



CORPORATION OF THE CITY OF
PORT COLBORNE

**COMMITTEE OF ADJUSTMENT
-MEETING AGENDA-
6:00 P.M., Wednesday, February 9th, 2022
Council Chambers (virtually)**

1. Call Meeting to Order
2. Reading of Meeting Protocol
3. Disclosures of Interest
4. Request for Any Deferrals or Withdrawals of Applications
5. New Business
 - i) Application: A33-21-PC
Action: Minor Variance
Agent: DeFilippis Design
Owners: Ron Lucchino
Location: 3475 Firelane 12
 - ii) Application: B04-21-PC
Action: Consent
Agent: Paul Fehrman
Owners: David Crawford
Location: 1305 Highway 3
 - iii) Application: A01-21-PC
Action: Minor Variance
Agent: N/A
Owners: Miles Tonnies
Location: V/L Franklin Ave
 - iv) Application: B05-21-PC
Action: Consent
Agent: N/A
Owner: Peter Smith and Donna Bonato
6. Other Business
7. Approval of Minutes
 - i) January 12th, 2021, Committee of Adjustment Meeting
8. Adjournment



PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

CITY OF PORT COLBORNE
COMMITTEE OF ADJUSTMENT
66 Charlotte Street
Port Colborne, ON L3K 3C8

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR CONSENT

APPLICATION NO. A33-21-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended, Section 11.3 (c), (d), (g) and Section 2.8.1 (a) (iv) of the City of Port Colborne Zoning By-law 6575/30/18, as amended.

AND IN THE MATTER OF the lands legally known as Part Lot 3, 4 and 10, Concession 1 on Plan 48, in the City of Port Colborne, Regional Municipality of Niagara, located in the Lakeshore Residential (LR) zone, municipally known as 3475 Firelane 12.

AND IN THE MATTER OF AN APPLICATION by the agent, DeFilippis Design, on behalf of the owner, Ron Lucchino for relief from the provisions of Zoning By-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O 1990 c.P 13, so as to permit a reduced front yard setback to an existing accessory structure built without a permit, an increased maximum lot coverage and reduced interior side yard setback to the existing dwelling, notwithstanding the following.

- 1) That a front yard setback of 6.48m be provided, whereas 10m is required.
- 2) That a side yard setback of 0m be provided for the existing accessory structure, whereas 1m is required.
- 3) That a maximum lot coverage of 28% be provided whereas a maximum lot coverage of 15% is permitted.
- 4) That an interior side yard setback of 0.58m be provided for the existing dwelling, whereas 3m is required.

Explanatory Relief from the Zoning By-law: The applicant is requesting variances for an accessory structure that was built without a permit. Due to the location of the existing accessory structure, the minor variances are required. A sketch of the structure 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: February 9th, 2022

TIME: 6:00 P.M.

LOCATION: City of Port Colborne Council Chambers - Third Floor (virtual)

66 Charlotte Street, Port Colborne, Ontario

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 205 or email at chris.roome@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 **February 4th, 2022**.

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

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City's YouTube channel at <https://youtu.be/7JGvIMshzjE>.

Anyone wishing to participate in the meeting is asked to submit a written submission that will be circulated to Committee members prior to the meeting. If anyone wishes to virtually participate in the meeting they must pre-register with the Secretary-Treasurer. **Written submissions and virtual participation requests must be received by noon on February 8th, 2022**, by emailing Chris.Roome@portcolborne.ca or calling (905) 835-2901

ext. 205. Written submissions can also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

If you have any questions about the submission process or would like to explore alternative submission methods, please email Chris.Roome@portcolborne.ca or call (905) 835-2901 ext. 205.

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

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

By order of the Committee of Adjustment,

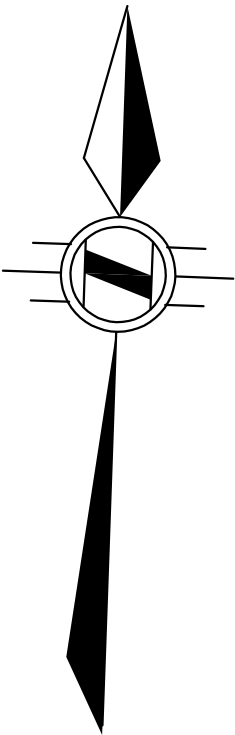
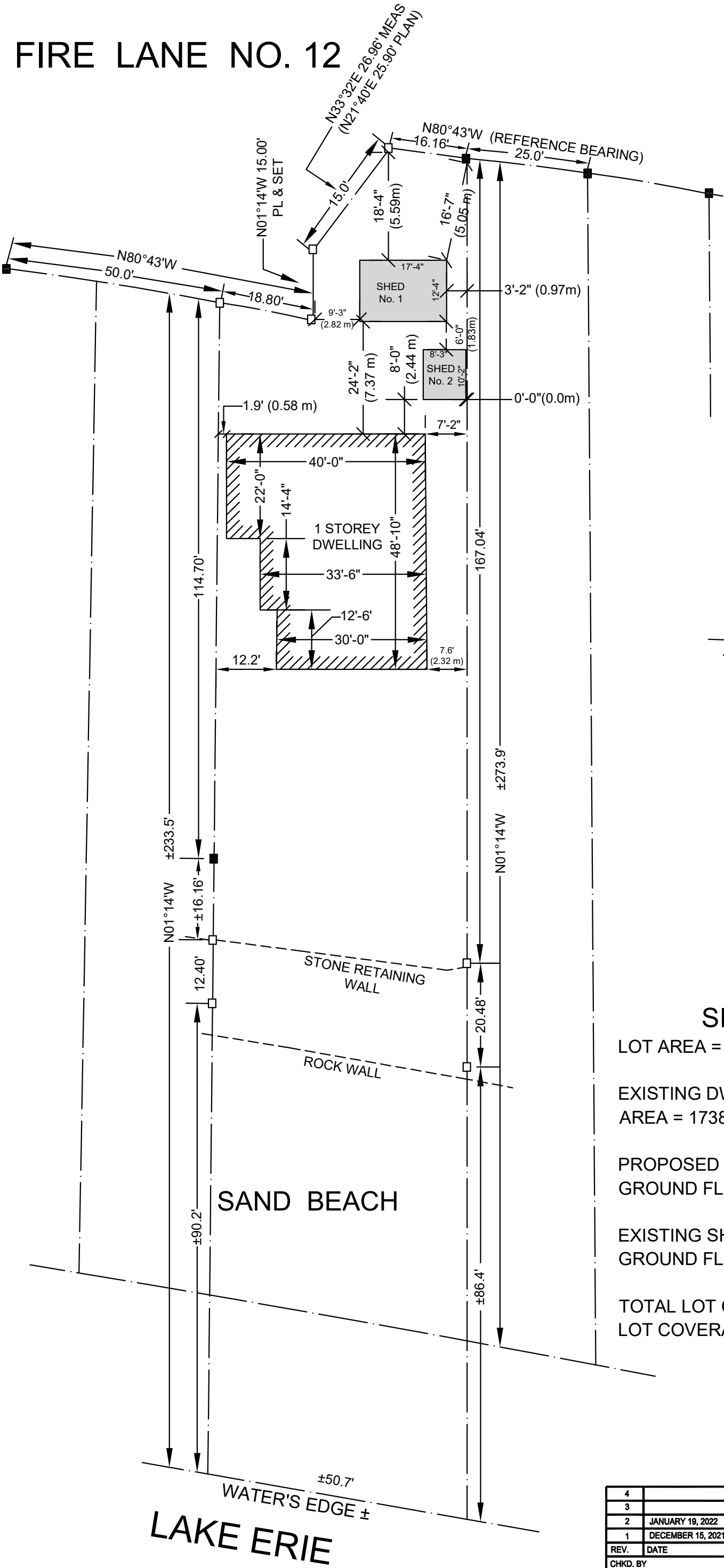
A handwritten signature in black ink, appearing to read 'Chris Roome', is positioned above a horizontal line.

Chris Roome, BURPI

Secretary-Treasurer

Date of Mailing: January 28th, 2022

FIRE LANE NO. 12



SITE STATISTICS

LOT AREA = 7324 sqft (680 m²)

EXISTING DWELLING GROUND FLOOR AREA = 1738 sqft (161.4 m²)

PROPOSED ACCESSORY BUILDING (No.1) GROUND FLOOR AREA = 213.7 sqft (19.9 m²)

EXISTING SHED (No.2) GROUND FLOOR AREA = 83.82 sqft (7.8 m²)

TOTAL LOT COVERAGE = 189.1m²
LOT COVERAGE (189.1/680) = 28%

4		 DeFILIPPIS DESIGN 687 BARTON ST., SUITE 201 STONE CREEK, ONTARIO L8E 5L6 (905) 643-2250 FAX (905) 643-1095 email: defilippisdesign@bellnet.ca
3		
2	JANUARY 19, 2022	
1	DECEMBER 15, 2021	
REV.	DATE	PROPOSED SITE PLAN FOR: LUCCHINO RESIDENCE 3475 FIRE LANE No.12, PORT COLBORNE, ON
CHKD. BY		
DRN. BY		
DATE: DECEMBER, 2021		
SCALE: 1" = 20'		SITE PLAN
DWG NO. SP-1		

Planning and Development Department

Planning Division

February 4th, 2022

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

**Re: Application for Minor Variance A33-21-PC
3475 Firelane 12
Part of Lot 3, 4 and 10 on Plan 48
Agent: DeFilippis Design
Owner(s): Ron Lucchino**

Planning staff has reviewed the referenced application and offer the following comments for your hearing on Wednesday, February 9th, 2022.

Proposal:

The purpose and effect of this application is to permit a reduced front yard setback to an existing accessory structure that was built without a permit, an increased maximum lot coverage and reduced interior side yard setback to the existing dwelling and existing accessory structure.

Surrounding Land Uses:

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

Official Plan:

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

Zoning:

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

Environmentally Sensitive Areas:

The subject property is located within a Valley Shoreline Buffer. The NPCA has indicated that because the development is not within this buffer, they have no concerns and did not need to be circulated.

Public Comments:

Notice was circulated on January 28th, 2022. As of February 4th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on January 28th, 2022. As of February 4th, 2022, the following has been received.

Engineering Department

No comments on proposed application.

Drainage Superintendant

No comments on proposed application.

Fire Department

No objection to proposed application.

Planning Act – Four Tests:

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

Is the application minor in nature?

Staff find the requested variance to be minor in nature. All of the variances are considered to be reasonable and measured requests.

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

The proposal is desirable and appropriate as the accessory structure is located in a suitable location on the site and meets the majority of the requirements of the by-law.

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

The Zoning By-law permits accessory structures in the LR zone and the proposal meets the majority of the requirements of the by-law. Staff find this application to be in keeping with the general intent and purpose of the Zoning By-law.

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

The Official Plan permits accessory structures in the Rural designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommend application A33-21-PC be **granted** for the following reasons:

1. **Minor in nature** as the requested variances are considered reasonable and measured requests.

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

Prepared by,



Chris Roome
Planner

Submitted by,



Rick Brady, MA, MCIP, RPP
Planner



PORT COLBORNE
PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR
MINOR VARIANCE

REVISED
DEC 9/21

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: <u>RON LUCCIANO</u>	
Mailing Address: <u>1157 COLVIN BLVD</u>	
City: <u>BUSSALO</u>	Province: <u>NEW YORK</u>
Postal Code: <u>14223</u>	Telephone: <u>716 9034953</u>
Fax: <u>716 8751067</u>	Email: <u>RLUCCIANO@THEFIS.COM</u>

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

1.3 Owner's Authorized AGENT (if applicable)	
Name: <u>DE FILIPPIS DESIGN</u>	
Mailing Address: <u>201-687 BARTON ST</u>	
City: <u>STONEY PARK</u>	Province: <u>ONTARIO</u>
Postal Code: <u>L8E 5L6</u>	Telephone: <u>905-643-2250</u>
Fax:	Email: <u>defilippisdesign@bellnet.ca</u>

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.
<u>N/A</u>

1.5 Date and Subject Land was acquired by the Current Owner:
<u>MAY 27 2004</u>

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

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

Section 2: LOCATION

Former Municipality: <u>PORT COLBORNE</u>	
Concession No. <u>CONC 1</u>	Lot(s): <u>PT OF LOT 3 & 4 & 10</u>
Registered Plan No. <u>48</u>	
Reference Plan No. _____	Part(s): _____
Name of Street: <u>FIRE LANE No 12</u>	Street No. <u>3475</u>

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage: <u>20m (IRREG)</u>	Depth: <u>39.7m (IRREG)</u>	Area: <u>680sqm (IRREG)</u>
Existing Use: <u>SINGLE FAMILY</u>		
Proposed Use: <u>SINGLE FAMILY W/ ACCESSORY</u> <u>BUNG</u>		

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?	
Port Colborne Official Plan:	RESIDENTIAL <u>RURAL</u>
Regional Policy Plan:	RESIDENTIAL <u>RURAL</u>

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

<u>LAKE SHORE RESIDENTIAL (LR)</u>

Section 5

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

Section 6

Type of ACCESS
<input type="checkbox"/> Provincial Highway

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

Section 7

What type of WATER SUPPLY is proposed?

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

Section 8

What type of SEWAGE DISPOSAL is proposed?

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

Section 9

What type of STORMWATER DISPOSAL is proposed?

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

*SUMP PUMP FOR DRAINAGE
- ACCESSORY BUILDING - NONE*

Section 10

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

- a) TO PERMIT A FRONT YARD SETBACK FOR AN ACCESSORY BUILDING AT 6.4m FROM FRONT LINE, INSTEAD OF 10m
- b) LOT AREA OF 680 SQM \pm , INSTEAD OF 4000 SQM
- c) LOT FRONTAGE OF 20m \pm (1/2R) INSTEAD OF 30m

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

- ☒ Yes
- ☐ No

NO PERMIT YET

Section 11

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

EXISTING LOCATION OF DWELLING
WILL NOT PERMIT THE FRONT
YARD ACCESSORY STRUCTURE
TO FIT
LOT FRONTAGE AND LOT AREA
IS EXISTING.
LOT AREA AT REAR FRONT
EXCLUDED FROM LOT DIMENSIONS

Section 12

DATE OF ACQUISITION of the land by the current owner:

MAY 27 2004

Section 13

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

WINTER 2021

Section 14

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

40 years plus

Section 15: OTHER APPLICATIONS

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

Official Plan Amendment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Zoning By-Law Amendment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Minor Variance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Consent	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Site Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

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

File number of the application:

Name of the approval authority considering the application:

Lands affected by the application:

Purpose of the application:

Status of the application:

Effect of the application on the proposed amendment:

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

16.1 ALL EXISTING USE

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

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

40 years plus

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

- ☒ Yes
☐ No

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

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction

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

N/A

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 DEC 7/2021
Date

X *Ronald Shuech*
Signature of Owner

X

Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY
Pre-screening Criteria

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

☐ Yes

☐ No

☒ Unknown

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

☐ Yes

☐ No

☒ Unknown

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

☒ Yes

☐ No

☐ Unknown

17.4 Is there a valley slope on the property?

☐ Yes

☐ No

☒ Unknown

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

☐ Yes

☐ No

☒ Unknown

X Dec 7/2021
Date

X Rond A. Lucchesi
Signature of Applicant(s)

11 X 11

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 DE FILIPPIS, NICK
Of the City/Town/Township of BRINSFORD
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 BRINSFORD

In the Prov of ONTARIO

This 8 day of DEC.

A.D. 20 21

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

X [Signature]

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

Barbara Ellis

Barbara Louise Ellis, a Commissioner, etc.,
City of Hamilton, for Coombs & Lutz,
Barristers and Solicitors,
Expires August 31, 2022.

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:

3475 FIRELANE No 12, Port Colborne

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

De Filippis Design (Nick De Filippis)

(name of agent)

of the City of Greater Essex

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 Greater Essex
in the Prov of ONTARIO
this 7 day of DECEMBER, 2021

X [Signature]
Signature of Witness

X [Signature]
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.

COMMITTEE OF ADJUSTMENT
 NOTICE OF PUBLIC HEARING
 APPLICATION FOR CONSENT

APPLICATION NO. B04-22-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 Lot 19 Concession 2, in the City of Port Colborne, Regional Municipality of Niagara, located in the Agricultural and Agricultural Residential zone, municipally known as 1305 Highway 3 East.

AND IN THE MATTER OF AN APPLICATION by the agent Paul Fehrman, on behalf of the owner David Crawford, for a lot boundary adjustment under section 53 (1) of the Planning Act R.S.O 1990 C.P 13, so as to permit the conveyance of Part 2 having a lot frontage of 32.21m and a lot area of 1.054ha for a proposed lot addition to the abutting Part 3. Part 1 will retain a lot frontage of 67.50m on Highway 3 with a lot area of 5997m² for a continued 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 by the Committee of Adjustment as shown below:

DATE:

February 9th, 2022

TIME:

6:00 P.M.

LOCATION:

Virtually via Zoom

66 Charlotte Street, Port Colborne, Ontario

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 205 or email at chris.roome@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 **February 4th, 2022**.

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

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

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

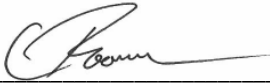
Anyone wishing to participate in the meeting is asked to submit a written submission that will be circulated to Committee members prior to the meeting. If anyone wishes to virtually participate in the meeting they must pre-register with the Secretary-Treasurer. **Written submissions and virtual participation requests must be received by noon on Tuesday February 8th, 2022**, by emailing Chris.Roome@portcolborne.ca or calling (905) 835-2901 ext. 205. Written submissions can also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

If you have any questions about the submission process or would like to explore alternative submission methods, please email Chris.Roome@portcolborne.ca or call (905) 835-2901 ext. 205.

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

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

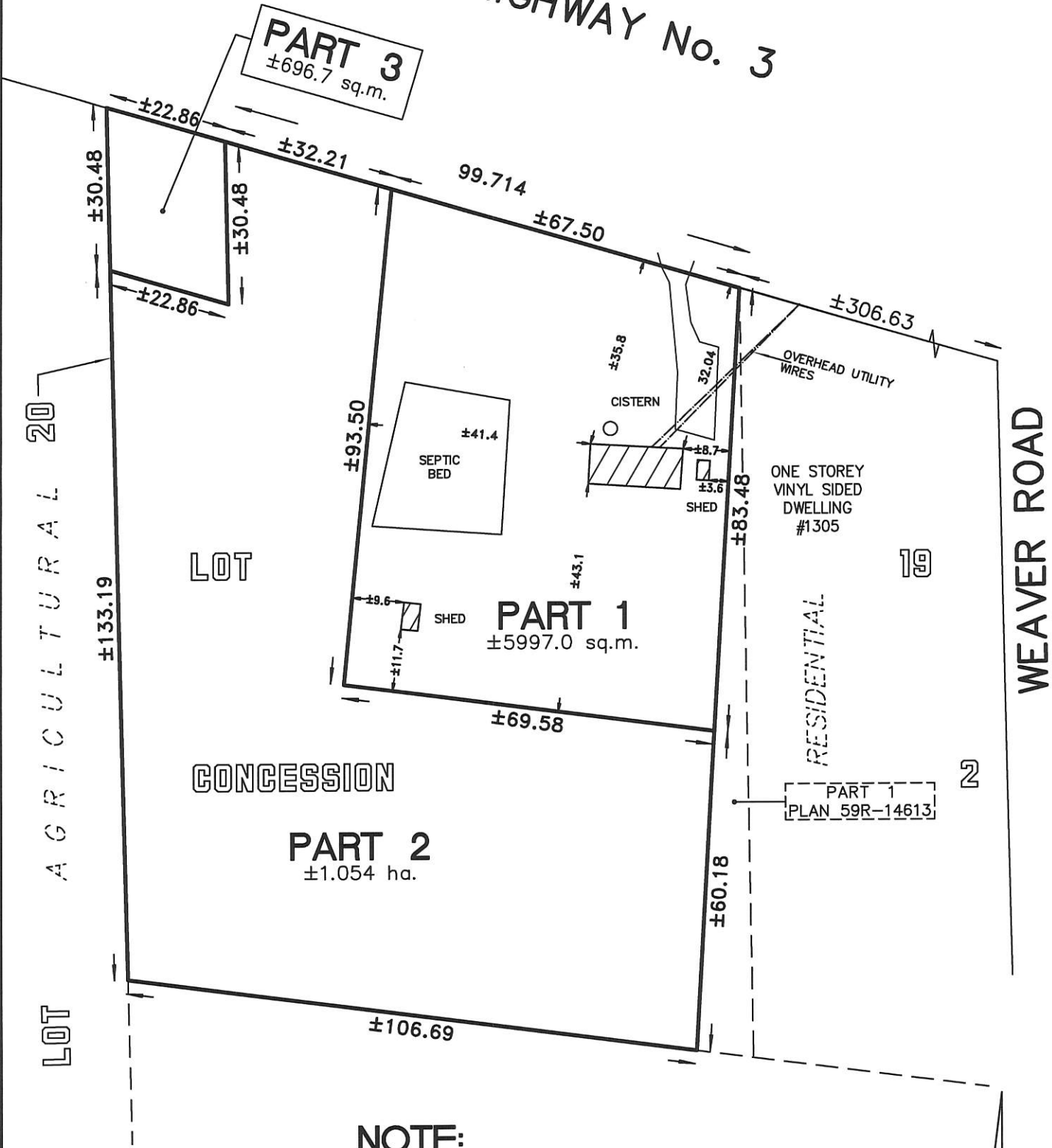
By order of the Committee of Adjustment,



Chris Roome, BURPI
 Secretary-Treasurer
 Date of Mailing: January 24th, 2022

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

THE KING'S HIGHWAY No. 3



NOTE:
PART 2 AND PART 3 TO MERGE.

DWELLING AREA: ±129.1 sq.m.
ACCESSORY BUILDING AREA: ±24.3 sq.m.

<p>VOID</p> <p>IF USED FOR ANY OTHER PURPOSE THAN THIS CURRENT SEVERANCE APPLICATION</p>	<p>PRELIMINARY ONLY</p> <p>OCT. 28, 2021 DATE</p> <p>MARK GILMORE Ontario Land Surveyor</p>	<p>BLANTHIER & GILMORE SURVEYING LTD. 173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477</p> <p>SKETCH OF PROPOSED SEVERANCE PART OF LOT 19 CONCESSION 2</p> <p>GEOGRAPHIC TOWNSHIP OF HUMBERSTONE, NOW IN THE CITY OF PORT COLBORNE REGIONAL MUNICIPALITY OF NIAGARA</p> <p>DRAWN BY: CM SCALE: 1:1000</p> <p>CHECKED BY: DM SURVEY 22-615</p>
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Planning and Development Department

Planning Division

February 4th, 2022

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

Re: Application for Consent B04-21-PC
1305 Highway 3
Concession 2 Lot 19
Agent: Paul Fehrman
Owner(s): David Crawford

Planning staff has reviewed the referenced application and offer the following comments for your hearing on Wednesday, February 9th, 2022.

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 2 having a lot frontage of 32.21m and a lot area of 1.054ha for a proposed lot addition to the abutting Part 3. Part 1 will retain a lot frontage of 67.50m on Highway 3 with a lot area of 5997m² for a continued agricultural use.

Surrounding Land Uses:

The subject lands are surrounded by Agricultural (A) zones to the north, east and south, and Agricultural Purposes Only (APO) and Mineral Aggregate Operation (MAO) zones to the west.

Official Plan:

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

Zoning:

The subject property is located in the Agricultural Residential (AR) and A zone under Zoning By-Law 6575/30/18.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on January 24th, 2022. As of February 4th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on January 24th, 2022. As of February 4th, 2022, the following has been received.

Niagara Region

Regional staff is satisfied that the proposed consent application meets the intent of Provincial and Regional policies for lot creation in the agricultural area, subject to Part 2 and 3 being merged in title so that no new lot is created.

Drainage Superintendant

A portion of this parcel is within the watershed of the Wignell Municipal Drain. The Wignell Municipal Drain is currently under the process of the completion of a new report. Through the new report, all the assessment schedules will be updated. Should application for severance be granted prior to the completion of the new report, a drainage apportionment will be required. The apportionment agreement can be completed either by the drainage superintendent (As of January 1st under the user fees adopted by council, by-law 6949/95/21 the municipality will be charging a fee of \$118.00 for the completion of an apportionment agreement) or by an approved Engineer at the cost of the applicant. This process must be completed by providing a copy of the deposited plan to the planning department along with the preferred method of apportionment, Drainage Superintendent, or approved Engineer. The Planning department will then provide required documents to the Drainage Superintendent to be processed. Typical timing for the agreement to be completed is 10 working days.

Fire Department

No objection to proposed application.

Engineering Department

No comments on proposed application.

Discussion:

This consent application proposes a lot addition of Part 2 to Part 3 for continued agricultural use. The proposed lot addition will leave the following lot areas and frontages.

Part 1: A lot frontage of 67.50m and lot area of 5997m²

Part 2 and 3: A lot frontage of 55.07m and a lot area of 1.124ha, once the parcels have been merged.

The AR zone requires a lot frontage of 45m and a minimum lot area of 0.4h. These requirements apply to Part 1 and have been met.

The A zone requires a minimum lot frontage of 30m and a lot area that is existing at the time of severance. Once the parcels have been merged the requirements of the by-law will have been met.

Section 3.5.3 of the City of Port Colborne Official Plan outlines the policies for severances in the agricultural area, and specifically, section 3.5.3 a) states:

- a) Severances that are required for reasons other than the creation of a separate *lot* may be permitted such as for minor boundary adjustments, *easements* or rights- of-way or any other purpose that does not create a new *lot*.

Staff concludes that this application is consistent with this policy of the Official Plan as the proposal is deemed to be a minor boundary adjustment.

Recommendation:

Given the information above, Planning Staff recommend application B04-21-PC be **granted** for the 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.

For the following reasons:

1. The application conforms to Provincial Policy Statement, the policies of the Regional Official Plan, City of Port Colborne Official Plan and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.
2. This decision is rendered having regard to the provisions of subsection 51(24) of the Planning Act. R.S.O. 1990, c.P.13.

Prepared by,

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

Chris Roome
Planner

Submitted by,

A handwritten signature in blue ink, appearing to read 'Rick Brady', with a long horizontal flourish extending to the right.

Rick Brady, MA, MCIP, RPP
Planner

Planning and Development Services

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

Via Email Only

February 3, 2022

Regional File No.: D.06.07.CS-22-0011
City File No.: B04-21-PC

Chris Roome
Planner/Secretary-Treasurer, Committee of Adjustment
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Dear Mr. Roome:

Re: Provincial and Regional Comments
Application for Consent- Boundary Adjustment
Owner: David Crawford
Agent: Paul Fehrman
Address: 1305 Highway 3 East, Port Colborne
Legal Description: Lot 19 Concession 2, in the City of Port Colborne

Regional Planning and Development Services staff has reviewed the information circulated with the above noted consent application for lands municipally addressed as 1305 Highway 3 East in the City of Port Colborne. The application proposes to sever Part 2 (1.054 ha) from Part 1 (5,997m²) so that it can be merged with Part 3 (1.054 ha).

A preconsultation meeting for the proposal was held virtually on October 14, 2021, with City and Regional staff, as well as the Agent in attendance. The application and associated fee were received by the Region on January 24, 2022. The following comments are provided to assist the Committee in their consideration of the consent application from a Provincial and Regional perspective.

Provincial and Regional Policies

The lands are located within the Prime Agricultural Area under the Provincial Policy Statement (PPS), identified as part of the Provincial Agricultural System under the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), and designated Good General Agricultural Area in the Regional Official Plan (ROP). Provincial and Regional policies protect prime agricultural lands and restrict new lot creation in the agricultural area, except for the following circumstances:

- agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- a residence surplus to a farming operation as a result of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance;
- infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way; and,
- lot adjustments for legal or technical reasons, such as easements, corrections to deeds, quit claims and minor boundary adjustments, which do not result in the creation of a new lot.

The proposal constitutes a boundary adjustment Part 2 will be severed from Part 1 (the retained lot) and merged with Part 3. The proposal will not result in the creation of a new lot, provided the merger occurs; therefore, Regional staff requests that the consent be conditional on the mergers in order to ensure the decision conforms to Provincial and Regional policies for lot creation in the agricultural area.

Archaeological Potential

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

Based on Provincial screening criteria, the lands exhibits high potential for the discovery of archaeological resources due to proximity (within 300m) to 3 registered archaeological. The boundary adjustment does not constitute “development” as defined in the PPS, and no site alteration is proposed. Therefore, an archaeological assessment is not required at this time; however, a Stage 1 and 2 Archaeological Assessment may be required to be submitted with any future Planning Act application if development or site alteration is proposed.

Minimum Distance Separation

The PPS and Regional policies require that new development and new or expanding livestock facilities comply with the Minimum Distance Separation (MDS) formulae developed by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA), which is applied in order to separate uses to reduce incompatibility concerns about odour from livestock facilities. The MDS I setback distances apply to proposed lot creation,

February 3, 2022

rezoning or redesignations (i.e. Official Plan Amendments), building permits on existing lots, and as directed in local planning documents. As the proposal does not constitute lot creation and is not proposing to rezone or redesignate lands, City staff should consider any MDS restrictions relative to any nearby livestock facilities if a new dwelling is proposed on the reconfigured lot in the future.

Private Septic System

A septic permit was issued by the Region in 2012 for the class 4 sewage system servicing Part 1, municipally known as 1305 Highway 3. At the time of inspection, the fully raised filter bed was snow covered and both lids of the septic tank were exposed. No visual defects were observed with the existing sewage system. The septic tank is located to the south of the dwelling. The fully raised filter bed is located to the west of the existing dwelling, and both the tank and the bed appear to be wholly contained within the property. There also appears to be usable area for any future septic system repair/replacement that may be required in the future. Therefore, provided no changes are proposed to the existing dwelling, Private Septic staff has no objection to the application as submitted.

Conclusion

In conclusion, Regional staff is satisfied that the proposed consent application meets the intent of Provincial and Regional policies for lot creation in the agricultural area, subject to Part 2 and 3 being merged in title so that no new lot is created.

Should you have any questions related to the above comments, please feel free to contact me at 905-980-600 ext. 3432 or by email at britney.fricke@niagararegion.ca.

Please send a copy of the City's staff report and notice of the Committee's decision on this application when available.

Kind regards,



Britney Fricke, MCIP, RPP
Senior Planner

cc: Devon Haluka, Private Sewage System Inspector, Niagara Region
David Schulz, Senior Planner, City of Port Colborne



PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

File No. _____

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

CONSENT

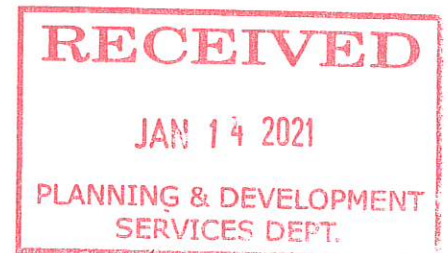
This application form is to be used by persons applying to the City of Port Colborne Committee of Adjustment for approval for Consent.

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

SUBMISSION OF APPLICATION:

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

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



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

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for consent form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
 - A letter of authorization for the applicant(s) for applications which are signed by someone other than the owner(s).
 - Two (2) copies of a sketch prepared by a licensed Land Surveyor.
 - Payment of the appropriate fee submitted at the time of application as cash or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne. (See By-law 5718/149/11).
 - Payment of the appropriate Regional Review & Approval fee(s) required by the region, submitted to the City of Port Colborne at the time of the preliminary review. If this does not occur, then the fee will be due at the time the application is submitted to the Region for review (usually at the time of the Notice of Public Meeting). Failure to pay the Region's fee may result in the Region refusing to consider the Consent Application until the fee has been received. The Region's fees are available on its web site.
https://www.niagararegion.ca/business/fpr/forms_fees.aspx
- Someone must be present at the hearing to represent the application.

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

NOTICE REQUIREMENTS

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

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: David Crawford	
Mailing Address: 1305 Hwy 3 East	
City: Port Colborne	Province: ON
Postal Code: L3K 5V3	Telephone: 905-834-7705
Fax:	Email: pdcrawford1305@gmail.com

1.2 Owner's SOLICITOR (if applicable)	
Name: Michael Metzger	
Mailing Address: 220 King St	
City:	Province: ON
Postal Code: L3K 4G7	Telephone: (289) 836-8335
Fax:	Email: metzgerlaw@outlook.com

1.3 Owner's Authorized AGENT (if applicable)	
Name: Paul Fehrman	
Mailing Address: 1577 Hwy 3 East	
City: Port Colborne	Province: ON
Postal Code: L3K 5V3	Telephone: 905-329-6440
Fax:	Email: paf.farm@gmail.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.
NA

1.5 Date and Subject Land was acquired by the Current Owner:
1978/12/06

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Mark Gilmore	
Mailing Address: 173 Clarence St	
City: Port Colborne	Province: ON
Postal Code: L3K3G4	Telephone: 905-835-5477
Fax:	Email: lanthier.gilmore@bellnet.ca

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

Section 2: LOCATION

Former Municipality:	
Concession No. 2	Lot(s): 19
Registered Plan No.	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Highway 3 East	Street No. 1305

2.1 Type of proposed transaction: (Check appropriate space(s))
<input type="checkbox"/> Creation of New Lot <input checked="" type="checkbox"/> Addition to lot <input type="checkbox"/> Mortgage or Charge <input type="checkbox"/> Lease <input type="checkbox"/> Disposal of Surplus Farm Dwelling <input type="checkbox"/> Farm Retirement Lot <input type="checkbox"/> Partial Discharge or Mortgage <input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement
Reason for proposed transaction:
Boundary adjustment to add to parcel to the west of 1305 Hwy 3 to create a usable parcel

2.2 If a lot addition, identify the lands to which the parcel will be added:
small parcel at Lot 19, Con 2 (approx 23m x 30m)

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

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: AR
Regional Policy Plan:

3.2 What is the Zoning of the land (By-law 1150/97/81)?
- Agricultural 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:
<input checked="" type="checkbox"/> No	

Section 5

Type of ACCESS
<input checked="" type="checkbox"/> Provincial Highway
<input 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 type="checkbox"/> Well (private or communal)
<input checked="" type="checkbox"/> Other (specify) none

Section 7

What type of SEWAGE DISPOSAL is proposed?
<input type="checkbox"/> Publicly owned and operated sanitary sewage system
<input type="checkbox"/> Septic system (private or communal)
<input checked="" type="checkbox"/> Other (specify) none

Section 8

What type of STORMWATER DISPOSAL is proposed?
<input type="checkbox"/> Publicly owned and operated stormwater system
<input checked="" type="checkbox"/> Other (specify) <u>none</u>

Section 9

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)		
Frontage: 32.21	Depth: 133.19	Area: 1.054ha
Existing Use: residential agricultural		
Proposed Use: residential agricultural		

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: none
Proposed: none

Section 10

Part No. On Sketch: 1

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 67.50	Depth: 93.50	Area: 5997 sq m
Existing Use: residential agricultural		
Proposed Use: residential 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: single dwelling and 2 small sheds
Proposed: single dwelling and 2 small sheds

Section 11

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

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

File Number:

Decision:

Section 12

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

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

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

Section 13: OTHER APPLICATIONS

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

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

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

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

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

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

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

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

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

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?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 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)?
<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 Jan. 14/22
Date

X David Crawford
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

no buildings

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

- ☐ Yes
☒ No

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-screening Criteria

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

15.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

X Jan. 4, 2022
Date

X David Crawford
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 David Crawford
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 14th day of Jan.
A.D. 20 22

Chris Roome
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 David Crawford

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:

1305 Hwy. 3 East

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

Paul Fehrman

(name of agent)

of the City of Port Colborne, ON

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 Port Colborne of Port Colborne
in the region of Niagara
this 14th day of Jan. 2022

X

Paul Fehrman
Signature of Witness

X

David Crawford
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

COMMITTEE OF ADJUSTMENT

NOTICE OF PUBLIC HEARING

APPLICATION FOR CONSENT

APPLICATION NO. A01-22-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 5.3 (c) and (g) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Part Lot 32 on Plan 792, in the City of port Colborne, Regional Municipality of Niagara, located in the First Density Residential (R1) zone, on the south side of Franklin Avenue.

AND IN THE MATTER OF AN APPLICATION By the owner Miles Tonnies, 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 for a proposed single-detached dwelling, notwithstanding the following.

- 1) That a minimum front yard setback of 4m be permitted, whereas 6.5m is required.

2) That a minimum rear yard setback of 4.1m be provided whereas 7m is required.

Explanatory Relief from the Zoning By-law: the applicant is seeking to build a detached dwelling on the subject lands. Due to the proposed front and rear yard setbacks, a minor variance is required. A sketch of the proposal is shown on the reverse side of the notice.

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

DATE:

February 9th, 2022

TIME:

6:00 P.M.

LOCATION:

Virtually via Zoom

66 Charlotte Street, Port Colborne, Ontario

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 205 or email at chris.roome@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 **February 4th, 2022.**

Electronic Hearing Procedures
How to get involved in the Virtual Hearing
<p>To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City’s YouTube channel at https://www.youtube.com/watch?v=CfWWAysGOdE.</p> <p>Anyone wishing to participate in the meeting is asked to submit a written submission that will be circulated to Committee members prior to the meeting. If anyone wishes to virtually participate in the meeting they must pre-register with the Secretary-Treasurer. Written submissions and virtual participation requests must be received by noon on February 8th, 2022, by emailing Chris.Roome@portcolborne.ca or calling (905) 835-2901 ext. 205. Written submissions can also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p> <p>If you have any questions about the submission process or would like to explore alternative submission methods, please email Chris.Roome@portcolborne.ca or call (905) 835-2901 ext. 205.</p> <p>The owner or agent must be present virtually at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.</p>

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

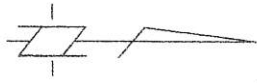
By order of the Committee of Adjustment,



Chris Roome, BURPI
Secretary-Treasurer

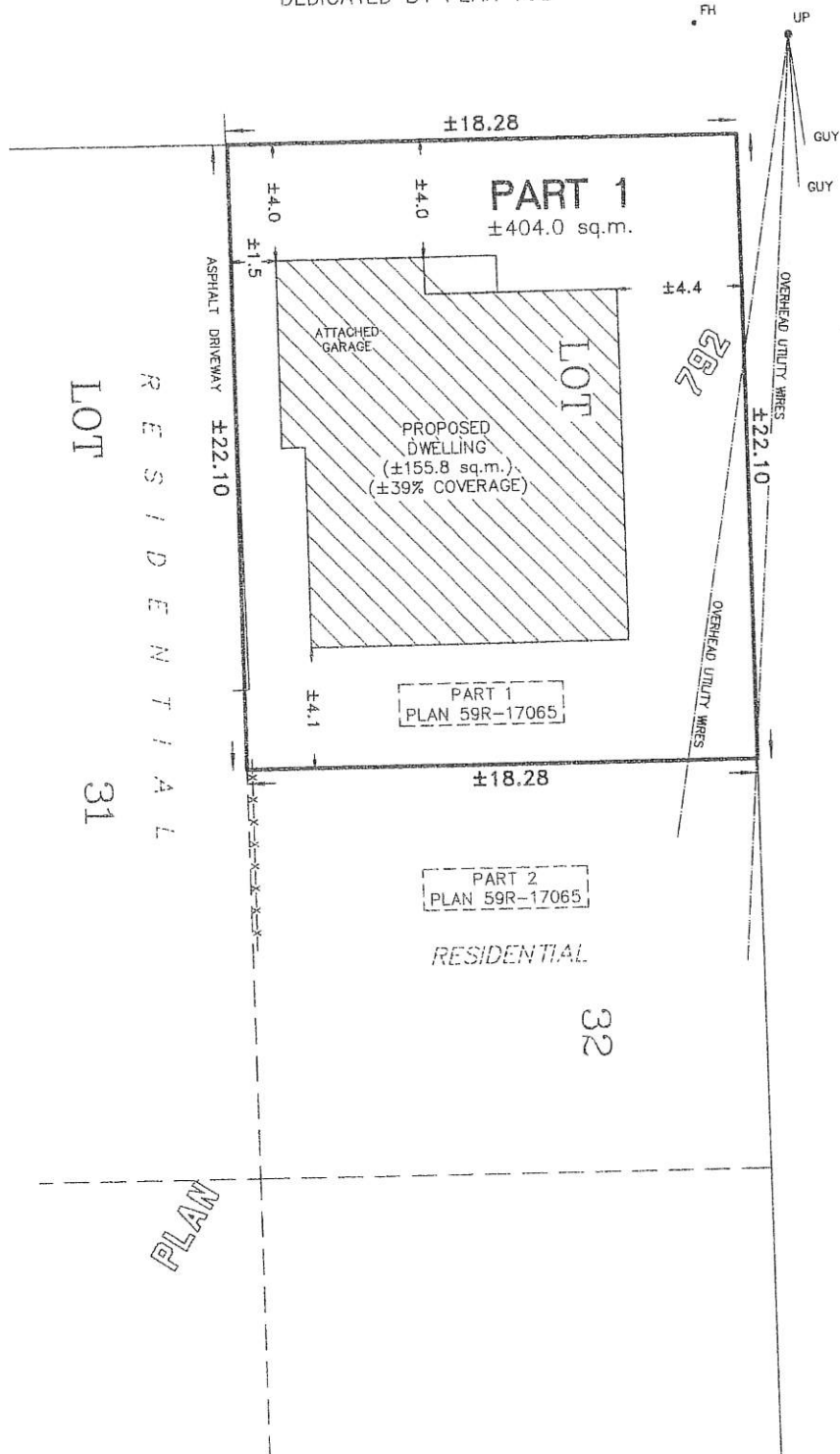
Date of Mailing: January 28th, 2022

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



KNOLL STREET

DEDICATED BY PLAN 792



VOID

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

PRELIMINARY
ONLY

DEC. 14, 2021
DATE

MARK GILMORE
Ontario Land Surveyor

PLANTHIER & GILMORE SURVEYING LTD.
173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477

SKETCH OF PROPOSED MINOR VARIANCE

PART OF LOT 32
PLAN 792

IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

DRAWN BY: CM
SCALE: 1:200

CHECKED BY: MG
SURVEY 22-651

Planning and Development Department

Planning Division

February 4th, 2022

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

Re: Application for Minor Variance A01-22-PC
VL Franklin Ave
Part Lot 32 Plan 792
Agent: N/A
Owner(s): Miles Tonnies

Planning staff has reviewed the referenced application and offer the following comments for your hearing on Wednesday, February 9th, 2022.

Proposal:

The purpose and effect of this application is to permit a reduced front yard setback to a proposed detached dwelling of 4m where 6.5m is required. Additionally, the applicant is also requesting a minimum rear yard setback of 4.1m where 7m is required.

Surrounding Land Uses:

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

Official Plan:

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

Zoning:

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

Environmentally Sensitive Areas:

There are no environmentally sensitive areas on the subject lands.

Public Comments:

Notice was circulated on January 28th, 2022. As of February 4th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on January 28th, 2022. As of February 4th, 2022, the following has been received.

Engineering Department

No comments on proposed application.

Drainage Superintendant

No comments on proposed application.

Fire Department

No objection to proposed application.

Planning Act – Four Tests:

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

Is the application minor in nature?

Staff find the requested variance to be minor in nature. All of the variances are considered to be reasonable and measured requests. The reduction in front yard setback will not impact parking requirements as the applicant has indicated that an attached garage will be able meet the parking requirements of 1 space per single-detached dwelling.

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

The proposal is desirable and appropriate as the dwelling is located in a suitable location on the site and meets the majority of the requirements of the 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 R1 zone and the proposal meets the majority of the requirements of the by-law. Staff find this application to be in keeping with the general intent and purpose of the Zoning By-law.

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

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

Recommendation:

Given the information above, Planning Staff recommend application A01-22-PC be **granted** for the following reasons:

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

Prepared by,



Chris Roome
Planner

Submitted by,



Rick Brady, MA, MCIP, RPP
Planner



File No. _____

The City of Port Colborne
The Planning Act - Section 45
Application For

Minor Variance or Permission

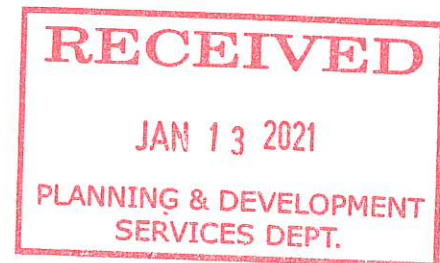
This application is used by persons applying to the Committee of Adjustment for the City of Port Colborne under Section 45 of the *Planning Act*, as amended, for relief from By-law 1150/97/81 (as amended).

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

SUBMISSION OF APPLICATION:

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

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



COMPLETENESS OF APPLICATION:

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

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

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

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

In making decisions on planning applications, Committee of Adjustment shall have regard to Official Plan Policy and be consistent with the Province of Ontario's Provincial Policy Statement which came into effect on March 1, 2005. Both provide policy direction on matters relating to land use planning and development. A Copy of the Provincial Policy Statement can be obtained from the Ministry of Municipal Affairs web site (www.mah.gov.on.ca) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

To avoid delays, the applicant must be informed of Official Plan Policy and the Provincial Policy Statement and to pre-consult with City, Regional and, if necessary, Provincial planning agencies before submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement.

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

Following the public hearing, the applicant or agent, is notified in writing of the decision of the Committee. In addition, any other person who is present at the public hearing and who makes a written request is also entitled to receive a copy of the decision of the Committee. Any person who objects to the decision and / or the conditions imposed, may lodge an appeal within 20 days from the date of the decision. Appeals are filed with the Secretary/Treasurer of the Committee of Adjustment, who in turn, files the appeal with the Local Planning Appeal Tribunal. The Local Planning Appeal Tribunal arranges an appeal hearing date and the applicant or agent and the person who appealed, will receive notice of such date.

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for minor variance or permission form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).
- Fifteen (15) copies of a preliminary drawing showing all information referred to in SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY.
- Payment of the appropriate fee. Cheques are to be made payable to "The City of Port Colborne". (See the attached copy of By-law 4806/31/06)

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

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

Decisions of the Committee are made in public.

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

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

APPLICATION FEES

The application fee (See the attached copy of By-law 4806/31/06) must be submitted at the time of application as cash or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne. The City will bill the applicant / agent the cost of the newspaper notice if required. Submission of the Staff Recommendation Report to Council is dependant upon receipt of advertising payment.

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

1. Depending on the scope of the request, one or more copies of plan(s) showing the following should be submitted. This requirement can be clarified by the Planning & Development Services Division.
 1. A sketch or sketches showing the following shall be submitted:
 1. The boundaries and dimensions of the land.
 2. The approximate location of all natural and artificial features on the land and on the adjacent land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
 5. The existing uses on adjacent land, such as residential, agricultural and commercial uses;
 6. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
 7. If access to the land is by water only, the location of the parking and boat docking facilities to be used.
 8. The location and nature of any easement affecting the land.
 9. The location, size, and type of all existing and height of proposed buildings and structures on the land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
 10. The location and nature of any easement affecting the land.
 11. Parking areas, loading spaces, driveway entrance / exits
 12. Existing and proposed servicing [e.g. water, storm and sanitary]
 2. The required sketch should be based on an actual survey by an Ontario Land Surveyor or drawn to a useable metric scale [e.g. 1:100, 1:300, 1:500].
 3. One (1) copy of each separate type of plan reduced to legal size.
 4. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
 5. One (1) copy of a Registered Deed including full legal description of the subject lands.
 6. A sketch must be provided with this application. Council MAY require (at the discretion of the

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

APPLICATION FORM AND SKETCH

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

In the Region's review of development applications on behalf of several Provincial Ministries, assistance may be required from the Niagara Peninsula Conservation Authority. Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 metres of a water course; on or within 30 metres of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within a groundwater recharge / discharge area, aquifer or headwater on the property or within 30 metres of the property, the Regional Municipality (on behalf of the Niagara Peninsula Conservation Authority) will charge an additional Plan Review Fee. These fees are provided on the Regional Niagara web site (www.regional.niagara.on.ca).

NOTICE REQUIREMENTS

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

APPLICATIONS REQUIRED

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

PLEASE TYPE OR USE BLACK INK

1. OWNER

1.1 Registered Owner(s): Miles Tonnie's

Mailing Address: 52217 Misener Rd.

City: Wainfleet Province: On.

Postal Code: L0S 1V0 Telephone: 905-931-2535

Fax: _____ Email: miles.tonnies@gmail.com

1.2 Owner's SOLICITOR (if any): _____

Mailing Address: _____

City: _____ Province: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

1.3 Owner's Authorized AGENT (if any): _____

Mailing Address: _____

City: _____ Province: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

1.4 MORTGAGES, Charges and other Encumbrances:

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

n/a

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

OCT. 25, 2021

1.6 Owner's ONTARIO LAND SURVEYOR (if any): Lanthier & Gilmore Surveying Ltd.

Mailing Address: 173 Clarence St.

City: Port Colborne

Province: On.

Postal Code: _____

Telephone: 905-835-5477

Fax: _____

Email: _____

1.7 All communications should be sent to the:

Owner ☒

Solicitor _____

Agent _____

2. LOCATION:

Former Municipality Port Colborne

Concession No. Port Lot

Lot(s) 32

Registered Plan No. 792

Lot(s) _____

Reference Plan No. 59R-17065

Part(s) Part 1

Name of Street Franklin Ave.

Street No. _____

3. DESCRIPTION:

Part No. on sketch _____

Frontage 18.28 m

Depth 22.1 m

Area 404 sq.m

Existing Use Vacant Lot

Proposed Use Residential House

4. OFFICIAL PLAN AND ZONING

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

Port Colborne Official Plan Urban Residential

Regional Policy Plan Built up area

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

R-1 Zoning

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

Yes _____

No ☒

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

6. Type of ACCESS

Provincial Highway _____

Regional Road _____

Municipal Road maintained all year ☒

Other Public Road _____

Municipal Road maintained seasonally _____

Right-of-Way _____
Water Access _____
Private Road _____

7. What type of WATER SUPPLY is proposed?

Publicly owned and operated piped water supply ✓
Lake _____
Well (private or communal) _____
Other (specify) _____

8. What type of SEWAGE DISPOSAL is proposed?

Publicly owned and operated sanitary sewage system ✓
Septic system (private or communal) _____
Other (specify) _____

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

Publicly owned and operated stormwater system ✓
Other (specify) _____

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

4 m. Front Yd. - 6.5 m. required
4.1 m Rear Yd - 7 m required
4.4 m Corner Side Yd - 3.5 required
1.5 m Interior Side Yd - 1.5 required

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

Yes _____ No ✓

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

Lot is too small

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

Oct. 25, 2021

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

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

N/A

15. OTHER APPLICATIONS:

N/A

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

Official Plan Amendment _____

Zoning By-law Amendment _____

Minor Variance _____

Plan of Subdivision _____

Consent ✓

Site Plan _____

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

File number of the application Consent application (B02-21PC)

Name of the approval authority considering the application Committee of Adjustment

Lands affected by the application 144 Franklin Ave

Purpose of the application Create new lot

Status of the application _____

Effect of the application on the proposed amendment _____

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

- 16.1 ALL EXISTING USE

Residential ✓

Industrial _____

Commercial _____

Institutional _____

Agricultural _____

Parkland _____

Vacant _____

Other _____

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

N/A

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

Yes _____

No ✓

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

Type of building or structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres and number of storeys)	Dimensions or floor area (in metres)	Date of Construction

16.4 ALL PREVIOUS USE

Residential _____

Industrial _____

Commercial _____

Institutional _____

Agricultural _____

Parkland _____

Vacant ☒ _____

Other _____

16.5 ALL ADJACENT USE(S)

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

16.7 If Industrial or Commercial, specify use

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

Yes _____ No ☒ _____ Unknown _____

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

Yes _____ No ☒ _____ Unknown _____

- 6.10 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes _____ No ☒ Unknown _____
- 16.11 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes _____ No ☒ Unknown _____
- 16.12 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?
 Yes _____ No ☒ Unknown _____
- 16.13 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes _____ No _____ Unknown ☒
- 16.14 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?
 Yes _____ No ☒ Unknown _____
- 16.15 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes _____ No ☒ Unknown _____
- 16.16 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*

* 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 H. P. B. S.

- 16.17 Are there any buildings designated under the Ontario Heritage Act?
 Yes _____ No ☒ Unknown _____
- 16.18 If there are any existing buildings on the site, briefly describe them and indicate their proposed use
N/A

- 16.19 If there has been industrial or commercial uses on the property or if the answer to 1465 to 16.13 is "Yes", a previous use inventory is needed. Is a previous use inventory attached?
 Yes _____ No ☒

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

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

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

17.4 Is there a valley slope on the property?

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

Date Jan 10, 2022 Signature of Applicant(s) W. L. S. Y.

I/We Miles Jonnies

of the City/Town/Township of Wainfleet

in the County/District/Regional Municipality of Niagara

DECLARED before me at the

City of Port Colborne

in the Region of Niagara

This 12 day of Jan

A.D. 20 22

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

Mils 8

A Commissioner, etc.

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

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

Reome

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

Date of Receipt of Completed Application _____

Public Hearing Date _____

Adjourned Public Hearing Date _____

Checked for Completeness by _____

PROCESSING

Date

Accepted by Manager of Planning and Development Services: _____

Circulated: _____

Comments received;

Solicitor _____

Engineer _____

C.B.O. _____

Fire Chief _____

C. N. Power _____

Region _____

NPCA _____

MTO _____

MOE _____

Other _____

Notice of Public Meeting _____

Public Meeting _____

Committee Approval _____

Notice Given _____

Final Day for OMB Appeal _____

OMB Appeal _____

OMB Hearing _____

OMB Decision _____

Final Day to Satisfy Conditions _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Agreement Signed by Owner _____

Agreement Signed by Mayor and Clerk _____

Agreement sent to City Solicitor _____

Registration _____

Instrument No. _____

Final Approval _____

Application Revised April 2018

AUTHORIZATION

LOCATION OF SUBJECT LANDS:

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

(name of agent)

of the _____ of _____

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

Dated at the _____ of _____

in the _____ of _____

this _____ day of _____ 200_____

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below, before submitting an application. This pre-consultation could provide you with information about: the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 1150/97/81, the Regional Policy Plan, the concerns of various Provincial Ministries and other relevant information which may have a direct effect upon the final decision on your application.

1. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8

Director of Planning & Development
(905) 835-2901, Ext. 203

Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Engineering & Operations Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8

Director of Engineering & Operations
(905) 835-2901, Ext. 223

Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8

C.B.O.
(905) 835-2901, Ext 201

Information about the Building Code
4. Region of Niagara Public Works Department
Development Services Division
2201 St. David's Road, P.O. Box 1042, Thorold.

Director
(905) 984-3630
1-800-263-7215

Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health
- AND -
For Concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2

Watershed Planner
(905) 788-3135
Ext 272

For information about lands which may be zoned as "Hazard" in the local zoning by-law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario
Corridor Management Section
159 Sir William Hearst Ave, 7th Floor,
Toronto, Ontario M3M 1J8

Christopher Glofcheskie
1-416-235-5560
Christopher.Glofcheskie@ontario.ca

For information about sight plan applications for lands fronting onto provincial highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor
Downsview, ON., M3M 1J8

Alexandra Boucetta
1-416-235-5383
Alexandra.Boucetta@ontario.ca

For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways 1-866-636-0663
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR CONSENT

APPLICATION NO. B05-22-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 Lots 31, 32, 33, 57, 58 and 59, on Plan 799 in the City of Port Colborne, Regional Municipality of Niagara, located in the Lakeshore Residential (LR) zone, on the north side of Firelane 3.

AND IN THE MATTER OF AN APPLICATION by the owners Peter Smith and Donna Bonato, 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 14.251m on Firelane 3 and a lot area of 834.65m² for a future residential use. Part 2 will retain a lot frontage of 23.472m on Firelane 3 with a lot area of 1018m² for a future residential use. These lots are existing lots of record, and the application proposes a larger lot area and frontage than what is existing, as a result, no minor variance is required. 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: February 9th, 2022
TIME: 6:00 P.M.
LOCATION: Virtually via Zoom
66 Charlotte Street, Port Colborne, Ontario

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 205 or email at chris.roome@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 February 4th, 2022.**

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

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City's YouTube channel at <https://www.youtube.com/watch?v=CfWWAysG0dE>.

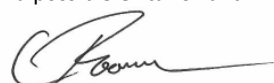
Anyone wishing to participate in the meeting is asked to submit a written submission that will be circulated to Committee members prior to the meeting. If anyone wishes to virtually participate in the meeting they must pre-register with the Secretary-Treasurer. **Written submissions and virtual participation requests must be received by noon on Tuesday February 8th, 2022**, by emailing Chris.Roome@portcolborne.ca or calling (905) 835-2901 ext. 205. Written submissions can also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

If you have any questions about the submission process or would like to explore alternative submission methods, please email Chris.Roome@portcolborne.ca or call (905) 835-2901 ext. 205.

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

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

By order of the Committee of Adjustment,

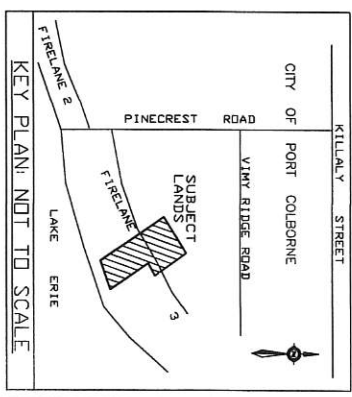
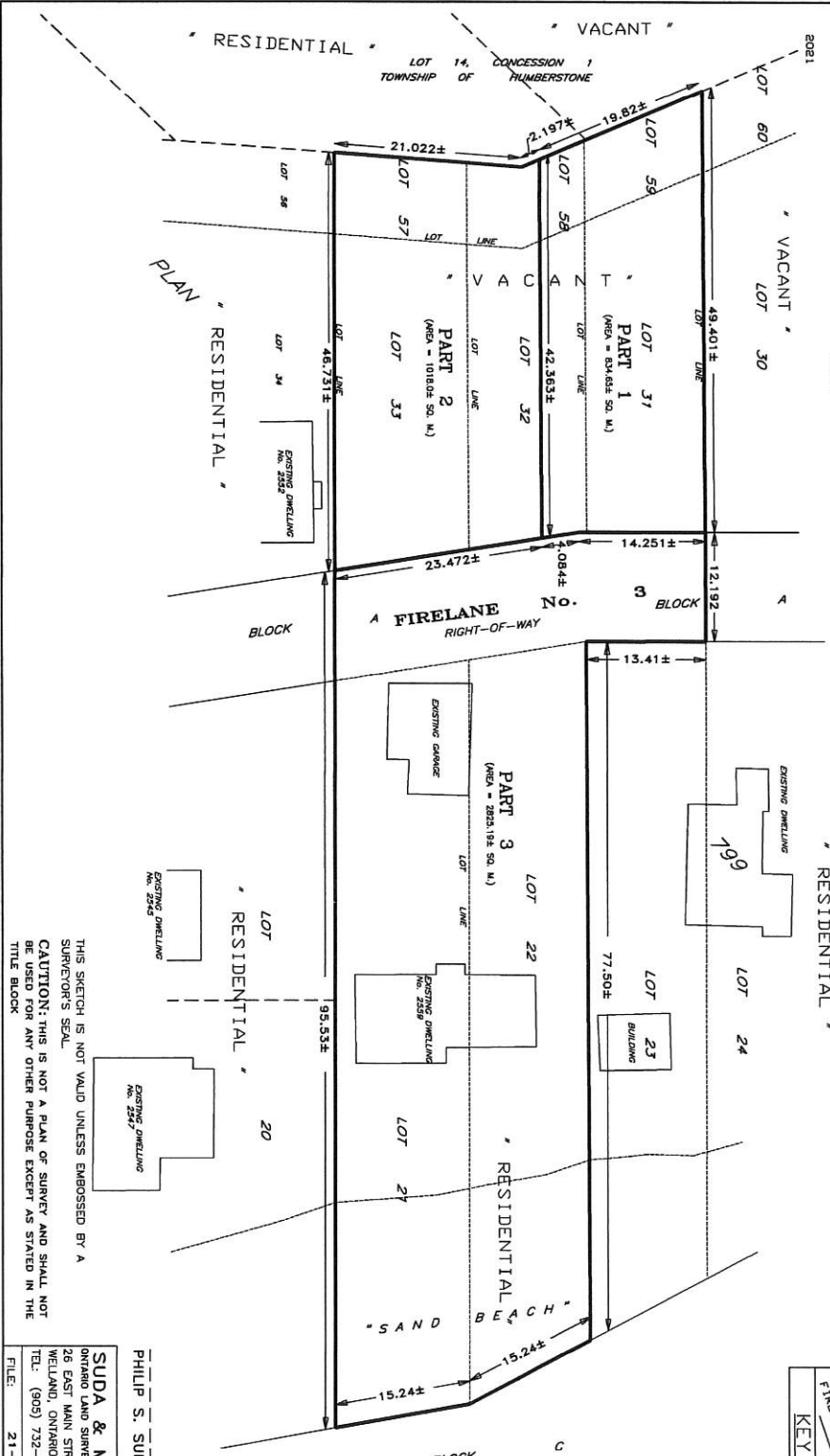


Chris Roome, BURPI
Secretary-Treasurer
Date of Mailing: January 24th, 2022

COMMITTEE OF ADJUSTMENT APPLICATION
 #2559 FIRELANE 3
 LOTS 21, 22, 31, 32, 33, 57, 58, 59
 AND PART OF BLOCK A
 PLAN 799

IN THE
 CITY OF PORT COLBORNE
 REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:500



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.
 26 EAST MAIN STREET, SUITE 2
 WILLOW, ONTARIO L8B 3M5
 TEL: (905) 732-7651 FAX: (905) 732-7660
 FILE: 21-217 JOB NO: 6063-1

Planning and Development Department

Planning Division

February 4th, 2022

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

Re: Application for Consent B05-21-PC
VL Firelane 3
Concession 1 Lots 31, 32, 33, 57, 58 and 59
Agent: N/A
Owner(s): Peter Smith

Planning staff has reviewed the referenced application and offer the following comments for your hearing on Wednesday, February 9th, 2022.

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 1 having a lot frontage of 14.251m and a lot area of 834.65m² for a future residential use. Part 2 will retain a lot frontage of 23.472m on Firelane 3 with a lot area of 1018m² for a future residential use.

Surrounding Land Uses:

The subject lands are surrounded by Rural Residential (RR) zones to the north, and west and Lakeshore Residential (LR) zones to the south and east.

Official Plan:

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

Zoning:

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

Environmentally Sensitive Areas:

The subject property contains a Provincially Significant Woodland. The Region has been circulated on this application to provide further comments on this environmentally sensitive area.

Public Comments:

Notice was circulated on January 24th, 2022. As of February 4th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on January 24th, 2022. As of February 4th, 2022, the following has been received.

Niagara Region

In conclusion, Regional staff is satisfied that the proposed consent application meets the intent of Provincial and Regional policies, subject to the following conditions:

1. That Lot 33 and Part of Lot 32 be merged in title to create Part 2;
2. That Lot 31 and Part of Lot 32 be merged in title to create Part 1;
3. That the owner enter into a Development Agreement to implement the recommendations of the Hydrogeological Assessment, prepared by Terra-Dynamics Consulting Inc. (dated September 22, 2021);
4. That a Stage 1 and 2 Archaeological Assessments be completed by a licensed professional archaeologist in accordance with the *Ontario Heritage Act* and the *Standards and Guidelines for Consultant Archaeologists*. Required archaeological assessments shall be submitted to the Province for review. No demolition, grading or other soil disturbances shall take place on the property until the Province has verified that the required archaeological assessment report(s) have met licensing and resource conservation requirements.

Drainage Superintendant

A portion of this parcel is within the watershed of the Oil Mill Creek Municipal Drain. The Oil Mill Creek Municipal Drain is currently under the process of the completion of a new report. Through the new report, all the assessment schedules will be updated. Should application for severance be granted prior to the completion of the new report, a drainage apportionment will be required. The apportionment agreement can be completed either by the drainage superintendent (As of January 1st under the user fees adopted by council, by-law 6949/95/21 the municipality will be charging a fee of \$118.00 for the completion of an apportionment agreement) or by an approved Engineer at the cost of the applicant. This process must be completed by providing a copy of the deposited plan to the planning department along with the preferred method of apportionment, Drainage Superintendent, or approved Engineer. The Planning department will then provide required documents to the Drainage Superintendent to be processed. Typical timing for the agreement to be completed is 10 working days.

Fire Department

No objection to proposed application.

Engineering Department

No comments on proposed application.

NPCA

The NPCA has no objections to the proposed conveyance of Part 1.

Discussion:

This consent application proposes the creation of a new lot for a future residential use. The retained lot will also be used for a future residential use. The proposed severance will leave the following lot areas and frontages:

Part 1: A lot frontage of 14.251m and a lot area of 834.65m².

Part 2: A lot frontage of 23.472m and a lot area of 1018m².

The LR zone requires a lot frontage of 30m and a minimum lot area of 0.4ha. Planning Staff have determined that since the lots are existing lots of record and the applicant has chosen to make the lot frontage and lot area larger than what is currently existing, no minor variance for lot frontage is required.

Recommendation:

Given the information above, Planning Staff recommend application B05-21-PC be **granted** for the 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 Lot 33, 57 and Part of Lot 32 and 58 be merged in title to create Part 2;
5. That Lot 31, 59 and Part of Lot 32 and 58 be merged in title to create Part 1;
6. That the owner enter into a Development Agreement to implement the recommendations of the Hydrogeological Assessment, prepared by Terra-Dynamics Consulting Inc. (dated September 22, 2021);
7. That a Stage 1 and 2 Archaeological Assessments be completed by a licensed professional archaeologist in accordance with the *Ontario Heritage Act* and the *Standards and Guidelines for Consultant Archaeologists*. Required archaeological assessments shall be submitted to the Province for review. No demolition, grading or other soil disturbances shall take place on the property until the Province has verified that the

required archaeological assessment report(s) have met licensing and resource conservation requirements.

For the following reasons:

1. The application conforms to Provincial Policy Statement, the policies of the Regional Official Plan, City of Port Colborne Official Plan and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.
2. This decision is rendered having regard to the provisions of subsection 51(24) of the Planning Act. R.S.O. 1990, c.P.13.

Prepared by,



Chris Roome
Planner

Submitted by,



Rick Brady, MA, MCIP, RPP
Planner

Planning and Development Services

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

Via Email Only

February 3, 2022

Regional File No.: D.06.07.CS-22-0012
City File No.: B05-21-PC

Chris Roome
Planner/Secretary-Treasurer, Committee of Adjustment
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Dear Mr. Roome:

Re: Provincial and Regional Comments
Application for Consent
Owner: Peter Smith and Donna Bonato
Location: North Side of Firelane 3, Port Colborne
Legal Description: Concession 1, Lots 31, 32, 33, 57, 58 and 59 on Plan
799, City of Port Colborne

Regional Planning and Development Services staff has reviewed the information circulated with the above noted consent application for lands on the north side of Firelane 3 in the City of Port Colborne. The application proposes to reconfigure the existing 3 lots into 2 lots to allow them to be developed. Part 1 (834.65m²) is proposed for future residential use, and Part 2 (1,018m²) will be retained for future residential use.

A preconsultation meeting for the proposal was held virtually on November 25, 2021, with City and Regional staff, as well as the owner in attendance. The application and associated fee were received by the Region on January 24, 2022. The following comments are provided to assist the Committee in their consideration of the consent application from a Provincial and Regional perspective.

Provincial and Regional Policies

The subject lands are located within the Rural Lands under the Provincial Policy Statement (PPS), identified as part of the Provincial Natural Heritage System in the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) and designated Rural Area in the Regional Official Plan (ROP).

The predominant use of lands in the Rural Area will be agriculture, but some low intensity non-agricultural development, such as residential, recreational, small-scale commercial and institutional uses, may be permitted provided it is compatible with the rural landscape and can be sustained by rural services. Development in the Rural Area will be permitted only when the individual lot and soil conditions are suitable for the long term operation of a private waste disposal system.

The ROP permits rural residential lot creation in the Rural Area to a maximum of 3 lots, and advises that the long-term pattern and character of future development must be carefully considered before non-farm residential development in the Rural Area can be approved. The ROP directs local Official Plans and Zoning By-laws to provide detailed policies and regulations with respect to residential development in Rural Areas. Therefore, the City's Official Plan and Zoning By-law should be relied upon for this detail; Regional staff notes that no amendments or variances to the By-law provisions are required to accommodate the revised lot configuration.

The ROP specifies a minimum lot size for rural residential lots of 1 hectare, unless it is determined through a hydrogeological study that a smaller size lot will adequately accommodate private water and sewage treatment facilities for long term operation, without negatively impacting groundwater quality. Additional comments are provided below relative to hydrologic considerations.

Hydrogeological Assessment and Private Servicing

Regional staff reviewed the Hydrogeological Assessment, prepared by Terra-Dynamics Consulting Inc. (dated September 22, 2021), submitted prior to the application. The Assessment supports the proposed lots and lot size, subject to certain requirements including:

1. All lots being equipped with sewage systems that provide at least 75% nitrogen reduction of septic sewage effluent Level IV/tertiary treatment;
2. Future sewage disposal systems observe the required Ontario Building Code set-backs from water supplies, as shown on Figure 3 of the Assessment;
3. Future sewage disposal systems observe the required NPCA set-backs from wetlands; and
4. A Development Agreement should be completed indicating water supply will be by cistern(s).

Staff have no objections to the conclusions and recommendations of the report. The exact size and location of the septic systems for the lots will need to be confirmed through the septic permit application/process. The required sewage system permit for Part 1 and Part 2 will need to meet the conditions of the Hydrogeological Assessment and Ontario Building Code. Staff concur with the recommendation for a Development Agreement to ensure these recommendations are maintained through change in ownership of the lots.

Archaeological Potential

The PPS and ROP include policies that require for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration (including activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site) are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. The purpose of the consent applications is to facilitate construction of homes, which will require site alteration.

Based on Provincial screening criteria, the lands exhibits high potential for the discovery of archaeological resources due to proximity (within 300m) to Lake Erie. Through the preconsultation process, Regional staff identified a Stage 1 and 2 Archaeological Assessment as a submission requirement; the owner requested that this requirement be made a condition of the application. Regional staff noted the risk associated with delaying the study, including that any archaeological resource found on site may need to remain in their location and that the lots lines or building footprints may need to be reconfigured. The owner acknowledged and assumed the risk associated with delaying the study; therefore, Regional staff require that approval of the consent be conditional on the submission of a Stage 1 and 2 Archaeological Assessment as agreed to by the owner.

Core Natural Heritage

The subject properties are impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Oil Mill Creek Locally Significant Wetland Complex (LSW) and Significant Woodland. The properties are also mapped as part of the Growth Plan Provincial Natural Heritage System (NHS). As such, these features are considered Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF) and the natural heritage policies identified in the Provincial Growth Plan apply accordingly.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 metres (m) of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 50 m of LSW/Significant Woodland. Further, Growth Plan policies also require that a minimum 30 m Vegetation Protection Zone (VPZ), as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF/KHF or its VPZ.

Since there are three lots of record already within the Significant Woodland, Regional environmental staff have no objection to the application because it will result in the feature being consolidated to fewer owners. However, the applicant should be aware that if any future Planning Act application are required, Growth Plan policies will heavily

restrict development and site alteration, which is not permitted within KNHF or associated VPZs.

Further, please note that any tree removal is subject to the Region's Woodland Conservation By-Law. For information on the Region's Woodland Conservation By-Law, please contact Daniel Root, Regional Forester by email at Daniel.Root@niagararegion.ca or by phone at 905-980-600 ext. 3329.

Waste Collection

The Region provides curbside waste and recycling collection for developments that meet the requirements of the Corporate 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 curbside limits are not exceeded:

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

Conclusion

In conclusion, Regional staff is satisfied that the proposed consent application meets the intent of Provincial and Regional policies, subject to the following conditions:

1. That Lot 33 and Part of Lot 32 be merged in title to create Part 2;
2. That Lot 31 and Part of Lot 32 be merged in title to create Part 1;
3. That the owner enter into a Development Agreement to implement the recommendations of the Hydrogeological Assessment, prepared by Terra-Dynamics Consulting Inc. (dated September 22, 2021);
4. That a Stage 1 and 2 Archaeological Assessments be completed by a licensed professional archaeologist in accordance with the *Ontario Heritage Act* and the *Standards and Guidelines for Consultant Archaeologists*. Required archaeological assessments shall be submitted to the Province for review. No demolition, grading or other soil disturbances shall take place on the property until the Province has verified that the required archaeological assessment report(s) have met licensing and resource conservation requirements.

Should you have any questions related to the above comments, please feel free to contact me at 905-980-600 ext. 3432 or by email at britney.fricke@niagararegion.ca.

Please send a copy of the City's staff report and notice of the Committee's decision on this application when available.

February 3, 2022

Kind regards,

A handwritten signature in dark ink, appearing to read "Britney Fricke". The signature is written in a cursive, flowing style.

Britney Fricke, MCIP, RPP
Senior Planner

cc: Devon Haluka, Private Sewage System Inspector, Niagara Region
David Schulz, Senior Planner, City of Port Colborne



PORT COLBORNE

· PLANNING AND DEVELOPMENT DEPARTMENT ·

**APPLICATION FOR
CONSENT**

RECEIVED

JAN 14 2021

**PLANNING & DEVELOPMENT
SERVICES DEPT.**

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):

Name: Peter Smith & Donna Bonato	
Mailing Address: Box 304	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5W1	Telephone: 905-964-2085
Fax:	Email: pwsmith@protonmail.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.

NONE

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

December 2012

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Suda and Maleszyk Inc	
Mailing Address: 26 East Main St	
City: Welland	Province: Ontario
Postal Code: L3B 3W3	Telephone: 905-732-7651
Fax:	Email: dcb@cogeco.ca

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): 31,32,33,57,58,59
Registered Plan No. 799	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Firelane 3	Street No.

2.1 Type of proposed transaction: (Check appropriate space(s))
<input type="checkbox"/> Creation of New Lot <input type="checkbox"/> Addition to lot <input type="checkbox"/> Mortgage or Charge <input type="checkbox"/> Lease <input type="checkbox"/> Disposal of Surplus Farm Dwelling <input type="checkbox"/> Farm Retirement Lot <input type="checkbox"/> Partial Discharge or Mortgage <input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement
Reason for proposed transaction: Merge exsisting lots from six to two <hr/> <hr/> <hr/>

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

2.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:
Peter and Donna Smith <hr/> <hr/>

Section 3: OFFICIAL PLAN & ZONING

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

3.2 What is the Zoning of the land (By-law 1150/97/81)?
Rural 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 EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	

Section 5

Type of ACCESS
<input type="checkbox"/> Provincial Highway
<input type="checkbox"/> Regional Road
<input 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 checked="" 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 type="checkbox"/> Well (private or communal)
<input checked="" type="checkbox"/> Other (specify) Cistern

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?

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

Section 9

Part No. On Sketch: 1

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)

Frontage: 14.251

Depth: 49.401

Area: 834.65

Existing Use: Vacant approved Lots

Proposed Use: 111.55 Footprint Side setback Front setback Rear Setback 19m
residential home 7.5 m 1.1 m

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:

Section 10

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)

Frontage: 23.472

Depth: 46.731

Area: 1018

Existing Use: Vacant
lots

Proposed Use: 111.55 Residential Side Frontsetback Back Setback
home footprint setbacks 5.14 1.10 18.51

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:

Section 11

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

- ☒ Yes
☐ No
☐ Unknown

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

File Number: Plan 799 from 1924

☐ Commercial
☐ Institutional
☐ Agricultural
☐ Parkland
☐ Vacant
☐ Other

14.2 What is the length of time the existing use(s) of the land have continued?
96 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

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14.6 If Industrial or Commercial, specify use

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☐ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X JAN 14/22
Date

X P.W. 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

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

- ☐ Yes
☐ No

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-screening Criteria

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

15.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☐ No
☒ Unknown

X JAN 14/22
Date

X P. W. Smith
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 Peter Smith
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 14 day of JAN
A.D 20 22

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

A Commissioner, etc. Chris Roome

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

X P. W. Smith

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