



CORPORATION OF THE CITY OF  
PORT COLBORNE

**COMMITTEE OF ADJUSTMENT**  
**-MEETING AGENDA-**  
**6:00 P.M., Wednesday, July 13th, 2022**  
**Council Chambers (Virtual & In-Person)**

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1. Call Meeting to Order
  2. Reading of Meeting Protocol
  3. Disclosures of Interest
  4. Request for Any Deferrals or Withdrawals of Applications
  5. New Business
    - ii) Application: A14-22-PC  
Action: Minor Variance  
Agent: N/A  
Owners: Terry and Anne Niessen  
Location: 755 Pleasant Beach Road
    - ii) Application: B11-22-PC  
Action: Consent  
Agent: N/A  
Owners: Stanley Homes  
Location: 41 & 43 Amelia Street
    - iii) Application: B10-22-PC  
Action: Consent  
Agent: N/A  
Owners: Mancini Development Inc.  
Location: 747 Fielden Avenue
    - iv) Application: A18-22-PC  
Action: Minor Variance  
Agent: N/A  
Owners: Mancini Development Inc.  
Location: 747 Fielden Avenue
    - v) Application: A19-22-PC  
Action: Minor Variance  
Agent: N/A  
Owners: Mancini Development Inc.  
Location: 747 Fielden Avenue
  6. Other Business
  7. Approval of Minutes
    - i) June 8<sup>th</sup>, 2022, Committee of Adjustment Meeting
  8. Adjournment

COMMITTEE OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING  
APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A14-22-PC

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

**AND IN THE MATTER OF** the lands legally known as Con 1 Pt Lot 2 in the City of Port Colborne, Regional Municipality of Niagara, located in the Hamlet Residential (HR) zone, municipally known as 755 Pleasant Beach Road.

**AND IN THE MATTER OF AN APPLICATION** by the owners Terry and Leah Anne Niessen, for relief from the provisions of Zoning By-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O 1990 C.P 13, so as to permit the construction of a garage, notwithstanding the following;

- 1. That a maximum height of 7.3m be provided, whereas the maximum height permitted is 6m.

**Explanatory Relief from the Zoning By-law:** The applicant is requesting permission for a proposed accessory structure at 755 Pleasant Beach Road. Due to the proposed height of the structure, a minor variance is required. A sketch of the proposal is shown on the reverse side of this notice.

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

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

**June 8, 2022**  
**6:00 P.M.**  
**66 Charlotte Street – Third floor Council Chambers and**  
**Virtually via zoom**

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

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division’s report may be available for public inspection by **Friday June 3, 2022.**

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

The Public Meeting will be held in-person, with the meeting live-streamed on the City’s YouTube channel at <https://www.youtube.com/watch?v=xBRAufVD77Q&feature=youtu.be>.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on June 7, 2022** by emailing [Samantha.yeung@portcolborne.ca](mailto:Samantha.yeung@portcolborne.ca) or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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

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

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

By order of the Committee of Adjustment,



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Samantha Yeung,  
Secretary-Treasurer

Date of Mailing: May 13th, 2022







**PORT COLBORNE**

• PLANNING AND DEVELOPMENT DEPARTMENT •

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

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

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## MINOR VARIANCE OR PERMISSION

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

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

### SUBMISSION OF APPLICATION:

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

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

### COMPLETENESS OF APPLICATION:

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

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

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

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

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

Affairs web site ([www.mah.gov.on.ca](http://www.mah.gov.on.ca)) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

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

## PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

## POLICIES

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

## THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for minor variance or permission form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).
- Two (2) copies of a preliminary drawing showing all information referred to in SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY.
- Payment of the appropriate fee, submitted at the time of application as cash



- or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne.
- One complete application is required and shall be submitted for each parcel of land on which a variance is requested.

## SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

## NOTICE REQUIREMENTS

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





## PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

## APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

### Section 1

<b>1. Registered Owner (s):</b>	
Name: TERRY NIESSEN & LEAH ANNE NIESSEN	
Mailing Address: 755 PLEASANT BEACH RD	
City: SHERKSTON	Province: ONTARIO
Postal Code: L0S 1R0	Telephone: 905-325-9916
Fax:	Email: terryniesseen@gmail.com

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

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

<b>1.4 MORTGAGES, Charges &amp; Other Encumbrances:</b>
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
FIRST ONTARIO CREDIT UNION (MORTGAGE)

<b>1.5 Date and Subject Land was acquired by the Current Owner:</b>
NOVEMBER 1, 2021

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

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

## Section 2: LOCATION

Former Municipality: HUMBERSTONE PORT COLBORNE	
Concession No. CON 1	Lot(s): 2
Registered Plan No. 271104000107000	
Reference Plan No. 301	Part(s):
Name of Street: PLEASANT BEACH RD	Street No. 755

## Section 3: DESCRIPTION

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

Frontage: 53.35 m	Depth: 132.08 m	Area: 7,046.47 sq m
Existing Use: SINGLE FAMILY DWELLING (YEAR ROUND)		
Proposed Use: SINGLE FAMILY DWELLING (YEAR ROUND)		

## Section 4: OFFICIAL PLAN & ZONING

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

<b>4.2 What is the Zoning of the land (By-law 1150/97/81)?</b>
HAMLET RESIDENTIAL

## Section 5

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

## Section 6

<b>Type of ACCESS</b>
<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)  
CISTERN

## Section 8

### What type of SEWAGE DISPOSAL is proposed?

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

## Section 9

### What type of STORMWATER DISPOSAL is proposed?

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

## Section 10

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

ACCESSORY BUILDING HEIGHT OF 6m TO BE INCREASED TO 7.3 m

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

- ☐ Yes
- ☒ No



## Section 11

<b>WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:</b>
GARAGE WITH STORAGE LOFT ABOVE. GAMBREL STYLE ROOF

## Section 12

<b>DATE OF ACQUISITION of the land by the current owner:</b>
NOVEMBER 1, 2022

## Section 13

<b>DATE OF CONSTRUCTION of all existing buildings and structures on the land:</b>
UNKNOWN

## Section 14

<b>LENGTH OF TIME of time that the existing use(s) of the land have continued:</b>
ALWAYS

## Section 15: OTHER APPLICATIONS

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

<b>15.2 If the answer to the above is yes, and if known, provide the following for each application noted:</b>
File number of the application:
Name of the approval authority considering the application:
Lands affected by the application:
Purpose of the application:



Status of the application:
Effect of the application on the proposed amendment:

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

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

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

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

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

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
DWELLING	12.59 m	115.2 m	8.86 m	24.20 m	5.2(1 Storey)	18.9 x 8.6	UNKNOWN
<b>SHED</b>	50.9 m	79.5 m	<b>.89 m</b>	46.19 m	1 storey	6.1 X 6.1	UNKNOWN

<b>16.4 ALL PREVIOUS USE</b>
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Institutional <input type="checkbox"/> Agricultural <input type="checkbox"/> Parkland <input type="checkbox"/> Vacant <input type="checkbox"/> Other  

16.5 ALL ADJACENT USE(S)				
	NORTH	SOUTH	EAST	WEST
Residential	<input 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				

<b>16.6 If Industrial or Commercial, specify use</b>

<b>16.7 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>16.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>16.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>16.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>16.11 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>16.12 Have the lands or adjacent lands ever been used as a weapons firing range?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

**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

Date

April 29 2022

X

Signature of Owner



## Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY

### Pre-screening Criteria

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

**17.4 Is there a valley slope on the property?**

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown



X April 29 2022  
Date

X [Signature]  
Signature of Applicant(s)

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

I/We Terry Niessen & Leah Anne Niessen  
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 29<sup>th</sup> day of April  
A.D. 20 22

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

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

X [Signature]

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

A Commissioner, etc.

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

## FOR OFFICE USE ONLY

(Not to be completed by the applicant)

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

### Processing

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

Accepted by Manager of Planning and Development Services:
Circulated:

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

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

## AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

\_\_\_\_\_  
(name of agent)

of the \_\_\_\_\_ of \_\_\_\_\_

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

Dated at the \_\_\_\_\_ of \_\_\_\_\_

in the \_\_\_\_\_ of \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

X

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

X

\_\_\_\_\_  
Signature of Owner

X

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

X

\_\_\_\_\_  
Signature of Owner

X

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

X

\_\_\_\_\_  
Signature of Owner

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

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

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



## SUGGESTION TO THE APPLICANT

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

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

1. Port Colborne Planning and Development Department  
66 Charlotte Street, Port Colborne, Ontario L3K 3C8  
Director of Planning & Development  
(905) 835-2901, Ext. 203

Information on the Port Colborne Official Plan and Zoning Bylaw

2. Port Colborne Engineering & Operations Department  
66 Charlotte Street, Port Colborne, Ontario L3K 3C8  
Director of Engineering & Operations  
(905) 835-2901, Ext. 223

Information on Servicing, Lot Grading and Drainage

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

Information about the Building Code

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

Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health  
- AND -

For Concerns regarding Provincial Policy and Ministry responsibilities

5. The Niagara Peninsula Conservation Authority  
250 Thorold Road West, Welland, Ontario L3C 3W2  
Watershed Planner  
(905) 788-3135  
Ext 272

For information about lands which may be zoned as "Hazard" in the local zoning by-law, lands adjacent to watercourses, Lake Erie or flood plains

6. Ministry of Transportation of Ontario  
Corridor Management Section  
159 Sir William Hearst Ave, 7<sup>th</sup> Floor,  
Toronto, Ontario M3M 1J8

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

7. Ministry of Transportation of Ontario  
Corridor Management Section

1201 Wilson Avenue, Bldg D, 7<sup>th</sup> Floor  
Downsview, ON., M3M 1J8

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

8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>  
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement

**Development and Legislative Services**

Planning Division Report

July 8th, 2022

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

**Re: Application for Minor Variance A14-22-PC**  
**755 Pleasant Beach Road**  
**Concession 1 Part Lot 2**  
**Agent: N/A**  
**Owner(s): Terry and Leah Anne Niessen**

**Proposal:**

The purpose and effect of this application is to permit the construction of a proposed accessory structure. The applicant is requesting that a maximum height of 7.3m be provided whereas a maximum of 6m is permitted for accessory structures. All other provisions of the Zoning By-law are proposed to be met.

**Surrounding Land Uses and Zoning:**

The parcels surrounding the subject lands are zoned Hamlet Residential (HR) to the north, south, east, and west, with Rural (RU) zones to the south as well. The surrounding uses consist of single detached dwellings to the north, south, east, and west.

**Official Plan:**

The subject property is designated as Hamlet in the City's Official Plan. Accessory structures are permitted in this designation.





## **Zoning:**

The subject property is zoned HR zone in accordance with Zoning By-Law 6575/30/18. Accessory structures are permitted in this zone.

## **Environmentally Sensitive Areas:**

There are no environmentally sensitive areas on the subject lands.

## **Public Comments:**

Notice was circulated on May 20th, 2022 as per Section 45 (5) of the Planning Act to adjacent land owners with 60m of the subject lands. As of June 3rd, 2022, no comments from the public have been received.

## **Agency Comments:**

Notice was circulated on May 13th, 2022 to internal departments and the Niagara Region. As of July 8th, 2022, the following comments have been received.

### Drainage Superintendant

No concerns regarding municipal drains.

### Fire Department

Port Colborne Fire has no objection to the application.

### Engineering Department

Engineering has no objection to the application.

### Niagara Region

Regional staff have no objections to the proposed minor variance. Please see the Regions full comments in the agenda package.

## **Planning Act – Four Tests:**

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

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

Staff finds the requested variance to be minor in nature. The increase in height from 6m to 7.3m will not negatively impact the subject parcel or neighbouring properties. The structure is located at a reasonable distance from all lot lines so the increase in height will not result in visibility concerns and is also setback behind the dwelling. The proposed structure will remain accessory in nature.

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

The proposal is desirable and appropriate as the development is located in a suitable location on the site. Accessory structures are a permitted use in the HR zone so the proposal is compatible

with the requirements of the zoning by-law. As such, it is the opinion of planning staff that the application is desirable for the appropriate development or use of the land.

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

The Zoning By-law permits accessory structures in the HR zone and the proposal meets the setbacks and lot coverage requirements. The height requirement for accessory structures exists to ensure that any accessory structure remains accessory to the primary use of the property. Staff is satisfied that the proposed structure will remain accessory in nature. Staff finds this application to be in keeping with the general intent and purpose of the Zoning By-law.

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

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

**Recommendation:**

Given the information above, Planning Staff recommends application A14-22-PC be **granted** for the following reasons:

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

Prepared by,



Chris Roome, BURPI  
Planner

Submitted by,



Denise Landry, MCIP, RPP  
Manager of Planning Services

---

**VIA E-MAIL ONLY**

June 14, 2022

Samantha Yeung  
Planning Technician/Secretary Treasurer  
City of Port Colborne  
66 Charlotte Street,  
Port Colborne, ON L3K3C8

**Application for Consent**

Proposal: Application is made for relief from the provisions of Zoning By-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O 1990 C.P 13, so as to permit the construction of a garage.

Location: 755 Pleasant Beach Road  
In the City of Port Colborne

Our File: MV-22-0067

Town File: A14-22-PC

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Regional Planning and Development Services staff have completed a review of the following materials which were provided as part of an application for a consent application for a new garage located at 755 Pleasant Beach Road in the City of Port Colborne

- Notice of Hearing and Application, dated May 13, 2022.

The following comments are provided from a Regional and Provincial perspective to assist in reviewing the Consent Application.

**Private Sewage System**

Regional Private Sewage System (PSS) staff have reviewed the application for a new garage on the property. Regional staff searched for any previous files that would help identify the location of the sewage system on site but none were found. An on-site inspection was conducted on June 14, 2022 to confirm the location of the septic system. At the time of inspection a two chamber septic tank was identified near the south east corner of the dwelling. The septic tank showed no signs of defects and was at a good working level. It was noted to the owner on site that the tanks should be pumped out in the near future.



The tile bed was found to be located north east of the existing dwelling and showed no signs of defects. The header of the runs were exposed as per our request. At the time of the inspection Regional PSS staff were able to confirm that the location of the proposed garage would meet all the required setbacks as per the Ontario Building Code. Therefore, Regional PSS staff have no objections to the proposed minor variance application.

## **Conclusion**

Based on the analysis and comments above, Regional staff have no objections to the proposed minor variance.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3358.

Best Regards,



Matteo Ramundo  
Private Sewage System Inspection  
Niagara Region

cc.      Phill Lambert, Director of Infrastructure Planning and Development Engineer, Niagara Region  
         Katie Young, Development Planner, Niagara Region

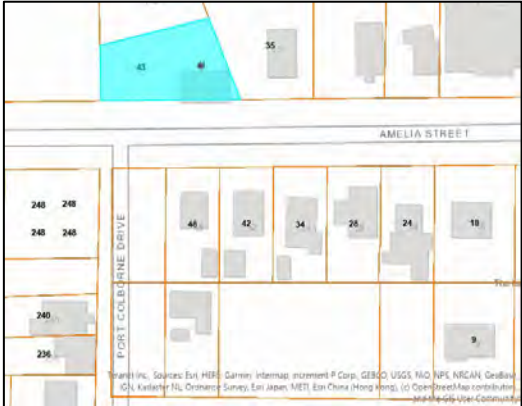
COMMITTEE OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING  
APPLICATION FOR CONSENT

APPLICATION NO. B11-22-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 1 on Plan 784 in the City of Port Colborne, Regional Municipality of Niagara, located in the Second Density Residential (R2) zone, municipally known as 41 and 43 Amelia Street.

**AND IN THE MATTER OF AN APPLICATION** by the owner Stanley Homes 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 2 having a lot frontage of 18.62m along Amelia Street with a total lot area of 319.3m<sup>2</sup> for an existing semi-detached residential use. Part 1 will retain a lot frontage of 20.79m along Amelia Street with a total lot area of 346.8m<sup>2</sup> for an existing semi-detached residential use. A sketch of the subject lands is shown on the reverse side of this notice.



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

**DATE:**

**TIME:**

**LOCATION:**

**July 13, 2022**

**6:00 P.M.**

**66 Charlotte Street – Third floor Council Chambers and Virtually via zoom**

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

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

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

**Electronic Hearing Procedures**

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

The Public Meeting will be held in-person, with the meeting live-streamed on the City’s YouTube channel at <https://www.youtube.com/watch?v=r3of25dz9o&feature=youtu.be>.

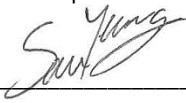
Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on Tuesday July 12, 2022,** by emailing [Samantha.yeung@portcolborne.ca](mailto:Samantha.yeung@portcolborne.ca) or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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

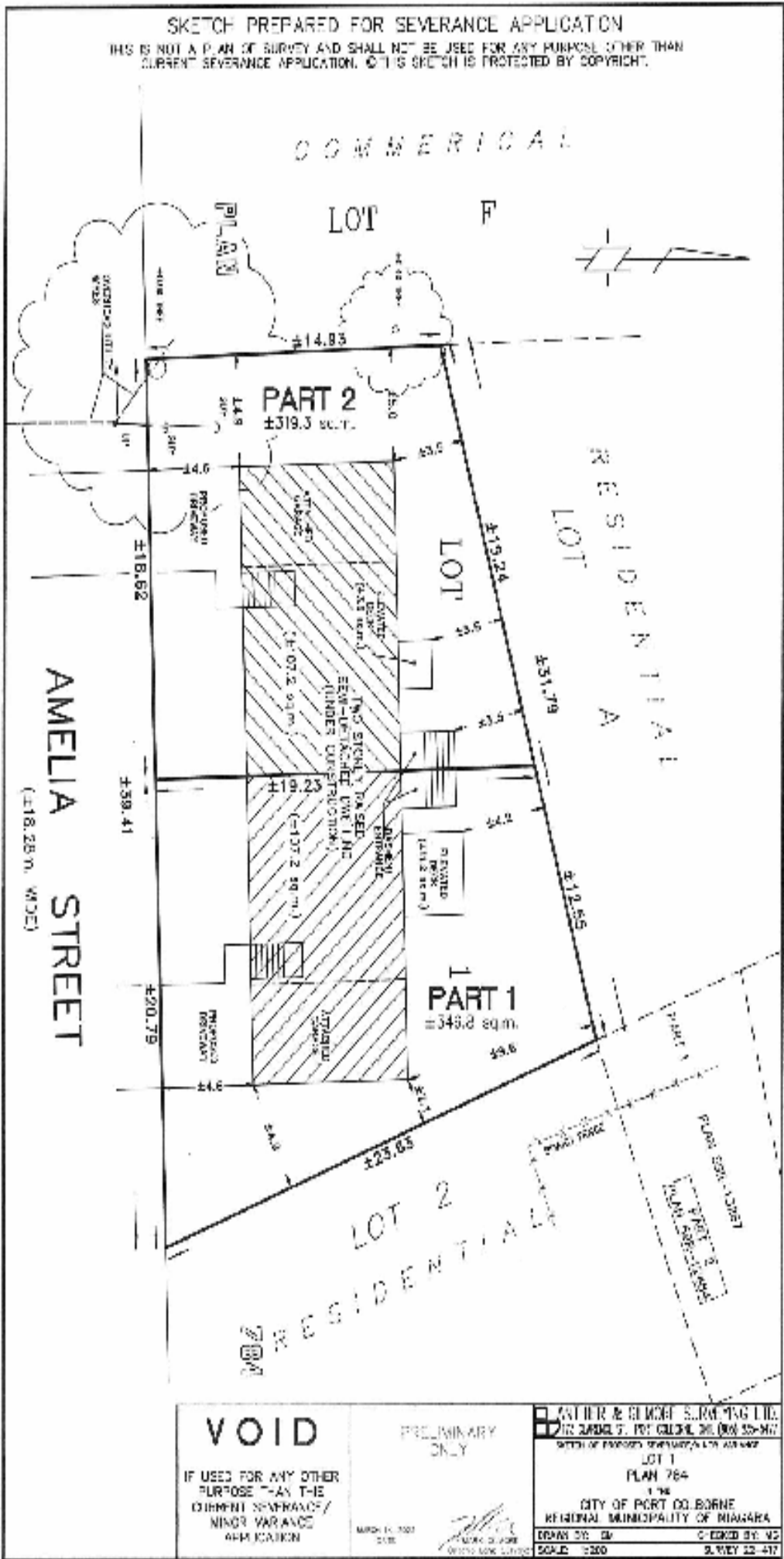
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

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

By order of the Committee of Adjustment,



Samantha Yeung  
Secretary-Treasurer  
Date of Mailing: June 27, 2022







Permit #  
File No. 2021-8050

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

## Consent

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

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

### SUBMISSION OF APPLICATION:

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

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

### COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

### PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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

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

#### POLICIES

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

##### THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for consent form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization for the applicant(s) for applications which are signed by someone other than the owner(s).
- Two (2) copies of a preliminary drawing showing all information referred to in SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY.
- Payment of the appropriate fee. Cheques are to be made payable to "The City of Port Colborne". (See By-law 5718/149/11)

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

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

Decisions of the Committee are made in public.

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

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

#### APPLICATION FEES

The application fee (See By-law 5718/149/11) must be submitted at the time of application as cash or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne. The City will bill the applicant / agent the cost of the newspaper notice if required. Submission of the Staff Recommendation Report to Council is dependant upon receipt of advertising payment.

#### REGIONAL REVIEW AND APPROVAL FEES

There is a fee for the planning review carried out by Niagara Region in place of Provincial Ministries. It should be provided to the City to be submitted to the Region at the time of the preliminary review. If this does not occur, then the fee will be due at the time the application is submitted to the Region for review (usually at the time of the Notice of Public Meeting). The applicant is responsible for paying any fees required by Regional Niagara. Failure to pay the Region's fee may result in the Region refusing to consider the Consent Application until the fee has been received. The Region's fees are available on its web site ([www.regional.niagara.on.ca](http://www.regional.niagara.on.ca)).

## SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

1. As provided for in Ontario Regulation 197/96, as amended, and as required by this Committee of Adjustment, an application must be accompanied by two(2) copies of a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor, showing the information set out below.
  - i). The boundaries and dimensions of the land abutting the land subject of this application also owned by the owner of the land subject of this application.
  - ii). The distance between the land and the nearest township lot line or landmark such as a bridge or railway crossing.
  - iii). The boundaries of the land, the part that is to be severed and the part that is to be retained.
  - iv). The location of all land previously severed from the parcel originally acquired by the current owner of the land.
  - v). The approximate location of all natural and artificial features on the land and on the adjacent land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
  - vi). The existing uses on adjacent land, such as residential, agricultural and commercial uses;
  - vii). The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
  - viii). If access to the land is by water only, the location of the parking and boat docking facilities to be used.
  - ix). The location and nature of any easement affecting the land.
  - x). The location, size, and type of all existing and proposed height of buildings and structures on the land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
  - xi). The location and nature of any easement affecting the land.
  - xii). Parking areas, loading spaces, driveway entrance / exits
  - xiii). Existing and proposed servicing [e.g. water, storm and sanitary
2. One (1) copy of each separate type of plan reduced to legal size.
3. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
4. One (1) copy of a Registered Deed including full legal description of the subject lands.

## APPLICATION FORM AND SKETCH

It is required that ONE copy of this application form be filed with the Secretary - Treasurer of City of Port Colborne Committee of Adjustment, together with the sketch (referred to above), accompanied by the appropriate fee per application (By-law 5718/149/11), in cash or by cheque made payable to THE CITY OF PORT COLBORNE.

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

## NOTICE REQUIREMENTS

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

## APPLICATIONS REQUIRED

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



PLEASE TYPE OR USE BLACK INK

1. OWNER

1.1 Registered Owner(s): Stanley Homer

Mailing Address: 1094 Quaker Rd

City: Fonthill Province: ON

Postal Code: L0S 1E4 Telephone: 289-697-8767

Fax: \_\_\_\_\_ Email: dlegna@stanleyhomerhniagara.ca

1.2 Owner's SOLICITOR (if any): n/w

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

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

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

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

1.3 Owner's Authorized AGENT (if any): n/w

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/w

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

\_\_\_\_\_

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

Mailing Address: 173 Clarence St

City: Port Colborne Province: ON

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

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

1.7 All communications should be sent to the:

Owner ☒ Solicitor \_\_\_\_\_ Agent \_\_\_\_\_

2. LOCATION:

Former Municipality: Port Colborne

Concession No. \_\_\_\_\_ Lot(s) 1 Registered Plan No. 784 Lot(s) \_\_\_\_\_

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

Name of Street: Amelia Street No. 4143



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

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

Reason for proposed transaction:

splitting the lot for semi detached  
homes for transfer to new owners

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

none

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

Part 1 - New owner closing Aug 2022 Mr & Mrs Bristol  
Part 2 - New owner closing Aug 2022 Ms Hockings

3. OFFICIAL PLAN AND ZONING

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

Port Colborne Official Plan ~~784~~ Urban Residential  
Regional Policy Plan Built-up Area

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

Second Density Residential (R2)

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

Yes ☒ No ☐

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

Yes ☐ No ☒

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

5. Type of ACCESS

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

6. What type of WATER SUPPLY is proposed?
- Publicly owned and operated piped water supply ☒
- Lake ☐
- Well (private or communal) ☐
- Other (specify) \_\_\_\_\_
7. What type of SEWAGE DISPOSAL is proposed?
- Publicly owned and operated sanitary sewage system ☒
- Septic system (private or communal) \_\_\_\_\_
- Other (specify) \_\_\_\_\_
8. What type of STORMWATER DISPOSAL is proposed? (Check appropriate space)
- Publicly owned and operated storm water system ☒
- Other (specify) \_\_\_\_\_
9. DESCRIPTION OF PARCEL TO BE SEVERED (in metric units): Part No. on sketch 2
- Frontage 18.62 Depth 14.93 Area 319.3
- Existing Use Residential Proposed Use Residential
- Existing and proposed buildings and structures on the subject land. For each existing and / or proposed building or structure, the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, and the height of the building or structure and the dimensions or floor area of the building or structure IN METRES. Please use additional sheets if necessary:
- Existing: 2 storey raised semi
- Proposed: same
10. DESCRIPTION OF PARCEL TO BE RETAINED (in metric units): Part No. on sketch 1
- Frontage 20.79 Depth 23.63 Area 346.8
- Existing Use Residential Proposed Use Residential
- Existing and proposed buildings and structures on the land to be retained. For each existing and / or proposed building or structure, the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, and the height of the building or structure and the dimensions or floor area of the building or structure IN METRES. Please use additional sheets if necessary:
- Existing: 2 story raised semi
- Proposed: same
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 \_\_\_\_\_
- Decision \_\_\_\_\_
12. HAS ANY LAND BEEN SEVERED from the parcel originally acquired by the owner of the land?
- Yes \_\_\_\_\_ No ☒
- If the answer is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:
- Grantee's (Purchaser's) name \_\_\_\_\_
- Land Use on severed parcel \_\_\_\_\_
- Date parcel transferred \_\_\_\_\_
- Consent file number (if known) B

13. OTHER APPLICATIONS:

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

Official Plan Amendment \_\_\_\_\_  
 Zoning By-law Amendment \_\_\_\_\_  
 Minor Variance ✓  
 Plan of Subdivision \_\_\_\_\_  
 Consent \_\_\_\_\_  
 Site Plan \_\_\_\_\_

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

File number of the application \_\_\_\_\_  
 Name of the approval authority considering the application \_\_\_\_\_  
 Lands affected by the application \_\_\_\_\_  
 Purpose of the application \_\_\_\_\_  
 Status of the application \_\_\_\_\_  
 Effect of the application on the proposed amendment \_\_\_\_\_

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

14.1 ALL EXISTING USE

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

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

ongoing

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

Yes ✓ No new construction

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
Semi	4.2	9.5	4.9	4.9	9	107.2	Jan 22 ongoing.



14.4 ALL PREVIOUS USE

Residential ☒

Industrial ☐

Commercial ☐

Institutional ☐

Agricultural ☐

Parkland ☐

Vacant ☐

Other ☐

14.5 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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

current stores & apartments to the land north & west

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.

Date Apr 25 / 22 Signature of Owner [Signature]

- 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

New Semi detached home

- 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

PREScreening CRITERIA

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

Date Apr 25/22

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 Dayna Stanley  
of the City/Town/Township of Fonthill  
in the County/District/Regional Municipality of Niagara

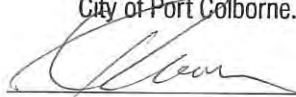
solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the  
City of Port Colborne  
in the Region of Niagara  
This 19th day of May  
A.D. 2022

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

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

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.

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

---

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

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

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

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

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

PROCESSING

Date

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

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

Comments received;

Solicitor	_____
Engineer	_____
C.B.O.	_____
Fire Chief	_____
C. N. Power	_____
Region	_____
NPCA	_____
MTO	_____
MOE	_____
Other	_____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Registration \_\_\_\_\_

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

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

Application Revised August 2016



AUTHORIZATIONLOCATION OF SUBJECT LANDS:

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

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  
1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold,  
L2V 4T7  
Commissioner  
(905) 685-1571  
1-800-263-7215

Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health  
- AND -

For Concerns regarding Provincial Policy and Ministry responsibilities

5. The Niagara Peninsula Conservation Authority  
250 Thorold Road West, Welland, Ontario L3C 3W2  
Watershed Planner  
(905) 788-3135  
Ext 272

For information about lands which may be zoned as "Hazard" in the local zoning by-law, lands adjacent to watercourses, Lake Erie or flood plains

6. Ministry of Transportation of Ontario  
Corridor Management Section  
159 Sir William Hearst Ave, 7<sup>th</sup> Flr  
Toronto, Ontario M3M 1J7  
Christopher Glofcheskie  
1-416-235-5560  
Christopher.Glofcheskie@ontario.ca

For information about sight plan applications for lands fronting onto provincial highways: 1-866-636-0663

7. 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



## City of Port Colborne

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

### Planning and Legislative Services

#### Planning Division Report

July 8th, 2022

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

**Re: Application for Consent B11-22-PC**  
**41 and 43 Amelia Street**  
**Lot 1 on Plan 784**  
**Agent: N/A**  
**Owner(s): Stanley Homes**

#### Proposal:

The purpose and effect of this application is to permit the conveyance of Part 1 having a lot frontage of 20.79m on Amelia Street and a lot area of 346.8m<sup>2</sup> for an existing semi-detached dwelling. Part 2 will retain a lot frontage of 18.62m on Amelia Street and a lot area of 319.3m<sup>2</sup>.

#### Surrounding Land Uses and Zoning:

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



## **Environmentally Sensitive Areas:**

The subject lands do not contain any environmentally sensitive areas.

## **Public Comments:**

Notice was circulated on June 27<sup>th</sup>, 2022, to adjacent landowners within 60m of the subject property as per the Planning Act. As of July 8th, 2022, no comments from the public have been received.

## **Agency Comments:**

Notice was circulated on June 20<sup>th</sup>, 2022, to internal departments. As of July 8th, 2022, the following has been received.

### Drainage Superintendent

There are no concerns regarding municipal drains for this application.

### Fire Department

Port Colborne Fire has no objection to the proposed application.

## **Discussion:**

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

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

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

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

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



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

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

#### City of Port Colborne Official Plan

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

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

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

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

Part 1: A lot frontage of 20.79m and a lot area of 346.8m<sup>2</sup>

Part 2: A lot frontage of 18.62m and a lot area of 319.3m<sup>2</sup>.

Section 6.5 (K) of the Zoning By-law states that nothing shall prevent the splitting of any lot on which a semi-detached dwelling is erected into 2 parts divided in part by the centre line of the common or party wall separating the dwelling units, provided each lot have a minimum lot area of 0.02 hectares.

As shown on the sketch, The existing building envelope can meet most of the requirements of the zoning by-law, except the minimum front yard and rear yard setbacks, which were addressed and granted a minor variance under application A05-21-PC. Planning staff is satisfied that the proposal meets the requirements of the zoning by-law.

#### **Recommendation:**

Given the information above, Planning Staff recommends application B11-22-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.

3. That all conditions of consent be completed by July 13<sup>th</sup>, 2024.

For the following reasons:

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

Submitted by,

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

Chris Roome, BURPI  
Planner

Submitted by,

A handwritten signature in dark ink, appearing to read 'Denise Landry', with a large, stylized 'D' and a horizontal line crossing through the middle.

Denise Landry, MCIP, RPP  
Manager of Planning Services

COMMITTEE OF ADJUSTMENT

RECIRCULATION OF NOTICE OF PUBLIC HEARING

APPLICATION FOR CONSENT

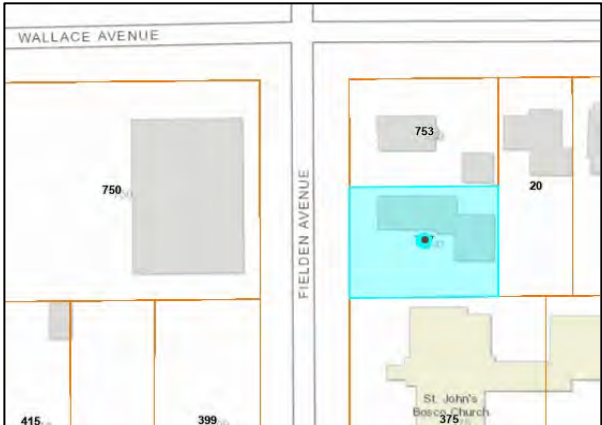
NOTE: The recirculation of this notice is to correct an error with the proposed lot size for Part 1 on the original notice.

APPLICATION NO. B10-22-PC

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

AND IN THE MATTER OF the lands legally known as Part Lot 61 and Part Lot 62 on Plan 4 in the City of Port Colborne, Regional Municipality of Niagara, located in the Second Density Residential (R2) zone, municipally known as 747 Fielden Avenue.

AND IN THE MATTER OF AN APPLICATION by the owner Mancini Developments Inc. 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 2 having a lot frontage of 12m along Fielden Avenue with a total lot area of 366m<sup>2</sup> for a future residential use. Part 1 will retain a lot frontage of 11.418m along Fielden Avenue with a total lot area of 348.19m<sup>2</sup> for an existing detached dwelling. A sketch of the subject lands is shown on the reverse side of this notice.



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

DATE:	July 13, 2022
TIME:	6:00 P.M.
LOCATION:	66 Charlotte Street – Third floor Council Chambers and Virtually via zoom

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

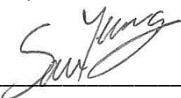
**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division’s report may be available for public inspection by **Friday July 8, 2022.**

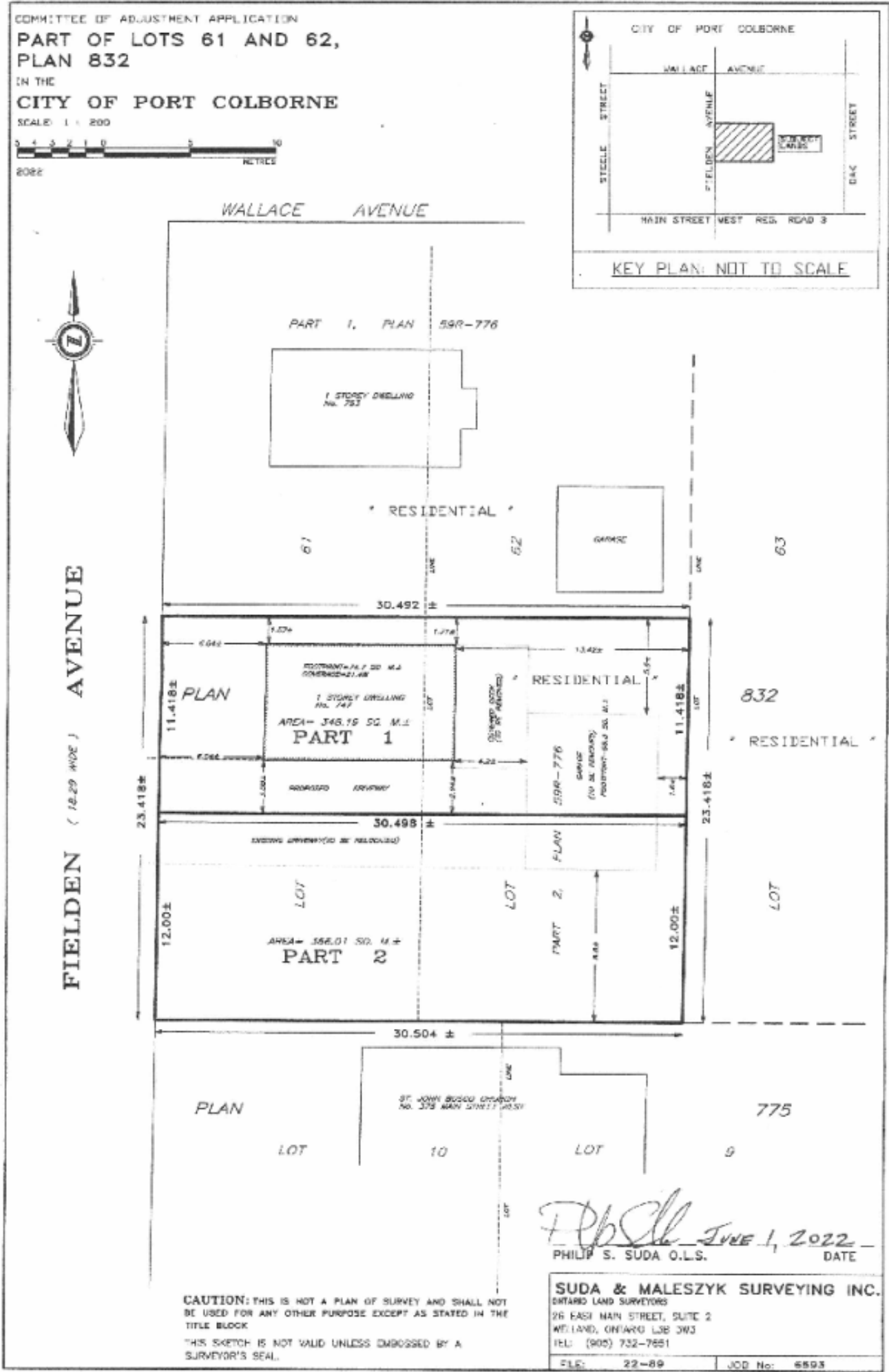
**NOTE:** If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures
How to get involved in the Virtual Hearing
<p>The Public Meeting will be held in-person, with the meeting live-streamed on the City’s YouTube channel at <a href="https://www.youtube.com/watch?v=r3of25dz9o&amp;feature=youtu.be">https://www.youtube.com/watch?v=r3of25dz9o&amp;feature=youtu.be</a>.</p> <p>Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. <b>Written submissions and participation requests must be received by noon on Tuesday July 12, 2022</b>, by emailing <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p> <p>If you have any questions about the submission process or would like to explore alternative submission methods, please email <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or call (905) 835-2900 ext. 204.</p> <p>The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.</p>

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

By order of the Committee of Adjustment,

  
Samantha Yeung  
Secretary-Treasurer  
Date of Mailing: July 4<sup>th</sup>, 2022





## CONSENT

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

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

### SUBMISSION OF APPLICATION:

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

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



### COMPLETENESS OF APPLICATION:

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

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

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

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

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



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

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

## PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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



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

## POLICIES

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

### THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

[https://www.niagararegion.ca/business/fpr/forms\\_fees.aspx](https://www.niagararegion.ca/business/fpr/forms_fees.aspx)

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

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

## SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

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

## NOTICE REQUIREMENTS

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





## PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

## APPLICATION FOR CONSENT

PLEASE TYPE OR USE BLACK INK

### Section 1

<b>1. Registered Owner (s):</b>	
Name:	Mancini Developments Inc.
Mailing Address:	24 Brewerton Blvd
City:	Fonthill
Province:	ON
Postal Code:	L0S 1E5
Telephone:	289 821-2441
Fax:	N/A
Email:	fmancini50@hotmail.ca

<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name:	Carlo Gualtieri
Mailing Address:	190 Division St
City:	Welland
Province:	ON
Postal Code:	L3B 4A2
Telephone:	905 732-4481
Fax:	905 732-2020
Email:	c.gualtieri@fettbeccario.com

<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name:	Better Neighbourhoods Inc. (Curtis Thompson)
Mailing Address:	190 A Ontario St.
City:	St. Catharines
Province:	ON
Postal Code:	L2R 5K9
Telephone:	905 684-8585
Fax:	N/A
Email:	curtis@betterneighbourhoods.ca

<b>1.4 MORTGAGES, Charges &amp; Other Encumbrances:</b>	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
Carlo Gualtieri	
190 Division St.	
Welland, ON	
L3B 4A2	

<b>1.5 Date and Subject Land was acquired by the Current Owner:</b>
May 20 / 2022

<b>1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>
Phil Suda Cell # 905 246-9268

Name: <u>Suda &amp; Maleszyk Surveying Inc</u>	
Mailing Address: <u>26 E Main St Welland</u>	
City: <u>Welland</u>	Province: <u>ON</u>
Postal Code: <u>L3B 3W3</u>	Telephone: <u>905 732-7651</u>
Fax: <u>905 892-6722</u>	Email: <u>psuda@bellnet.ca</u>

**1.7 All communications should be sent to the:**

- ☒ Owner  
☐ Solicitor  
☐ Agent

**Section 2: LOCATION**

Former Municipality:	
Concession No.	Lot(s):
Registered Plan No. <u>Plan 832</u>	Lot(s): <u>Part of Lots 61 &amp; 62</u>
Reference Plan No.	Part(s):
Name of Street: <u>Fielden Ave</u>	Street No. <u>747</u>

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

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

Reason for proposed transaction:

Large Lot - Intensification of existing urban lands in City of Port Colborne and Region of Niagara Official Plan - Smart Growth

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

N/A

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

Not known



Section 3: OFFICIAL PLAN & ZONING

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

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

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

Section 4

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

Section 5

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

Section 6

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

Section 7

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

Section 8

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

Section 9

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)		
Frontage: <u>12m</u>	Depth: <u>30.304m</u>	Area: <u>366.0150m</u>
Existing Use: <u>Empty Lot</u>		
Proposed Use: <u>Residential Lot</u>		

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

Existing:	<u>Empty Lot</u>
Proposed:	

Section 10

Part No. On Sketch: 1

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: <u>11.418 m</u>	Depth: <u>30.498 m</u>	Area: <u>348.1950 m</u>
Existing Use: <u>Residential Single Family</u>		
Proposed Use: <u>Residential Single Family</u>		

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

Existing:	
Proposed:	

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
<input type="checkbox"/> Commercial
<input type="checkbox"/> Institutional
<input type="checkbox"/> Agricultural
<input type="checkbox"/> Parkland
<input type="checkbox"/> Vacant
<input type="checkbox"/> Other

14.2 What is the length of time the existing use(s) of the land have continued?
Plan 832 Subdivision Registered June 14, 1913

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

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

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
House	6.04 m	13.42 m	1.57m 1.71m	3.08m	1 storey 4.3m	74.7 50 m	1913
Garage (to be removed)							

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

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

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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



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

**ACKNOWLEDGMENT CLAUSE**

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

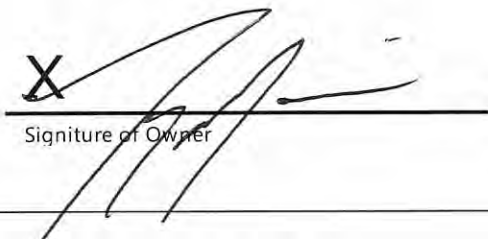
X

Date

June 2 / 2022

X

Signature of Owner



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

- ☐ Yes  
☒ No  
☐ Unknown

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

**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**

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

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

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

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

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

X June 2 / 2022  
Date

X [Signature]  
Signature of Applicant(s)

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

I/We Tony Mancini  
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 2nd day of June  
A.D 20 22

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

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

X [Signature]  
Signature of applicant(s), solicitor, or authorized agent

A Commissioner, etc.

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

\_\_\_\_\_  
(name of agent)

of the \_\_\_\_\_ of \_\_\_\_\_

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

Dated at the \_\_\_\_\_ of \_\_\_\_\_

in the \_\_\_\_\_ of \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

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

X  
\_\_\_\_\_  
Signature of Owner

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

X  
\_\_\_\_\_  
Signature of Owner

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

X  
\_\_\_\_\_  
Signature of Owner

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

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

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



## SUGGESTION TO THE APPLICANT

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

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

### Port Colborne Planning and Development Department

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



## FOR OFFICE USE ONLY

(Not to be completed by the applicant)

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

### Processing

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

Accepted by Manager of Planning and Development Services:
Circulated:

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

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

**Planning and Legislative Services**

Planning Division Report

July 8th, 2022

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

**Re: Application for Consent B10-22-PC**  
**Part Lot 61 and Part Lot 62 on Plan 832**  
**747 Fielden Avenue**  
**Agent: N/A**  
**Owner(s): Tony Mancini**

**Proposal:**

The purpose and effect of this application is to permit the conveyance of Part 2 having a lot frontage of 12m along Fielden Avenue and a lot area of 366.015m<sup>2</sup> for a future residential use. Part 1 will retain a lot frontage of 11.418m on Fielden Avenue with a lot area of 348.19m<sup>2</sup> for an existing residential use.

**Surrounding Land Uses and Zoning:**

The parcels surrounding the subject lands are zoned Second Density Residential (R2) to the north, and east, Fourth Density Residential (R4) to the west, and Institutional (I) to the south. The surrounding uses consist of detached dwellings to the north, and east, an apartment building to the west, and a church to the south.

**Environmentally Sensitive Areas:**

The subject lands do not contain any environmentally sensitive areas.



## **Public Comments:**

Notice was circulated on June 27<sup>th</sup>, 2022 to properties within 60m metres of the subject lands as per the Planning Act. As of July 8<sup>th</sup>, 2022, no comments from the public have been received.

## **Agency Comments:**

Notice of the application was circulated on June 20<sup>th</sup>, 2022 to internal City departments. As of July 8<sup>th</sup>, 2022, the following has been received.

### Drainage Superintendent

There are no concerns regarding municipal drains for this application.

### Fire Department

Port Colborne Fire has no objection to the proposed application.

## **Discussion:**

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

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

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

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

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application facilitates the development of a residential use, contributes to the housing stock, and has convenient access to local stores, services, and public service facilities.

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

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

### City of Port Colborne Official Plan

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

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP. Staff is satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted, the lots created will have frontage on a public road and the City may impose the collection of Parkland Dedication fees, as per the aforementioned policies.

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

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

Part 1: A lot frontage of 11.418m and a lot area of 348.19m<sup>2</sup>

Part 2: A lot frontage of 12m and a lot area of 366.01m<sup>2</sup>.

The R2 zone requires a lot frontage of 12m and a minimum lot area of 0.04ha. To address the lot frontage and minimum front yard setback deficiency on Part 1 and lot area deficiencies on Part 1 and 2, the applicant has also submitted two minor variance applications requesting relief from those provisions of the by-law.

The existing building envelope on Part 1 demonstrates that a detached dwelling can be placed on the subject parcel and meet the majority of the requirements of the by-law. Staff note that the applicant will be required to remove the existing garage and covered deck to meet the lot coverage requirements. Staff is satisfied that the proposed application meets the intent of the zoning by-law and will result in the creation of a buildable lot.

### **Recommendation:**

Given the information above, Planning Staff recommends application B10-22-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.



3. That the garage and covered deck on Part 1 be removed.
4. That the applicant(s) sign the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
4. That all conditions of consent be completed by July 13<sup>th</sup>, 2024.

For the following reasons:

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

Submitted by,



Chris Roome, BURPI  
Planner

Submitted by,



Denise Landry, MCIP, RPP  
Manager of Planning Services

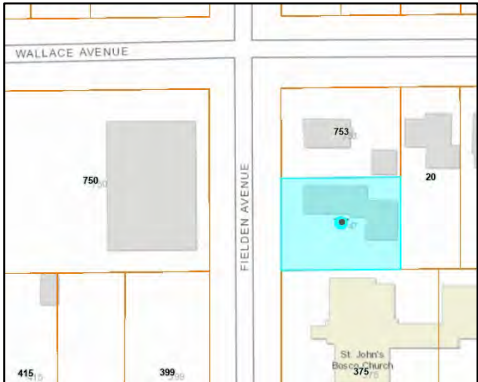
COMMITTEE OF ADJUSTMENT  
 NOTICE OF PUBLIC HEARING  
 APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A18-22-PC

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

**AND IN THE MATTER OF** the lands legally known as Part Lot 61 and Part Lot 62 on Plan 4 in the City of Port Colborne, Regional Municipality of Niagara, located in the Second Density Residential (R2) zone, municipally known as 747 Fielden Avenue.

**AND IN THE MATTER OF AN APPLICATION** by the owner Mancini Developments Inc. for relief from the provisions of Zoning By-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O 1990 C.P 13, so as to permit an existing detached dwelling following the conditions of a severance application, notwithstanding the following;



1. That a minimum lot area of 348.2m<sup>2</sup> be permitted, whereas 400m<sup>2</sup> is required in the R2 zone.
2. That a minimum front yard setback of 6.04m be permitted, whereas 6.5m is required in the R2 zone.
3. That a minimum lot frontage of 11.42m be permitted, whereas 12m is required in the R2 zone.

**Explanatory Relief from the Zoning By-law:** The applicant is seeking to sever the property at 747 Fielden Avenue. This minor variance is being sought to meet the conditions of consent in application B10-22-PC. Due to the proposed lot area and setbacks, a minor variance is required for Part 1. A Sketch of the proposed severance is shown on the reverse side of this notice.

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

<b>DATE:</b>	<b>July 13<sup>th</sup>, 2022</b>
<b>TIME:</b>	<b>6:00 P.M.</b>
<b>LOCATION:</b>	<b>66 Charlotte Street – Third floor Council Chambers and Virtually via zoom</b>

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

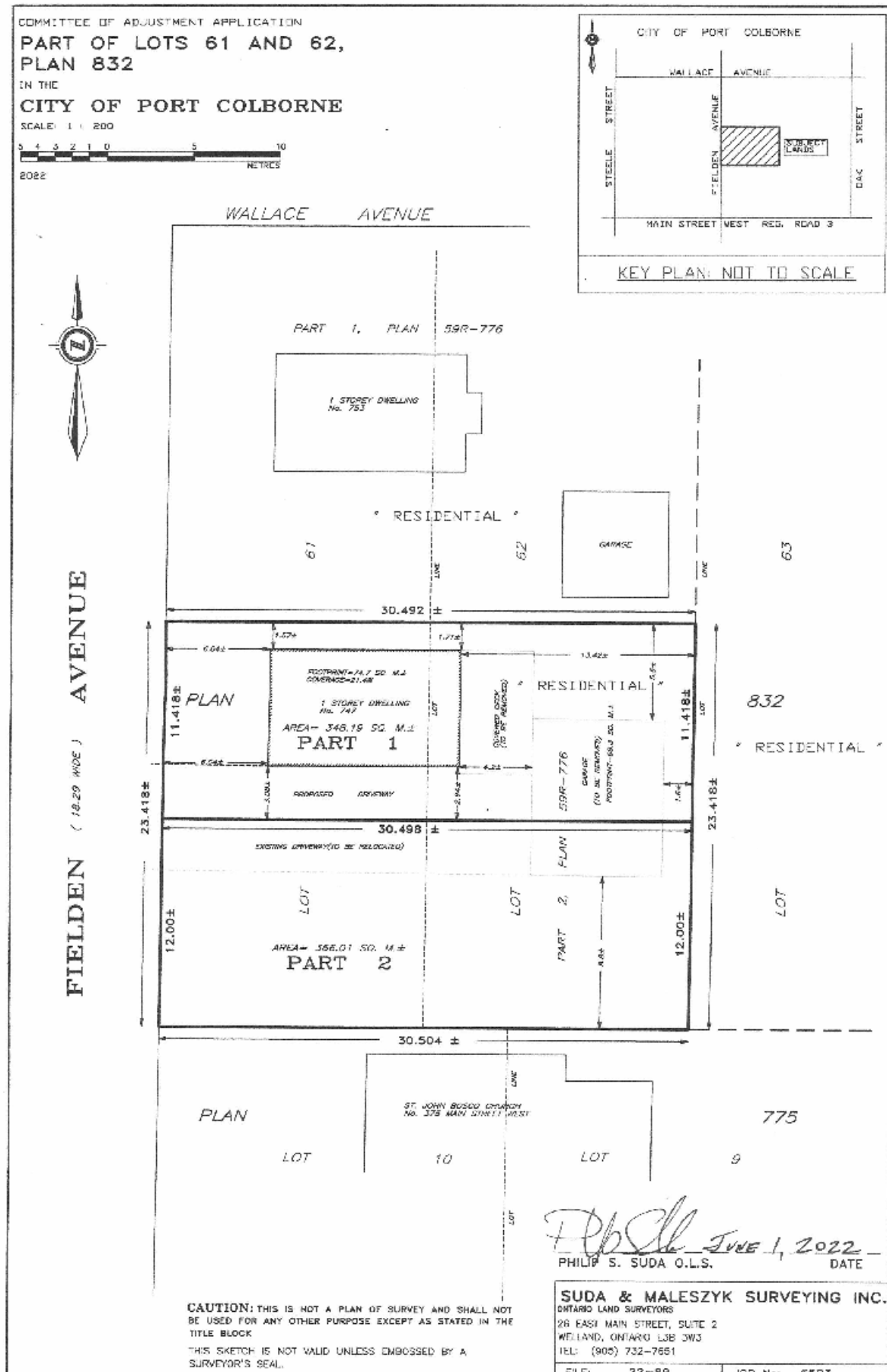
**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division’s report may be available for public inspection by **Friday July 8, 2022**.

Electronic Hearing Procedures
How to get involved in the Virtual Hearing
<p>The Public Meeting will be held in-person, with the meeting live-streamed on the City’s YouTube channel at <a href="https://www.youtube.com/watch?v=r3of25dz9o&amp;feature=youtu.be">https://www.youtube.com/watch?v=r3of25dz9o&amp;feature=youtu.be</a>.</p> <p>Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. <b>Written submissions and participation requests must be received by noon on July 12, 2022</b> by emailing <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p>

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

By order of the Committee of Adjustment,

Date of Mailing: June 27, 2022





**PORT COLBORNE**

• **PLANNING AND LEGISLATIVE SERVICES** •

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

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

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## MINOR VARIANCE OR PERMISSION

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

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

### SUBMISSION OF APPLICATION:

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

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



### COMPLETENESS OF APPLICATION:

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

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

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

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

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



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

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

## PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

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

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

## POLICIES

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



## THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

## SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

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

## NOTICE REQUIREMENTS

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





## PORT COLBORNE

• PLANNING AND LEGISLATIVE SERVICES •

## APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

### Section 1

<b>1. Registered Owner (s):</b>	
Name: <u>Mancini Developments Inc.</u>	
Mailing Address: <u>24 Brewster Blvd.</u>	
City: <u>Fonthill</u>	Province: <u>ON</u>
Postal Code: <u>L0S 1E5</u>	Telephone: <u>289 821 2441</u>
Fax: <u>N/A</u>	Email: <u>fmancini50@hotmail.ca</u>

<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name: <u>Carlo Gualtieri</u>	
Mailing Address: <u>190 Division St.</u>	
City: <u>Welland</u>	Province: <u>ON</u>
Postal Code: <u>L3B 4A2</u>	Telephone: <u>905 732-4481</u>
Fax: <u>905 732-2020</u>	Email: <u>c.gualtieri@flettbeccario.com</u>

<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name: <u>Better Neighbourhoods Inc (Curtis Thompson)</u>	
Mailing Address: <u>190A Ontario St.</u>	
City: <u>St. Catharines</u>	Province: <u>ON</u>
Postal Code: <u>L2R 5K9</u>	Telephone: <u>905 684-8585</u>
Fax: <u>N/A</u>	Email: <u>curtis@betterneighbourhoods.ca</u>

<b>1.4 MORTGAGES, Charges &amp; Other Encumbrances:</b>
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
<u>Carlo Gualtieri</u>
<u>190 Division St.</u>
<u>Welland, ON</u>
<u>L3B 4A2</u>

<b>1.5 Date and Subject Land was acquired by the Current Owner:</b>
<u>May 20 / 2022</u>



<b>1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: <i>Suda &amp; Maleszyk Surveying Inc.</i>	
Mailing Address: <i>26 East Main St.</i>	
City: <i>Welland</i>	Province: <i>ON</i>
Postal Code: <i>L3B 3W3</i>	Telephone: <i>905 732-7651</i>
Fax: <i>905 892-6722</i>	Email: <i>psuda@bellnet.ca</i>

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

## Section 2: LOCATION

Former Municipality:	
Concession No.	Lot(s):
Registered Plan No. <i>Plan 832 Part of Lots 61 &amp; 62</i>	
Reference Plan No.	Part(s):
Name of Street: <i>Fielden Ave</i>	Street No. <i>747</i>

## Section 3: DESCRIPTION

Part No. On Sketch: 1

Frontage: <i>11.418m</i>	Depth: <i>30.498m</i>	Area: <i>348.1950m</i>
Existing Use: <i>Residential</i>		
Proposed Use: <i>Residential</i>		

## Section 4: OFFICIAL PLAN & ZONING

<b>4.1 What is the current designation of the land in the Official Plan and the Regional Plan?</b>	
Port Colborne Official Plan:	<i>Urban Residential</i>
Regional Policy Plan:	<i>Urban Area</i>

<b>4.2 What is the Zoning of the land (By-law 1150/97/81)?</b>
<i>R2</i>

## Section 5

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

## Section 6

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

## Section 7

**What type of WATER SUPPLY is proposed?**

☒ 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

<p><b>What type of STORMWATER DISPOSAL is proposed?</b></p> <p><input checked="" type="checkbox"/> Publicly owned and operated stormwater system</p> <p><input type="checkbox"/> Other (specify)</p> <p>_____</p>	
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## Section 10

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

Part #1 on Sketch

Minimum Lot Frontage - From: 12m to: 11.418m

Minimum Lot Area - From: 0.04 to 0.0348  
hectares hectares

Part #2 on Sketch

Trak #2 or Sketch

Minimum Lot Area - From: 0.04 hectares to 0.0366 hectares



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

Section 11

<b>WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:</b>
<p>Existing house was built with old setback provisions making it not possible to meet zoning bylaws. Relief is being sought to facilitate sepparance.</p>

Section 12

<b>DATE OF ACQUISITION of the land by the current owner:</b>
<p>May 20 / 2022</p>

Section 13

<b>DATE OF CONSTRUCTION of all existing buildings and structures on the land:</b>
<p>1913</p>

Section 14

<b>LENGTH OF TIME of time that the existing use(s) of the land have continued:</b>
<p>Plan 832 Subdivision Registered June 14, 1913</p>

Section 15: OTHER APPLICATIONS

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

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

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

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

<b>16.2</b> What is the length of time the existing use(s) of the land have continued?
1913 Plan 832 Registered

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

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

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
House	6.04m	13.42m	1.57m 1.71m	3.08m	1 story 4.3m	74.7 <del>34.2m</del> 50 m	1913
Garage	(To be removed)						



<b>16.4 ALL PREVIOUS USE</b>	
<input checked="" type="checkbox"/> Residential	
<input type="checkbox"/> Industrial	
<input type="checkbox"/> Commercial	
<input type="checkbox"/> Institutional	
<input type="checkbox"/> Agricultural	
<input type="checkbox"/> Parkland	
<input type="checkbox"/> Vacant	
<input type="checkbox"/> Other	
<hr/>	

<b>16.5 ALL ADJACENT USE(S)</b>				
	<b>NORTH</b>	<b>SOUTH</b>	<b>EAST</b>	<b>WEST</b>
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 checked="" type="checkbox"/> Church	<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				

<b>16.6 If Industrial or Commercial, specify use</b>

<b>16.7 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?</b>
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No
<input type="checkbox"/> Unknown

<b>16.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?</b>
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No
<input type="checkbox"/> Unknown

<b>16.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?</b>
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No
<input type="checkbox"/> Unknown

<b>16.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?</b>
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No
<input type="checkbox"/> Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

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

**ACKNOWLEDGMENT CLAUSE**

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

X June 2/2022  
Date

X [Signature]  
Signature of Owner



**Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY**  
**Pre-screening Criteria**

<b>17.1</b> Is there land on the property identified in the Official Plan and / or Zoning By-law as “hazard lands”?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

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

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

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

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

X June 2 / 2022  
Date

X [Signature]  
Signature of Applicant(s)

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

I/We Tony Mariani  
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 2nd day of June  
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.

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

X [Signature]  
Signature of applicant(s), solicitor, or authorized agent

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

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

Dated at the \_\_\_\_\_ of \_\_\_\_\_  
in the \_\_\_\_\_ of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.  
If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

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



## SUGGESTION TO THE APPLICANT

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

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

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



## FOR OFFICE USE ONLY

(Not to be completed by the applicant)

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

### Processing

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

Accepted by Manager of Planning and Development Services:
Circulated:

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

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



## City of Port Colborne

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

### Development and Legislative Services

#### Planning Division Report

July 8<sup>th</sup>, 2022

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

**Re: Application for Minor Variance A18-22-PC**  
**Part Lot 61 and Part Lot 62 on Plan 832**  
**747 Fielden Avenue**  
**Agent: N/A**  
**Owner(s): Tony Mancini**

#### Proposal:

The purpose and effect of this application is to permit a reduced lot area of 348.19m<sup>2</sup>, a reduced lot frontage 11.418m, and a reduced front yard setback of 6.04m to facilitate the proposed severance application B10-22-PC. The proposed lot will contain an existing detached dwelling.

#### Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Second Density Residential (R2) to the north, and east, Fourth Density Residential (R4) to the west, and Institutional (I) to the south. The surrounding uses consist of detached dwellings to the north, and east, an apartment building to the west, and a church to the south.

#### Official Plan:

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



## **Zoning:**

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

## **Environmentally Sensitive Areas:**

There are no environmentally sensitive areas on the subject lands.

## **Public Comments:**

Notice was circulated on June 27<sup>th</sup>, 2022 to property owners within 60m of the subject property as per the Planning Act. As of July 8<sup>th</sup>, 2022, no comments from the public have been received.

## **Agency Comments:**

Notice was circulated on June 20<sup>th</sup>, 2022 to internal departments and as of July 8<sup>th</sup>, 2022, the following has been received.

### Drainage Superintendent

There are no concerns regarding municipal drains for this application.

### Fire Department

Port Colborne Fire has no objection to the proposed application.

## **Planning Act – Four Tests:**

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

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

Staff finds the requested variances to be minor in nature. The decrease in lot area from 400m<sup>2</sup> to 348.2m<sup>2</sup> and decrease in lot frontage from 12m to 11.42 will not negatively impact the subject parcel. The lot area intends to ensure that a dwelling can suitably fit on the subject parcel and the sketch has shown that the dwelling can meet most of the requirements of the zone. The decrease in lot frontage from 12m to 11.42m will result in the property not negatively impacting the subject parcel, or any adjacent parcels. The decrease in front yard setback from 6.5m to 6.04m is minor in nature and will be able to provide parking in front of the house if required in the future. The requested condition of consent to remove the garage and rear covered deck will allow for a suitable amount of amenity space on the property.

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

The proposal is desirable and appropriate as the existing dwelling is located in a suitable location on the site and will have ample amenity space. Detached dwellings are a permitted use in the R2 zone so the proposal is compatible with the requirements of the zoning by-law.

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



The Zoning By-law permits detached dwellings in the R2 zone and the proposal meets the setbacks and lot coverage requirements. Lot frontage and lot area intend to ensure that created lots have sufficient size to locate a dwelling. Staff is satisfied that the location of the dwelling is suitable and will provide a tenant with ample amenity space. The front yard setback is required to provide a suitable distance for the dwelling from the road and also ensures that parking can still be located in front of the dwelling. Staff is satisfied that the existing dwelling is a suitable distance from the road and that parking could be located in front of the dwelling if required in the future. that Staff finds this application to be in keeping with the general intent and purpose of the Zoning By-law.

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

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

**Recommendation:**

Given the information above, Planning Staff recommends application A18-22-PC be **granted** for the following reasons:

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

Prepared by,



Chris Roome, BURPI  
Planner

Submitted by,



Denise Landry, MCIP, RPP  
Manager of Planning Services

COMMITTEE OF ADJUSTMENT

NOTICE OF PUBLIC HEARING

APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A19-22-PC

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

**AND IN THE MATTER OF** the lands legally known as Part Lot 61 and Part Lot 62 on Plan 4 in the City of Port Colborne, Regional Municipality of Niagara, located in the Second Density Residential (R2) zone, municipally known as 747 Fielden Avenue.

**AND IN THE MATTER OF AN APPLICATION** by the owner Mancini Developments Inc. for relief from the provisions of Zoning By-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O 1990 C.P 13, so as to permit future residential development, notwithstanding the following;

1. That a minimum lot area of 366m<sup>2</sup> be permitted, whereas 400m<sup>2</sup> is required in the R2 zone.

**Explanatory Relief from the Zoning By-law:** The applicant is seeking to sever the property at 747 Fielden Avenue. This minor variance is being sought to meet the conditions of consent in application B10-22-PC. Due to the proposed lot area, a minor variance is required. A sketch of the proposed severance is shown on the reverse side of this notice.

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

DATE:

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

TIME:

6:00 P.M.

LOCATION:

66 Charlotte Street – Third floor Council Chambers and Virtually via zoom

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

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

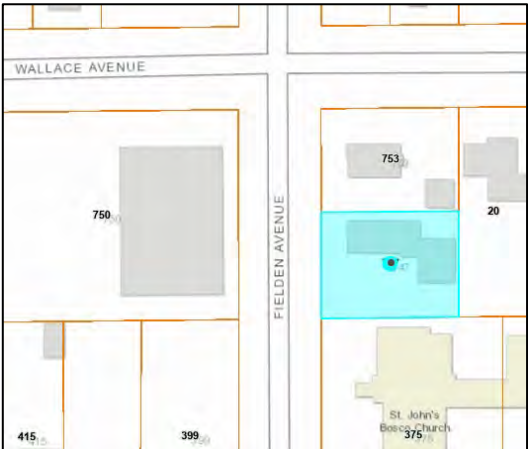
Electronic Hearing Procedures

How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, with the meeting live-streamed on the City’s YouTube channel at <https://www.youtube.com/watch?v=r3of25dz9o&feature=youtu.be>.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on July 12, 2022** by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

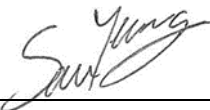
If you have any questions about the submission process or would like to explore alternative submission methods, please email Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.



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

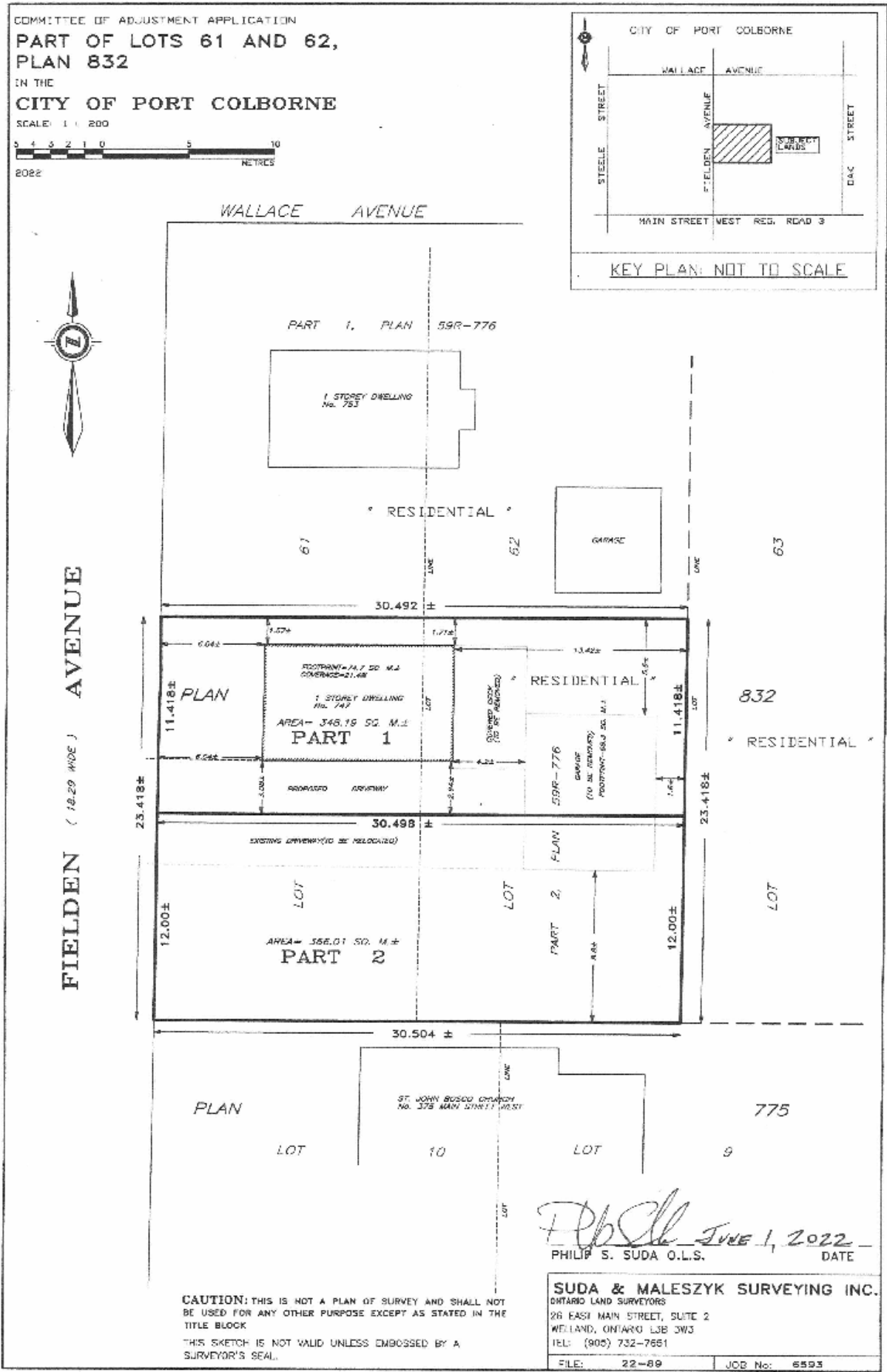
**NOTE:** If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal hearing if the decision of the Committee is appealed.

By order of the Committee of Adjustment,



Samantha Yeung,  
Secretary-Treasurer

Date of Mailing: June 27, 2022







**PORT COLBORNE**

· **PLANNING AND LEGISLATIVE SERVICES** ·

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

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

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## MINOR VARIANCE OR PERMISSION

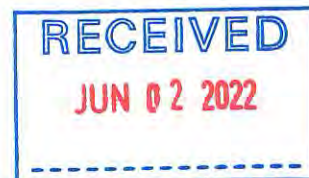
This application is used by persons applying to the Committee of Adjustment for the City of Port Colborne under Section 45 of the *Planning Act*, as amended, for relief from By-law 6575/30/18 (as amended).

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

### SUBMISSION OF APPLICATION:

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

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



### COMPLETENESS OF APPLICATION:

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

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

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

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

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



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

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

## PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

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

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

## POLICIES

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



## THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

## SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

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

## NOTICE REQUIREMENTS

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





**PORT COLBORNE**  
• PLANNING AND LEGISLATIVE SERVICES •

**APPLICATION FOR  
MINOR VARIANCE**

PLEASE TYPE OR USE BLACK INK

**Section 1**

<b>1. Registered Owner (s):</b>	
Name:	Marcini Developments Inc.
Mailing Address:	24 Brewster Blvd
City:	Fonthill
Province:	ON
Postal Code:	L0S 1E5
Telephone:	289 821 2441
Fax:	N/A
Email:	marcini50@hotmail.ca

<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name:	Carlo Gualtieri
Mailing Address:	190 Division St.
City:	Welland
Province:	ON
Postal Code:	L3B 4A2
Telephone:	905 732-4481
Fax:	905 732-2020
Email:	cqualtieri@fletbeccario.com

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

<b>1.4 MORTGAGES, Charges &amp; Other Encumbrances:</b>
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
Carlo Gualtieri
190 Division
Welland, ON
L3B 4A2

<b>1.5 Date and Subject Land was acquired by the Current Owner:</b>
May 20/2022

<b>1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: <u>Suda &amp; Maleszyc</u>	
Mailing Address: <u>26 East Main St</u>	
City: <u>Welland</u>	Province: <u>ON</u>
Postal Code: <u>L3B 3W3</u>	Telephone: <u>905 732-7651</u>
Fax: <u>905 892-6722</u>	Email: <u>suda@bellnet.ca</u>

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

## Section 2: LOCATION

Former Municipality:	
Concession No.	Lot(s):
Registered Plan No. <u>Plan 832 Parts of Lots 61 &amp; 62</u>	
Reference Plan No.	Part(s):
Name of Street: <u>Fisher Ave</u>	Street No. <u>747</u>

## Section 3: DESCRIPTION

Part No. On Sketch: 1

Frontage: <u>12m</u> <del>100m</del>	Depth: <u>30.498m</u>	Area: <u>366.01</u> <del>3000</del> <u>50m</u>
Existing Use: <u>Residential</u>		
Proposed Use: <u>Residential</u>		

## Section 4: OFFICIAL PLAN & ZONING

<b>4.1 What is the current designation of the land in the Official Plan and the Regional Plan?</b>
Port Colborne Official Plan: <u>Urban Residential</u>
Regional Policy Plan: <u>Urban Area</u>

<b>4.2 What is the Zoning of the land (By-law 1150/97/81)?</b>
<u>R2</u>

## Section 5

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



Section 6

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

Section 7

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

Section 8

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

Section 9

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

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
Part # 2 on Sketch
Minimum Lot Area - From 0.04 to 0.036,
Hectares Hectares



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

- ☐ Yes  
☒ No

Section 11

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

Configuration of the lot. In order to meet zoning bylaws I would have to make Part 1 considerably smaller.

Section 12

DATE OF ACQUISITION of the land by the current owner:

May 20/2022

Section 13

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

1913

Section 14

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

Plan 832 Subdivision Registered June 14, 1913

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

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

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

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

<b>16.2</b> What is the length of time the existing use(s) of the land have continued?
1913 Thru 832 Registered

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

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

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

<b>16.4 ALL PREVIOUS USE</b>	
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Institutional <input type="checkbox"/> Agricultural <input type="checkbox"/> Parkland <input type="checkbox"/> Vacant <input type="checkbox"/> Other	

<b>16.5 ALL ADJACENT USE(S)</b>				
	<b>NORTH</b>	<b>SOUTH</b>	<b>EAST</b>	<b>WEST</b>
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 checked="" type="checkbox"/> Church	<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				

<b>16.6 If Industrial or Commercial, specify use</b>

<b>16.7 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>16.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>16.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>16.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown



**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**

Date

*June 2 / 2022*

**X**

Signature of Owner

*[Handwritten Signature]*

**Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY**  
**Pre-screening Criteria**

<b>17.1</b> Is there land on the property identified in the Official Plan and / or Zoning By-law as “hazard lands”?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

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

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

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

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



X June 2/2022  
Date

X [Signature]  
Signature of Applicant(s)

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

I/We Tony Mancini

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 2nd day of June  
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.

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

X [Signature]  
Signature of applicant(s), solicitor, or authorized agent

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

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

Dated at the \_\_\_\_\_ of \_\_\_\_\_  
in the \_\_\_\_\_ of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

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

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

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



## SUGGESTION TO THE APPLICANT

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

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

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



## FOR OFFICE USE ONLY

(Not to be completed by the applicant)

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

### Processing

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

Accepted by Manager of Planning and Development Services:
Circulated:

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

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



## City of Port Colborne

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

### Development and Legislative Services

#### Planning Division Report

July 8<sup>th</sup>, 2022

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

**Re: Application for Minor Variance A19-22-PC**  
**Part Lot 61 and Part Lot 62 on Plan 832**  
**747 Fielden Avenue**  
**Agent: N/A**  
**Owner(s): Tony Mancini**

#### Proposal:

The purpose and effect of this application is to permit a reduced lot area of 366m<sup>2</sup> where 400m<sup>2</sup> is required, as a result of the proposed severance application B10-22-PC. The proposed lot will contain a future detached dwelling.

#### Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Second Density Residential (R2) to the north, and east, Fourth Density Residential (R4) to the west, and Institutional (I) to the south. The surrounding uses consist of detached dwellings to the north, and east, an apartment building to the west, and a church to the south.

#### Official Plan:

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



## **Zoning:**

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

## **Environmentally Sensitive Areas:**

There are no environmentally sensitive areas on the subject lands.

## **Public Comments:**

Notice was circulated on June 27<sup>th</sup>, 2022 to adjacent property owners with 60m of the subject property as per the Planning Act. As of July 8<sup>th</sup>, 2022, no comments from the public have been received.

## **Agency Comments:**

Notice was circulated on June 20<sup>th</sup>, 2022 to internal City departments and as of July 8<sup>th</sup>, 2022, the following has been received.

### Drainage Superintendent

There are no concerns regarding municipal drains for this application.

### Fire Department

Port Colborne Fire has no objection to the proposed application.

## **Planning Act – Four Tests:**

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

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

Staff finds the requested variance to be minor in nature. The decrease in lot area from 400m<sup>2</sup> to 366m<sup>2</sup> will not negatively impact the subject parcel. The lot area intends to ensure that a dwelling can suitably fit on the subject property and provide enough amenity space. A future detached dwelling will be able to meet the setback requirements and provide a suitable amount of amenity space.

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

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

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

The Zoning By-law permits detached dwellings in the R2 zone. The lot area requirement exists to ensure that lots are suitable in size and will provide the future owner with enough space for amenities and parking. It has been shown on the submitted sketch that the existing house on



Part 1 can be located in a suitable location on a site that has a comparable size to Part 2. Staff has used this comparison to justify the reduction in lot area for Part 2 and find this application to meet the general intent and purpose of the Zoning By-law.

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

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

**Recommendation:**

Given the information above, Planning Staff recommends application A19-22-PC be **granted** for the following reasons:

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

Prepared by,



Chris Roome, BURPI  
Planner

Submitted by,



Denise Landry, MCIP, RPP  
Manager of Planning Services

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

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

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

1. Disclosures of Pecuniary Interest:

Member Bruno disclosed that he had a conflict of interest with application A15-22-PC.

2. Requests for Deferrals or Withdrawals of Applications:

The following applications requested deferral:

B09-22-PC  
A14-22-PC  
A17-22-PC

Motion: Gary Bruno                      Second: Eric Beauregard  
Carried: 4-0

3. New Business

i) **Application: A13-22-PC**

Action: Minor Variance  
Agent: N/A  
Owner: Jason & Maureen McCormack  
Location: 858 Pleasant Beach Road

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

The applicant did not provide and further comments.

There were no additional questions or comments from the Committee.

That minor variance application A13-22-PC be **granted** for the following reasons:

1. **Minor in nature** as the increase in height will not negatively impact the subject parcel or neighbouring properties. The structure is located a reasonable distance from the lot lines and will not result in visibility concerns.
2. **Appropriate for development of the site** as the development 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 accessory structures are permitted in the HR zone and the proposal meets the setbacks and lot coverage requirements.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as accessory structures are permitted in the Hamlet designation.

Motion: Gary Bruno

Seconded: Angie Desmarais

Carries: 4-0

**ii) Application: A16-22-PC**

Action: Minor Variance

Agent: N/A

Owner: Darrell Ryan

Location: 134 Rosemount Ave.

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

The applicant stated that the water, hydro, and sewer services for the accessory structure will be connect to the main house on the property. He said that the size (footprint) of the house meets the by-law. He also stated that the windows overlooking the neighbouring lot will be 19 ft which meets the 6 meter height, and that there are other windows on other properties also overlooking the neighbouring lot.

Member Beauregard asked if the proposed structure would meet the spatial separation requirements for glazed openings and wall constructions as per the Ontario Building Code.

The applicant responded by saying that it would be done by an architect so they would meet those requirements.



Member Beauregard asked if the applicant knows if the proposed structure would comply with the requirements now.

The applicant responded yes as far as he knows. The architects started the drawings and he applied for the minor variance to move forward.

The Chair asked if the building would have sewer and water connections.

The applicant responded yes, and it would be patched into the existing sewer and water to the house.

The Chair asked if the purpose of connecting the proposed building to sewer and water would be to simply have a washroom in the garage.

The applicant responded yes.

The Chair asked if there are any plans to turn it into living quarters.

The applicant responded possibly in the future the upper storey could be converted into an in-law suite.

The Chair asked if the living quarters was part of this application.

The Planner responded no, this application was processed only for a height variance. If the applicant proposed to convert the unit into an in-law suite, the Planning Department will have to re-review the proposal to determine if it meets the zoning by-law.

The Chair confirmed that the applicant is aware that they would have to apply for a building permit for when they convert the unit to an accessory dwelling unit.

The applicant responded yes.

The Chair asked if they had gotten their permit yet.

The applicant responded no.

That minor variance application A16-22-PC be **granted** for the following reasons:

1. **Minor in nature** as the increase in height from 6 m to 7.68 m will not negatively impact the subject parcel or neighbouring properties, and the structure is located at a reasonable distance from all lot lines, therefore the increase in height will not result in visibility issues.
2. **Appropriate for development of the site** as the proposal 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 accessory structures are permitted in the R1 zone and the

proposal meets the setbacks and lot coverage requirements and will be accessory in nature to the principal dwelling.

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

Motion: Angie Desmarais

Seconded: Gary Bruno

Carried: 4-0

**iii) Application: A15-22-PC**

Action: Minor Variance

Agent: Jason Pizzicarola

Owners: Ralph & Lynda Rotella

Location: 119 Neff Street

Member Bruno left the meeting at this time due to a conflict of interest.

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

The agent communicated that there is additional parking on Neff Street for visitors. He also stated that the renter demographic is mostly seniors, and that there regularly seems to be many parking spaces available.

Member Desmarais stated that it doesn't build well to the future in case the renter demographic changes to younger people, and that taking up all the Neff Street parking would be unfair to residents.

The Agent responded by saying that there will always be a need for senior housing, and being in the downtown core close to amenities, he doesn't feel reduced parking would become an issue. He also stated many other projects in the Region have approved 1:1 parking.

Member Desmarais suggested that the agent discuss with the owner the possibility of designating part of the building to seniors.

The Chair confirmed that the proposal is to add 2 storeys to the existing building.

The Agent responded yes.

The Chair noted that he saw the parking lot about 50% full on Sunday afternoon. He also asked if the Main Street entrance was blocked off because it's a more major road.

The Agent responded that he was not sure.

The Chair suggested that if the entrance off Main St. was permanently closed off, that space could facilitate more parking spaces.

That minor variance application A15-22-PC be **granted** for the following reasons:

1. **Minor in nature** as the requested variance is considered a reasonable and measured request.
2. **Appropriate for development of the site** as the proposal is located in a suitable location on the site apartments are permitted in the DC zone.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the DC zone is permits apartments and the proposal meets the setbacks and lot coverage requirements.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as the official plan permits apartments in the Downtown Commercial Designation.

Motion: Eric Beauregard

Seconded: Angie Desmarais

Carried: 4-0

#### 4. Other Business:

Member Bruno re-entered the meeting at this time.

Member Beauregard asked, regarding the applications that were deferred because the region didn't provide comments, how long the Region had to provide those comments.

The Planner responded that the Region was given adequate time according to the MOU. However, for both applications, the Region gave the applicants a checklist of requirements to meet before their inspection, and these requirements were not met.

Member Bruno asked if when the region wants more information on an application, to then not provide the applicant with anything further that might be a shortcoming. The Region should be forthcoming with all things as though the application was going through.

The Chair responded by discussing that the sequencing of the application process will be revised to address issues like this.

The Planner responded that in the instance of this month, the Region did their due diligence. The Planner also discussed the new application process that the department will be shifting towards, including doing away with application deadlines.



Member Bruno suggested the possibility of collecting the Region and NPCA fee initially, and then refunding it if its not required.

The Planner responded that if a recommendation is made for an application and the Region wasn't circulated, they could appeal it. He also stated that consent applications outside of the urban boundary attend a mandatory pre-consultation meeting, where it is identified if the Region requires circulation or not.

Member Beauregard asked if pre-consultation is always required.

The Planner responded no, it is at the discretion of staff. Consents outside the urban boundary are mandatory for pre-consultation.

Member Beauregard clarified that no pre-con is required for consents inside the urban boundary.

The Planner responded yes, and that it is the same for NPCA.

Member Beauregard asked if any informal conversation with planning is required.

The Planner responded that there is usually a discussion with planning staff about the application.

Member Beauregard asked if the new application process would make it quicker for the applicant.

The Planner responded that it may not necessarily make it quicker for the applicant, but the process would be more streamlined.

Member Beauregard expressed concerns over delays for applicants. He then asked how quickly planning receives comments from agencies.

The Planner responded that as per the MOU comments are supposed to be received within 10 days for minor variances and 14 days for consents, and that the Region is usually able to meet that. The NPCA sometimes takes longer. He explained the department typically receives comments within 10-20 days.

Member Beauregard asked if it could then potentially take 20 days to get a response as to if the agencies want to be circulated.

The Planner responded no, they asked how many days they will need to determine if they need to be circulated, the region responded 5 business days and the NPCA responded 7 business days.

Member Desmarais expressed concerns with multiple applications for the same property and explained that it would be helpful to see the history of the application in the report.

The Planner responded that they could do that.

The Chair explained that Committee of Adjustment is back in person, looking to be fully in person by next month, with the opportunity to be virtual if necessary. He stated that the Committee of Adjustment will still be broadcasted online.

5. Approval of Minutes:

Minutes from the May 11<sup>th</sup>, 2022, meetings were approved.

Motioned: Gary Bruno      Seconded: Eric Beauregard  
Carried: 4-0

6. Adjournment

There being no further business, the meeting was adjourned at approximately 6:50 pm.