURPOSE THAN THIS
CURRENT SEVERANCE/
MINOR VARIANCE
APPLICATION

PRELIMINARY
ONLY

APRIL 6, 2022 (rev)
JULY 8, 2021
DATE

MARK GILMORE
Ontario Land Surveyor

LANTHIER & GILMORE SURVEYING LTD.
173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477
SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
PART OF LOTS 5 & 6
CONCESSION 2
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE, NOW IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
DRAWN BY: CM
SCALE: 1:5500
CHECKED BY: DM
SURVEY 22-496



PORT COLBORNE
· PLANNING AND DEVELOPMENT DEPARTMENT ·

APPLICATION FOR
CONSENT

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Andy Veenstra	
Mailing Address: 4238 Second Concession Rd.	
City: Sherkston-Port Colborne	Province: Ontario
Postal Code: L0S 1R0	Telephone: 905 894-4030
Fax:	Email:

1.2 Owner's SOLICITOR (if applicable)	
Name: Christopher Wilson	
Mailing Address: Box 99	
City: City	Province: Ontario
Postal Code: L3K 5V7	Telephone: 905 835-1163
Fax: 905 835-2171	Email: cwilson@wilsonop.com

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

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

1.5 Date and Subject Land was acquired by the Current Owner:
May 2, 1978

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Lanthier & Gilmore	
Mailing Address: 173 Clarence St.,	
City: City	Province: Ontario
Postal Code: L3K 3G4	Telephone: 905 835-5477
Fax:	Email: lanthier.gilmore@bellnet.ca

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

Section 2: LOCATION

Former Municipality:	
Concession No. 2 Twp. Humberstone	Lot(s): 5
Registered Plan No.	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Wilhelm Rd	Street No. 1498

2.1 Type of proposed transaction: (Check appropriate space(s))
<input checked="" type="checkbox"/> Creation of New Lot <input type="checkbox"/> Addition to lot <input type="checkbox"/> Mortgage or Charge <input type="checkbox"/> Lease <input checked="" type="checkbox"/> Disposal of Surplus Farm Dwelling <input type="checkbox"/> Farm Retirement Lot <input type="checkbox"/> Partial Discharge or Mortgage <input checked="" type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement <div>Sever Part 1 retain right of way for benefit of part 2 over driveway</div>
Reason for proposed transaction:
Dispose of surplus farm dwelling

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

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

Section 3: OFFICIAL PLAN & ZONING

3.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: Agricultural
Regional Policy Plan: Agricultural

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

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

Section 4

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

Section 5

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

Section 6

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

Section 7

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

Section 8

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

Section 9

Part No. On Sketch: 1_____

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)		
Frontage:14.15 m	Depth:427m	Area:1.004 ha.
Existing Use:Single family residence		
Proposed Use:Single family residence		

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:Frame dwelling, quonset hut garage
Proposed:No change

Section 10

Part No. On Sketch: 2_____

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage:448 m.	Depth:632m	Area:169 ha
Existing Use:Agricultural		
Proposed Use:Agricultural		

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:None
Proposed:None

Section 11

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

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

File Number:

Decision:

Section 12

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

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

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

Section 13: OTHER APPLICATIONS

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

13.2 If the answer to the above is yes, and if known, provide the following for each application noted:	
File number of the application:	
Name of the approval authority considering the application: City of Port Colborne	
Lands affected by the application: Part 2	
Purpose of the application: Rezone agricultural purposes only	
Status of the application: Submitted concurrently	
Effect of the application on the proposed amendment:	

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

14.1 ALL EXISTING USE
<input type="checkbox"/> Residential
<input type="checkbox"/> Industrial

☐ Commercial

☐ Institutional

☒ Agricultural

☐ Parkland

☐ Vacant

☐ Other

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

100 years +

14.3 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
Dwelling	420m	12.5m	20.5m	29m	2 stories	185 m. sq.	1920?

14.4 ALL PREVIOUS USE

☐ Residential

☐ Industrial

☐ Commercial

☐ Institutional

☒ Agricultural

☐ Parkland

☐ Vacant

☐ Other

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

14.6 If Industrial or Commercial, specify use

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☒ Yes
☐ No
☐ Unknown

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

- ☐ Yes
☐ No
☒ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☐ No
☒ Unknown

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

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

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

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

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

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 12 APR 2022
Date

X *Audylle M. Smith*
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

Single family frame dwelling, accessory quonset hut for garage and storage

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

X 12 APR 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 Andy Veenstra

Of the City/Town/Township of Sherkston-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 12th day of April

A.D 20 22



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:

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:
1498 Wilhelm Rd. Port Colborne

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

(name of agent)
of the City of Port Colborne

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

Dated at the City of Port Colborne
in the Region of Niagara
this 12th day of April 2022

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below, before submitting an application. 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, 7th Floor,
Toronto, Ontario M3M 1J8

For information about sight plan applications for lands fronting onto provincial highways

7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor
Downsview, ON., M3M 1J8

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 Legislative Services

Planning Division Report

August 5th, 2022

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

Re: Application for Consent B09-22-PC
1498 Wilhelm Road
Concession 2 Lot 5
Agent: Christopher Wilson
Owner(s): Andy Veenstra

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 1 having a lot frontage of 14.2m on Wilhelm Road and a lot area of 1ha for a continuing residential use. Part 2 will retain a lot frontage of 448m on Wilhelm Road with a lot area of 69ha for a continuing agricultural use.

Surrounding Land Uses and Zoning:

The surrounding lands are zoned Agricultural to the north, east, south, and west. The land uses surrounding the subject parcel consist of vacant agricultural land to the north and east with vacant agricultural land and detached dwellings to the south and west.

Environmentally Sensitive Areas:

The subject lands contain a regulated watercourse and non-Provincially significant wetland and buffer. The proposed severance is outside of all NPCA features however, they have been circulated for comments.

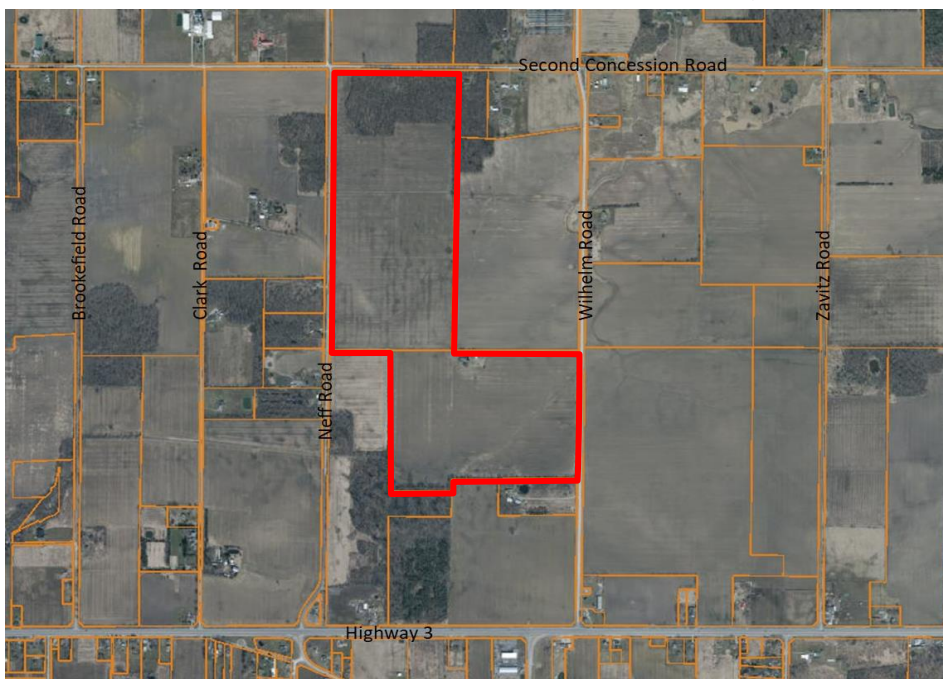


Figure 1: Location of subject lands highlighted in red, from Niagara Navigator 2020.

Public Comments:

Notice was circulated on May 20th, 2022 to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of June 3rd, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on May 13th, 2022 to internal staff and agencies. As of June 3rd, 2022, the following has been received.

Drainage Superintendant

A drainage apportionment agreement will be required should the severance be approved. Upon submission of the deposited plan to the planning department, the drainage apportionment can be completed by the Drainage Superintendant. The fees for the agreement can be collected by the planning department along with other fees to collect. If the applicant is not confident that the agreement is completed fairly by the Superintendent, the applicant may hire an approved drainage Engineer at the applicant's own expense.

If the newly created parcels do not drain independently of one another, it is recommended that a mutual agreement drain be implemented and registered on the title of all parcels involved. A mutual agreement drain is to ensure that all the parcels affected have drained now and into the future. If assistance is required for this, please contact the City's Drainage Superintendant.

A mutual agreement drains are private drainage systems between two property owners. The city cannot add this as a condition of consent because it involves two private property owners, one of which is not involved in this application, and therefore it is recommended that a mutual agreement drain be implemented if the parcels do not drain independently.

Fire Department

No objection to the proposed application.

NPCA

Technical staff have confirmed that they will have no flooding concerns with the proposed Severance. As such, the NPCA have no objection to the proposed severance.

Niagara Region (Summarized: please see full comments in agenda package)

Regional Planning and Development Services staff does not object to the proposed consent application provided that the requested conditions of approval are fulfilled. Once satisfied, it is the Regional staff's opinion that the proposal is consistent with the PPS and conforms to Provincial and Regional policies. City staff should be satisfied that any local requirements/provisions for the application are met.

1. That the owner dedicates a 3.05-meter road widening to the Regional Municipality of Niagara across the Regional Road 98 (Wilhelm Road) frontage of the severed parcel (Part

1), prior to the satisfaction of the Regional Municipality of Niagara. All costs for providing the necessary survey plan and related documents are the responsibility of the applicant

2. That the remnant parcel (Part 2) is rezoned to Agricultural Purposes Only (APO) to preclude its use for residential purposes.

Both of these conditions have been added as a condition of consent.

Discussion:

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

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “prime agricultural area” according to the PPS. The PPS states that prime agricultural areas shall be protected for long-term use for agriculture. Section 2.3.4.1 (c) states that lot creation in prime agricultural areas is discouraged and may only be permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

The Growth Plan also states that prime agricultural areas are to be protected for the long-term use of agriculture.

The Regional Official Plan (ROP), designates the subject lands as within the “Good General Agricultural Area”. Section 5.B.8.1 (c) of the ROP states that consents are permitted provided that it is to convey a residence surplus to a farming operation as a result of farm consolidation provided new residential dwellings are prohibited in perpetuity on any vacant remnant parcel created by the severance. As such, a condition of this severance is proposed that the remnant farm parcel be rezoned to preclude its use for residential purposes.

Staff are of the opinion that the proposed application conforms to the policies of the PPS, Growth Plan and ROP. The proposed severance is to convey a residence surplus to a farming operation and a condition of the severance has been proposed to rezone Part 1 and 2.

City of Port Colborne Official Plan

The subject property is designated as Agricultural in the City’s Official Plan (OP). This designation permits the severance of agricultural land provided it is for a residence surplus to a farming operation.

Section 3.5.3 (c) of the OP states, that where two or more farms are amalgamated under one ownership, any surplus habitable dwellings may be severed provided that no new residential development shall be permitted on a vacant remnant parcel of farmland. The applicant has submitted a Bona Fide Farmer Letter to staff that indicates that the farm will be amalgamated under one ownership. Staff is satisfied that the proposal meets the criteria of the OP and conforms to the OP.

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

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

Part 1: A lot frontage of 14.15m on Wilhelm road and a lot area of 1.004ha

Part 2: A lot frontage of 448.38m on Wilhelm road and a lot area of 69.451ha.

The Agricultural zone requires a lot frontage of 30m and a minimum lot area as existing. The lot coverage requirement of the A zone is 10% which will not be exceeded as a result of the severance. A special provision of the Zoning By-law will be sought to address the lot frontage deficiency of Part 1 during the time of the Zoning By-law Amendment. Part 1 is proposed to be rezoned to Agricultural Residential, which also permits 10% lot coverage and will not be exceeded as a result of this severance.

Recommendation:

Given the information above, Planning Staff recommends application B09-22-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 is submitted to the Secretary-Treasurer.
3. Approval of a Zoning By-law Amendment for Part 1 to Agricultural Residential zone and for Part 2 to an Agricultural Purposes Only zone.
4. That the owner dedicates a 3.05-meter road widening to the Regional Municipality of Niagara across the Regional Road 98 (Wilhelm Road) frontage of the severed parcel (Part 1), prior to the satisfaction of the Regional Municipality of Niagara. All costs for providing the necessary survey plan and related documents are the responsibility of the applicant.
5. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
6. That all conditions of consent be completed by August 10th, 2024.

For the following reasons:

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

Prepared by,

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

Chris Roome, BURPI
Planner

Submitted by,

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

Denise Landry, MCIP, RPP
Manager of Planning Services

Samantha Yeung

From: Nikolas Wensing <nwensing@npca.ca>
Sent: June 17, 2022 11:52 AM
To: Samantha Yeung; Chris Roome
Subject: Flooding Concern Resolved - 1498 Wilhelm Road, Port Colborne

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

Hello Samantha and Chris,

I am emailing you both today about the Consent and Zoning By-law Amendment applications for 1498 Wilhelm Road, Port Colborne. NPCA technical staff have confirmed that they will have no flooding concerns with the proposed severance. As such, the NPCA will have no further objections to the proposed Consent or ZBA applications for a Surplus Farm Dwelling Severance at 1498 Wilhelm Road, Port Colborne.

Sincerely,

**Nikolas Wensing, B.A., MPlan
Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 228
nwensing@npca.ca
www.npca.ca

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [facebook.com/NPCAOntario](#) & [twitter.com/NPCA_Ontario](#).

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

Planning and Development Services

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

Via Email

July 28, 2022

Region File: D.06.07.CS-22-0045

Samantha Yeung
Planning Technician/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 Consent Application (Surplus Farm Dwelling Severance)
City File: B09-22-PC
Owner: Andy Veenstra
Agent/Applicant: Christopher Wilson
1498 Wilhelm Road
Port Colborne**

Regional Planning and Development Services staff has reviewed the above-noted Consent Application (Surplus Farm Dwelling Severance) for land municipally known as 1498 Wilhelm Road in the City of Port Colborne. The proposal is to sever 1 ha (Part 1), containing an existing dwelling as a surplus farm dwelling. A total of 69 ha of land (Part 2) is to be retained for continued agricultural use.

A virtual pre-consultation meeting for this proposal was held on November 25, 2021, with the Agent and staff from the City and Region in attendance. Regional staff offer the following comments from a Provincial and Regional perspective to assist the Committee in considering the application.

Provincial and Regional Policies

The subject lands are located within a “Prime Agricultural Area” under the *Provincial Policy Statement, 2020* (“PPS”), identified as “Prime Agricultural Area” in the “Provincial Agricultural System” under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and are designated as “Good General Agricultural Area” in the *Regional Official Plan* (“ROP”).

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. The permitted uses and activities for Prime

Agricultural Areas are agriculture, agriculture-related, and on-farm diversified uses. The predominant use of land in Good General Agricultural Areas is for agriculture of all types, including livestock operations. Compatible uses such as forestry and conservation of plant and wildlife are also permitted.

Correspondence from the Agent on behalf of the Owner (dated June 1, 2022) details that Andy Veenstra and his wife are bona fide farmers engaged in cash crop farming with 12 properties in the City of Port Colborne, with a principal residence located at 4238 Second Concession, Port Colborne.

Policies 5.B.8.1 and 5.B.9 of the ROP set out the circumstances and provisions for when lot creation in the Good General Agricultural Area is permitted. Specifically, the proposed Consent Application meets the provisions of Policy 5.B.8.1 c), which involves the severance of a residence surplus to a farming operation as a result of farm consolidation, provided that new residential dwellings are prohibited in perpetuity on any vacant remnant parcel of farmland created by the severance, and the new lot will be limited in size required to accommodate the use and appropriate sewage and water services.

With respect to lot size, ROP Policy 5.B.9 f) states the size of any new lot shall not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support private water and sewage services. The proposed surplus farm dwelling severance, if approved would result in the creation of a 1 hectare (2.47 acres) rural residential lot, which exceeds this requirement. Regional staff observe the dwelling to be approximately 350 m setback from Wilhelm Road with an additional Quonset hut to the east of the existing dwelling.

Correspondence from the Agent (dated June 3, 2022) identifies that the Quonset hut is not used in the existing farming operation and will not be utilized for agricultural purposes. Additionally, the east yard setback from this structure has been reduced from the initial proposal to further minimize the lot area. A large portion of the area required is due to the length of the driveway to the residential dwelling. The creation of this rural residential property will not be removing any agricultural land out of production.

Regional staff acknowledge that the contributing factors to the exceedance in lot size is due to the combination of the length of the driveway and additional building to be utilized for residential purposes. It is also recognized that the area of the new lot will not decrease the total area of land in active agricultural production. Given this information, Regional staff is satisfied that the lot size proposed for Part 1 aligns with Regional policy in principle. The remnant agricultural parcel (Part 2) shall be rezoned to preclude its use for residential purposes (through an Agricultural Purposes Only 'APO' zone).

Natural Heritage

The property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of the Bearss Drain Locally Significant Wetland Complex ("LSW"), the Black Creek South headwaters LSW, Significant Woodland and Type 2 (Important) Fish Habitat. Consistent with ROP Policy 7.B.1.11 and 7.B.1.15, an Environmental Impact Study is generally required in support of site alteration and/or development proposed within 50 m of LSW/Significant Woodland and within 15 m of Type 2 Fish Habitat. The proposed severance is outside of the above-noted setbacks. As such, staff does not offer any environmental requirements for the proposed Application.

Private Sewage System

Regional Private Sewage System ("PSS") staff has reviewed the Consent application for 1498 Wilhelm Road, Port Colborne. Regional staff were unable to find information with respect to the location of the existing septic system in our records. The Owner was advised that the runs of the septic system would need to be exposed to confirm the location and the setbacks from the proposed property and to ensure the system would be fully contained within the parcel.

An on-site inspection was conducted on July 7, 2022 where the tile bed was exposed and the proposed property lines were identified. The proposed property line is approximately 4 metres away from the runs of the tile bed, which meets the required setbacks of the Ontario Building Code. At the time of inspection, a 2 chamber septic tank located immediately south of the dwelling was also inspected. The levels of the septic tank appeared to be in good working order and there were no visible defects of the system in its entirety at the time the inspection took place. Therefore, Regional PSS staff have no concerns with the proposed Consent application.

Regional Road Allowance

The property has frontage along Regional Road 98 (Wilhelm Road). This section of road has a substandard road allowance. The designated Regional Road allowance as set out in the ROP is 26.2 metres. Therefore, the following road widening is to be granted gratuitously to the Region:

- A 3.05 metre road allowance across the Regional Road 98 (Wilhelm Road) frontage of the newly created parcel (Part 1) in order to achieve 13.1 metres from the original centerline of the Regional Road allowance.

The Applicant is advised that the actual width of the required widening will need to be confirmed by an Ontario Land Surveyor as the information provided is only an approximation of the requirement. The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the Plan will be the responsibility of the Owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for

July 28, 2022

approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition. Appropriate Regional staff contacts is provided below:

Norma Price, Law Clerk, 905-980-6000 ext. 3339.

E-mail norma.price@niagararegion.ca

(Inquiries -specific to the transfer of property to the Region)

Normans Taurins, Manager, Surveys & Property Information, 905-980-6000 ext. 3325.

E-mail: normans.taurins@niagararegion.ca

(Inquiries specific to the review of the preliminary survey plan)

Regional Permit Requirements

Regional staff acknowledge that this application does not propose any construction works within the Regional Road 98 (Wilhelm Road) road allowance. Prior to any future construction works or entrance alteration being completed within the Regional Road allowance, a Regional Construction Encroachment and/or Entrance Permit is required.

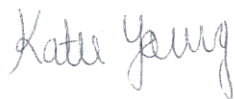
The required Regional Road Permits must be obtained from Niagara Region's Transportation Services Division, Public Works Department. Applications can be made through the Region's website: <http://niagararegion.ca/living/roads/permits/default.aspx>

Conclusion

Regional Planning and Development Services staff does not object to the proposed Consent Application provided that the conditions of approval as contained in the Appendix are fulfilled. Once satisfied, it is Regional staff's opinion that the proposal is consistent with the PPS and conforms to Provincial and Regional policies. City staff should be satisfied that any local requirements / provisions for the Application are met.

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

Kind regards,



Katie Young
Development Planner, Niagara Region

cc: Alexander Morrison, MCIP, RPP, Senior Development Planner, Niagara Region
Lori Karlewicz, Planning Ecologist, Niagara Region
Robert Alguire, Development Approval Technician, Niagara Region
Matteo Ramundo, Private Sewage System Inspector, Niagara Region
Devon Haluka, Private Sewage System Inspector, Niagara Region

Appendix

Regional Conditions of Consent Approval

1498 Wilhelm Road, Port Colborne

1. That the Owner dedicate a 3.05 metre road widening to the Regional Municipality of Niagara across the Regional Road 98 (Wilhelm Road) frontage of the severed parcel (Part 1), prior to the issuance of a building permit, to the satisfaction of the Regional Municipality of Niagara. All costs for providing the necessary survey plan and all related documents are the responsibility of the Applicant.
2. That the remnant agricultural parcel (Part 2) is rezoned to Agricultural Purposes Only ("APO") to preclude its use for residential uses.

Name of Property Owner	Address of Property	Legal Description of Property	Roll Numbers
Andy Veenstra Farms Ltd.	Brookfield Road	HUMBERSTONE CON 2 PT LT 10	2711-040-002-46900-0000
Andy Veenstra Farms Ltd.	Brookfield Road	CON 3 PT LT 11	2711-040-006-05205-0000
Andy Veenstra Farms Ltd.	3620 Concession 2 Rd	HUMBERSTONE CON 3 PT LT 9, PT LT 10	2711-040-006-04200-0000
Andy Veenstra Farms Ltd.	Highway 3	CON 2 PT LT 5, PT LT 6	2711-040-001-39000-0000
Andy Veenstra Farms Ltd.	1878 Sherk Road	CON 2 PT LT 12 RP59R7421 PART 1 TO PART 3	2711-040-002-49000-0000
Andy Veenstra Farms Ltd.	1878 Sherk Road	CON 2 PT LT 13, PT LT 14	2711-040-002-50600-0000
Andy & Dorothy Veenstra	Brookfield Road	CON 2 PT LT 11	2711-040-002-48825-0000
Andy & Dorothy Veenstra	3288 Concession 2 Rd	CON 3 PT LT 11 PT LT 12	2711-040-006-05300-0000
Andy & Dorothy Veenstra	Highway 3	HUMBERSTONE CON 2 PT LT 3	2711-040-001-38301-0000
Andy & Dorothy Veenstra	Zavitz Road	CON 2 PT LT 3	2711-040-006-00101-0000
Dorothy Veenstra	Highway 3	HUMBERSTONE CON 2 PT LTS 3 & 4 &RP 59R3209 PT 1 RP 59R16563 PT 2	2711-040-001-38800-0000
Dorothy Veenstra	Wilhelm Road	CON 2 PT LT 3, PT LT 4	2711-040-006-00900-0000

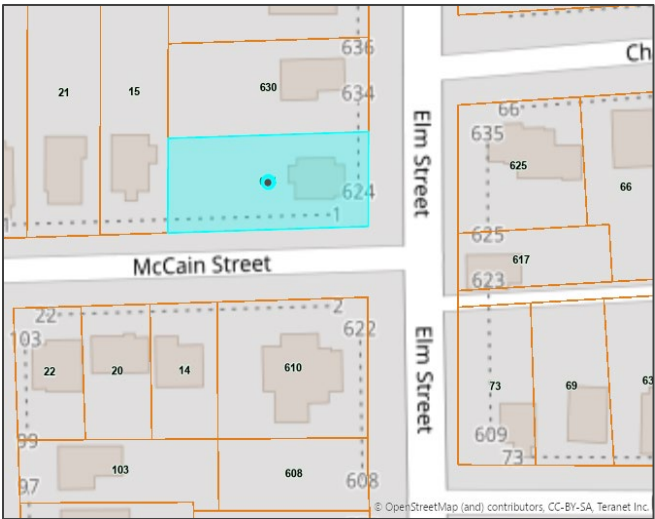
COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR CONSENT

APPLICATION NO. B12-22-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 Part Block F on Plan 775, in the City of Port Colborne, Regional Municipality of Niagara, located in the Second Density Residential (R2) zone, municipally known as 624 Elm Street.

AND IN THE MATTER OF AN APPLICATION by the agent Leigh Whyte on behalf of the owner Bryan Keenan, for severance 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 frontage of 20.04m and a lot area of 402m² for future residential use. Part 1 will retain a lot frontage of 20.12m along Killaly Street East with a lot area of 505m² for an existing residential dwelling. A sketch of the subject lands 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:	August 10, 2022
TIME:	6:00 P.M.
LOCATION:	66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at 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, August 5, 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
<p>The Public Meeting will be held in-person, with the meeting live-streamed on the City’s YouTube channel at https://www.youtube.com/watch?v=bXdndHSGzo.</p> <p>Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. Written submissions and participation requests must be received by noon on Tuesday, August 9, 2022, by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p> <p>If you have any questions about the submission process or would like to explore alternative submission methods, please email Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.</p> <p>The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.</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 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: July 26, 2022

CONSENT

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

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

SUBMISSION OF APPLICATION:

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

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

COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

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

NOTICE REQUIREMENTS

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



PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

APPLICATION FOR CONSENT

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s): 1000226178 Ontario Inc.	
Name: Bryan Keenan	
Mailing Address: 1791 Macdonald Drive	
City: Fort Erie	Province: Ontario
Postal Code: L2A 5M4	Telephone: (289) 257-0046
Fax: NA	Email: bvpoffice@gmail.com

1.2 Owner's SOLICITOR (if applicable)	
Name: Michael A. Mann obo Michael A. Mann Legal Professional Corp.	
Mailing Address: P.O. Box 799 Suite 800, 80 King Street	
City: St. Catharines	Province: Ontario
Postal Code: L2R 7G1	Telephone: (905) 346-8795
Fax: NA	Email: mmann@lcwlawyers.com

1.3 Owner's Authorized AGENT (if applicable)	
Name: P. Leigh White obo PLW Planning and Environmental Consulting	
Mailing Address: 240 Jarvis Street	
City: Fort Erie	Province: Ontario
Postal Code: L2A 2S5	Telephone: (905) 658-5314
Fax: NA	Email: leigh@plwconsulting.com

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
None

1.5 Date and Subject Land was acquired by the Current Owner:
June 15, 2002

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)

Name: Ray Kirkup obo Kirkup Mascoe Uno Surveying (a division of JD Barnes)	
Mailing Address: 4318 Portage Road, Unit 2	
City: Niagara Falls	Province: Ontario
Postal Code: L2E 6A4	Telephone: (905) 685-5931
Fax: NA	Email: ray@niagarasurveyors.com

1.7 All communications should be sent to the:

- ☐ Owner
☐ Solicitor
☒ Agent

Section 2: LOCATION

Former Municipality: City of Port Colborne	
Concession No.	Lot(s):
Registered Plan No. Part of Block F, Plan 745	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Elm Street	Street No. 624

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

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

Reason for proposed transaction:

New vacant development lot for residential semi-detached dwellings.

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

NA

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

TBD

Section 3: OFFICIAL PLAN & ZONING

3.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: Urban Residential
Regional Policy Plan: Urban Area (Built-up Area)

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

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

Section 4

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

Section 5

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

Section 6

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

Section 7

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

Section 8

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

Section 9

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)		
Frontage: 20.04 m	Depth: 20.11 m	Area: 403 m ²
Existing Use: Vacant rear yard of single-detached dwelling		
Proposed Use: Semi-detached residential		

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

Existing: Vacant
Proposed: New Semi-detached Residence

Section 10

Part No. On Sketch: 1

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 20.11 m	Depth: 25.16 m	Area: 506 m ²
Existing Use: Residential - Single Detached w/ Garage		
Proposed Use: Residential - Single Detached w/ Garage		

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: Single-detached dwelling and Garage
Proposed: Single-detached dwelling and Garage

Section 11

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

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

File Number: NA
Decision: NA

Section 12

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

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

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

Section 13: OTHER APPLICATIONS

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

13.2 If the answer to the above is yes, and if known, provide the following for each application noted:	
File number of the application:	TBD - Concurrent Applications
Name of the approval authority considering the application:	City of Port Colborne Committee of Adjustment
Lands affected by the application:	624 Elm Street, Port Colborne
Purpose of the application:	New Vacant Lot For Residential Semi-detached dwelling
Status of the application:	Active Concurrent Submitted For 1 Consent and 1 Minor Variance
Effect of the application on the proposed amendment:	New Vacant Lot For Residential Semi-detached dwelling

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

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

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

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

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

Type of Building or Structure on Retained Parcel	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
Dwelling	7.80m	6.76m	5.51m	7.50m	2.5 storey	505 m ²	1925±
Garage	18.72m	1.50m	15.25m	2.62m	1 storey	33.5 m ²	1925±

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

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"/>

14.6 If Industrial or Commercial, specify use
NA

14.7 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

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X June 30, 2022
Date

X Bryan Keenan
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

Single-detached dwelling and garage on retained parcel to remain

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

This document is prepared and
 is not intended to be used as a legal
 document. It is for informational
 purposes only.

X June 30, 2022
Date

X P. Leigh White
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 P. Leigh White
Of the City/Town/Township of Fort Erie
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 Niagara of Niagara
This 30th day of June
A.D. 2022

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 P. Leigh White

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

A Commissioner, etc.

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

624 Elm Street, Port Colborne

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize
P. Leigh Whyte obo PLW Planning and Environmental Consulting

(name of agent)

of the Town of Fort Erie

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 Town of Fort Erie
 in the Regional Municipality of Niagara
 this 30th day of June 2020

X P. Leigh Whyte
 Signature of Witness

X Bryan Keenan
 Signature of Owner

X
 Signature of Witness

X
 Signature of Owner

X
 Signature of Witness

X
 Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

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

Port Colborne Planning and Development Department

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

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:

Planning and Legislative Services

Planning Division Report

August 5th, 2022

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

Re: Application for Consent B12-22-PC
624 Elm Street
Part of Block F on Plan 775
Agent: Leigh Whyte
Owner(s): Bryan Keenan

Proposal:

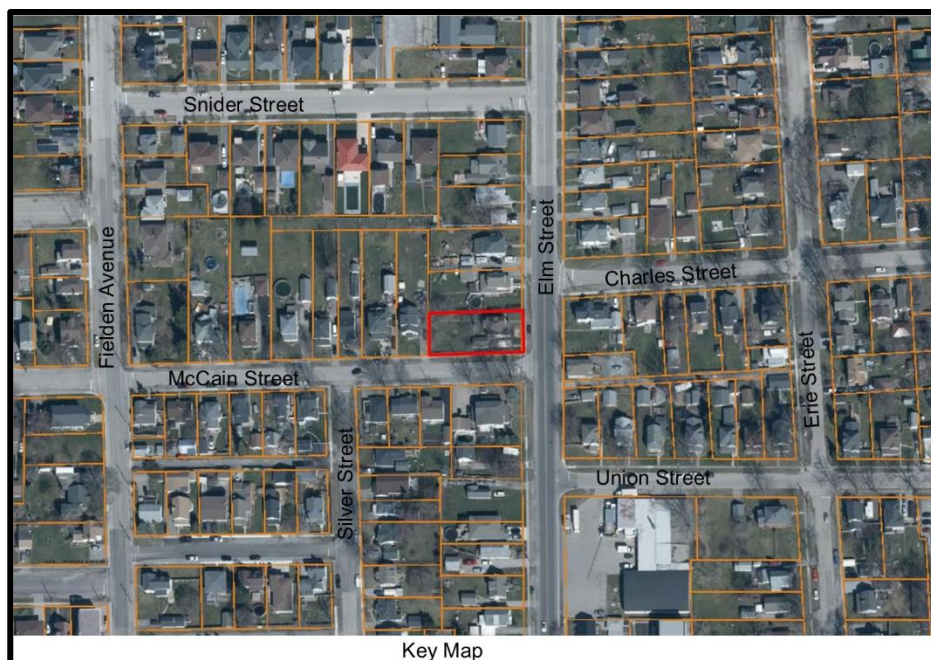
The purpose and effect of this application is to permit the conveyance of Part 2 having a lot frontage of 20.04m on McCain Street and a lot area of 402m² for a proposed semi-detached dwelling. Part 1 will retain a lot frontage of 20.12m on Elm Street and a lot area of 505m².

Surrounding Land Uses and Zoning:

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

Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.



Public Comments:

Notice was circulated on July 26th, 2022, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of August 5th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on July 18th, 2022 to internal staff and agencies. As of August 5th, 2022, the following has been received.

Drainage Superintendent

If the newly created parcels do not drain independently of one another, it is recommended that a mutual agreement drain be implemented and registered on the title of all parcels involved. A mutual agreement drain is to ensure that all the parcels affected have drainage now and into the future. If assistance is required for this, please contact the City's Drainage Superintendent.

A municipal consent will be required for the purpose of a driveway to the newly created parcel. This will also be required should the parcel be developed to install services to the new property.

A mutual agreement drains are private drainage systems between two property owners. The city cannot add this as a condition of consent because it involves two private property owners, one of which is not involved in this application, and therefore it is recommended that a mutual agreement drain be implemented if the parcels do not drain independently.

Fire Department

Port Colborne Fire has no objection to the proposed application.

Discussion:

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

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

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

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

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

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

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

City of Port Colborne Official Plan

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

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

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

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

Part 1: A lot frontage of 20.12m and a lot area of 505m²

Part 2: A lot frontage of 20.04m and a lot area of 402m².

Section 6.5 (b) of the Zoning By-law states the minimum lot area for a semi-detached dwelling must be 0.05 ha (500m²). As such, the applicant has concurrently applied for a minor variance to request relief from this section of the By-law. Section 6.5 (k) states that nothing shall prevent the splitting of a semi-detached dwelling into two lots provided, that each dwelling unit has a minimum lot area of 0.02 ha (200m²).

R2 zoning permits detached, semi-detached, and duplex dwellings. The lot creation policies for a detached dwelling are 12m of lot frontage and 400m² of lot area however the applicant has indicated that they wish to construct a semi-detached dwelling, therefore a minor variance is required. The minor variance is necessary for the creation of Part 2 and the approval of it has been added as a condition of consent.

Staff is satisfied that the proposed application will meet the requirements of the Zoning By-law, with the exception of the lot area for Part 2, which will be addressed through a minor variance. The proposed lot on Part 2 does not meet the zone requirements for lot area but would still meet the requirements for severing a future semi-detached dwelling, and as a result, a future semi-detached dwelling can be located in a suitable location on the subject property.

Recommendation:

Given the information above, Planning Staff recommends application B12-22-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That minor variance application A21-22-PC be granted.
4. That all conditions of consent be completed by August 10th, 2024.

For the following reasons:

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

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Manager of Planning Services



240 Jarvis Street
Fort Erie, ON
L2A 2S5
Phone: (905) 658-5314
www.PLWConsulting.com

June 30, 2022

City of Port Colborne
Attn: Samantha Yeung
Secretary/Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, ON L3K 3C8

**Re: Regarding Consent and Minor Variance
624 Elm Street, Port Colborne**

Dear Ms. Yeung:

We are pleased to submit the attached applications for Consent and Minor Variance for 624 Elm Street. This property is on the northwest corner of Elm Street and McCain. It is our intention to maintain the existing dwelling and garage currently fronting on Elm Street and sever off the rear yard of the existing property to accommodate the construction of a semi-detached residential structure with approximately 20 meters of frontage. The new lot would comply with zoning parameters with the exception of lot area as depicted on the attached severance sketch.

It is our professional planning opinion that the proposed action would be consistent with the Four Point Test and constitute good planning. Specifically the proposal must;

1. Be minor in nature – the proposed development would facilitate a use that is currently permitted and have only one deviation from the zoning parameters, that of lot area. The lot area for each of the two dwelling units within the semi-detached structure would exceed 200 meters which is contemplated by Section 6.5(k) of the Comprehensive Zoning By-law which indicates “Notwithstanding the provisions of Section 6.5, nothing shall prevent the splitting of any lot on which a semi-detached dwelling is erected into 2 parts divided in part by the centre line of the common or party wall separating the dwelling units in such dwelling provided that each until shall have a minimum lot area of 0.02 hectares.”
2. Be desirable for the appropriate development or use of the land, building or structure – the intensification of the development of this existing parcel through the formation of one new lot to accommodate two dwelling units within a semi-detached structure is desirable. The development provides supplemental housing stock for the area and increased tax base for the City of Port Colborne.



240 Jarvis Street
Fort Erie, ON
L2A 2S5
Phone: (905) 658-5314
www.PLWConsulting.com

3. Be in keeping with the general intent and purpose of the Zoning By-law – the proposed development is definitely in keeping with the general intent and purpose of the Zoning By-law as the proposed use (semi-detached residential) is permitted within the zone and all but one of the zoning parameters have been met by the configuration depicted on the attached severance sketch. The deficient lot area is not substantially below the zoning requirement for the zone and does not impede the efficient use of the property by future residents or result in any hardship by the City or adjacent residents.
4. Be in keeping with the general intent and purpose of the Official Plan – the proposed development is permitted in the Official Plan designation of Urban Residential. It is also consistent with the policies and goals of the Official Plan that support infill and intensification, providing a mix of residential housing opportunities, and improving the economic circumstances of the City of Port Colborne.

We welcome the consideration of this matter by the Committee of Adjustment and look forward to this project coming to fruition.

Sincerely;

A handwritten signature in blue ink that reads 'P. Leigh Whyte'.

Leigh Whyte, MCIP, RPP, AICP, RCIC
President

Cc: Bryan Keenan

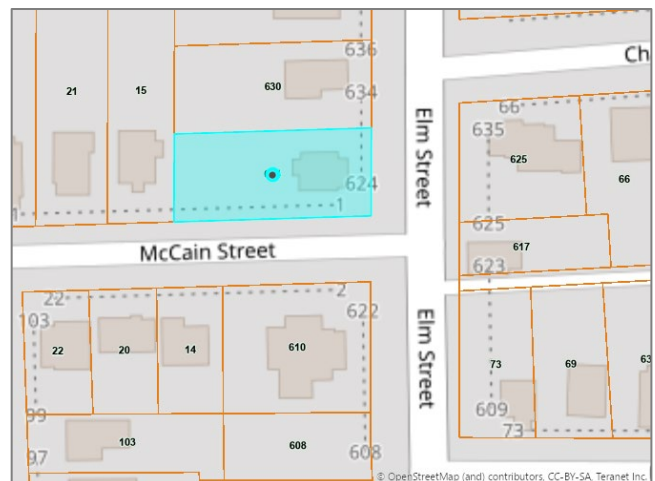
COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A22-22-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 6.5 (b) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Part Block F on Plan 775, in the City of Port Colborne, Regional Municipality of Niagara, located in the Second Density Residential (R2) zone, municipally known as 624 Elm Street.

AND IN THE MATTER OF AN APPLICATION by the agent Leigh Whyte on behalf of the owner Bryan Keenan 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 future residential development, notwithstanding the following;



1. That a minimum lot area of 402m² be permitted, whereas 500m² is required in the R2 zone.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission for future semi-detached residential development. Due to the proposed lot area, 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 and in-person by the Committee of Adjustment as shown below:

DATE: August 10, 2022
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street – Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at 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 August 5, 2022.**

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at https://www.youtube.com/watch?v=bXdn_DHSGzo.

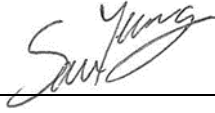
Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on August 9, 2022** by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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

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

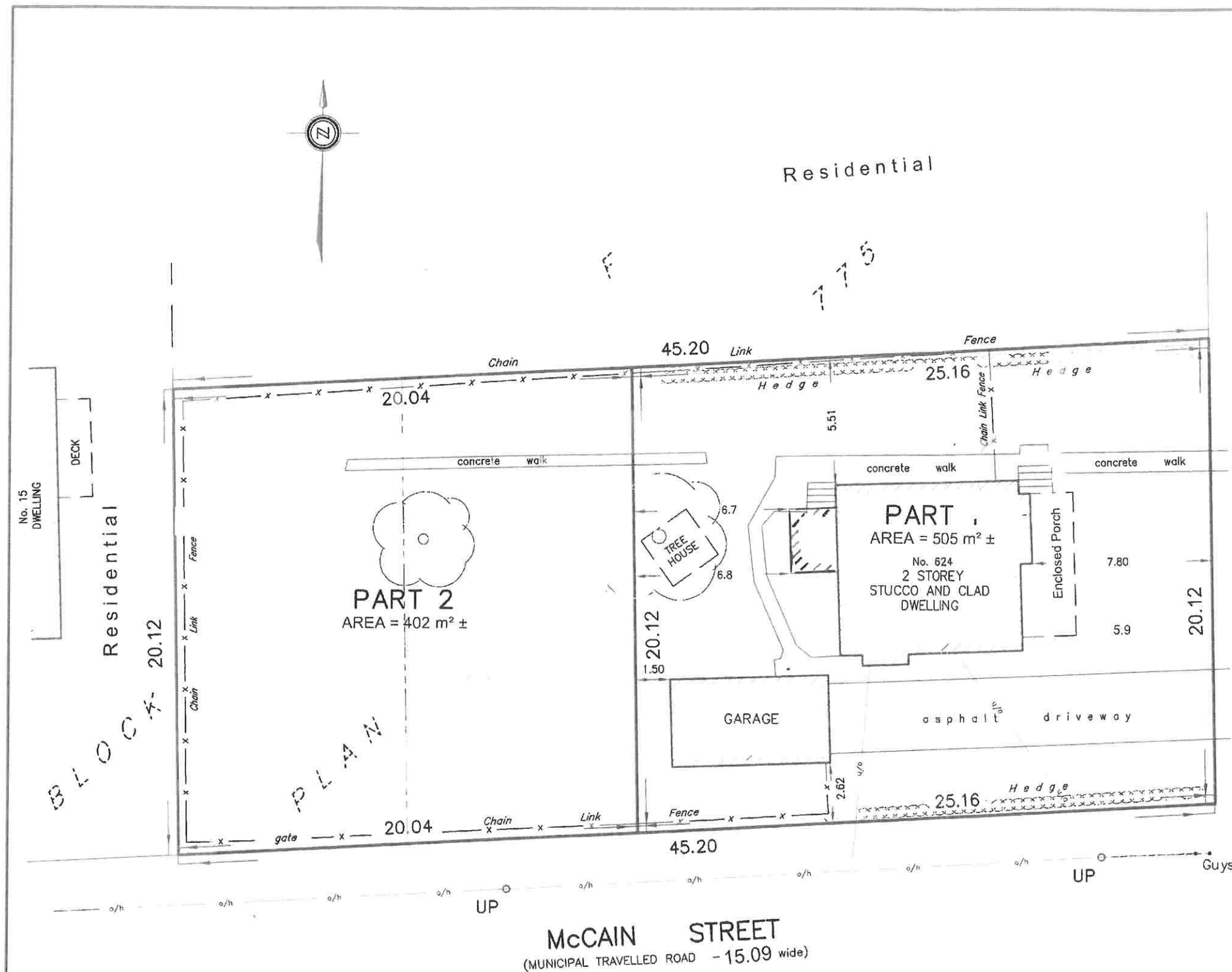
NOTE: If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal hearing if the decision of the Committee is appealed.

By order of the Committee of Adjustment,

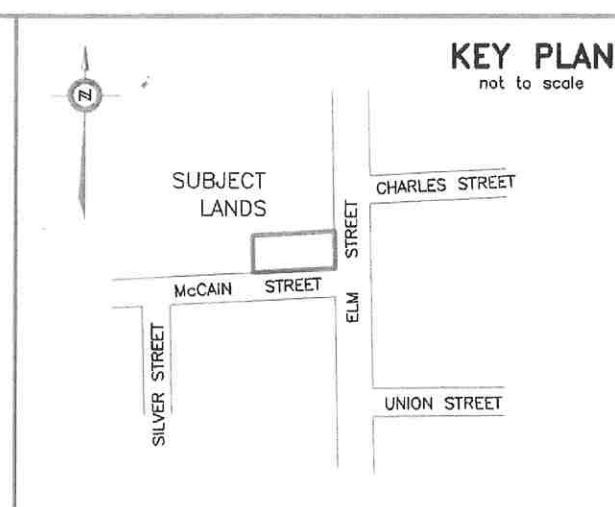
A handwritten signature in black ink, appearing to read 'S. Yeung', is positioned above a horizontal line.

Samantha Yeung,
Secretary-Treasurer

Date of Mailing: July 26, 2022



Guy
UP



SKETCH FOR SEVERANCE APPLICATION

SCALE 1 : 200



ROY S. KIRKUP, O.L.S.

© No person may copy, reproduce or alter this sketch in whole or in part without written permission from Kirkup Mascoe Ure Surveying.

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.

THIS SKETCH IS PROTECTED BY COPYRIGHT ©

NOTES

GEOGRAPHIC LOCATION BEING PART OF BLOCK F, PLAN 775, CITY OF PORT COLBORNE, REGIONAL MUNICIPALITY OF NIAGARA.

DISTANCES SHOWN HEREON ARE BASED ON FIELD MEASUREMENTS AND CALCULATIONS USING OFFICE RECORDS.

THIS SKETCH IS PREPARED FOR SEVERANCE APPLICATION ONLY AND IS NOT TO BE USED FOR MORTGAGE OR TRANSACTION PURPOSES

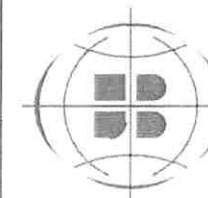
DATE : JUNE 29, 2022

ROY S. KIRKUP
ONTARIO LAND SURVEYOR

THIS SKETCH IS NOT VALID UNLESS EMBOSSED WITH THE ORIGINAL SURVEYORS SEAL

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



Kirkup Mascoe Ure Surveying
A Division of J.D. Barnes Limited

SURVEYING
MAPPING
GIS

4318 PORTAGE ROAD, UNIT 2, NIAGARA FALLS, ON L2E6A4
T: (905) 641-1007 F: (905) 641-4424 www.jdbarnes.com

DRAWN BY:

GP

CHECKED BY:

RSK

REFERENCE NO.:

22-49-053-00_11dc

PLOTTED: JUNE 29, 2022

DATED: JUNE 29, 2022



PORT COLBORNE

• **PLANNING AND LEGISLATIVE SERVICES** •

File No. _____

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

MINOR VARIANCE OR PERMISSION

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

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

SUBMISSION OF APPLICATION:

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

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

COMPLETENESS OF APPLICATION:

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

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

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

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

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

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


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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

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

NOTICE REQUIREMENTS

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



PORT COLBORNE

• PLANNING AND LEGISLATIVE SERVICES •

APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s): 1000226178 Ontario Inc.	
Name: Bryan Keenan	
Mailing Address: 1791 Macdonald Drive	
City: Fort Erie	Province: Ontario
Postal Code: L2A 5M4	Telephone: (289) 257-0046
Fax: NA	Email: bvpoffice@gmail.com

1.2 Owner's SOLICITOR (if applicable)	
Name: Michael A. Mann obo Michael A. Mann Legal Professional Corp.	
Mailing Address: P.O. Box 790, Suite 800, 80 King Street	
City: St. Catharines	Province: Ontario
Postal Code: L2R 7G1	Telephone: (905) 346-0795
Fax: NA	Email: mmann@lclawyers.com

1.3 Owner's Authorized AGENT (if applicable)	
Name: P. Leigh White obo PLW Planning and Environmental Consulting	
Mailing Address: 240 Jarvis Street	
City: Fort Erie	Province: Ontario
Postal Code: L2A 2S5	Telephone: (905) 658-5314
Fax: NA	Email: leigh@plwconsulting.com

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
None

1.5 Date and Subject Land was acquired by the Current Owner:
June 15, 2020

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Roy Kirkup aka Kirkup Mascoe Ure Surveying (a division of ID Barnes)	
Mailing Address: 4318 Portage Road, Unit 2	
City: Niagara Falls	Province: Ontario
Postal Code: L2E 6A4	Telephone: (905) 685-5931
Fax: NA	Email: roy@niagarasurveyors.com

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

Section 2: LOCATION

Former Municipality: City of Port Colborne	
Concession No.	Lot(s):
Registered Plan No. Part of Block F, Plan 775	
Reference Plan No.	Part(s):
Name of Street: Elm Street	Street No. 624

Section 3: DESCRIPTION

Part No. On Sketch: 2

Frontage: 20.04m	Depth: 20.11m	Area: 403m ²
Existing Use: Vacant Rear Yard of Single-detached residence		
Proposed Use: Semi-detached dwelling		

Section 4: OFFICIAL PLAN & ZONING

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

4.2 What is the Zoning of the land (By-law 1150/97/81)?
R2 - Second Density Residential

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:
Minimum lot Area for Semi-detached dwelling of 403 m whereas 500 m is required.

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

Section 11

<p>WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:</p> <p>Increasing Lot Area will result in Further non-compliance of the retained lot with the existing dwelling including the rear yard and lot area.</p>
--

Section 12

<p>DATE OF ACQUISITION of the land by the current owner:</p> <p>June 15, 2022</p>
--

Section 13

<p>DATE OF CONSTRUCTION of all existing buildings and structures on the land:</p> <p>1925±</p>

Section 14

<p>LENGTH OF TIME of time that the existing use(s) of the land have continued:</p> <p>Since 1925±</p>
--

Section 15: OTHER APPLICATIONS

<p>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:</p>		
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 <i>Concurrent</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Consent <i>Concurrent</i>	<input checked="" type="checkbox"/> Yes	<input 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: TBD- Concurrent Submittals
Name of the approval authority considering the application: City of Port Colborne Committee of Adjustment
Lands affected by the application: 624 Elm Street, Port Colborne
Purpose of the application: New Vacant Lot For Residential Semi
Status of the application: Active Concurrent Submittals
Effect of the application on the proposed amendment: New Vacant Lot For Residential Semi

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

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

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

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

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

Type of Building or Structure on Retained Parcel	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
Dwelling	7.80m	6.76m	5.51m	7.50m	2.5 stories	505 m ²	1925±
Garage	18.72m	1.50m	15.25m	2.62m	1 storey	33.5 m ²	1925±

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

NA

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that 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 June 30, 2022

Date

X Bryan Keenan

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

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

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

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

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

X June 30, 2022
Date

X P. Leigh Whyte
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 P. Leigh Whyte
Of the City/Town/Township of Fort Erie
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 30th day of June
A.D. 2022

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

A Commissioner, etc.

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

X P. Leigh Whyte

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

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize
P. Leigh White obo PLW Planning and Environmental Consulting
(name of agent)

of the Town of Fort Erie

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 Town of Fort Erie
in the Regional Municipality of Niagara
this 30th day of June 2022

X [Signature]
Signature of Witness

X Bryan Keenan
Signature of Owner

X
Signature of Witness

X
Signature of Owner

X
Signature of Witness

X
Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

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

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

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:
<div><input type="checkbox"/> C.B.O</div> <div><input type="checkbox"/> Fire Chief</div> <div><input type="checkbox"/> C. N. Power</div> <div><input type="checkbox"/> Region</div> <div><input type="checkbox"/> NPCA</div> <div><input type="checkbox"/> MTO</div> <div><input type="checkbox"/> MOE</div> <div><input type="checkbox"/> Other</div> <div></div>

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:

Development and Legislative Services

Planning Division Report

August 5th, 2022

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

Re: Application for Consent A22-22-PC
624 Elm Street
Part of Block F on Plan 775
Agent: Leigh Whyte
Owner(s): Bryan Keenan

Proposal:

The purpose and effect of this application is to permit a reduced lot area proposed under severance application B12-22-PC for the conveyance of Part 2 having a lot area of 402m² where 500m² is required for a proposed semi-detached dwelling.

Surrounding Land Uses and Zoning:

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

Official Plan:

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



Key Map

Zoning:

The subject property is zoned DC zone in accordance with Zoning By-Law 6575/30/18. Semi-detached dwellings are permitted in this zone.

Environmentally Sensitive Areas:

There are no environmentally sensitive areas on the subject lands.

Public Comments:

Notice was circulated on July 26th, 2022, as per Section 45 (5) of the Planning Act to adjacent properties within 60 metres of the subject property. As of August 5th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on July 18th, 2022 to internal staff and the required agencies. As of August 5th, 2022, the following has been received.

Drainage Superintendent

If the newly created parcels do not drain independently of one another, it is recommended that a mutual agreement drain be implemented and registered on the title of all parcels involved. A mutual agreement drain is to ensure that all the parcels affected have drainage now and into the future. If assistance is required for this, please contact the City's Drainage Superintendent.

A municipal consent will be required for the purpose of a driveway to the newly created parcel. This will also be required should the parcel be developed to install services to the new property. This will be addressed at the time of the building permit application.

Fire Department

Port Colborne Fire has no objection to the proposed application.

Planning Act – Four Tests:

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

Is the application minor in nature?

Staff finds the requested variance to be minor in nature. The decrease in lot area from 500m² to 402m² will not negatively impact the subject parcel. The lot area intends to ensure that a dwelling can suitably fit on the subject property, is compatible in size with neighbouring properties, and can provide enough amenity space. A proposed lot can accommodate a future semi-detached dwelling and still provide a suitable amount of amenity space.

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

The proposal is desirable and appropriate as the reduction in lot area will not restrict the location of a future dwelling on the property. Semi-detached dwellings are a permitted use in the R2 zone therefore the proposal is compatible with the requirements of the zoning by-law.

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

The Zoning By-law permits semi-detached dwellings in the R2 zone. The intent of the lot area requirement is to ensure that the proposed lots will have enough amenity space for future dwellings. The property will be similar in size to lots in the area and staff is satisfied that the proposed lot area will result in a suitable amount of amenity space after a dwelling has been located on the property. . Furthermore, Section 6.5(k) of the Zoning By-law states that nothing shall prevent the splitting of a lot on which a semi-detached dwelling is erected into two parcels, provided that each parcel has a minimum of 200m² of lot area. The lot is large enough to accommodate the splitting of a future semi-detached dwelling if the owner chooses. The proposal has met the majority of the by-law requirements with the exception of the requested variance. Staff finds 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 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 recommends application A22-22-PC be **granted** for the following reasons:

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

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Manager of Planning Services

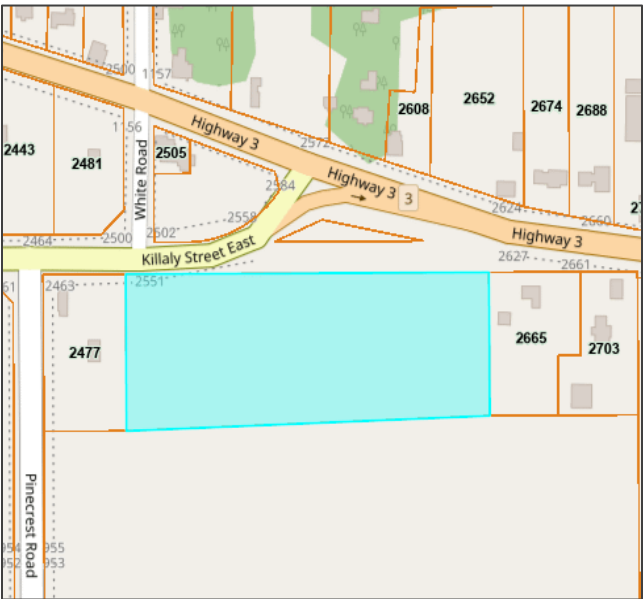
COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR CONSENT

APPLICATION NO. B01-22-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 Concession 1 Lot 14, in the City of Port Colborne, Regional Municipality of Niagara, located in the Hamlet Residential (HR) zone, on the south side of Killaly Street East.

AND IN THE MATTER OF AN APPLICATION by the owner Robert and Margaret Williams for severance 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 frontage of 60.52m and a lot area of 5648.68m² for future residential use. Part 1 will retain a lot frontage of 60.52m along Killaly Street East with a lot area of 5755.14m² for future residential use. A sketch of the subject lands 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:

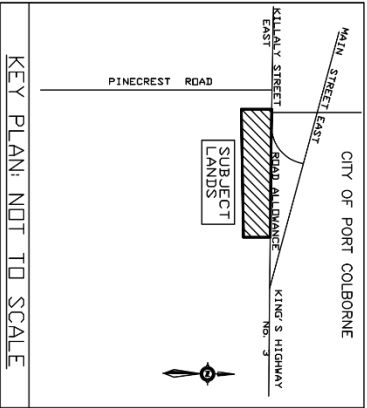
DATE: August 10, 2022
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at 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, August 5, 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
<p>The Public Meeting will be held in-person, with the meeting live-streamed on the City’s YouTube channel at https://www.youtube.com/watch?v=bXdn_DHSGzo.</p> <p>Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. Written submissions and participation requests must be received by noon on Tuesday, August 9, 2022, by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p> <p>If you have any questions about the submission process or would like to explore alternative submission methods, please email Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.</p>





File No. _____

The City of Port Colborne
The Planning Act - Section 53
Application For

Consent

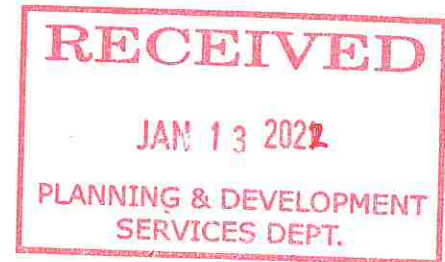
This application form is to be used by persons applying to the City of Port Colborne Committee of Adjustment for approval for Consent to Sever.

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
FAX: 1-905-835-2939
Email: 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 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 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) 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 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 will be consulted if the location of the subject lands falls within their respective field of responsibility. Refer to "A Suggestion to the Applicant".

Section 69(3) of the Planning Act states that a filing fee may be paid "under protest" and thereafter appealed to the Ontario Municipal Board against the levying of the fee or the amount of the fee, by giving written notice of appeal to the Ontario Municipal Board within 30 days of payment of the fee.

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 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 By-law 5718/149/11)

If an application is being made to convey a parcel of land together with or subject to a right-of-way or easement, a separate application form and fee will not necessarily be required for the right-of-way or easement.

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

Decisions of the Committee are made in public.

In granting consent to an application, the Committee may impose conditions as requested by municipal or other agencies including, but not limited to:

- That the owner submit a letter to the City indicating that (s)he is aware of the requirements of By-law 4748/130/05 which requires the collection of the parkland dedication at the time of the building permit application based on the value of the property the day before issuance of the permit and that (s)he will advise any future purchasers of this requirement.
- That an agreement with the City be entered into for installation of such municipal services as may be required, at the expense of the applicant and to standards acceptable to the City,
- That the reapportionment of the assessment for municipal drains applies,
- That the land be deeded gratuitously to the City or Regional Municipality for road widening purposes,

APPLICATION FEES

The application fee (See By-law 5718/149/11) 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.

REGIONAL REVIEW AND APPROVAL FEES

There is a fee for the planning review carried out by Niagara Region in place of Provincial Ministries. It should be provided to the City to be submitted to the Region 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). The applicant is responsible for paying any fees required by Regional Niagara. 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 (www.regional.niagara.on.ca).

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, showing the information set out below.
 - i). The boundaries and dimensions of the land abutting the land subject of this application also owned by the owner of the land subject of this application.
 - ii) The distance between the land and the nearest township lot line or landmark such as a bridge or railway crossing.
 - iii) The boundaries of the land, the part that is to be severed and the part that is to be retained.
 - iv) The location of all land previously severed from the parcel originally acquired by the current owner of the land.
 - v) 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;
 - vi) The existing uses on adjacent land, such as residential, agricultural and commercial uses;
 - vii) 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.
 - viii) If access to the land is by water only, the location of the parking and boat docking facilities to be used.
 - ix) The location and nature of any easement affecting the land.
 - x) The location, size, and type of all existing and proposed height of 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.
 - xi) The location and nature of any easement affecting the land.
 - xii) Parking areas, loading spaces, driveway entrance / exits
 - xiii) Existing and proposed servicing [e.g. water, storm and sanitary
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.

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 5718/149/11), 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).

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 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.

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): Robert & Margaret Williams
Mailing Address: 657 Clarence Street
City: Port Colborne Province: Ont
Postal Code: L3K 6B8 Telephone: 905-932-1261
Fax: _____ Email: remmwilliams@gmail.com

1.2 Owner's SOLICITOR (if any): Ron Martens
Mailing Address: 43 Church St #700
City: St Catharines Province: Ont
Postal Code: L2R 7E1 Telephone: 905-687-6551
Fax: _____ Email: rmartens@martenslingard.com

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.

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

Dec 15, 2021

1.6 Owner's ONTARIO LAND SURVEYOR (if any): Suda & Malerzyk Surveying Inc
Mailing Address: 26 Main Street, Suite 2
City: Welland Province: Ont
Postal Code: L3B 3W3 Telephone: 905-932-7651
Fax: 905-732-7660 Email: dcb@cogeco.ca

1.7 All communications should be sent to the:

Owner X Solicitor _____ Agent _____

2. LOCATION:

Former Municipality Humberstone
Concession No. 1 Lot(s) 14 Registered Plan No. _____ Lot(s) _____
Reference Plan No. 59R 17117 Part(s) _____
Name of Street Killaly St. E Street No. _____

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

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

Reason for proposed transaction:

Create Residential Building Lot

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

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

3. OFFICIAL PLAN AND ZONING

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

Port Colborne Official Plan Hamlet HM
Regional Policy Plan _____

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

Hamlet

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

Yes X No _____

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

Yes _____ No X

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

5. Type of ACCESS

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

6. What type of WATER SUPPLY is proposed?

Publicly owned and operated piped water supply _____

Lake _____

Well (private or communal) _____

Other (specify) Cistern

7. What type of SEWAGE DISPOSAL is proposed?

Publicly owned and operated sanitary sewage system _____

Septic system (private or communal) Private

Other (specify) _____

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

Publicly owned and operated storm water system _____

Other (specify) Surface Drainage to ditch

9. DESCRIPTION OF PARCEL TO BE SEVERED (in metric units):

Part No. on sketch 2

Frontage 60.56 m Depth 90.84 m Area 5648.66 sq m

Existing Use Agricultural - Hamlet Proposed Use Residential

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

Existing: _____

Proposed: Single Family Residential

10. DESCRIPTION OF PARCEL TO BE RETAINED (in metric units):

Part No. on sketch 1

Frontage 60.56 m Depth 100 m Area 5755.14 sq m

Existing Use Agricultural - Hamlet Proposed Use Residential

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

Existing: _____

Proposed: Single Family Residential

11. Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?

Yes _____ No X Unknown _____

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

File Number _____

Decision _____

12. HAS ANY LAND BEEN SEVERED from the parcel originally acquired by the owner of the land?

Yes X 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 Robert Williams

Land Use on severed parcel Hamlet - Agricultural

Date parcel transferred Dec 18/21

Consent file number (if known) B15-21-PC

13. OTHER APPLICATIONS:

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

Official Plan Amendment _____
 Zoning By-law Amendment _____
 Minor Variance _____
 Plan of Subdivision _____
 Consent X
 Site Plan _____

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

File number of the application B15-21-PC
 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 _____

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

14.1 ALL EXISTING USE

Residential X
 Industrial _____
 Commercial _____
 Institutional _____
 Agricultural X
 Parkland _____
 Vacant _____
 Other _____

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

Over 19 years

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

Yes _____ No X

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

14.4 ALL PREVIOUS USE

Residential X
 Industrial _____
 Commercial _____
 Institutional _____
 Agricultural X
 Parkland _____
 Vacant _____
 Other _____

14.5 ADJACENT USE(S)

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

14.6 If Industrial or Commercial, specify use

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ 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 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 JAN 10, 2022 Signature of Owner 

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

Yes _____ No X _____ 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 X _____

NIAGARA PENINSULA CONSERVATION AUTHORITY

PRESCREENING CRITERIA

- Is there land on the property identified in the Official Plan and/or Zoning by-law as "hazard lands"?
Yes _____ No X Unknown _____
- Is there a watercourse or municipal drain on the property or within 15 metres of the property?
Yes _____ No X Unknown _____
- Is the property located on or within 30 metres of the Lake Erie shoreline?
Yes _____ No X Unknown _____
- Is there a valley slope on the property?
Yes _____ No X Unknown _____
- Is there known localized flooding or a marsh/bog area on or within 30 metres of the property?
Yes _____ No X Unknown _____

Date JAN 10, 2022

Signature of Applicant(s) Margaret Williams

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 Robert and Margaret Williams
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 NIAGARA FALLS

in the REGION of NIAGARA

This 10 day of January

A.D. 20 22

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

Margaret Williams
Robert Williams
(Signature of applicant(s), solicitor or authorized agent)

**ELDON FRASER DARBYSON, a commissioner, etc.,
Province of Ontario, for G. Douglas Valley Limited.
Expires March 28, 2022.**

E. Fraser
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 _____

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 _____

Development Agreement Signed by Owner _____

Development Agreement Signed by Mayor and Clerk _____

Development Agreement sent to City Solicitor _____

Registration _____

Instrument No. _____

Final Approval _____

Application Revised August 2016

Planning and Development Department
Planning Division

August 5th, 2022

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

Re: Application for Consent B01-22-PC
VL Killaly Street East
Concession 1 Lot 14
Agent: N/A
Owner(s): Robert Williams

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 2, having a lot frontage of 90m and a lot area of 5648.66m² for a future residential use. Part 1 will retain a lot frontage of 28.82m on Killaly Street East with a lot area of 5755.14m² for a future residential use.

**Surrounding Land
Uses and Zoning:**

The subject lands are surrounded by Hamlet Commercial, Hamlet Residential and Parks and Public Space to the north, Hamlet Residential to the east, and Agricultural (A) zones to the south and west. The surrounding uses consist of a restaurant and detached to the north, with detached



Key Map

dwelling and agricultural uses to the east, south and west. dwellings to the north, detached dwellings to the east and west, and an agriculture use to the south.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on July 26th, 2022, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of August 5th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on July 18th, 2022. As of August 5th, 2022, the following has been received.

Drainage Superintendant

A drainage apportionment agreement will be required should the severance be approved. Upon submission of the deposited plan to the planning department, the drainage apportionment can be completed by the Drainage Superintendent. The fees for the agreement can be collected by the planning department along with other fees to collect. If the applicant is not confident that the agreement is completed fairly by the Superintendent, the applicant may hire an approved drainage Engineer at the applicant's own expense.

If the newly created parcels do not drain independently of one another, it is recommended that a mutual agreement drain be implemented and registered on the title of all parcels involved. A mutual agreement drain is to ensure that all the parcels affected have drainage now and into the future. Should this option be exercised, a grading plan will be required to assist the written agreement and the master lot grading plan can be used. If assistance is required for this, please contact the City's Drainage Superintendent.

A master lot grading plan will be required which includes the grading plan for all properties. In addition to the master plan, upon the development of each parcel at the building permit phase, individual lot grading plans will be required.

If not acquired already, municipal consent will be required for the purpose of a driveway.

The drainage apportionment agreement has been added as a condition of consent and the municipal consent permit will be required during the building permit stage.

Fire Department

The private road cannot be less than 6m in width and a 12m center line turning radius is required from Killaly Street. The surface will also need to be maintained to handle fire trucks. The owner has submitted a preliminary sketch showing a 7.5m wide laneway with a 12m turning radius at the proposed entrance of Killaly.

Niagara Region (Summarized: please see full comments in Agenda Package)

Regional Planning and Development Services staff does not object to the proposed consent applications, as the proposal is consistent with the PPS and conforms to Regional and Provincial policies, subject to the fulfillment of the attached conditions. Local staff should be satisfied that the proposed development meets all local requirements and provisions.

1. That the Owner enters into a Development Agreement with the City of Port Colborne to require and implement the recommendations of the “*Hydrogeological Technical Memorandum*”, prepared by Landtek Limited (dated July 26, 2022) for Part 1-4 prior to any construction or site alteration, to the Region’s satisfaction.
2. That the Owner enters into a Development Agreement with the City of Port Colborne to require and implement standard noise mitigation measures of the “*Planning Justification Report*” prepared by G. Douglas Vallee Limited (dated June 30, 2022) for any future residential dwellings, including exterior brick façade, triple pane façade windows, and central air conditioning.

These conditions have been added as conditions of approval.

MTO

The MTO has no objection to the proposed consent applications and minor variance application, as a future private road is proposed, with no access proposed from the Hwy 3 right-of-way. The proponent should be made aware that all the proposed new lots (Parts 1 to 4) are located within the MTO Permit Control Area for the Hwy 3 & Killaly Street East intersection. Therefore, MTO Building and Land Use Permits are required for each new lot before the commencement of any on-site construction/works. All development must comply with the MTO Building and Land Use Policy.

Discussion:

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

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

Staff is satisfied that the proposed consent is consistent with the PPS. The application efficiently uses land and resources as the proposed lots make efficient use of underused land.

The Growth Plan designates the subject lands as within a Settlement Area. New multiple lots or units for residential development will be directed to settlement areas and is also permitted in rural settlements such as hamlets with approved zoning or designation in the Official Plan that permits that type of development. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for

daily living throughout an entire lifetime. Furthermore, they provide different approaches to managing growth that recognize the diversity of communities in the Greater Golden Horseshoe.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application proposes one of three lots for residential development within a settlement area that is permitted in the Zoning By-law and Official Plan. The application also provides a different approach to managing growth by uniquely creating multiple lots that will have independent services and common access to the municipal road.

The Regional Official Plan (ROP), designates the subject lands as Hamlet. Development in hamlets is permitted by a plan of subdivision or by consent and must have adequate water supply and be suitable for private waste disposal systems in accordance with the Ministry of the Environment. The minimum lot size in the Hamlet designation should be 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment facilities.

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The proposed lots are permitted under the Hamlet designation and a Hydrogeological Report was submitted which confirmed the lots could be less than a hectare and adequately accommodate private water and sewage treatment facilities.

City of Port Colborne Official Plan

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

Section 3.3.2 of the OP states that intensification on hamlet lands may occur provided, that a maximum of 3 lots are created through severance, that the new lots can be serviced by individual on-site sanitary services and individual on-site water services, each lot complies with the requirements of the Zoning By-law, and that each lot complies with the Minimum Distance Separation Formulae as required. Due to the proximity of an existing livestock barn, the applicant has submitted a Minimum Distance Separation Formulae with the application that states that the required minimum distance from the existing livestock barn is 97m and the applicant has provided 330m of distance. Staff is satisfied that the proposed application meets the Minimum Distance Separation requirements.

Planning Staff is satisfied that the proposal meets the requirements of the OP. No more than 3 lots are being created, a Hydrogeological Report has been submitted that states that the lots can adequately accommodate a private sewage system and private water system, a minor variance has been requested for Part 1 in order to meet the requirements of the By-law, and the proposed lots comply with the Minimum Distance Separation Formulae, which has been submitted by the applicant.

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

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

Part 1: A lot frontage of 28.82m and a lot area of 5755.14m²

Part 2: A lot frontage of 90.39m and a lot area of 5648.68m².

Section 2.14 (d) (i) of the Zoning By-law States that lot frontage shall be measured 6m from the front property line and parallel to the front property line. The applicant has requested a minor variance to address the lot frontage deficiency. All properties need to have frontage on a municipal road, and as a result, Part 2 has a unique flag shape to address this requirement. The applicant will be required to place an easement over Part 1, in favour of Part 2 to permit access over the property lines.

Planning Staff is satisfied that the proposal meets the requirements of the Zoning By-law as the frontage and lot area requirements have been met for Part 2, and the applicant has met the lot area requirement and is applying for a minor variance for the lot frontage of Part 1. The minor variance for lot frontage is required to be approved to approve this consent application and has been added as a condition of approval. Furthermore, the large size of the lots indicates that a future dwelling could be placed on the parcels and meet the requirements of the Zoning By-law.

Planning Justification Report

Given the unique nature of this application, Planning Staff required that a Planning Justification Report be included as a part of the complete submission. The report was submitted by Eldon Darbyson of Vallee Consulting Engineers, Architects, and Planners. The report concludes that the application is consistent with the Provincial Policy Statement, conforms to the Growth Plan, and meets the requirements of the Regional Official Plan, City of Port Colborne Official Plan, and Zoning By-law. Staff agree with the opinions submitted by Mr. Darbyson

Recommendation:

Given the information above, Planning Staff recommends application B01-22-PC be **granted** subject to the following conditions:

1. That a drainage apportionment agreement is completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant to the satisfaction of the City's Drainage Superintendent. A deposited plan is required for the apportionment agreement to be completed.
2. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
4. That the applicant registers an easement on the title over Part 1, on the submitted sketch to permit access to Part 2.
5. That the constructed laneway be a minimum of 6m in width, a 12m center line turning radius be provided from Killaly Street, and that the surface is suitable for fire trucks.

6. That the Owner enters into a Development Agreement with the City of Port Colborne to require and implement the recommendations of the “*Hydrogeological Technical Memorandum*”, prepared by Landtek Limited (dated July 26, 2022) for Part 1-4 before any construction or site alteration, to the Region’s satisfaction and to and implement standard noise mitigation measures of the “*Planning Justification Report*” prepared by G. Douglas Vallee Limited (dated June 30, 2022) for any future residential dwellings, including exterior brick façade, triple pane façade windows, and central air conditioning.
7. That minor variance application A21-22-PC be granted.
8. That all conditions of consent be completed by August 10th, 2024.

For the following reasons:

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

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Manager of Planning Services

Samantha Yeung

From: Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>
Sent: July 21, 2022 12:09 PM
To: Samantha Yeung
Cc: Deluca, Peter (MTO)
Subject: RE: Public Notices for COA August 10, 2022

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

Hi Samantha,

Re: Committee of Adjustment Hearing - Killaly Street East, Port Colborne, ON. (Hwy 3)
August 19, 2022

MTO Highway Corridor Management Section has reviewed the locations of the following applications, and provides the following comments:

- **B01-22-PC** (Consent)
- **B02-22-PC** (Consent)
- **B03-22-PC** (Consent)
- **A21-22-PC** (Minor Variance)

Although in principle, the MTO has no object to the above described Consent Applications and Minor Variance Application, as a future private road is proposed, with no access proposed from the Hwy 3 right-of-way. The proponent should be made aware that all the proposed new lots (Parts 1 to 4) are located within the MTO Permit Control Area for the Hwy 3 & Killaly Street East intersection. Therefore, MTO Building and Land Use Permits are required for each new lot prior to the commencement of any on-site construction/works. All development must comply with the MTO Building and Land Use Policy, and information regarding the application process, forms and the policy can be found at the link:

<http://www.mto.gov.on.ca/english/engineering/management/corridor/building.shtml>

Please do not hesitate to contact me if you have any questions.

Thanks,

Paul Nunes

Planner (Niagara/Hamilton)
Highway Corridor Management Section – Central Operations

Ministry of Transportation
159 Sir William Hearst Avenue, 7th Floor
Toronto, ON M3M 0B7

E-Mail: paul.nunes@ontario.ca

Web: www.mto.gov.on.ca/english/engineering/management/corridor

Planning and Development Services

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

Via Email

July 29, 2022

Region Files: D.06.07.CS-22-0067, D.06.07.CS-22-0068, D.06.07.CS-22-0069

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 Consents
City Files: B01-21-PC, B02-21-PC, B03-21-PC
Applicants/Owners: Robert and Margaret Williams
Concession 1 Lot 14
City of Port Colborne**

Regional Planning and Development Services staff has reviewed the above-noted Consent Applications for the lands legally known as Concession 1 Lot 14, with frontage along Killaly Street East located in the City of Port Colborne. Staff received circulation from the City on July 18, 2022. The Applicant is proposing to sever the lot into four separate lots by way of three Consent Applications, which will result in the following lot creations:

- To permit the conveyance of Part 2 having a lot frontage of 60.52m and a lot area of 5648.68m² for future residential use.
- To permit the conveyance of Part 3 having a lot frontage of 60.52m and a lot area of 5805.62m² for future residential use.
- To permit the conveyance of Part 4 having a lot frontage of 60.51m and a lot area of 5972.83m² for future residential use. And
- To retain Part 1 a lot frontage of 60.52m along Killaly Street East with a lot area of 5755.14m² for future residential use.

A pre-consultation meeting for this proposal was held on April 8, 2021 with staff from the City and Region in attendance. The following comments from a Provincial and Regional perspective are provided to assist the Committee in their consideration of these applications.

Provincial and Regional Policies

The property is designated within the “Rural Settlement Area” of the *Provincial Policy Statement, 2020* (“PPS”), the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and is within the “Hamlet of Gasline” in the *Regional Official Plan* (“ROP”).

Within the Rural Settlement Area, development is generally concentrated and an appropriate range and mix of land uses are to be provided. The ROP provides that Hamlets are areas, designated within local Official Plans, for development of a low density nature without the provision of municipal services. Agricultural uses may continue in the Hamlet Areas; however, some opportunities for development, including residential, can be provided. Development in the Hamlet Area must be on lots that have an adequate water supply and are suitable for private waste disposal systems. Further, Regional policies encourage low-density development in depth in Hamlet Areas, rather than in strips along roads.

The ROP requires a minimum lot size of 1 hectare for new lots in Hamlets unless it is determined through a Hydrogeological Study that a smaller lot size will adequately accommodate private water and sewage treatment on the lot over the long term. In addition, ROP Policy 7.A.2.9 outlines that development and site alteration shall not have a significant adverse impact on ground water quality or quantity and that in areas where development and site alteration could significantly affect ground water quality or quantity, the Region shall require further review of potential impacts.

Staff has reviewed the “*Hydrogeological Technical Memorandum*” prepared by Landtek Limited (dated July 26, 2022) and has no objections to its recommendations. The recommendations of the Memorandum provide that:

- the water supply for the new four lots will be by private cisterns for each parcel;
- the septic systems are to be located in the northern extent of the new parcels as approximately shown on Attachment 1 of the Memorandum;
- each new lot will require a septic system with 50% denitrification treatment (CAN-BNQ 3860-600 standard N-1 (50%) nitrogen reduction of septic effluent or a similar treatment system with proven sampling results in similar environmental conditions to the satisfaction of the Region); and
- all other Ontario Building Code (“OBC”) setbacks and requirements shall be followed with the new septic systems.

Regional staff requires that the recommendations of the *Technical Memorandum* be included within a Development Agreement between the Owner and City to support the creation of the new lots. An appropriate condition is included in the attached Appendix.

Private Sewage System

Regional Private Sewage System (“PSS”) Inspection staff has reviewed the circulated Applications. PSS requires that all proposed sewage systems for the new lots shall meet the Technical Memorandums’ hydrogeological recommendations and OBC requirements when applying for sewage system permits.

Land Use Compatibility

The PSS requires major facilities (transportation infrastructure and corridors) and sensitive land uses (residential) to be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants.

The property is adjacent to Provincial Highway 3, which has high traffic volume and is a source of transportation noise. As the proposal is for a noise sensitive land use under the Ministry of the Environment, Conservation, and Park (“MECP”) Noise Guidelines (NPC-300). At the pre-consultation meeting, Regional staff requested that either a Noise Study be submitted with the Consent Applications, or alternatively, that standard noise mitigation measures (i.e., noise barriers around the rear yard amenity areas, upgraded building facades of brick veneer/window glazing and air conditioning so that windows and doors can remain closed) be considered in future site / building design.

A Noise Study was not submitted with the Consent Applications; however, the submitted “*Planning Justification Report*”, (“PJR”) prepared by G. Douglas Vallee Limited (dated June 30, 2022) states that standard noise mitigation measures will be addressed through a Development Agreement with the City. The PJR states that future dwellings are to be equipped with air conditioning and inclusion of brick façade and triple pane façade windows. Regional staff find these mitigation measures to be acceptable and have included a condition in the attached Appendix to ensure their implementation through the Development Agreement.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region’s Waste Collection Policy. The proposed residential lots are eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- Recycling: Weekly Collection of Blue/Grey Boxes;
- Organics: Weekly Collection of Green Bins; and
- Garbage: 2 garbage Bags/Cans Collected Every-Other-Week.

Regional staff acknowledge that flag lots are proposed to provide adequate driveway access to each individual lot from a single access location on Killaly Street East. Regional staff note that the shared driveway would not be able to accommodate internal Regional waste collection. Therefore, in order for the residential lots to be eligible for Regional waste collection services, waste and recycling containers for all proposed lots would need to be placed at the curbside of Killaly Street East on the designated collection day. The containers will also need to be labelled with the respective owners address in order to comply with Regional waste collection By-law requirements.

Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed Consent Applications, as the proposal is consistent with the PPS and conforms to Regional and Provincial policies, subject to the fulfillment of the conditions as provided within the attached Appendix. Local staff should be satisfied that the proposed development meets all local requirements and provisions.

If you have any questions related to the above comments, please contact the undersigned at Alex.Boekestyn@niagararegion.ca, or Katie Young, Development Planner at Katie.Young@niagararegion.ca. Please send a copy of the staff report and notice of the Committee's decision on these Applications.

Best regards,



Alex Boekestyn
Development Planning Student, Niagara Region

cc:

Katie Young, Development Planner, Niagara Region
Alexander Morrison, Senior Development Planner, Niagara Region
Phill Lambert, Director, Infrastructure Planning & Development Engineering, Niagara Region

Appendix: Niagara Region's Conditions of Consent Approval

Appendix

Niagara Region's Conditions of Consent Approval

Concession 1 Lot 14, Port Colborne

1. That the Owner enter into a Development Agreement with the City of Port Colborne to require and implement the recommendations of the "*Hydrogeological Technical Memorandum*", prepared by Landtek Limited (dated July 26, 2022) for Part 1-4 prior to any construction or site alteration, to the Region's satisfaction.
2. That the Owner enter into a Development Agreement with the City of Port Colborne to require and implement of standard noise mitigation measures of the "*Planning Justification Report*" prepared by G. Douglas Vallee Limited (dated June 30, 2022) for any future residential dwellings, including exterior brick façade, triple pane façade windows, and central air conditioning.

Minimum Distance Separation I

New Lots

Prepared By: Eldon Darbyson, Director of Planning, G. Douglas Vallee Limited

Description: Determine separation distance to new lots

Application Date: Wednesday, June 23, 2021

Municipal File Number:

Proposed Application: Lot creation for a maximum of three non-agricultural use lots
Type A Land Use

Applicant Contact Information

Robert Williams
657 Clarence Street
Port Colborne, ON, Canada L3K 6B8
Phone #1: 905-932-1261
Email: remmwilliams@gmail.com

Location of Subject Lands

Regional Municipality of Niagara, City of Port Colborne
HUMBERSTONE, Concession: , Lot:
Roll Number: 271104000240705

Calculation Name: **Farm 1**

Description: 2 old mares (No future livestock anticipated)

Farm Contact Information

Stephanie Thiessen
881 Pinecrest Road
Port Colborne, ON, Canada
Email: a.s.thiessen@gmail.com

Location of existing livestock facility or anaerobic digester

Regional Municipality of Niagara, City of Port Colborne
HUMBERSTONE, Concession: , Lot:
Roll Number: 271104000240705
Total Lot Size: 19.38 ha

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Horses, Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	7	7.0	163 m ²

Existing Manure Storage: No storage required (manure is stored for less than 14 days)

Design Capacity (NU): 7.0

Potential Design Capacity (NU): 14.0

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	Building Base Distance F' (minimum distance from livestock barn)	(actual distance from livestock barn)
0.7	X	180	X	0.7	X
				1.1	
				=	
				97 m (318 ft)	330 m (1083 ft)

Storage Base Distance 'S'
(minimum distance from manure storage)

No storage present

Preparer Information

Eldon Darbyson
Director of Planning
G. Douglas Vallee Limited
2 Talbot St North
Simcoe, ON, Canada N3Y 3W4
Phone #1: 519-426-6270
Phone #2: 905-321-2029
Email: eldondarbyson@gdvallee.ca

Signature of Preparer: 
Eldon Darbyson, Director of Planning

Date: Jun 23, 2021

NOTE TO THE USER:

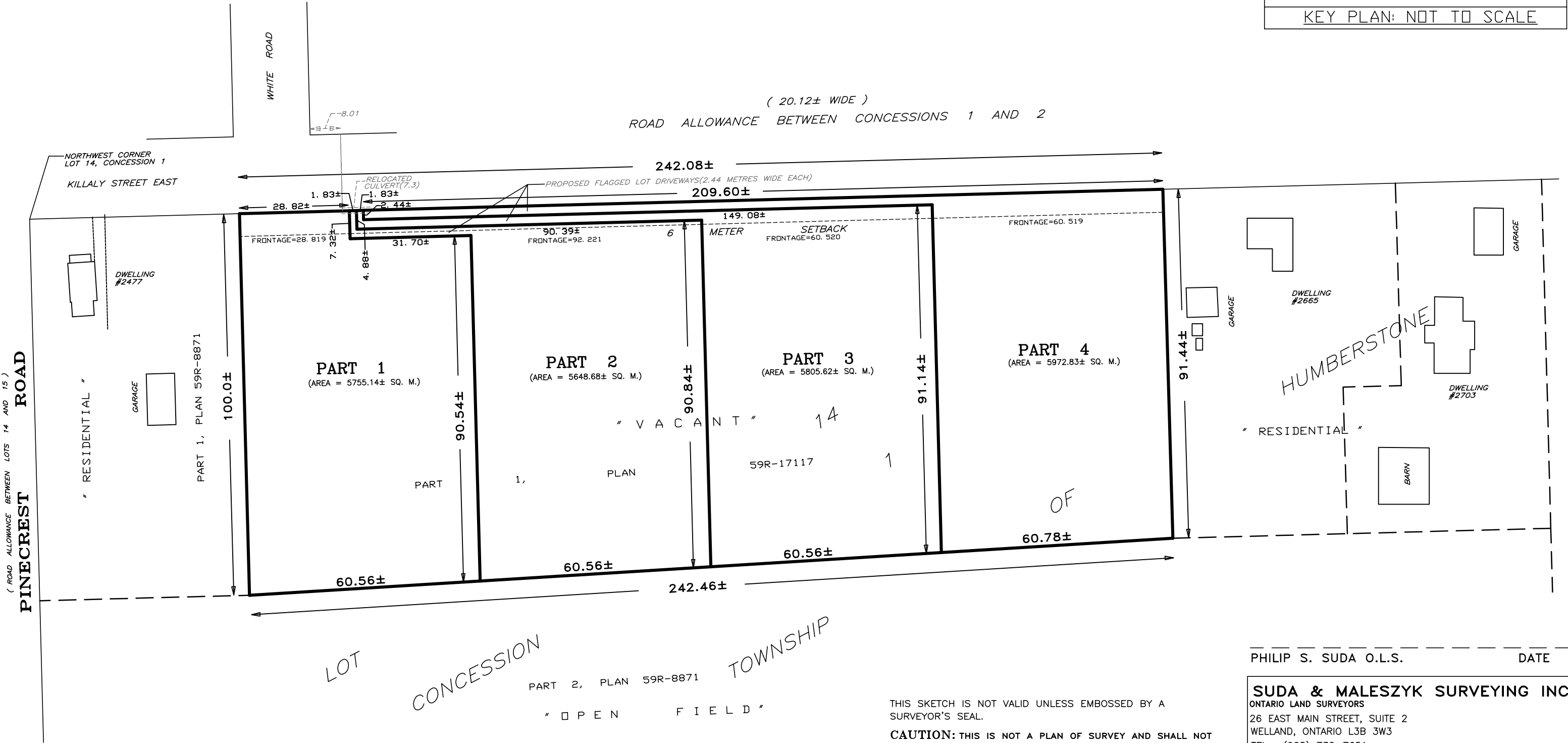
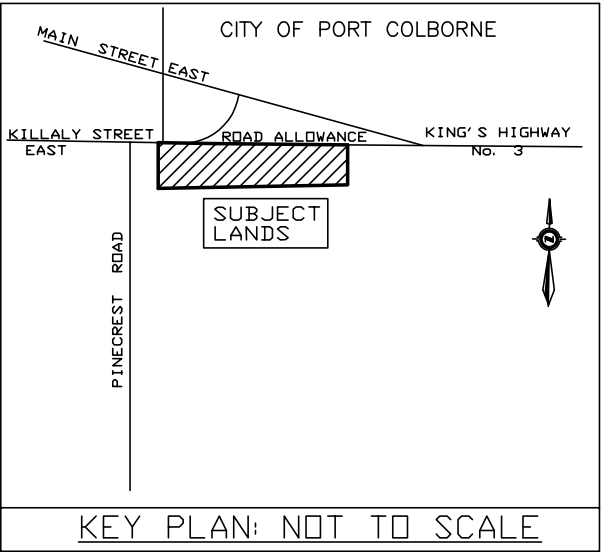
The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

PART OF LOT 14,
CONCESSION 1
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE
IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1 : 1000



2022



THIS SKETCH IS NOT VALID UNLESS EMBOSSED BY A SURVEYOR'S SEAL.

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE EXCEPT AS STATED IN THE TITLE BLOCK

PHILIP S. SUDA O.L.S. DATE

SUDA & MALESZYK SURVEYING INC.
ONTARIO LAND SURVEYORS
26 EAST MAIN STREET, SUITE 2
WELLAND, ONTARIO L3B 3W3
TEL: (905) 732-7651

FILE: 21-149 JOB No: 6366-B

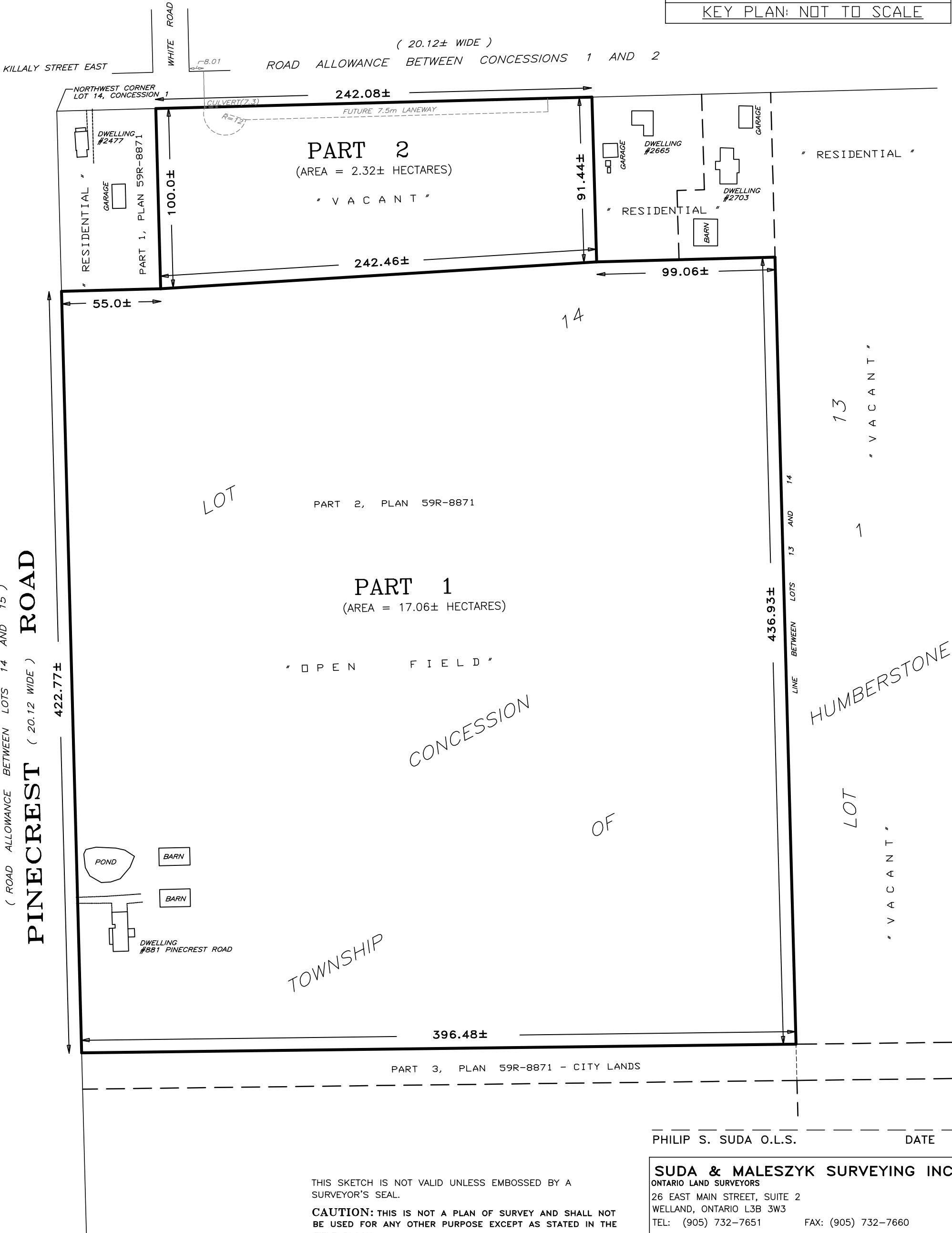
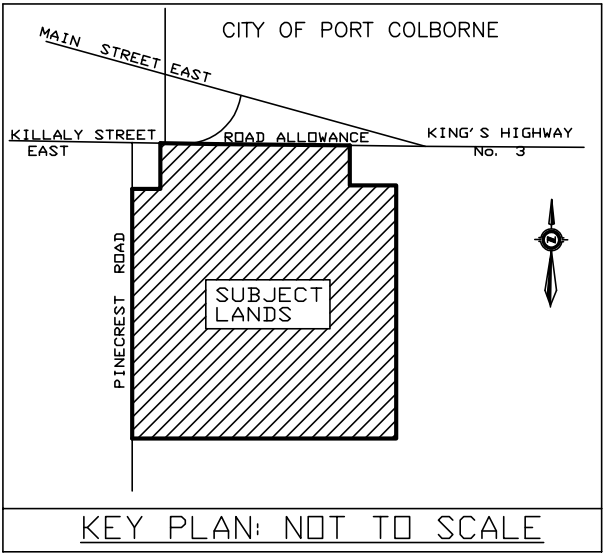
COMMITTEE OF ADJUSTMENT APPLICATION
#881 PINECREST ROAD

PART OF LOT 14,
CONCESSION 1
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE
IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1 : 2000



2021



THIS SKETCH IS NOT VALID UNLESS EMBOSSED BY A
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BE USED FOR ANY OTHER PURPOSE EXCEPT AS STATED IN THE
TITLE BLOCK

PHILIP S. SUDA O.L.S. DATE

SUDA & MALESZYK SURVEYING INC.
ONTARIO LAND SURVEYORS
26 EAST MAIN STREET, SUITE 2
WELLAND, ONTARIO L3B 3W3
TEL: (905) 732-7651 FAX: (905) 732-7660

FILE: 21-85	JOB No: 6366
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vallee

*Consulting Engineers,
Architects & Planners*

June 30, 2022

City of Port Colborne
Planning Department
66 Charlotte St, Port Colborne
ON, L3K 3C8

Attention: David Schulz, Planner

Reference: **Planning Justification Report for Severances**
G. Douglas Vallee Limited on behalf of Robert Williams
Killaly Street East, Gasline, Port Colborne
Our Project 21-100

Introduction:

Robert Williams has retained G. Douglas Vallee Limited to make an application to facilitate three severances for future residential dwellings. The lands are 2.32 hectares in area, are designated Hamlet and are zoned Hamlet Residential Zone (HR) in accordance with the Official Plan and Zoning By-law respectively. Previously, an application was submitted to separate the lands from its agriculturally designated and zoned component comprised of 17.06 hectares in area. The approval of this application would create 3 new building lots within the Hamlet Residential Zone. As a result of a detailed review of the zoning by-law lot frontage provisions, an application for minor variance is also required to permit the lot frontage of Part 1.

This application:

- Avoids impacts on surrounding lands.
- Complies with the general intent and purpose of the Provincial Policy Statement and Growth Plan.
- Complies with the general intent and purpose of the Niagara Region Official Plan.
- Complies with the general intent and purpose of the City of Port Colborne Official Plan.
- Complies with the provisions of the zoning by-law.
- Is minor and desirable.
- Represents good planning.

Purpose:

The purpose of this Planning Justification Report is to demonstrate how the proposed severances comply with the relevant planning policy. The severance sketch prepared by Suda & Maleszyk Surveying Inc. and attached with this report as Appendix A, includes all 3 severances as follows:

- a) Parts 1, 2 and 3 (proposed retained lands) and Part 4 (subject lands);
- b) Parts 1 and 2 (proposed retained lands) and Part 3 (subject lands); and
- c) Part 1 (proposed retained lands) and Part 2 (subject lands).

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Professional Engineers

Authorized by the Association of Professional Engineers of Ontario
to offer professional engineering services.



Ontario Association
of Architects

Planning Analysis:

Growth Plan

The policies of the Growth Plan encourage the establishment of complete communities, active transportation, provision of parkland and open space, protecting employment lands, agriculture, the natural heritage system and resources. They discuss the importance of infrastructure, climate change and cultural heritage. The subject lands are within a Hamlet under the Growth Plan. There are no natural heritage features located on the lands and are outside of the setbacks for triggering a Natural Heritage Evaluation (NHE) under the Growth Plan and an Environmental Impact Study (EIS) under the Niagara Region Official Plan. Accordingly, the application is in keeping with the policies of the Growth Plan.

Provincial Policy Statement (PPS)

The subject lands are within a Settlement Area according to the Provincial Policy Statement, 2020 (PPS). Lot creation is permitted.

The PPS provides policy direction for appropriate land use planning and development patterns to achieve healthy, liveable, and resilient communities through efficient development that will protect resources of provincial interest, public health and safety, the quality of the natural and built environment, and will facilitate economic growth.

The lands are adjacent to Provincial Highway 3. As such, the PPS requires that major facilities and sensitive land uses be planned to “ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety...”. As such, as a condition of the severance, a development agreement will be required to ensure that future dwelling(s) will be constructed to include traditional noise abatement such as brick façade, triple pane windows and that the dwelling is equipped with air conditions to allow windows to remain closed if the occupants choose. This approach has been confirmed with the Niagara Region, and a Noise Impact Study is not required.

Minimum distance separation (MDS) is required. The application complies with the Ministry’s Guidelines for MDS and is discussed further in this report.

The proposed severance application does not adversely impact the environment or human health and safety and complies with MDS guidelines and calculations. A decision by the Committee to approve the three proposed severance applications will be consistent with PPS, 2020.

Niagara Region Official Plan

The subject lands are designated as part of a Hamlet in the Niagara Region Official Plan, which permits low-density development without municipal water and sewer. Residential dwellings are permitted within this designation. The lands are within a Highly Vulnerable Aquifer (HVA). As such, the submission of a Hydrogeological Report is included with the application, which demonstrates that the lands can accommodate up to four dwellings and that appropriate private septic has no significant adverse impacts on groundwater quality. Private cisterns will service future dwellings.

Regarding environmental planning, the lands remain outside of the setbacks that trigger an EIS with the Locally Significant Wetland and Provincial Natural Heritage System.

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In this instance, a decision by the Committee to approve the proposed severance application will be consistent with Niagara Region Official Plan.

City of Port Colborne Official Plan

Section 1.2 b) of the City of Port Colborne Official plan states,

"This Plan is intended to provide basic policy, within the framework of the Planning Act, the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and the Niagara Regional Policy Plan and Smarter Niagara Initiative, whereby Council may carry out successive and more detailed steps in the planning process through the exercise of powers granted to them by Provincial Legislation. It is the intent that the Plan will be a guide to all public and private agencies concerned with development of the City. Accordingly, the subject matter in the Plan is specific to Port Colborne which results in a concise document that speaks to the needs of the local community while having regard for good planning principals."

Section 3.3 represents the Hamlet policies of the Official Plan. These policies permit lot creation for residential uses on private water and sewer systems subject to suitable soil conditions and comply with the Minimum Distance Separation Formulae (MDS).

Infilling and Lot Creation:

The proposed application is in keeping with the general intent and purpose of Section 3.3.2 Intensification and Infill of the Official Plan. The policies are stated as follows and responses are provided in **BOLD**:

- b) Infilling in the form of new residential development created through severance will only be for the purpose of creating up to three (3) lots between two existing residential buildings (**COMPLIES**) such that:
 - i) The new lots can be adequately serviced by individual on-site sanitary services and individual on-site water services that are not located within 30 m of any wetland; (**Yes. Supported by Hydro Geological Investigation Report and are not within 30 metres of a wetland.**)
 - ii) The size of each lot is a minimum of one (1) hectare, excluding flood plain areas, fish habitat ,lands designated as Natural Heritage or areas of high aquifer vulnerability. In these areas a larger lot size may be required which shall be confirmed through the appropriate studies contained in Section 11.9. (**As captured in the pre-consultation comments, a lot size of 1 hectare is typically required as determined by the Niagara Region. Each proposed parcel is over a ½ hectare but is less than 1 hectare. Provided the Niagara Region is satisfied with the Hydro Geological Investigation Report submitted with this application, the intent of this policy can be maintained. Furthermore, the proposed lots comply with the provisions of the zoning by-law. A minor variance for Part 1 frontage required**)
 - iii) Each new lot shall comply with the requirements of the Zoning By-law; (**Complies, minor variance for Part 1 frontage required**) and
 - iv) Each new lot shall comply with the Minimum Distance Separation Formulae, as required. (**Complies**)

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Section 3.3.4 indicates that severances are to comply with Section 3.2.2 and Section 3.2.4 of the Official Plan.

Section 3.2.2 contains design policies that must be implemented through residential plans of subdivision and the zoning by-law. The proposed severances do not offend these policies. Section 3.2.4 discuss the requirements for consents to sever. As such, the proposed application includes the submission requirements of this section and access is being created to have frontage on a public road.

A Hydro Geological Investigation Report prepared by LandTek Limited on May 26, 2022 is submitted with these applications which demonstrate that the proposed lots are suitable to accommodate 4 future dwellings.

MDS:

The owners of the adjacent lands (previous severance) have two old horses kept in a small portion of the southerly barn. Once they pass away, horses will no longer be kept on the property, and the lands will be solely farmed for cash crops.

Guideline #8 of the MDS Guidelines requires a calculation for Minimum Distance Separation for lot creation. Ministry Agrisuite software was used in the preparation of MDS I calculations which demonstrate that:

- The size of the adjacent lands and barn to the south can accommodate up to 7 medium-framed horses;
- The minimum separation distance between the barn and the subject lands must not be less than 97m; and
- The actual distance between the barn and the subject lands is approximately 330m.

While the short and long-term intention of the adjacent property owner of the agricultural lands does not include the keeping and raising of horses, this calculation demonstrates that lot creation complies with the guidelines. See Appendix B – MDS I calculation for lot creation. As such, there continues to be no MDS compliance concerns regarding the proposed severance applications.

Previous application B15-21-PC was recommended for approval by staff, no negative comments were received and the application was determined to conform to the City of Port Colborne Official Plan.

Section 3.2.4 list the criteria for lot creation to which this application complies subject to conditions imposed through the execution of development. This is an acceptable approach to ensuring compliance with implementing proper noise mitigation and any other conditions deemed necessary to ensure the orderly development of lands.

In this instance, a decision by the Committee to approve the proposed severance applications will be consistent with the City of Port Colborne Official Plan.

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Comprehensive Zoning By-law 6575/30/18

The existing zoning of the subject and retained lands are Hamlet Residential which permits residential development. No zoning deficiencies are being created. The following demonstrates compliance with the zoning by-law.

Hamlet Residential (HL) Zone – Parts 1 through 4

Section 12.2 permits a Single Detached Dwelling and Accessory structures.

Section 12.3	Required	Proposed
a) Minimum Lot Frontage	45 metres (measured 6 metres from the front lot line S2.14 d)	60 + metres (Parts 2, 3 and 4 Comply. Part 1 requires 28m)
b) Minimum Lot Area	0.4 hectares	0.56 hectares min (Complies)
NOTE: All other zone provisions applicable at the time of a building permit.		

Minor Variance:

After a number of consultations with City staff, the proposed flag lot concept simplifies the application to create 3 new lots (1 retained), for a total of 4 residential dwelling lots. Based on previous discussions with staff, it was thought that a front yard setback was measured at 10 metres from the front lot line. Research into the zoning by-law reveals that the front yard setback is measured at 6 metres from the front lot line. Accordingly, this triggers a minor variance for Part 1 which has approximately 28m of frontage on Killaly Street whereas the by-law requires 45m.

The application is supported by the need for more housing, Provincial, Regional and Local planning policies. Each lot is also supported by a Hydro Geological Investigation Report which confirms that the lots can be safely created from a nitrate loading perspective and does not jeopardize the Highly Vulnerable Aquifer.

The lot frontage provision considers normal residential lot sizes. Due to the arrangement of providing frontage onto a public road, this has the effect of reducing the lot frontage. When the driveways are installed, they will appear as 1 proper driveway access onto Killaly Street. There are no impacts from the reduction of the frontage for Part 1.

As discussed in this report, the creation of the lots and minor variance meet the general intent and purpose of the Official Plan and Zoning by-law. The reduction is minor in nature as the balance of Part 1 complies with the provisions of the by-law and does not create impacts on adjacent properties. The variance is considered desirable as it facilitates the opportunity to construct much needed housing without environmental impacts.

The proposed arrangement for creating lot frontage avoids a complicated extension of a laneway within the MTO right of way and the need to address fire truck turn around challenges. It was discussed with staff that the flag lot approach would be accepted by MTO and City staff as the challenges associate with developing the right of way would no longer exist.

In this instance, the proposed minor variance meets the 4 tests of the Planning Act, and can be supported.

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Studies and Comments:

Hydrogeological Investigation Report

The Hydrogeological Report prepared by Landtek Limited (dated May 26, 2022) indicates that the lands can support four new residential dwellings without causing significant adverse impacts to the Highly Vulnerable Aquifer, provided raised filter beds be incorporated in the sewage systems.

Noise Mitigation

Comment: Standard noise mitigation on the façade of a future dwelling is required. A development agreement will be required as a condition of this consent application to ensure that:

- Dwellings are to be equipped with air conditioning;
- Brick façade; and
- Triple pane façade windows.

Response: Agreed.

Fire Department Access

Comment: A laneway must be not less than 6 metres wide. At this time, no access is proposed for the subject severance. This comment is based on a pre-consultation concept plan that considered multiple severances. Any future applications for severances will impose a condition of severance that requires establishing a proper driveway to allow for fire department vehicle access.

Response: The comments provided by the Fire Department above were in response to the original application for pre-consultation. The revised flag lot concept avoids complications with establishing a fire route within the MTO right of way.

Engineering

Comment: A permit is required to relocate the existing culvert closer to the paved portion of Killaly Street. This will ensure that proper access to the subject lands is implemented under City standards.

A master lot grading plan is also required. The grading plan has been submitted along with this application.

Response: See the grading plan attached to this application and shown in Figure 1 (also attached as Appendix C – Master Grading Plan.)

Drainage

The grading plan demonstrates that water flows from the southeast to the northwest towards the municipal drainage ditch along the Killaly open and unopened road allowance. The master grading plan will ensure water is conveyed through swales between future dwellings, towards the existing Killaly road-side ditch. A very small portion of the water will continue to drain southwest towards Pinecrest Road; however, the existing flow will be reduced based on the master grading plan. Water can be appropriately managed support the creation of the 3 lots.

Archaeology

A site visit conducted by Regional staff revealed that an archaeological study is not required.

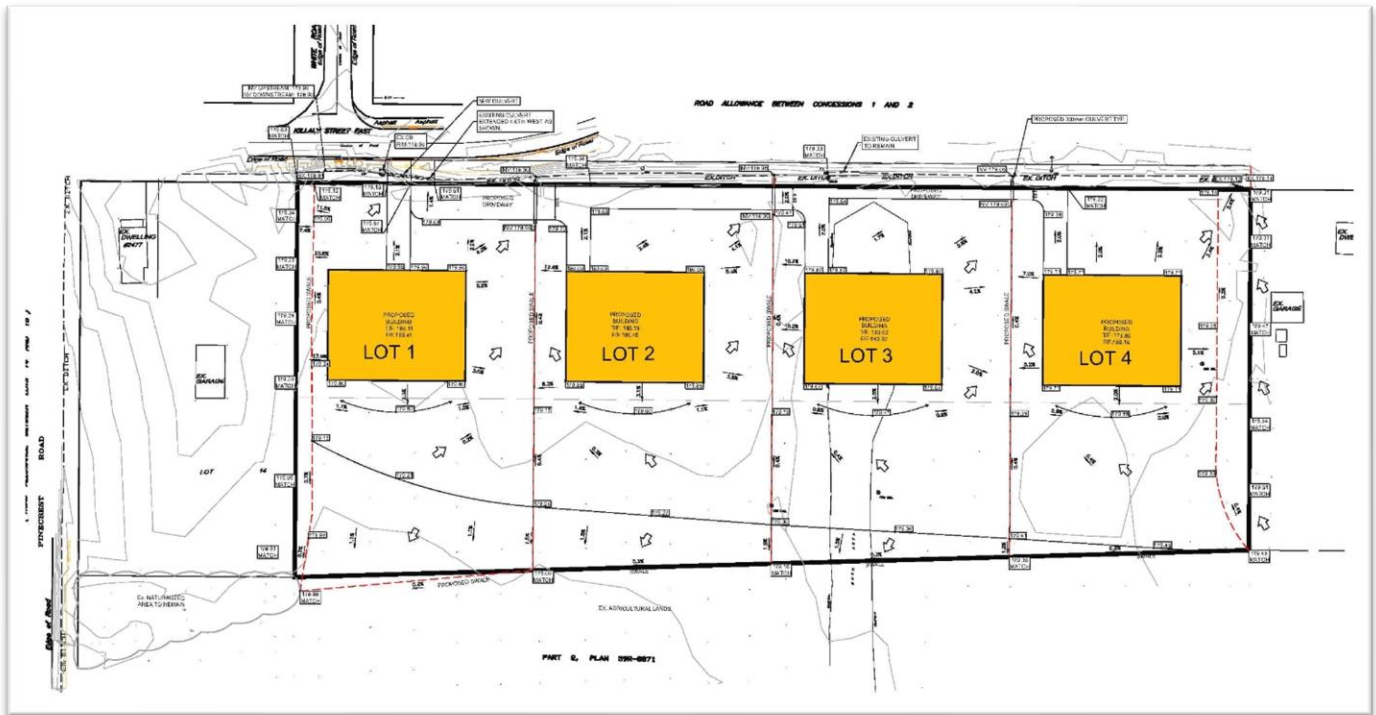
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Figure 1 - Master Grading Plan



Conclusion:

The proposed creation of 3 lots is in keeping with the policies of the Provincial Policy Statement, complies with the Minimum Distance Separation formulae, is supported by and implements the policies of the Niagara Region and City of Port Colborne Official Plans, and complies with the provisions of the zoning by-law subject to the granting of a minor variance for lot frontage of Part 1. There are no negative impacts on adjacent properties caused by the severances or minor variance. The development was designed in consultation with a number of City staff, and the Region and the significant importance of preparing a Hydrogeological Assessment report. Nitrate loading in light of the HVA has been determined to be within acceptable limits. This study was key to allowing up to the maximum of 4 future dwellings. Accordingly, we believe that the application for 3 severances and the minor variance for Part 1, is desirable, models good planning and can be supported.

Yours truly,

Eldon Darbyson, BES, MCIP, RPP
Director of Planning

G. DOUGLAS VALLEE LIMITED

Consulting Engineers, Architects & Planners

H:\Projects\2021\21-100 Gasline Port Colborne Severances\Agency\PJR\2. Lot Creation\2022.06.30 - PJR - Killaly Severances.docx

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of Architects

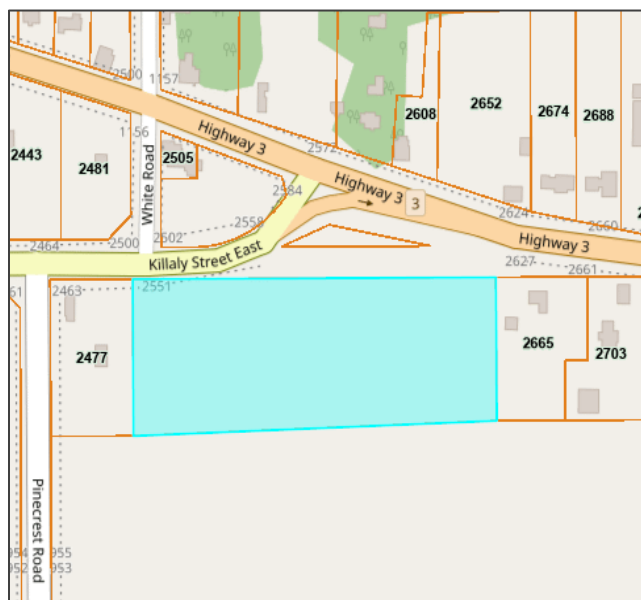
COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR CONSENT

APPLICATION NO. B02-22-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 Concession 1 Lot 14, in the City of Port Colborne, Regional Municipality of Niagara, located in the Hamlet Residential (HR) zone, on the south side of Killaly Street East.

AND IN THE MATTER OF AN APPLICATION by the owner Robert and Margaret Williams for severance under Section 53 (1) of the Planning Act R.S.O 1990 C.P 13, so as to permit the conveyance of Part 3 having a lot frontage of 60.52m and a lot area of 5805.62m² for future residential use. Part 1 will retain a lot frontage of 60.52m along Killaly Street East with a lot area of 5755.14m² for future residential use. A sketch of the subject lands 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: August 10, 2022
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at 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, August 5, 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

The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at https://www.youtube.com/watch?v=bXdn_DHSGzo.


Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on Tuesday, August 9, 2022,** by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

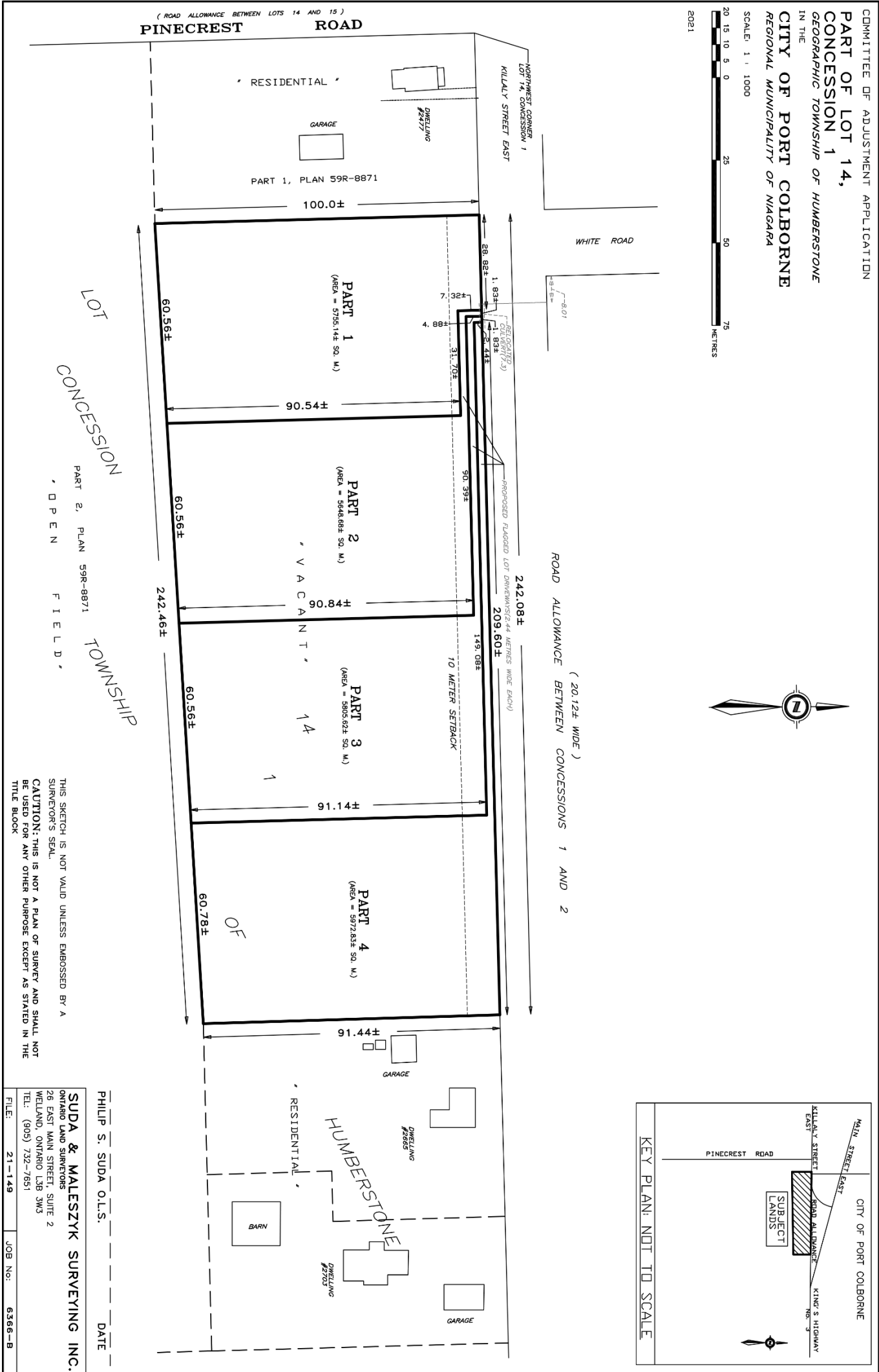
If you have any questions about the submission process or would like to explore alternative submission methods, please email Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.

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

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: July 26, 2022





File No. _____

The City of Port Colborne
The Planning Act - Section 53
Application For

Consent

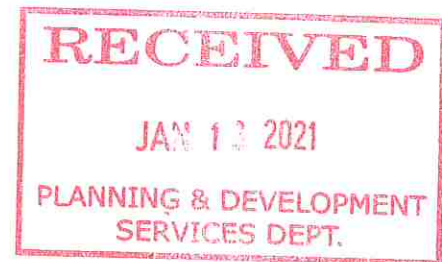
This application form is to be used by persons applying to the City of Port Colborne Committee of Adjustment for approval for Consent to Sever.

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
FAX: 1-905-835-2939
Email: 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 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 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) 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 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 will be consulted if the location of the subject lands falls within their respective field of responsibility. Refer to "A Suggestion to the Applicant".

Section 69(3) of the Planning Act states that a filing fee may be paid "under protest" and thereafter appealed to the Ontario Municipal Board against the levying of the fee or the amount of the fee, by giving written notice of appeal to the Ontario Municipal Board within 30 days of payment of the fee.

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 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 By-law 5718/149/11)

If an application is being made to convey a parcel of land together with or subject to a right-of-way or easement, a separate application form and fee will not necessarily be required for the right-of-way or easement.

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

Decisions of the Committee are made in public.

In granting consent to an application, the Committee may impose conditions as requested by municipal or other agencies including, but not limited to:

- That the owner submit a letter to the City indicating that (s)he is aware of the requirements of By-law 4748/130/05 which requires the collection of the parkland dedication at the time of the building permit application based on the value of the property the day before issuance of the permit and that (s)he will advise any future purchasers of this requirement.
- That an agreement with the City be entered into for installation of such municipal services as may be required, at the expense of the applicant and to standards acceptable to the City,
- That the reapportionment of the assessment for municipal drains applies,
- That the land be deeded gratuitously to the City or Regional Municipality for road widening purposes,

APPLICATION FEES

The application fee (See By-law 5718/149/11) 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.

REGIONAL REVIEW AND APPROVAL FEES

There is a fee for the planning review carried out by Niagara Region in place of Provincial Ministries. It should be provided to the City to be submitted to the Region 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). The applicant is responsible for paying any fees required by Regional Niagara. 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 (www.regional.niagara.on.ca).

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, showing the information set out below.
 - i). The boundaries and dimensions of the land abutting the land subject of this application also owned by the owner of the land subject of this application.
 - ii) The distance between the land and the nearest township lot line or landmark such as a bridge or railway crossing.
 - iii) The boundaries of the land, the part that is to be severed and the part that is to be retained.
 - iv) The location of all land previously severed from the parcel originally acquired by the current owner of the land.
 - v) 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;
 - vi) The existing uses on adjacent land, such as residential, agricultural and commercial uses;
 - vii) 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.
 - viii) If access to the land is by water only, the location of the parking and boat docking facilities to be used.
 - ix) The location and nature of any easement affecting the land.
 - x) The location, size, and type of all existing and proposed height of 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.
 - xi) The location and nature of any easement affecting the land.
 - xii) Parking areas, loading spaces, driveway entrance / exits
 - xiii) Existing and proposed servicing [e.g. water, storm and sanitary
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.

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 (Bv-law 5718/149/11), 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).

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 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.

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): Robert & Margaret Williams
Mailing Address: 657 Clarence Street
City: Port Colborne Province: Ont
Postal Code: L3K 6B8 Telephone: 905-932-1261
Fax: _____ Email: remmwilliams@gmail.com

1.2 Owner's SOLICITOR (if any): Ron Martens
Mailing Address: 43 Church St #700
City: St Catharines Province: Ont
Postal Code: L2R 7E1 Telephone: 905-687-6551
Fax: _____ Email: rmartens@martenslingard.com

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.

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

Dec 15, 2021

1.6 Owner's ONTARIO LAND SURVEYOR (if any): Suda & Malerzyk Surveying Inc
Mailing Address: 26 Main Street, Suite 2
City: Welland Province: Ont
Postal Code: L3B 3W3 Telephone: 905-932-7651
Fax: 905-732-7660 Email: deb@cogeco.ca

1.7 All communications should be sent to the:

Owner X Solicitor _____ Agent _____

2. LOCATION:

Former Municipality Humberstone
Concession No. 1 Lot(s) 14 Registered Plan No. _____ Lot(s) _____
Reference Plan No. 59R 17117 Part(s) _____
Name of Street Killaly St. E Street No. _____

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

- ☒ Creation of New Lot () Disposal of Surplus Farm Dwelling
() Addition to Lot () Farm Retirement Lot
() Mortgage or Charge () Partial Discharge of Mortgage
() Lease () Right-of-way
() Easement _____

Reason for proposed transaction:

Create Residential Building Lot

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

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

3. OFFICIAL PLAN AND ZONING

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

Port Colborne Official Plan Hamlet - HM
Regional Policy Plan _____

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

Hamlet

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

Yes X No _____

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

Yes _____ No X

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

5. Type of ACCESS

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

6. What type of WATER SUPPLY is proposed?

Publicly owned and operated piped water supply _____

Lake _____

Well (private or communal) _____

Other (specify) Cistern

7. What type of SEWAGE DISPOSAL is proposed?

Publicly owned and operated sanitary sewage system _____

Septic system (private or communal) Private

Other (specify) _____

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

Publicly owned and operated storm water system _____

Other (specify) Surface Drainage to Municipal Ditch

9. DESCRIPTION OF PARCEL TO BE SEVERED (in metric units): Part No. on sketch 3

Frontage 60.56 m Depth 91.14 m Area 5805.82 sq m

Existing Use Agricultural - Hamlet Proposed Use Residential

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

Existing: _____

Proposed: Single Family Residential

10. DESCRIPTION OF PARCEL TO BE RETAINED (in metric units): Part No. on sketch 1

Frontage 60.56 m Depth 100 m Area 5755.14 sq m

Existing Use Agricultural - Hamlet Proposed Use Residential

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

Existing: _____

Proposed: Single Family Residential

11. Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?

Yes _____ No X _____ Unknown _____

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

File Number _____

Decision _____

12. HAS ANY LAND BEEN SEVERED from the parcel originally acquired by the owner of the land?

Yes X _____ 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 Robert Williams

Land Use on severed parcel Hamlet - Agricultural

Date parcel transferred Dec 15/21

Consent file number (if known) B15-21-PC

13. OTHER APPLICATIONS:

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

Official Plan Amendment _____
 Zoning By-law Amendment _____
 Minor Variance _____
 Plan of Subdivision _____
 Consent X
 Site Plan _____

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

File number of the application B15-21-PC
 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 _____

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

14.1 ALL EXISTING USE

Residential X
 Industrial _____
 Commercial _____
 Institutional _____
 Agricultural X
 Parkland _____
 Vacant _____
 Other _____

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

Over 19 years

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

Yes _____ No X

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

14.4 ALL PREVIOUS USE

Residential X
 Industrial _____
 Commercial _____
 Institutional _____
 Agricultural X
 Parkland _____
 Vacant _____
 Other _____

14.5 ADJACENT USE(S)

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

14.6 If Industrial or Commercial, specify use

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ 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 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 Jan 10, 2022 Signature of Owner 

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

Yes _____ No X _____ 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 X _____

NIAGARA PENINSULA CONSERVATION AUTHORITY

PRESCREENING CRITERIA

- Is there land on the property identified in the Official Plan and/or Zoning by-law as "hazard lands"?
Yes _____ No X Unknown _____
- Is there a watercourse or municipal drain on the property or within 15 metres of the property?
Yes _____ No X Unknown _____
- Is the property located on or within 30 metres of the Lake Erie shoreline?
Yes _____ No X Unknown _____
- Is there a valley slope on the property?
Yes _____ No X Unknown _____
- Is there known localized flooding or a marsh/bog area on or within 30 metres of the property?
Yes _____ No X Unknown _____

Date Jan 10, 2021

Signature of Applicant(s) Margaret Williams

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 Robert & Margaret Williams
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

CERT of NIAGARA FALLS

in the RECTOR of NIAGARA

This 10 day of January

A.D. 20 22

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

Margaret Williams

Rob Cert

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

ELDON FRASER DARBY, a commissioner, etc.,
Province of Ontario, for G. Douglas Valley Limited.
Expires March 28, 2022.

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 _____

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 _____

Development Agreement Signed by Owner _____

Development Agreement Signed by Mayor and Clerk _____

Development Agreement sent to City Solicitor _____

Registration _____

Instrument No. _____

Final Approval _____

Application Revised August 2016

Planning and Development Department
Planning Division

August 5th, 2022

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

Re: Application for Consent B02-22-PC
VL Killaly Street East
Concession 1 Lot 14
Agent: N/A
Owner(s): Robert Williams

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 3, having a lot frontage of 60.56m and a lot area of 5805.26m² for a future residential use. Part 1 will retain a lot frontage of 28.82m on Killaly Street East with a lot area of 5755.14m² for a future residential use.

**Surrounding Land
Uses and Zoning:**

The subject lands are surrounded by Hamlet Commercial, Hamlet Residential and Parks and Public Space to the north, Hamlet Residential to the east, and Agricultural (A) zones to the south and west. The surrounding uses consist of a restaurant and detached dwellings to the north, detached dwellings to the east and west, and an agriculture use to the south.



Key Map

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on July 26th, 2022, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of August 5th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on July 18th, 2022. As of August 5th, 2022, the following has been received.

Drainage Superintendant

A drainage apportionment agreement will be required should the severance be approved. Upon submission of the deposited plan to the planning department, the drainage apportionment can be completed by the Drainage Superintendent. The fees for the agreement can be collected by the planning department along with other fees to collect. If the applicant is not confident that the agreement is completed fairly by the Superintendent, the applicant may hire an approved drainage Engineer at the applicant's own expense.

If the newly created parcels do not drain independently of one another, it is recommended that a mutual agreement drain be implemented and registered on the title of all parcels involved. A mutual agreement drain is to ensure that all the parcels affected have drainage now and into the future. Should this option be exercised, a grading plan will be required to assist the written agreement and the master lot grading plan can be used. If assistance is required for this, please contact the City's Drainage Superintendent.

A master lot grading plan will be required which includes the grading plan for all properties. In addition to the master plan, upon the development of each parcel at the building permit phase, individual lot grading plans will be required.

If not acquired already, municipal consent will be required for the purpose of a driveway.

The drainage apportionment agreement has been added as a condition of consent and the municipal consent permit will be required during the building permit stage.

Fire Department

The private road cannot be less than 6m in width and a 12m center line turning radius is required from Killaly Street. The surface will also need to be maintained to handle fire trucks. The owner has submitted a preliminary sketch showing a 7.5m wide laneway with a 12m turning radius at the proposed entrance of Killaly.

Niagara Region (Summarized: please see full comments in Agenda Package)

Regional Planning and Development Services staff does not object to the proposed consent applications, as the proposal is consistent with the PPS and conforms to Regional and Provincial

policies, subject to the fulfillment of the attached conditions. Local staff should be satisfied that the proposed development meets all local requirements and provisions.

1. That the Owner enters into a Development Agreement with the City of Port Colborne to require and implement the recommendations of the “*Hydrogeological Technical Memorandum*”, prepared by Landtek Limited (dated July 26, 2022) for Part 1-4 prior to any construction or site alteration, to the Region’s satisfaction.
2. That the Owner enters into a Development Agreement with the City of Port Colborne to require and implement standard noise mitigation measures of the “*Planning Justification Report*” prepared by G. Douglas Vallee Limited (dated June 30, 2022) for any future residential dwellings, including exterior brick façade, triple pane façade windows, and central air conditioning.

These conditions have been added as conditions of approval.

MTO

The MTO has no objection to the proposed consent applications and minor variance application, as a future private road is proposed, with no access proposed from the Hwy 3 right-of-way. The proponent should be made aware that all the proposed new lots (Parts 1 to 4) are located within the MTO Permit Control Area for the Hwy 3 & Killaly Street East intersection. Therefore, MTO Building and Land Use Permits are required for each new lot before the commencement of any on-site construction/works. All development must comply with the MTO Building and Land Use Policy.

Discussion:

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

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

Staff is satisfied that the proposed consent is consistent with the PPS. The application efficiently uses land and resources as the proposed lots make efficient use of underused land.

The Growth Plan designates the subject lands as within a Settlement Area. New multiple lots or units for residential development will be directed to settlement areas and is also permitted in rural settlements such as hamlets with approved zoning or designation in the Official Plan that permits that type of development. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. Furthermore, they provide different approaches to managing growth that recognize the diversity of communities in the Greater Golden Horseshoe.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application proposes one of three lots for residential development within a settlement area that is permitted in the Zoning By-law and Official Plan. The application also provides a different approach to managing growth by uniquely creating multiple lots that will have independent services and common access to the municipal road.

The Regional Official Plan (ROP), designates the subject lands as Hamlet. Development in hamlets is permitted by a plan of subdivision or by consent and must have adequate water supply and be suitable for private waste disposal systems in accordance with the Ministry of the Environment. The minimum lot size in the Hamlet designation should be 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment facilities.

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The proposed lots are permitted under the Hamlet designation and a Hydrogeological Report was submitted which confirmed the lots could be less than a hectare and adequately accommodate private water and sewage treatment facilities.

City of Port Colborne Official Plan

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

Section 3.3.2 of the OP states that intensification on hamlet lands may occur provided, that a maximum of 3 lots are created through severance, that the new lots can be serviced by individual on-site sanitary services and individual on-site water services, each lot complies with the requirements of the Zoning By-law, and that each lot complies with the Minimum Distance Separation Formulae as required. Due to the proximity of an existing livestock barn, the applicant has submitted a Minimum Distance Separation Formulae with the application that states that the required minimum distance from the existing livestock barn is 97m and the applicant has provided 330m of distance. Staff is satisfied that the proposed application meets the Minimum Distance Separation requirements.

Planning Staff is satisfied that the proposal meets the requirements of the OP. No more than 3 lots are being created, a Hydrogeological Report has been submitted that states that the lots can adequately accommodate a private sewage system and private water system, a minor variance has been requested for Part 1 in order to meet the requirements of the By-law, and the proposed lots comply with the Minimum Distance Separation Formulae, which has been submitted by the applicant.

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

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

Part 1: A lot frontage of 28.82m and a lot area of 5755.14m²

Part 3: A lot frontage of 60.52m and a lot area of 5805.62m².

Section 2.14 (d) (i) of the Zoning By-law States that lot frontage shall be measured 6m from the front property line and parallel to the front property line. The applicant has requested a minor variance to address the lot frontage deficiency. All properties need to have frontage on a municipal road, and as a result, Part 3 has a unique flag shape to address this requirement. The applicant will be required to place an easement over Part 1 and Part 2 in favour of Part 3 to permit access over the property lines.

Planning Staff is satisfied that the proposal meets the requirements of the Zoning By-law as the frontage and lot area requirements have been met for Part 3, and the applicant has met the lot area requirement and is applying for a minor variance for the lot frontage of Part 1. The minor variance for lot frontage is required to be approved to approve this consent application and has been added as a condition of approval. Furthermore, the large size of the lots indicates that a future dwelling could be placed on the parcels and meet the requirements of the Zoning By-law.

Planning Justification Report

Given the unique nature of this application, Planning Staff required that a Planning Justification Report be included as a part of a complete submission. The report was submitted by Eldon Darbyson of Vallee Consulting Engineers, Architects, and Planners. The report concludes that the application is consistent with the Provincial Policy Statement, conforms to the Growth Plan, and meets the requirements of the Regional Official Plan, City of Port Colborne Official Plan, and Zoning By-law. Staff agree with the opinions submitted by Mr. Darbyson.

Recommendation:

Given the information above, Planning Staff recommends application B02-22-PC be **granted** subject to the following conditions:

1. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
2. 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.
3. That a final certification fee of \$216 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.
4. That the applicant registers an easement on the title over Part 1 and Part 2 on the submitted sketch, providing access to Part 3.
5. That the constructed laneway be a minimum of 6m in width, a 12m centre line turning radius be provided from Killaly Street, and that the surface is suitable for fire trucks.
6. That the Owner enters into a Development Agreement with the City of Port Colborne to require and implement the recommendations of the "*Hydrogeological Technical*

Memorandum", prepared by Landtek Limited (dated July 26, 2022) for Part 1-4 before any construction or site alteration, to the Region's satisfaction and to and implement standard noise mitigation measures of the "*Planning Justification Report*" prepared by G. Douglas Vallee Limited (dated June 30, 2022) for any future residential dwellings, including exterior brick façade, triple pane façade windows, and central air conditioning.

7. That minor variance application A21-22-PC be granted.

8. That all conditions of consent be completed by August 10th, 2024.

For the following reasons:

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

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Manager of Planning Services

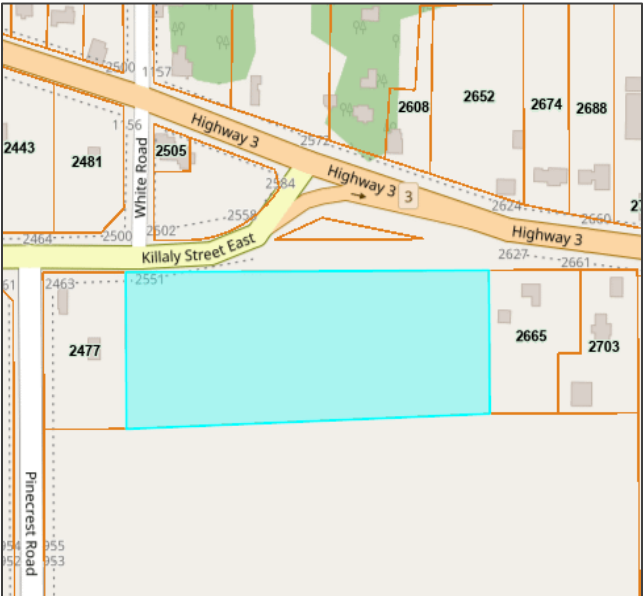
COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR CONSENT

APPLICATION NO. B03-22-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 Concession 1 Lot 14, in the City of Port Colborne, Regional Municipality of Niagara, located in the Hamlet Residential (HR) zone, on the south side of Killaly Street East.

AND IN THE MATTER OF AN APPLICATION by the owner Robert and Margaret Williams for severance under Section 53 (1) of the Planning Act R.S.O 1990 C.P 13, so as to permit the conveyance of Part 4 having a lot frontage of 60.51m and a lot area of 5972.83m² for future residential use. Part 1 will retain a lot frontage of 60.52m along Killaly Street East with a lot area of 5755.14m² for future residential use. A sketch of the subject lands 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:

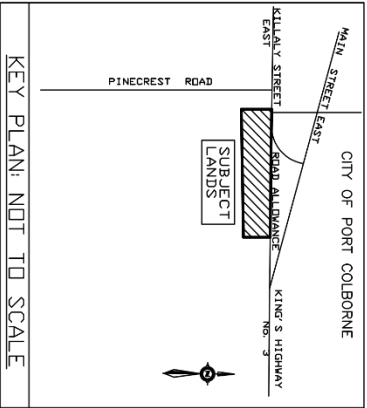
DATE:	August 10, 2022
TIME:	6:00 P.M.
LOCATION:	66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at 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, August 5, 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
<p>The Public Meeting will be held in-person, with the meeting live-streamed on the City’s YouTube channel at https://www.youtube.com/watch?v=bXdn_DHSGzo.</p> <p>Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. Written submissions and participation requests must be received by noon on Tuesday, August 9, 2022, by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p> <p>If you have any questions about the submission process or would like to explore alternative submission methods, please email Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.</p>





File No. _____

The City of Port Colborne
The Planning Act - Section 53
Application For

Consent

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

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
FAX: 1-905-835-2939
Email: 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 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 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) 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 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 will be consulted if the location of the subject lands falls within their respective field of responsibility. Refer to "A Suggestion to the Applicant".

Section 69(3) of the Planning Act states that a filing fee may be paid "under protest" and thereafter appealed to the Ontario Municipal Board against the levying of the fee or the amount of the fee, by giving written notice of appeal to the Ontario Municipal Board within 30 days of payment of the fee.

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 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 By-law 5718/149/11)

If an application is being made to convey a parcel of land together with or subject to a right-of-way or easement, a separate application form and fee will not necessarily be required for the right-of-way or easement.

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

Decisions of the Committee are made in public.

In granting consent to an application, the Committee may impose conditions as requested by municipal or other agencies including, but not limited to:

- That the owner submit a letter to the City indicating that (s)he is aware of the requirements of By-law 4748/130/05 which requires the collection of the parkland dedication at the time of the building permit application based on the value of the property the day before issuance of the permit and that (s)he will advise any future purchasers of this requirement.
- That an agreement with the City be entered into for installation of such municipal services as may be required, at the expense of the applicant and to standards acceptable to the City,
- That the reapportionment of the assessment for municipal drains applies,
- That the land be deeded gratuitously to the City or Regional Municipality for road widening purposes,

APPLICATION FEES

The application fee (See By-law 5718/149/11) 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.

REGIONAL REVIEW AND APPROVAL FEES

There is a fee for the planning review carried out by Niagara Region in place of Provincial Ministries. It should be provided to the City to be submitted to the Region 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). The applicant is responsible for paying any fees required by Regional Niagara. 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 (www.regional.niagara.on.ca).

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, showing the information set out below.
 - i). The boundaries and dimensions of the land abutting the land subject of this application also owned by the owner of the land subject of this application.
 - ii) The distance between the land and the nearest township lot line or landmark such as a bridge or railway crossing.
 - iii) The boundaries of the land, the part that is to be severed and the part that is to be retained.
 - iv) The location of all land previously severed from the parcel originally acquired by the current owner of the land.
 - v) 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;
 - vi) The existing uses on adjacent land, such as residential, agricultural and commercial uses;
 - vii) 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.
 - viii) If access to the land is by water only, the location of the parking and boat docking facilities to be used.
 - ix) The location and nature of any easement affecting the land.
 - x) The location, size, and type of all existing and proposed height of 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.
 - xi) The location and nature of any easement affecting the land.
 - xii) Parking areas, loading spaces, driveway entrance / exits
 - xiii) Existing and proposed servicing [e.g. water, storm and sanitary
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.

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 5718/149/11), 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).

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 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.

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): Robert & Margaret Williams
Mailing Address: 657 Clarence Street
City: Port Colborne Province: Ont
Postal Code: L3K 6B8 Telephone: 905-932-1261
Fax: _____ Email: remmwilliams@gmail.com

1.2 Owner's SOLICITOR (if any): Ron Martens
Mailing Address: 43 Church St #700
City: St Catharines Province: Ont
Postal Code: L2R 7E1 Telephone: 905-687-6551
Fax: _____ Email: rmartens@martenslingard.com

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.

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

Dec 15, 2021

1.6 Owner's ONTARIO LAND SURVEYOR (if any): Suda & Materzyk Surveying Inc
Mailing Address: 26 Main Street, Suite 2
City: Welland Province: Ont
Postal Code: L3B 3W3 Telephone: 905-932-7651
Fax: 905-732-7660 Email: dcb@cogeco.ca

1.7 All communications should be sent to the:

Owner X Solicitor _____ Agent _____

2. LOCATION:

Former Municipality Humberstone
Concession No. 1 Lot(s) 14 Registered Plan No. _____ Lot(s) _____
Reference Plan No. 59R 17117 Part(s) _____
Name of Street Killaly St. E Street No. _____

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

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

Reason for proposed transaction:

Create Residential Building Lot

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

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

3. OFFICIAL PLAN AND ZONING

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

Port Colborne Official Plan Hamlet - HM
Regional Policy Plan _____

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

Hamlet

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

Yes X No _____

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

Yes _____ No X

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

5. Type of ACCESS

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

6. What type of WATER SUPPLY is proposed?

Publicly owned and operated piped water supply _____

Lake _____

Well (private or communal) _____

Other (specify) Cistern

7. What type of SEWAGE DISPOSAL is proposed?

Publicly owned and operated sanitary sewage system _____

Septic system (private or communal) Private

Other (specify) _____

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

Publicly owned and operated storm water system _____

Other (specify) Surface Drainage to Municipal Ditch

9. DESCRIPTION OF PARCEL TO BE SEVERED (in metric units):

Part No. on sketch 4

Frontage 60.73 m Depth 91.44 m Area 5972.83 sq m

Existing Use Agricultural-Hamlet Proposed Use Residential

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

Existing: _____

Proposed: Single Family Residential

10. DESCRIPTION OF PARCEL TO BE RETAINED (in metric units):

Part No. on sketch _____

Frontage 60.56 m Depth 100 m Area 5755.14 sq m

Existing Use Agricultural-Hamlet Proposed Use Residential

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

Existing: _____

Proposed: Single Family Residential

11. Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?

Yes _____ No X Unknown _____

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

File Number _____

Decision _____

12. HAS ANY LAND BEEN SEVERED from the parcel originally acquired by the owner of the land?

Yes X 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 Robert Williams

Land Use on severed parcel Hamlet-Agricultural

Date parcel transferred Dec 15/21

Consent file number (if known) B15-21-PC

13. OTHER APPLICATIONS:

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

Official Plan Amendment _____
 Zoning By-law Amendment _____
 Minor Variance _____
 Plan of Subdivision _____
 Consent X
 Site Plan _____

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

File number of the application B15-21-PC
 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 _____

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

14.1 ALL EXISTING USE

Residential X
 Industrial _____
 Commercial _____
 Institutional _____
 Agricultural X
 Parkland _____
 Vacant _____
 Other _____

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

Over 19 years

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

Yes _____ No X

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

14.4 ALL PREVIOUS USE

Residential X
 Industrial _____
 Commercial _____
 Institutional _____
 Agricultural X
 Parkland _____
 Vacant _____
 Other _____

14.5 ADJACENT USE(S)

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

14.6 If Industrial or Commercial, specify use

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

Yes _____ No X Unknown _____

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

Yes _____ No X Unknown _____

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

Yes _____ No X Unknown _____

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

Yes _____ No X Unknown _____

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

Yes _____ No X Unknown _____

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

Yes _____ No X Unknown _____

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

Yes _____ No X Unknown _____

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

Yes _____ No X _____ 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 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 Jan 10, 2022 Signature of Owner [Signature]

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

Yes _____ No X _____ 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 X _____

NIAGARA PENINSULA CONSERVATION AUTHORITY

PRESCREENING CRITERIA

- Is there land on the property identified in the Official Plan and/or Zoning by-law as "hazard lands"?
Yes _____ No X Unknown _____
- Is there a watercourse or municipal drain on the property or within 15 metres of the property?
Yes _____ No X Unknown _____
- Is the property located on or within 30 metres of the Lake Erie shoreline?
Yes _____ No X Unknown _____
- Is there a valley slope on the property?
Yes _____ No X Unknown _____
- Is there known localized flooding or a marsh/bog area on or within 30 metres of the property?
Yes _____ No X Unknown _____

Date Jan 10, 2022

Signature of Applicant(s) Margaret Williams

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 Robert & Margaret Williams
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 NIAGARA FALLS

in the REGION of NIAGARA

This 10 day of January

A.D. 20 22

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

Margaret Williams
Robert Williams
(Signature of applicant(s), solicitor or authorized agent)

ELDON FRASER DARBYSON, a commissioner, etc.,
Province of Ontario, for G. Douglas Vallon Limited.
Expires March 28, 2022.

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 _____

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 _____

Development Agreement Signed by Owner _____

Development Agreement Signed by Mayor and Clerk _____

Development Agreement sent to City Solicitor _____

Registration _____

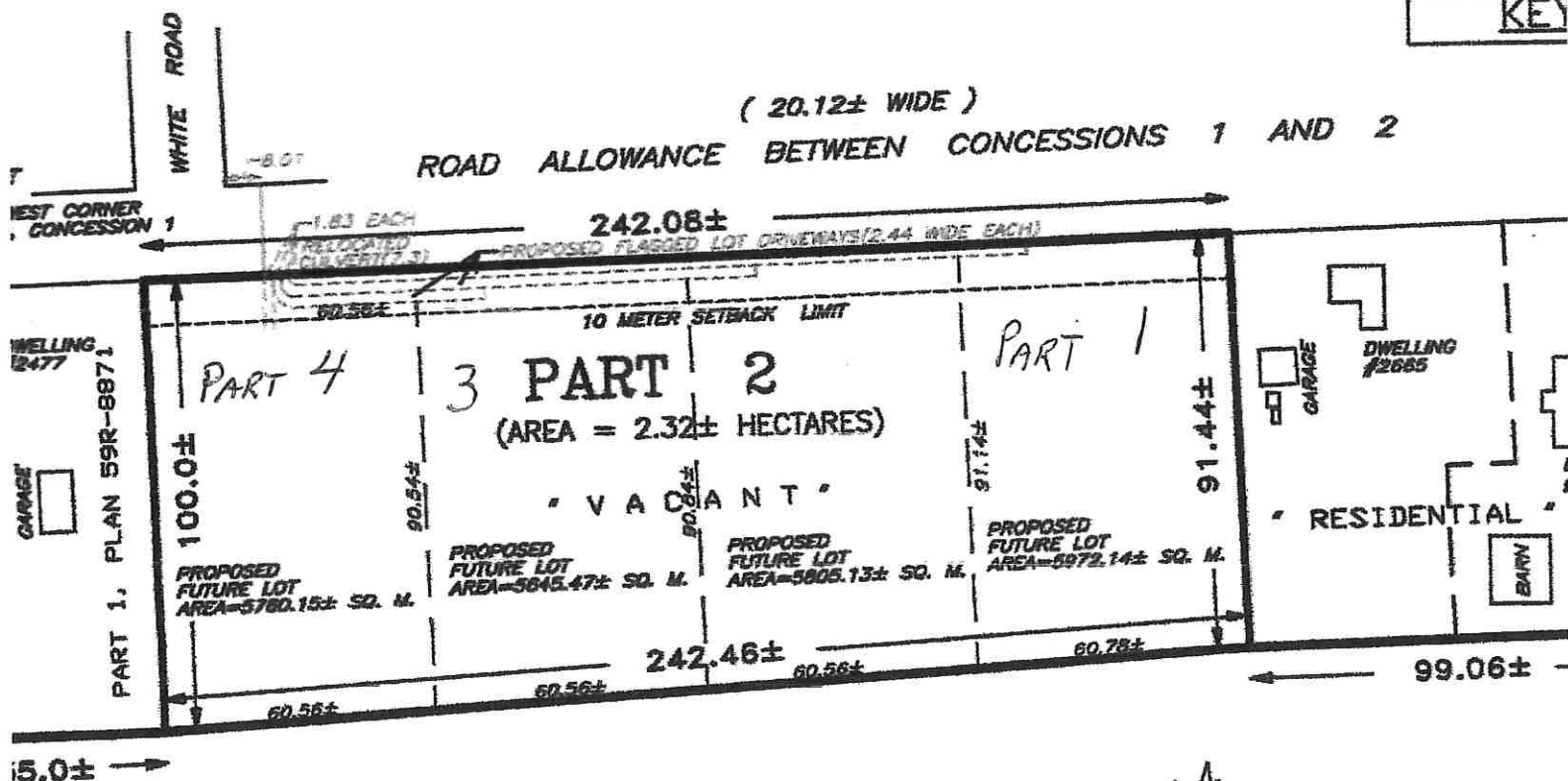
Instrument No. _____

Final Approval _____

Application Revised August 2016

50 100
METRES

KEY



LOT

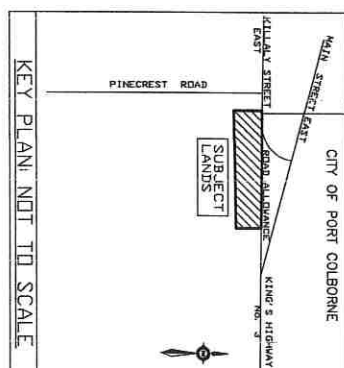
14

(AREA = 17.06± HECTARES)

OPEN FIELD

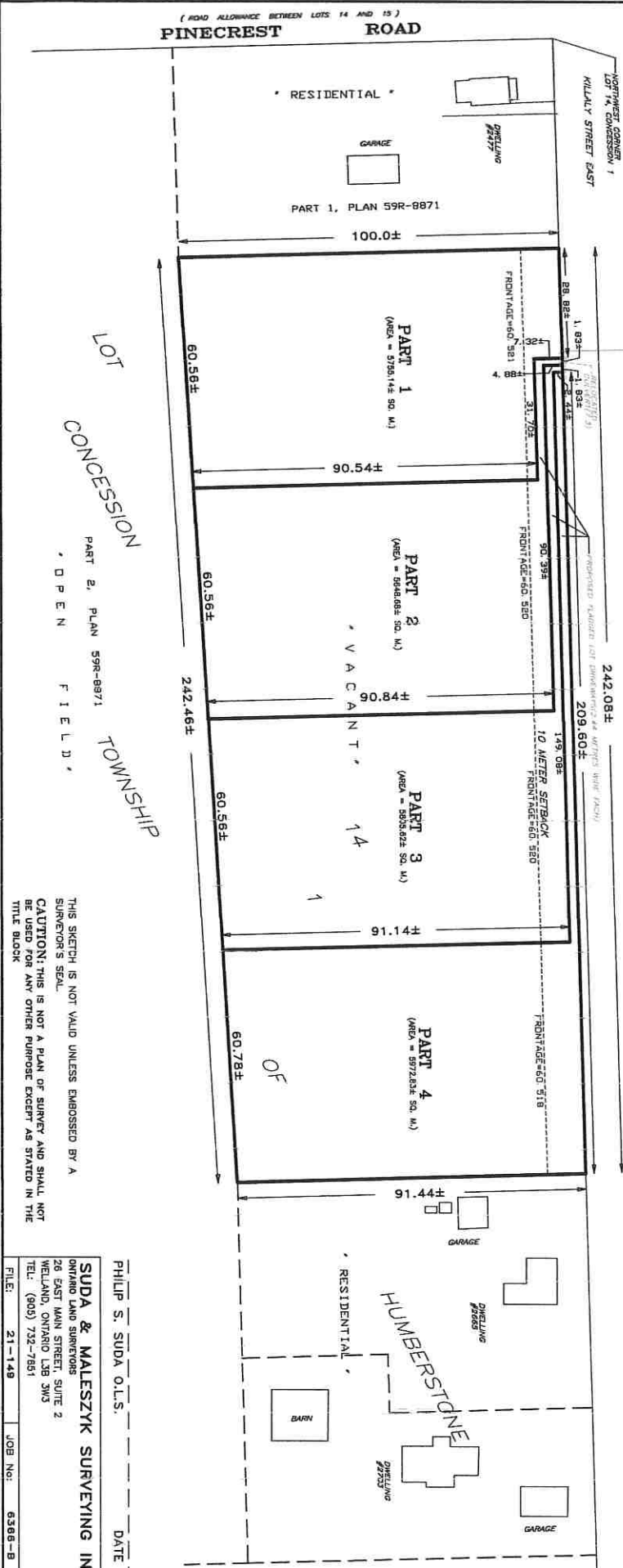
CONCESSION

SCALE: 1 = 1000



KEY PLAN: NOT TO SCALE

(20.12# WIDE)
ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2



THIS SKETCH IS NOT VALID UNLESS EMBOSSED BY A SURVEYOR'S SEAL.

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE EXCEPT AS STATED IN THE TITLE BLOCK

SUDA & MALESZYK SURVEYING INC.	DATE
ONTARIO LAND SURVEYORS	
26 EAST MAIN STREET, SUITE 2	
WELLAND, ONTARIO L9B 3M3	
TEL: (805) 732-7851	
FILE: 21-149	JOB NO: 6366-B

Planning and Development Department
Planning Division

August 5th, 2022

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

Re: Application for Consent B02-22-PC
VL Killaly Street East
Concession 1 Lot 14
Agent: N/A
Owner(s): Robert Williams

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 4, having a lot frontage of 60.519 m and a lot area of 5972.83m² for a future residential use. Part 1 will retain a lot frontage of 28.82m on Killaly Street East with a lot area of 5755.14m² for a future residential use.

**Surrounding Land
Uses and Zoning:**

The subject lands are surrounded by Hamlet Commercial, Hamlet Residential and Parks and Public Space to the north, Hamlet Residential to the east, and Agricultural (A) zones to the south and west. The surrounding uses consist of a restaurant and detached



dwelling to the north, detached dwellings to the east and west, and an agriculture use to the south.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on July 26th, 2022, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of August 5th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on July 18th, 2022 internally and to the required agencies. As of August 5th, 2022, the following has been received.

Drainage Superintendant

A drainage apportionment agreement will be required should the severance be approved. Upon submission of the deposited plan to the planning department, the drainage apportionment can be completed by the Drainage Superintendant. The fees for the agreement can be collected by the planning department along with other fees to collect. If the applicant is not confident that the agreement is completed fairly by the Superintendent, the applicant may hire an approved drainage Engineer at the applicant's own expense.

If the newly created parcels do not drain independently of one another, it is recommended that a mutual agreement drain be implemented and registered on the title of all parcels involved. A mutual agreement drain is to ensure that all the parcels affected have drainage now and into the future. Should this option be exercised, a grading plan will be required to assist the written agreement and the master lot grading plan can be used. If assistance is required for this, please contact the City's Drainage Superintendant.

A master lot grading plan will be required which includes the grading plan for all properties. In addition to the master plan, upon the development of each parcel at the building permit phase, individual lot grading plans will be required.

If not acquired already, municipal consent will be required for the purpose of a driveway.

The drainage apportionment agreement has been added as a condition of consent and the municipal consent permit will be required during the building permit stage.

Fire Department

The private road cannot be less than 6m in width and a 12m center line turning radius is required from Killaly Street. The surface will also need to be maintained to handle fire trucks.

The owner has submitted a preliminary sketch showing a 7.5m wide laneway with a 12m turning radius at the proposed entrance of Killaly.

Niagara Region (Summarized: please see full comments in Agenda Package)

Regional Planning and Development Services staff does not object to the proposed consent applications, as the proposal is consistent with the PPS and conforms to Regional and Provincial policies, subject to the fulfillment of the attached conditions. Local staff should be satisfied that the proposed development meets all local requirements and provisions.

1. That the Owner enters into a Development Agreement with the City of Port Colborne to require and implement the recommendations of the “*Hydrogeological Technical Memorandum*”, prepared by Landtek Limited (dated July 26, 2022) for Part 1-4 prior to any construction or site alteration, to the Region’s satisfaction.
2. That the Owner enters into a Development Agreement with the City of Port Colborne to require and implement standard noise mitigation measures of the “*Planning Justification Report*” prepared by G. Douglas Vallee Limited (dated June 30, 2022) for any future residential dwellings, including exterior brick façade, triple pane façade windows, and central air conditioning.

These conditions have been added as conditions of approval.

MTO

The MTO has no objection to the proposed consent applications and minor variance application, as a future private road is proposed, with no access proposed from the Hwy 3 right-of-way. The proponent should be made aware that all the proposed new lots (Parts 1 to 4) are located within the MTO Permit Control Area for the Hwy 3 & Killaly Street East intersection. Therefore, MTO Building and Land Use Permits are required for each new lot before the commencement of any on-site construction/works. All development must comply with the MTO Building and Land Use Policy.

Discussion:

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

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

Staff is satisfied that the proposed consent is consistent with the PPS. The application efficiently uses land and resources as the proposed lots make efficient use of underused land.

The Growth Plan designates the subject lands as within a Settlement Area. New multiple lots or units for residential development will be directed to settlement areas and is also permitted in rural settlements such as hamlets with approved zoning or designation in the Official Plan that permits that type of development. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for

daily living throughout an entire lifetime. Furthermore, they provide different approaches to managing growth that recognize the diversity of communities in the Greater Golden Horseshoe.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application proposes one of three lots for residential development within a settlement area that is permitted in the Zoning By-law and Official Plan. The application also provides a different approach to managing growth by uniquely creating multiple lots that will have independent services and common access to the municipal road.

The Regional Official Plan (ROP), designates the subject lands as Hamlet. Development in hamlets is permitted by a plan of subdivision or by consent and must have adequate water supply and be suitable for private waste disposal systems in accordance with the Ministry of the Environment. The minimum lot size in the Hamlet designation should be 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment facilities.

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The proposed lots are permitted under the Hamlet designation and a Hydrogeological Report was submitted that confirmed the lots could be less than a hectare and adequately accommodate private water and sewage treatment facilities.

City of Port Colborne Official Plan

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

Section 3.3.2 of the OP states that intensification on hamlet lands may occur provided, that a maximum of 3 lots are created through severance, that the new lots can be serviced by individual on-site sanitary services and individual on-site water services, each lot complies with the requirements of the Zoning By-law, and that each lot complies with the Minimum Distance Separation Formulae as required. Due to the proximity of an existing livestock barn, the applicant has submitted a Minimum Distance Separation Formulae with the application that states that the required minimum distance from the existing livestock barn is 97m and the applicant has provided 330m of distance. Staff is satisfied that the proposed application meets the Minimum Distance Separation requirements.

Planning Staff is satisfied that the proposal meets the requirements of the OP. No more than 3 lots are being created, a Hydrogeological Report has been submitted that states that the lots can adequately accommodate a private sewage system and private water system, a minor variance has been requested for Part 1 in order to meet the requirements of the By-law.

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

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

Part 1: A lot frontage of 28.82m and a lot area of 5755.14m²

Part 4: A lot frontage of 60.519m and a lot area of 5972.83m².

Section 2.14 (d) (i) of the Zoning By-law States that lot frontage shall be measured 6m from the front property line and parallel to the front property line. The applicant has requested a minor

variance to address the lot frontage deficiency. All properties need to have frontage on a municipal road, and as a result, Part 3 has a unique flag shape to address this requirement. The applicant will be required to place an easement over Part 1, Part 2, and Part 3 in favour of Part 4 to permit access over the property lines.

Planning Staff is satisfied that the proposal meets the requirements of the Zoning By-law as the frontage and lot area requirements have been met for Part 4, and the applicant has met the lot area requirement and is applying for a minor variance for the lot frontage of Part 1. The minor variance for lot frontage is required to be approved to approve this consent application and has been added as a condition of approval. Furthermore, the large size of the lots indicates that a future dwelling could be placed on the parcels and meet the requirements of the Zoning By-law.

Planning Justification Report

Given the unique nature of this application, Planning Staff required that a Planning Justification Report be included as a part of the complete submission. The report was submitted by Eldon Darbyson of Vallee Consulting Engineers, Architects, and Planners. The report concludes that the application is consistent with the Provincial Policy Statement, conforms to the Growth Plan, and meets the requirements of the Regional Official Plan, City of Port Colborne Official Plan, and Zoning By-law. Staff agrees with the opinions submitted by Mr. Darbyson.

Recommendation:

Given the information above, Planning Staff recommends application B03-22-PC be **granted** subject to the following conditions:

1. That a drainage apportionment agreement is completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant to the satisfaction of the City's Drainage Superintendent. A deposited plan is required for the apportionment agreement to be completed.
2. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
4. That the applicant registers an easement on the title over Part 1, Part 2, and Part 3 on the submitted sketch to permit access to Part 4.
5. That the constructed laneway be a minimum of 6m in width, a 12m center line turning radius be provided from Killaly Street, and that the surface is suitable for fire trucks.
6. That the Owner enters into a Development Agreement with the City of Port Colborne to require and implement the recommendations of the "*Hydrogeological Technical Memorandum*", prepared by Landtek Limited (dated July 26, 2022) for Part 1-4 before any construction or site alteration, to the Region's satisfaction and to and implement standard noise mitigation measures of the "*Planning Justification Report*" prepared by G. Douglas

Vallee Limited (dated June 30, 2022) for any future residential dwellings, including exterior brick façade, triple pane façade windows, and central air conditioning.

7. That minor variance application A21-22-PC be granted.
8. That all conditions of consent be completed by August 10th, 2024.

For the following reasons:

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

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Manager of Planning Services

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR MINOR VARIANCE

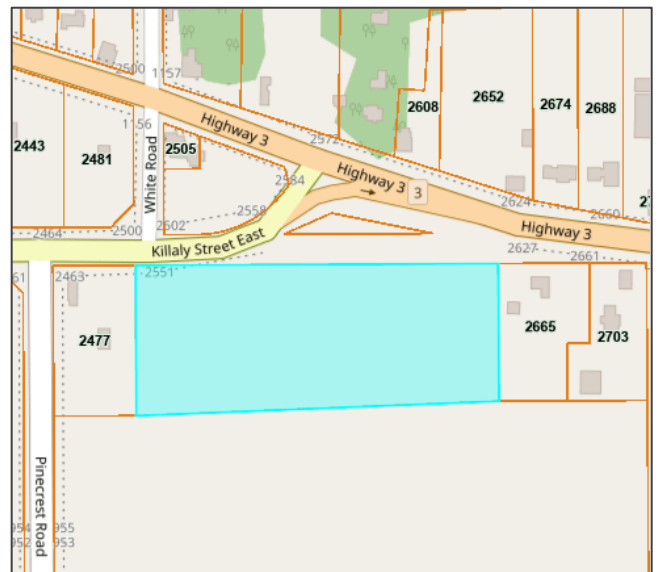
APPLICATION NO. A21-22-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 12.3 (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 Concession 1 Lot 14, in the City of Port Colborne, Regional Municipality of Niagara, located in the Hamlet Residential (HR) zone, on the south side of Killaly Street East.

AND IN THE MATTER OF AN APPLICATION by the owner Robert and Margaret Williams 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 future residential development, notwithstanding the following;

1. That a minimum lot frontage of 28.82m be permitted for Part 1, whereas 45m is required.



Explanatory Relief from the Zoning By-law: The applicant is requesting permission for future residential development. Due to the proposed lot frontage, 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 and in-person by the Committee of Adjustment as shown below:

DATE: August 10, 2022
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street – Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at 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 August 5, 2022.**

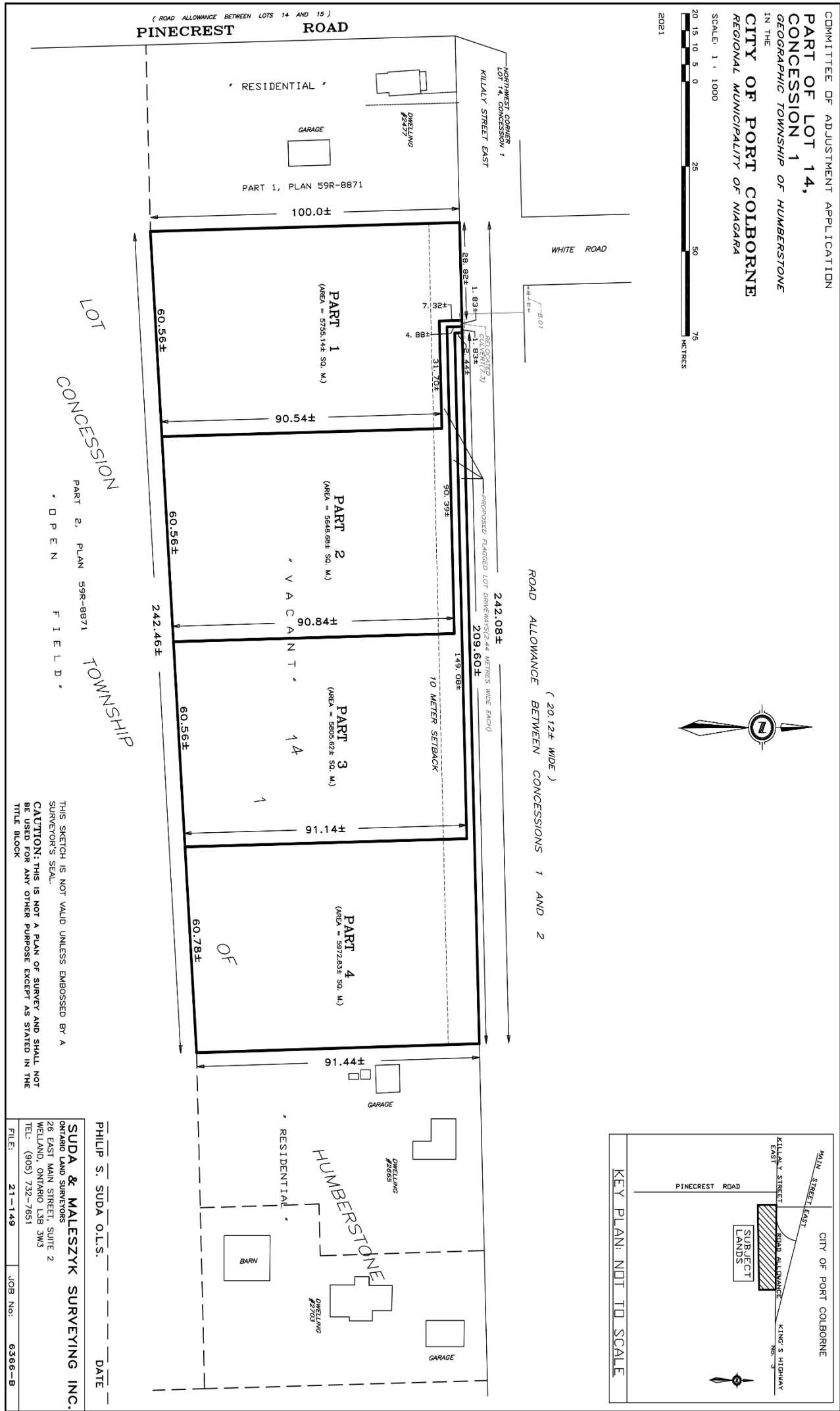
Electronic Hearing Procedures

How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at https://www.youtube.com/watch?v=bXdn_DHSGzo.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on August 9, 2022** by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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





PORT COLBORNE

• **PLANNING AND LEGISLATIVE SERVICES** •

File No. _____

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

MINOR VARIANCE OR PERMISSION

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

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

SUBMISSION OF APPLICATION:

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

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

COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

x 

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

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

NOTICE REQUIREMENTS

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

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown



PORT COLBORNE

• PLANNING AND LEGISLATIVE SERVICES •

APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s): <i>RM</i>	
Name: Robert and Margaret Williams	
Mailing Address: 657 Clarence Street	
City: Port Colborne	Province: Ontario
Postal Code: L3K6B8	Telephone: 905-932-1261
Fax:	Email: remmwilliams@gmail.com

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.

1.5 Date and Subject Land was acquired by the Current Owner:
December 15, 2021

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Suda & Maleszyk Surveying Inc	
Mailing Address: 26 East Main Street Suite 2	
City: Welland	Province: Ontario
Postal Code: L3B 3W3	Telephone: 905-732-7651
Fax:	Email: dcb@cogeco.com

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

Section 2: LOCATION

Former Municipality: Humberstone	
Concession No. 1	Lot(s): Part of lot 14
Registered Plan No. 59R-17117	
Reference Plan No.	Part(s):
Name of Street: Killaly	Street No.

Section 3: DESCRIPTION

Part No. On Sketch: 1

Frontage: 28.82 M	Depth: 100 M	Area: 5755.14 sq m
Existing Use: Agriculture (Hamlet Zoning)		
Proposed Use: Residential		

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: Hamlet
Regional Policy Plan: Hamlet

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

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 type="checkbox"/> Publicly owned and operated piped water supply
<input type="checkbox"/> Lake
<input type="checkbox"/> Well (private or communal)
<input checked="" type="checkbox"/> Other (specify) cistern

Section 8

What type of SEWAGE DISPOSAL is proposed?
<input type="checkbox"/> Publicly owned and operated sanitary sewage system
<input checked="" 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:
Minimim frontage required due to 6 meter 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 IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:

The frontage on Lot 1 does not comply with the minimal requirement due to the 6 meter setback.

Section 12

DATE OF ACQUISITION of the land by the current owner:

December 15, 2021

Section 13

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

No buildings present at this time

Section 14

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

Over 19 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
<input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Institutional <input checked="" type="checkbox"/> Agricultural <input type="checkbox"/> Parkland <input type="checkbox"/> Vacant <input type="checkbox"/> Other

16.2 What is the length of time the existing use(s) of the land have continued?
Over 19 years

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

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> X	<input type="checkbox"/> X
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/> X	<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	Municipal Road			

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X July 4, 2022
Date

X 
Signature of Owner
Margaret Williams RW

X July 4, 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 Robert William -
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 5th day of July
A.D 20 22

[Signature]

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

A Commissioner, etc.

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

X [Signature]

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

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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. A pre-consultation could provide you with information about the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 6575/30/18, the Regional Policy Plan, the concerns of various Provincial Ministries and other relevant information which may have a direct effect upon the final decision on your application.

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

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:

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

Development and Legislative Services

Planning Division Report

August 5th, 2022

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

Re: Application for Consent A21-22-PC
VL Killaly Street East
Concession 1 Lot 14 – Part 1
Agent: N/A
Owner(s): Robert Williams

Proposal:

The purpose and effect of this application is to permit a reduced lot frontage to facilitate the creation of three new lots (Parts 2, 3, and 4 of the attached sketch) for the retained parcel of Part 1 having a lot frontage of 28.82m where 45m is required in the HR zone.

Surrounding Land Uses and Zoning:

The subject lands are surrounded by Hamlet Commercial, Hamlet Residential and Parks and Public Space to the north, Hamlet Residential to the east, and Agricultural (A) zones to the south and west. The surrounding uses consist of a restaurant and detached dwelling to the north, with detached dwelling and agricultural uses to the east, south and west.



Key Map

Official Plan:

The subject property is designated as Hamlet in the City's Official Plan. Lot creation is permitted in the Hamlet designation.

Zoning:

The subject property is zoned Hamlet Residential (HR) zone in accordance with Zoning By-Law 6575/30/18. Detached dwellings are a permitted use in the HR zone.

Environmentally Sensitive Areas:

There are no environmentally sensitive areas on the subject lands.

Public Comments:

Notice was circulated on July 26th, 2022, as per Section 45 (5) of the Planning Act to adjacent properties within 60 metres of the subject property. As of August 5th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on July 18th, 2022 to internal staff and the required agencies. As of August 5th, 2022, the following has been received.

Drainage Superintendent

No comments have been provided regarding municipal drains. All drainage concerns have been addressed under the consent applications.

Fire Department

Port Colborne Fire has no objection to the proposed application.

MTO

The MTO has no objection to the proposed consent applications and minor variance application, as a future private road is proposed, with no access proposed from the Hwy 3 right-of-way. The proponent should be made aware that all the proposed new lots (Parts 1 to 4) are located within the MTO Permit Control Area for the Hwy 3 & Killaly Street East intersection. Therefore, MTO Building and Land Use Permits are required for each new lot before the commencement of any on-site construction/works. All development must comply with the MTO Building and Land Use Policy.

Planning Act – Four Tests:

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

Is the application minor in nature?

Staff finds the requested variance to be minor in nature. The decrease in lot frontage from 45m to 28.82m will not negatively impact the subject parcel. The lot frontage intends to ensure that lots have a suitable width and distance between neighbouring lots. The overall width of the property is not severely impacted by the requested variance and is in keeping with the width of the other proposed lots and a dwelling can suitably fit on the subject property. A future detached dwelling will be able to meet the setback requirements and provide a suitable amount of amenity space.

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

The proposal is desirable and appropriate as the reduction in lot frontage will not restrict the location of a future dwelling on the property. Detached dwellings are a permitted use in the HR zone so the proposal is compatible with the requirements of the zoning by-law.

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

The Zoning By-law permits detached dwellings in the HR zone. The lot frontage requirement intends to ensure that lots are evenly spaced, are compatible in size, and provide an adequate amount of width to locate a dwelling on the property. The proposed lot will not have a significantly reduced width as a result of its unique shape and a future dwelling will be able to meet the setback requirements of the zone. Part 1 will have a similar size to the created lots of Parts 2, 3, and 4. Furthermore, Hamlet residential lots are required to be on private sewage systems and the shape of the proposed lot will not hinder the location of a proposed septic system. The proposal has met the majority of the by-law requirements except for the requested variance. Staff finds 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 detached dwellings in the Hamlet designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A21-22-PC be **granted** for the following reasons:

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

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,

A handwritten signature in black ink, appearing to read 'D. Landry', written over a horizontal line.

Denise Landry, MCIP, RPP
Manager of Planning Services

Members Present: Dan O'Hara, Angie Desmarais, Donna Kalailieff, Gary Bruno

Staff Present: Chris Roome, Planner
Samantha Yeung, Planning Technician/Secretary-Treasurer
Denise Landry, Manager of Planning Services

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

1. Disclosures of Pecuniary Interest:

Nil.

2. Requests for Deferrals or Withdrawals of Applications:

Nil.

3. New Business

i) **Application: A14-22-PC**

Action: Minor Variance
Agent: N/A
Owner: Terry & Anne Niessen
Location: 755 Pleasant Beach Road

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

The applicant did not provide any further comments.

There were no questions or comments from the Committee or members of the public.

That minor variance application A14-22-PC be **granted** for the following reasons:

1. **Minor in nature** as the increase in height will not negatively impact the subject parcel or neighbouring properties.

2. **Appropriate for development of the site** as it is located in a suitable location and accessory structures are a permitted use in the HR zone.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as accessory structures in the HR zone are permitted and the proposal meets the setbacks and lot coverage requirements.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as accessory structures are permitted in the Hamlet designation.

Motion: Angie Desmarais

Seconded: Donna Kalailieff

Carries: 3-0

ii) Application: B11-22-PC

Action: Consent

Agent: N/A

Owner: Stanley Homes

Location: 41 & 43 Amelia Street

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

The Chair asked the applicant if they wished to defer or withdraw their application.

The applicant responded no and provided no further comments.

There were no further questions or comments from the Committee or members of the public.

That Consent application B11-22-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That all conditions of consent be completed by July 13th, 2024.

For the following reasons:

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

Motion: Angie Desmarais

Seconded: Donna Kalailieff

Carried: 3-0

**iii) Application: B10-22-PC
A18-22-PC
A19-22-PC**

Action: Consent & Minor Variance (2)

Agent: N/A

Owners: Mancini Development Inc.

Location: 747 Fielden Avenue

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

The Chair asked if the applicant wished to defer or withdraw their application.

The applicant responded no.

The applicant stated that he agrees with the planning department's comments. He addressed the previously circulated concerns from the public as follows:

Drainage: The applicant explained that the application was circulated to the Public Works supervisor, who had no concerns. A drainage plan would be prepared by a professional engineer that would be submitted at the building permit stage.

Daylighting: The applicant explained that he does not want to negatively impact the church, and that he intends to only build a small, raised bungalow. He stated that he would be willing to work with the church.

Security Lighting: the applicant explained that this would not be an issue.

Fencing: The applicant explained that no fence will be going up.

The applicant concluded by saying that a drainage plan would be prepared by a professional engineer, and that the new development would be a nice fit for the neighbourhood.

Darwin Hoover of 185 Knoll Street appeared before the Committee at this time.

Mr. Hoover commended the applicant for his intention to build a raised bungalow rather than a larger home.

Barry Beck of 20 Wallace Avenue appeared before the Committee at this time.

Mr. Beck explained that his property sits about 2 feet lower than the subject property, and that wastewater from the neighbouring house drains onto his property. He raised concerns over drainage and expressed that drainage has been an issue in the area for years. He also expressed concerns over a lack of greenspace for the existing house. He questioned if future development would be permitted on the retained parcel if the

existing house was torn down, since the lot would be undersized. He concluded by stating that he is opposed to all three applications.

Mr. Hoover requested to return to the podium again.

Mr. Hoover addressed the written comments he submitted to the Committee prior to the meeting. He highlighted that the first three items of concern were resolved by staff. He expressed concerns over drainage, and concerns over the blockage of daylight through the north windows of the church if a dwelling were to be built on the severed parcel. He also raised concerns over the church's security lighting infringing on the severed parcel.

The Chair stated the concerns over security lighting are not germane to this application. He also explained that the church's lighting from the North window would not be affected.

Member Desmarais addressed that most of the concerns brought forward regarding drainage, fencing, lighting, etc., would be dealt with during site plan control.

The Planner responded that those concerns would be dealt with at the building permit stage. Lot grading plans are not a requirement for consent applications

Member Desmarais asked who would be responsible to ensure that the drainage would not be an issue.

The Planner explained that a lot grading plan prepared by a professional engineer is required to be submitted with a building permit.

Member Kalailieff asked if the grading could not be done to allow for an appropriate drainage plan, the building process would not move forward because a building permit would not be issued.

The Planner responded yes, if the lot grading plan does not meet the grading by-law, the engineering department would ask the applicant to make the necessary changes so that it meets the grading by-law.

Member Kalailieff asked if it would be the responsibility of the applicant to fix the grading, and if it cannot be done then nothing gets built.

The Planner responded yes.

Motioned: Donna Kalailieff

Seconded: Angie Desmarais

Carried: 3-0

That consent application B10-22-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.⁵
3. That the garage and covered deck on Part 1 be removed.
4. That the applicant(s) sign the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
5. That all conditions of consent be completed by July 13th, 2024.

For the following reasons:

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

Motioned: Donna Kalailieff

Seconded: Angie Desmarais

Carried: 3-0

That minor variance application A18-22-PC be **granted** for the following reasons:

1. **The application is minor in nature** as the reduced lot area, front yard, and lot frontage will not negatively impact the subject parcel or any adjacent parcels.
2. **It is appropriate for development of the site** as the existing dwelling is located in a suitable location on the site and will have ample amenity space.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as detached dwellings are permitted in the R2 zone and the proposal meets the setbacks and lot coverage requirements. The proposed lot frontage and front yard intend to ensure that the created lot will be of sufficient size to locate a dwelling.

4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as detached dwellings are permitted in the Urban Residential designation.

That minor variance application A19-22-PC be **granted** for the following reasons:

1. **The application is minor in nature** as the reduced lot area will not negatively impact the subject parcel.
2. **It is appropriate for development of the site** as the reduced lot area will not restrict the location of a future dwelling on the property.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as detached dwellings are permitted in the R2 zone, and the lot area ensures that the lot will be of suitable size to provide amenity and parking space.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as detached dwellings are permitted in the Urban Residential designation.

Motion: Donna Kalailieff

Seconded: Angie Desmarais

Carried: 3-0

4. Other Business:

Nil.

Member Bruno entered the meeting at this time.

5. Approval of Minutes

The minutes from the June 8th, 2022 meeting were approved

Motion: Angie Desmarais

Seconded: Donna Kalailieff

Carried 3-0

6. Adjournment

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