



CORPORATION OF THE CITY OF
PORT COLBORNE

**COMMITTEE OF ADJUSTMENT
-MEETING AGENDA-
6:00 P.M., Wednesday, June 8th, 2022
Council Chambers (Virtual & In-Person)**

-
1. Call Meeting to Order
 2. Reading of Meeting Protocol
 3. Disclosures of Interest
 4. Request for Any Deferrals or Withdrawals of Applications
 5. New Business
 - i) Application: A17-22-PC
Action: Minor Variance
Agent: N/A
Owners: 2812881 Ontario Inc.
Location: 133 Durham Street
 - ii) Application: A13-22-PC
Action: Minor Variance
Agent: N/A
Owners: Jason and Maureen McCormack
Location: 858 Pleasant Beach Road
 - iii) Application: A14-22-PC
Action: Minor Variance
Agent: N/A
Owners: Terry and Anne Niessen
Location: 755 Pleasant Beach Road
 - iv) Application: A16-22-PC
Action: Minor Variance
Agent: N/A
Owners: Darrell Ryan
Location: 134 Rosemount Avenue
 - v) Application: A15-22-PC
Action: Minor Variance
Agent: Jason Pizzicarola
Owners: Ralph and Lynda Rotella
Location: 119 Neff Street
 - vi) Application: B09-22-PC
Action: Consent
Agent: N/A
Owners: Andy Veenstra
Location: 1498 Wilhelm Road

6. Other Business
7. Approval of Minutes
 - i) May 11th, 2022, Committee of Adjustment Meeting
8. Adjournment

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A17-22-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 8.4 (f), (g) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Part Lot 8 on Plan 849 in the City of Port Colborne, Regional Municipality of Niagara, located in the Fourth Density Residential (R4) zone, municipally known as 133 Durham Street.

AND IN THE MATTER OF AN APPLICATION by the owner 2812881 Ontario Inc., for relief from the provisions of Zoning By-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O 1990 C.P 13, so as to permit a fourplex dwelling, notwithstanding the following;

1. That a 50.1% maximum lot coverage be permitted, whereas 40% of the lot coverage is required.
2. That a rear yard setback of 2.45m be permitted, whereas 6m is required in the R4 zone.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission for a proposed fourplex. Due to the proposed lot coverage and rear yard setback, a minor variance is required. A Sketch of the proposal is shown on the reverse side of this notice.

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

DATE:

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

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
<p>The Public Meeting will be held in-person, with the meeting live-streamed on the City’s YouTube channel at https://www.youtube.com/watch?v=xBRAufVD77Q&feature=youtu.be.</p> <p>Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. Written submissions and participation requests must be received by noon on June 7, 2022 by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p> <p>If you have any questions about the submission process or would like to explore alternative submission methods, please email Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.</p> <p>The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.</p>

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

By order of the Committee of Adjustment,

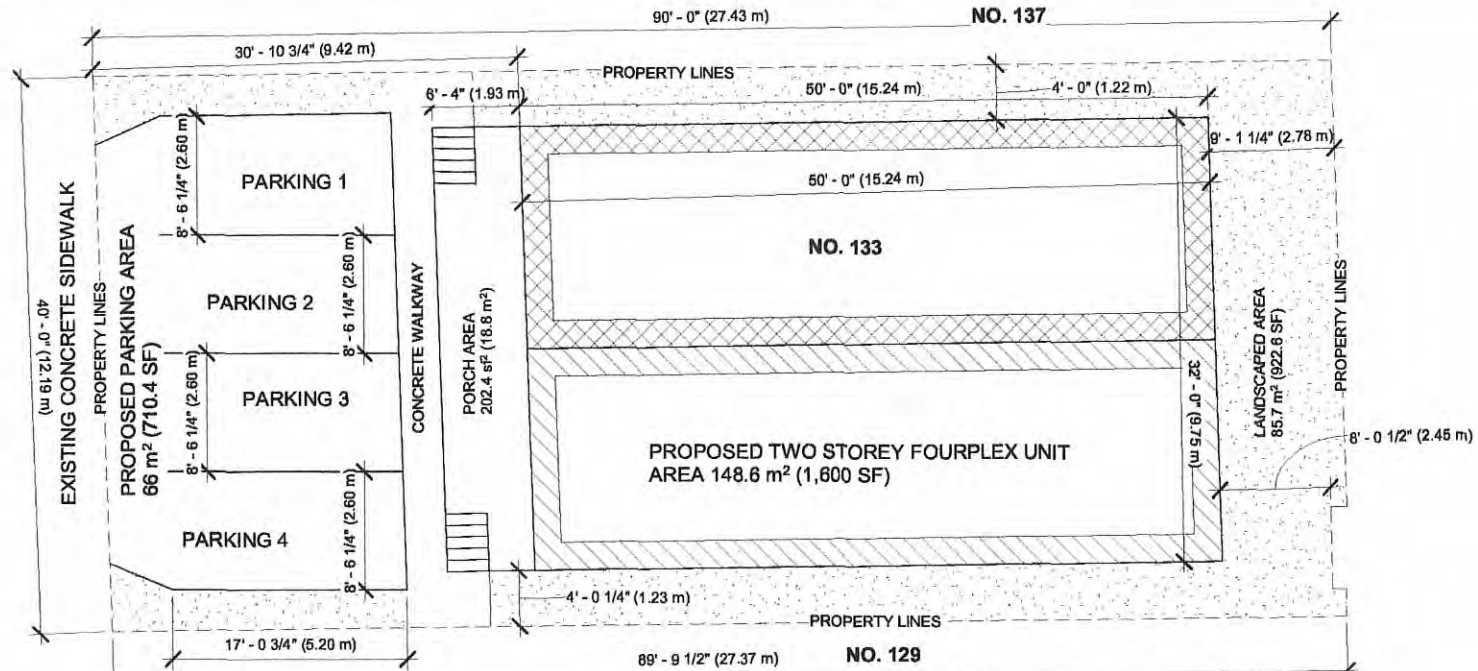


Samantha Yeung,
Secretary-Treasurer

Date of Mailing: May 13th, 2022

STREET

DURHAM



BUILDING STATISTICS

ZONING: R3		LOT NO: 133		PLAN NO: 133-00	
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① SITE PLAN
1 : 100



Office: (905) 881-4132
Cell: (647) 787-9668
Info@dhulsdesign.ca
www.dhulsdesign.ca
769 Kitley St E.
Port Colborne,
On. L3K 5V3

NORTH DIRECTION

NOTES:

- Contractors must check and verify all dimensions and report discrepancies to the project coordinator before commencing work.
- Dimensions to be verified on site.
- Do not scale drawings.
- All drawings remain the property of Dhul's Design and shall not be reproduced or reused without written consent.

No.	Date	Description

PROJECT TITLE

Proposed two storey fourplex building

LOCATION

133 Durham St,
Port Colborne,
On. L3K 1E1

QUALIFICATION INFORMATION

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirement set out in the Ontario Building Code to be a designer.

Dhul's Design

103969

Signature

Firm name

BCIN 108527

Date June 4, 2021

Drawn by Dhul's Design

Project No 2021-02

Page No

A0.0

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

COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne.

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

NOTICE REQUIREMENTS

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



PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: 2812881 Ontario Inc.	
Mailing Address: 345 Valridge Dr	
City: Ancaster	Province: ON
Postal Code: L9G0B1	Telephone: 9055182618
Fax:	Email: 133durham@gmail.com

1.2 Owner's SOLICITOR (if applicable)	
Name: Natalie Porcaro, PORCARO LAW	
Mailing Address: 560 Highland Road West, Unit 1	
City: Hamilton	Province: ON
Postal Code: L8W0C4	Telephone: 905-963-8808
Fax:	Email: NATALIE@PORCAROLAW.CA

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

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

1.5 Date and Subject Land was acquired by the Current Owner:
February 11, 2021

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

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

Section 2: LOCATION

Former Municipality: City of Port Colborne	
Concession No.	Lot(s):
Registered Plan No. PT LT 8 S/S DURHAM ST PL 849 PORT COLBORNE AS IN BB78524 ; PORT COLBORNE	
Reference Plan No.	Part(s):
Name of Street: Durham St	Street No. 133

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage: 40' (12.2 m)	Depth: 89' - 9 1/2" (27.37 m)	Area: 3,597.80 sqf (334.25 sqm)
Existing Use: Vacant		
Proposed Use: Fourplex Dwelling		

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: Secondary Plan Area: Mixed Use Areas
Regional Policy Plan: Urban Boundary: Built-up Area

4.2 What is the Zoning of the land (By-law 1150/97/81)?
Fourth Density Residential Zone (R4)

Section 5

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

Section 6

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

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

Section 7

What type of WATER SUPPLY is proposed?

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

Section 8

What type of SEWAGE DISPOSAL is proposed?

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

Section 9

What type of STORMWATER DISPOSAL is proposed?

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

Section 10

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

In reference to previously approved application A08-20-PC. When purchased from city, provided lot dimensions were 40'x100'. Surveyor since discovered lot depth was misstated by 10'. Applying for adjusted lot coverage and rear setback.

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

- ☐ Yes
- ☒ No

Section 11

WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
In order to create four units with respectable living area and accommodate the parking requirements this is required.

Section 12

DATE OF ACQUISITION of the land by the current owner:
February 11, 2021

Section 13

DATE OF CONSTRUCTION of all existing buildings and structures on the land:
No buildings or structures on the land

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:
No buildings or structures on the land since June 2013

Section 15: OTHER APPLICATIONS

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

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

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

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

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

16.2 What is the length of time the existing use(s) of the land have continued?
Vacant since 2013

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

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

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

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

16.5 ALL ADJACENT USE(S)				
	NORTH	SOUTH	EAST	WEST
Residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other				

16.6 If Industrial or Commercial, specify use

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

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

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

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

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

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

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X

04/29/2022

Date

X

Signature of Owner

Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY
Pre-screening Criteria

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

17.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

X 04/29/22
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 28/2881 Ontario Inc. c/o Glyn Holmes

Of the City/Town/Township of Hamilton

In the County/District/Regional Municipality of Hamilton-Wentworth

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 29th 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:

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

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

(name of agent)

of the _____ of _____

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

Dated at the _____ of _____

in the _____ of _____

this _____ day of _____ 20____

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

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

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

Information on the Port Colborne Official Plan and Zoning Bylaw

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

Information on Servicing, Lot Grading and Drainage

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

Information about the Building Code

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

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

- AND -

For Concerns regarding Provincial Policy and Ministry responsibilities

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

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

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

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

7. Ministry of Transportation of Ontario
Corridor Management Section

1201 Wilson Avenue, Bldg D, 7th Floor
Downsview, ON., M3M 1J8

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

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



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Development and Legislative Services

Planning Division Report

June 3rd, 2022

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

Re: Application for Minor Variance A17-22-PC
133 Durham Street
Part Lot 8 on Plan 849
Agent: N/A
Owner(s): 2812881 Ontario Inc

Proposal:

The purpose and effect of this application is to permit the construction of a proposed fourplex dwelling. Due to the proposed lot coverage and rear yard setback, the minor variance is required. The applicant is requesting that a lot coverage of 50.1% be permitted whereas 40% is the maximum permitted, and that, a rear yard setback of 2.45m be permitted, whereas 6m is required. The applicant has received a minor variance for parking area width and minimum lot area per unit under minor variance application A08-21-PC, however a recent survey of the site has revealed the exact location of the property lines and has triggered the current minor variance.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Second Density Residential (R2) to the north, Fourth Density Residential (R4) to the east, Third Density Residential (R3) to the south, and Downtown Commercial to the west. The surrounding land uses consist of single detached dwellings to the north, south, east, and west. The friendship trail is also located north of the subject property.

Official Plan:

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

Zoning:

The subject property is zoned R4 zone in accordance with Zoning By-Law 6575/30/18. Fourplexes are permitted under this designation.

Environmentally Sensitive Areas:

There are no environmentally sensitive areas on the subject lands.

Public Comments:

Notice was circulated on May 20th, 2022. As of June 3rd, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on May 13th, 2022. As of June 3rd, 2022, the following comments have been received.

Drainage Superintendent

No concerns regarding municipal drains.

Fire Department

No objection to proposed application. Fire safety will be dealt with at the building permit stage.

Discussion:

After further review of the application, Planning Staff cannot support the application as submitted for the reasons identified in the section below. Staff have been in contact with the applicant regarding potential changes to the site plan that could be addressed before the meeting date. Staff have requested that the rear yard setback be met or close to being met, to provide for more amenity space for the residents of the proposed fourplex. If the applicant submits a revised plan before the hearing date, Staff may alter their recommendation and the Committee of Adjustment may grant approval of a variance that is less than what was requested on the Notice of Hearing without having to re-circulate the application. However, a recommendation has been provided below based on the application that was originally submitted.

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 do not find the requested variances to be minor in nature. The increase in lot coverage and decrease in rear yard setback are too great and will result in a lack of amenity space. As proposed, the dwelling will have no front yard or rear yard for any outdoor activities.

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

The application is not desirable and appropriate as the proposal will result in the over development of the site. The constraints of a small lot result in the requirement of a smaller

building footprint. The proposed increase in lot coverage will result in a larger building footprint being located on a lot that cannot support the increased size of the dwelling.

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

The Zoning By-law permits fourplexes in the R4 zone and the proposal meets the majority of the requirements of the by-law, with the exception of the requested variances. The purpose of minimum rear yard setbacks and maximum lot coverage requirements is to ensure that residential dwellings have access to a suitable amount of amenity space. Staff find this application does not 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 fourplexes in the Urban Residential designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommend application A17-22-PC be **granted** for the following reasons:

1. **The application is not minor in nature.**
2. **It is not appropriate for development of the site.**
3. **It does not meet the general intent and purpose of the Zoning By-Law.**
4. **It is 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. A13-22-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 3 in the City of Port Colborne, Regional Municipality of Niagara, located in the Hamlet Residential (HR) zone, municipally known as 858 Pleasant Beach Road.

AND IN THE MATTER OF AN APPLICATION by the owners Jason and Maureen McCormack, 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 858 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:

June 8, 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, June 3rd, 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 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: May 13th, 2022



7 Jan 22

PROJECT INFORMATION

LOCATION: 858 PLEASANT BEACH ROAD

MUNICIPALITY: PORT COLBORNE

ZONING: HR

LOT AREA: 26,546 M²

EXISTING LOT COVERAGE

DWELLING: 223 M²

DECK: 112 M²

PROPOSED LOT COVERAGE

GARAGE: 150 M²

DECK: 33 M²

TOTAL: 2.0%

GENERAL NOTES

BUILDING IS DESIGNED FOR NORMAL OCCUPANCY

CLIMATE DATA BASED ON PORT COLBORNE, ONTARIO

SNOW LOAD: SS = 2.1 KPA, SR = 0.4 KPA

WIND LOAD: $q (V_{50}) = 0.46$ KPA

EARTHQUAKE: SA(0.2) = 0.298

SA(0.5) = 0.146

SA(1.0) = 0.068

SA(2.0) = 0.0310

SA(5.0) = 0.0073

SA(10.0) = 0.0028

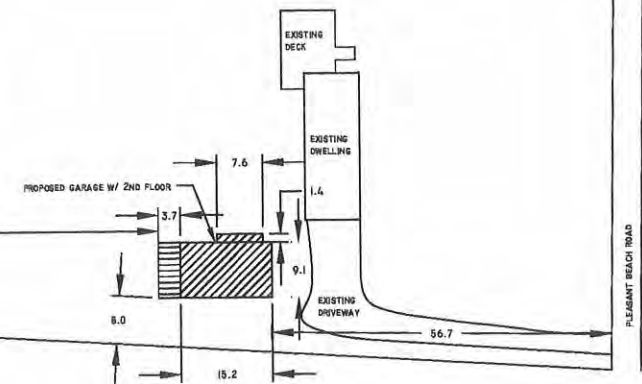
PGA = 0.192 PGV = 0.113

ALL WORK SHALL CONFORM TO THE LATEST EDITION OF THE ONTARIO BUILDING CODE.

FRAMING LUMBER TO BE SPF #2 OR BETTER

STRUCTURAL STEEL TO BE MIN 30,000 PSI YIELD STRENGTH

DO NOT SCALE DRAWINGS. IN CASE OF DISCREPANCIES BETWEEN DRAWINGS AND SITE CONDITIONS, CONTACT ISSUING ENGINEER.



**JAMES FEDERICO
& ASSOCIATES**

Professional Engineers
Mechanical, Civil, Structural

jfederico@rogers.ca
709-696-4401

PROJECT
858 PLEASANT BEACH ROAD

PREPARED FOR
JASON MCCORMACK

DESCRIPTION
SITE PLAN

SIZE	DRAWING NUMBER	REV
11X17	20211217	1

SCALE: $\frac{1}{4}'' = 1'-0''$ SHEET: 1 OF 7



PORT COLBORNE
• PLANNING AND DEVELOPMENT DEPARTMENT •

File No. _____

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

MINOR VARIANCE OR PERMISSION

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

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

SUBMISSION OF APPLICATION:

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

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

COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

NOTICE REQUIREMENTS

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



PORT COLBORNE

· PLANNING AND DEVELOPMENT DEPARTMENT ·

APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Jason & Maureen McCormack	
Mailing Address: 858 Pleasant Beach Road	
City: Sherkston	Province: Ontario
Postal Code: L0S 1R0	Telephone: (716) 225-6561
Fax:	Email: mccormack99@hotmail.com

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

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

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

1.5 Date and Subject Land was acquired by the Current Owner:
May 19, 2021

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

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

Section 2: LOCATION

Former Municipality: Humberstone	
Concession No. 1	Lot(s): 3
Registered Plan No.	
Reference Plan No. 59R16715	Part(s): 301
Name of Street: Pleasant Beach Road	Street No. 858

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage: 72	Depth: 279	Area: 26546
Existing Use: Single Family Dwelling		
Proposed Use: Single Family Dwelling		

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: Hamlet Residential
Regional Policy Plan:

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

Section 5

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

Section 6

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

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

Section 7

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

Section 8

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

Section 9

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

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
2.8.1 (ii) - No accessory building shall exceed a height of 6 meters
Owner is requesting a height of 7.3 m to for the proposed garage

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

Section 11

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

Owner desires more dry storage than just the garage footprint. Expanding the garage is possible, but would cover more lot area which is not desirable.

Section 12

DATE OF ACQUISITION of the land by the current owner:

Section 13

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

Circa 1990

Section 14

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

approx. 30 years

Section 15: OTHER APPLICATIONS

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

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

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

File number of the application:

Name of the approval authority considering the application:

Lands affected by the application:

Purpose of the application:

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

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

16.1 ALL EXISTING USE

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

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

30 years

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

- ☒ Yes
☐ No

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

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
Detached dwelling	42m	229m	25m	22m	7.9m, 1 storey	223m ²	c. 1990

16.4 ALL PREVIOUS USE

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

16.5 ALL ADJACENT USE(S)				
	NORTH	SOUTH	EAST	WEST
Residential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other		Friendship trail		

16.6 If Industrial or Commercial, specify use
Reside

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

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

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

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

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

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

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X

Date

May 1, 2022

X

Signature of Owner

M. M. Gail

**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 May 1, 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 Jason & Maureen McCormack
Of the City/Town/Township of Sherkston
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 3rd day of May
A.D. 20 22

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

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

X

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

A Commissioner, etc.

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

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

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

Processing

Date: _____

Accepted by Manager of Planning and Development Services:
Circulated:

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

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

(name of agent)

of the _____ of _____

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

Dated at the _____ of _____

in the _____ of _____

this _____ day of _____ 20____

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

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

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

Information on the Port Colborne Official Plan and Zoning Bylaw

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

Information on Servicing, Lot Grading and Drainage

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

Information about the Building Code

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

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

For Concerns regarding Provincial Policy and Ministry responsibilities

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

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

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

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

7. Ministry of Transportation of Ontario
Corridor Management Section

1201 Wilson Avenue, Bldg D, 7th Floor
Downsview, ON., M3M 1J8

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

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



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Development and Legislative Services

Planning Division Report

June 3rd, 2022

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

Re: Application for Minor Variance A13-22-PC
858 Pleasant Beach Road
Concession 1 Part Lot 3
Agent: N/A
Owner(s): Jason and Maureen McCormack

Proposal:

The purpose and effect of this application is to permit the construction of a proposed accessory structure. The applicant is requesting that a height of 7.3m be provided whereas 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. 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 44 (5) of the Planning Act. As of June 3rd, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on May 13th, 2022. As of June 3rd, 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.

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 find 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.

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, staff is of the opinion that the proposal is desirable for the appropriate development 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 proposed structure will still be accessory in nature. Staff find this application to be in keeping with the general intent and purpose of the Zoning By-law.

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

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

Recommendation:

Given the information above, Planning Staff recommend application A13-22-PC be **granted** for the following reasons:

1. **The application is minor in nature.**

2. It is appropriate for 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. 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

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 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: May 13th, 2022





PORT COLBORNE
• PLANNING AND DEVELOPMENT DEPARTMENT •

File No. _____

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

MINOR VARIANCE OR PERMISSION

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

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

SUBMISSION OF APPLICATION:

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

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

COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

NOTICE REQUIREMENTS

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



PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
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: terrynieseen@gmail.com

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

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

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

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

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

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

Section 2: LOCATION

Former Municipality: 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

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

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

Section 5

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

Section 6

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

- ☐ 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

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

- ☐ Yes
- ☒ No

Section 11

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

Section 12

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

Section 13

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

Section 14

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

Section 15: OTHER APPLICATIONS

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

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

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

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

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

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

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

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

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

16.4 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

16.5 ALL ADJACENT USE(S)				
	NORTH	SOUTH	EAST	WEST
Residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other				

16.6 If Industrial or Commercial, specify use

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X

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 29th 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:

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

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

(name of agent)

of the _____ of _____

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

Dated at the _____ of _____

in the _____ of _____

this _____ day of _____ 20____

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

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

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

Information on the Port Colborne Official Plan and Zoning Bylaw

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

Information on Servicing, Lot Grading and Drainage

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

Information about the Building Code

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

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

For Concerns regarding Provincial Policy and Ministry responsibilities

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

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

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

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

7. Ministry of Transportation of Ontario
Corridor Management Section

1201 Wilson Avenue, Bldg D, 7th Floor
Downsview, ON., M3M 1J8

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

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



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Development and Legislative Services

Planning Division Report

June 3rd, 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 height of 7.3m be provided whereas 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. As of June 3rd, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on May 13th, 2022. As of June 3rd, 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.

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 find 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.

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 and will be accessory in nature to the primary dwelling. Staff find this application to be in keeping with the general intent and purpose of the Zoning By-law.

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

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

Recommendation:

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

1. **The application is minor in nature.**

2. It is appropriate for 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. A16-22-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 Lot L and Lot M on Plan 41 in the City of Port Colborne, Regional Municipality of Niagara, located in the First Density Residential (R1) zone, municipally known as 134 Rosemount Avenue.

AND IN THE MATTER OF AN APPLICATION by the owner Darrell Ryan, for relief from the provisions of Zoning By-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O 1990 C.P 13, so as to permit the construction of an accessory structure, notwithstanding the following;

- 1. That a maximum height of 7.68m 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 for future office and in-law suite at 134 Rosemount Avenue. 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 virtually and in person 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

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 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.

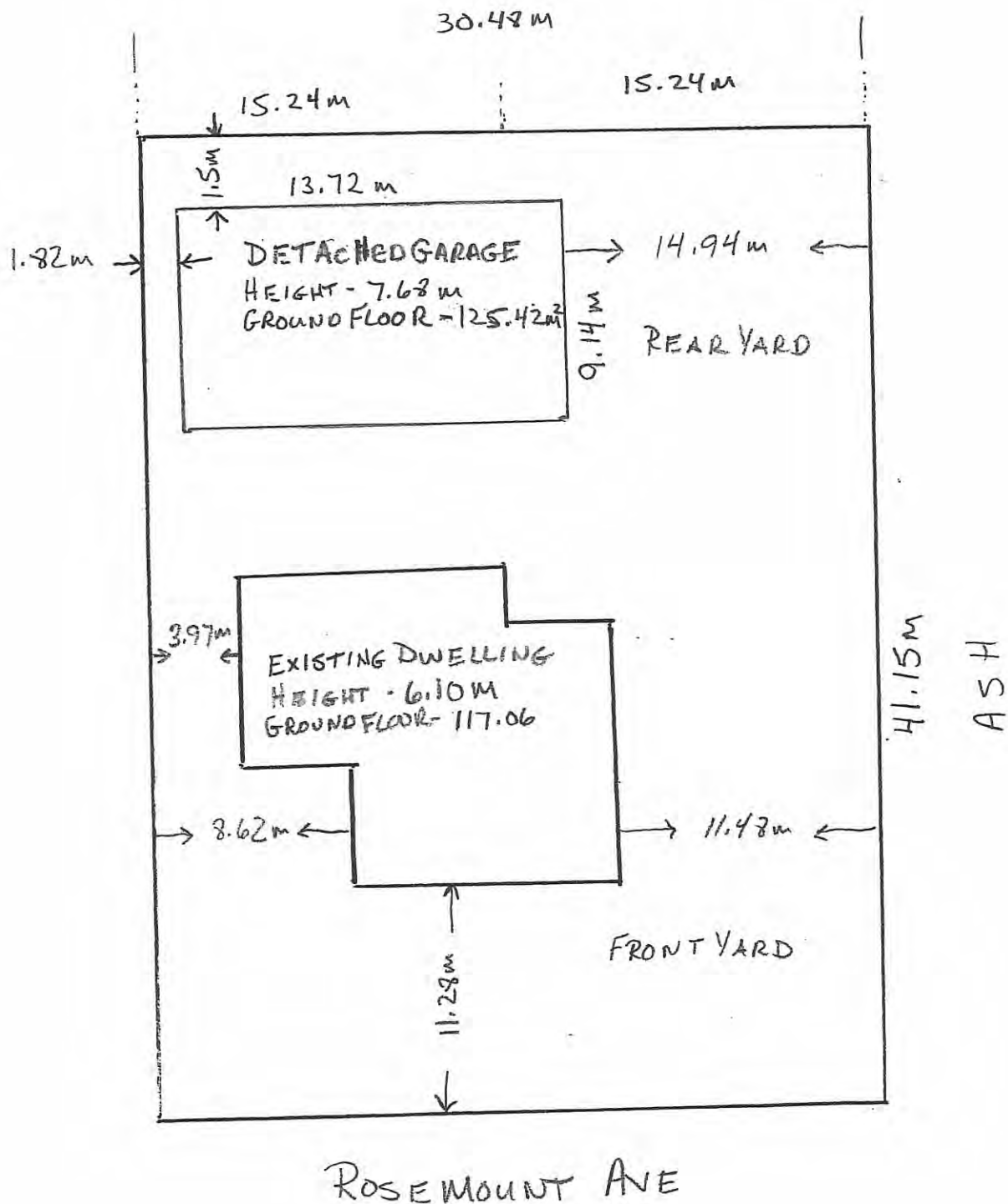
NOTE: If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal hearing if the decision of the Committee is appealed.

By order of the Committee of Adjustment,



Samantha Yeung,
Secretary-Treasurer

Date of Mailing: May 13th, 2022





File No. _____

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

Minor Variance or Permission

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

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

SUBMISSION OF APPLICATION:

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

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

COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

Decisions of the Committee are made in public.

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

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

APPLICATION FEES

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

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

APPLICATION FORM AND SKETCH

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

NOTICE REQUIREMENTS

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

APPLICATIONS REQUIRED

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

PLEASE TYPE OR USE BLACK INK

1. OWNER

1.1 Registered Owner(s):

DARRELL, RYAN

Mailing Address:

134 ROSE MOUNT AVE.

City:

PORT COLBORNE

Province: ON

Postal Code:

L3K 5A9

Telephone:

905 321-0592

Fax:

Email:

phase_electric@rogers.com

1.2 Owner's SOLICITOR (if any):

Mailing Address:

City:

Province:

Postal Code:

Telephone:

Fax:

Email:

1.3 Owner's Authorized AGENT(if any):

Mailing Address:

City:

Province:

Postal Code:

Telephone:

Fax:

Email:

1.4 MORTGAGES, Charges and other Encumbrances:

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

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

SEPTEMBER 30, 2019

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

Mailing Address:

City:

Province:

Postal Code:

Telephone:

Fax:

Email:

1.7 All communications should be sent to the:

Owner



Solicitor

Agent

2. LOCATION:

Former Municipality

PORT COLBORNE

Concession No.

Lot(s)

Registered Plan No.

41

Lot(s)

L+M

Reference Plan No.

41

Part(s)

Name of Street

ROSEMOUNT

Street No.

134

3. DESCRIPTION:

Part No. on sketch

Frontage

30.48M

Depth

41.15M

Area

1254.25m²

Existing Use

RESIDENTIAL

Proposed Use

RESIDENTIAL

4. OFFICIAL PLAN AND ZONING

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

Port Colborne Official Plan

URBAN AREA

Regional Policy Plan

BUILT UP AREA

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

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

Yes

No



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

6. Type of ACCESS

Provincial Highway

Regional Road

Municipal Road maintained all year



Other Public Road

Municipal Road maintained seasonally

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

7. What type of WATER SUPPLY is proposed?

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

8. What type of SEWAGE DISPOSAL is proposed?

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

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

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

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

N/A

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

Yes _____ No ☒

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

NEED THE HEIGHT ON THE SECOND
FLOOR FOR FUTURE OFFICE /
IN-LAW SUITE OR

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

SEPTEMBER 30, 2019

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

1948

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

74 YEARS

15. OTHER APPLICATIONS:

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

Official Plan Amendment _____

Zoning By-law Amendment _____

Minor Variance _____

Plan of Subdivision _____

Consent _____

Site Plan _____

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

File number of the application _____

Name of the approval authority considering the application _____

Lands affected by the application _____

Purpose of the application _____

Status of the application _____

Effect of the application on the proposed amendment _____

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

- 16.1 ALL EXISTING USE

Residential ☒

Industrial _____

Commercial _____

Institutional _____

Agricultural _____

Parkland _____

Vacant _____

Other _____

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

74 YEARS

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

Yes ☒ No _____

If yes, for each existing building or structure, complete the following 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
DWELLING →	11.28m	20.12m	3.97m	11.48m	6.1m	117.06m	1948

16.4 ALL PREVIOUS USE

Residential ☒

Industrial ☐

Commercial ☐

Institutional ☐

Agricultural ☐

Parkland ☐

Vacant ☐

Other _____

16.5 ALL ADJACENT USE(S)

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

16.7 If Industrial or Commercial, specify use

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

Yes _____ No ☒ Unknown _____

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

Yes _____ No ☒ Unknown _____

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

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

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

ACKNOWLEDGMENT CLAUSE

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

Date April 11/22 Signature of Owner Daniel Vito

- 16.17 Are there any buildings designated under the Ontario Heritage Act?
Yes _____ No _____ Unknown _____
- 16.18 If there are any existing buildings on the site, briefly describe them and indicate their proposed use
RESIDENTIAL DWELLING
- 16.19 If there has been industrial or commercial uses on the property or if the answer to 1465 to 16.13 is "Yes", a previous use inventory is needed. Is a previous use inventory attached?
Yes _____ No ☒

17 NIAGARA PENINSULA CONSERVATION AUTHORITY Prescreening Criteria

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

Yes _____ 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 _____

Date April 11/22 Signature of Applicant(s) [Signature]

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

I/We [Signature]
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 25th day of APRIL

A.D. 20 22

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

[Signature]

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

[Signature]

A Commissioner, etc.

Personal information collected on this application will become part of a public record. Any questions regarding this

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

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

Date of Receipt of Completed Application _____

Public Hearing Date _____

Adjourned Public Hearing Date _____

Checked for Completeness by _____

PROCESSING

Date

Accepted by Manager of Planning and Development Services: _____

Circulated: _____

Comments received;
Solicitor _____

Engineer _____

C.B.O. _____

Fire Chief _____

C. N. Power _____

Region _____

NPCA _____

MTO _____

MOE _____

Other _____

Notice of Public Meeting _____

Public Meeting _____

Committee Approval _____

Notice Given _____

Final Day for OMB Appeal _____

OMB Appeal _____

OMB Hearing _____

OMB Decision _____

Final Day to Satisfy Conditions _____

Condition _____ Satisfied _____

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

Application Revised April 2018

AUTHORIZATION

LOCATION OF SUBJECT LANDS:

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

 (name of agent)

of the _____ of _____

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

Dated at the _____ of _____

in the _____ of _____

this _____ day of _____, 200 _____

 Signature of Witness

 Signature of Owner

 Signature of Witness

 Signature of Owner

 Signature of Witness

 Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

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

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

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

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

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

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

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

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

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

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

Watershed Planner
(905) 788-3135
Ext. 272

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

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

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

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

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



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Development and Legislative Services

Planning Division Report

June 3rd, 2022

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

Re: Application for Minor Variance A16-22-PC
134 Rosemount Avenue
Lot L and Lot M on Plan 41
Agent:
Owner(s): Darrell Ryan

Proposal:

The purpose and effect of this application is to permit the construction of a proposed accessory structure. The applicant is requesting that a height of 7.68m be provided whereas 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 First Density Residential (R1) to the north, south, east, and west. The surrounding land uses consist of single detached dwellings to the north, south, east, and west.

Official Plan:

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

Zoning:

The subject property is zoned R1 zone in accordance with Zoning By-Law 6575/30/18. Accessory structures are permitted under 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. As of June 3rd, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on May 13th, 2022. As of June 3rd, 2022, the following comments have been received.

Drainage Superintendent

No concerns with regards to municipal drains.

Fire Department

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 find the requested variance to be minor in nature. The increase in height from 6m to 7.68m 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.

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

The proposal is desirable and appropriate as the development is located in a suitable location on the site. The proposed structure is located in the rear yard and will be setback from the corner side yard by 14.94m. Accessory structures are a permitted use in the R1 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 accessory structures in the R1 zone and the proposal meets the setbacks and lot coverage requirements and will be accessory in nature to the primary dwelling. Staff find this application to be in keeping with the general intent and purpose of the Zoning By-law.

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

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

Recommendation:

Given the information above, Planning Staff recommend application A16-22-PC be **granted** for the following reasons:

1. The application is minor in nature.

2. It is appropriate for 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. A15-22-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 3.1.1 of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Lot 1 & 2, and Pt Lot 3 on Plan 1493 in the City of Port Colborne, Regional Municipality of Niagara, located in the Mixed-use (MU) zone, municipally known as 119 Neff Street.

AND IN THE MATTER OF AN APPLICATION by the agent Jason Pizzicarola on behalf owners Ralph and Lynda Rotella, 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 additional parking spaces, notwithstanding the following;

1. That the number of spaces required be 1.1 spaces per unit, whereas 1.25 spaces per unit is required for apartment buildings.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission for a proposed addition to the apartment building at 119 Neff Street. Due to the proposed number of parking spaces, 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

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 or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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

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

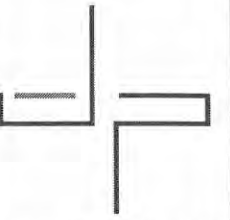
NOTE: If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal hearing if the decision of the Committee is appealed.

By order of the Committee of Adjustment,

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

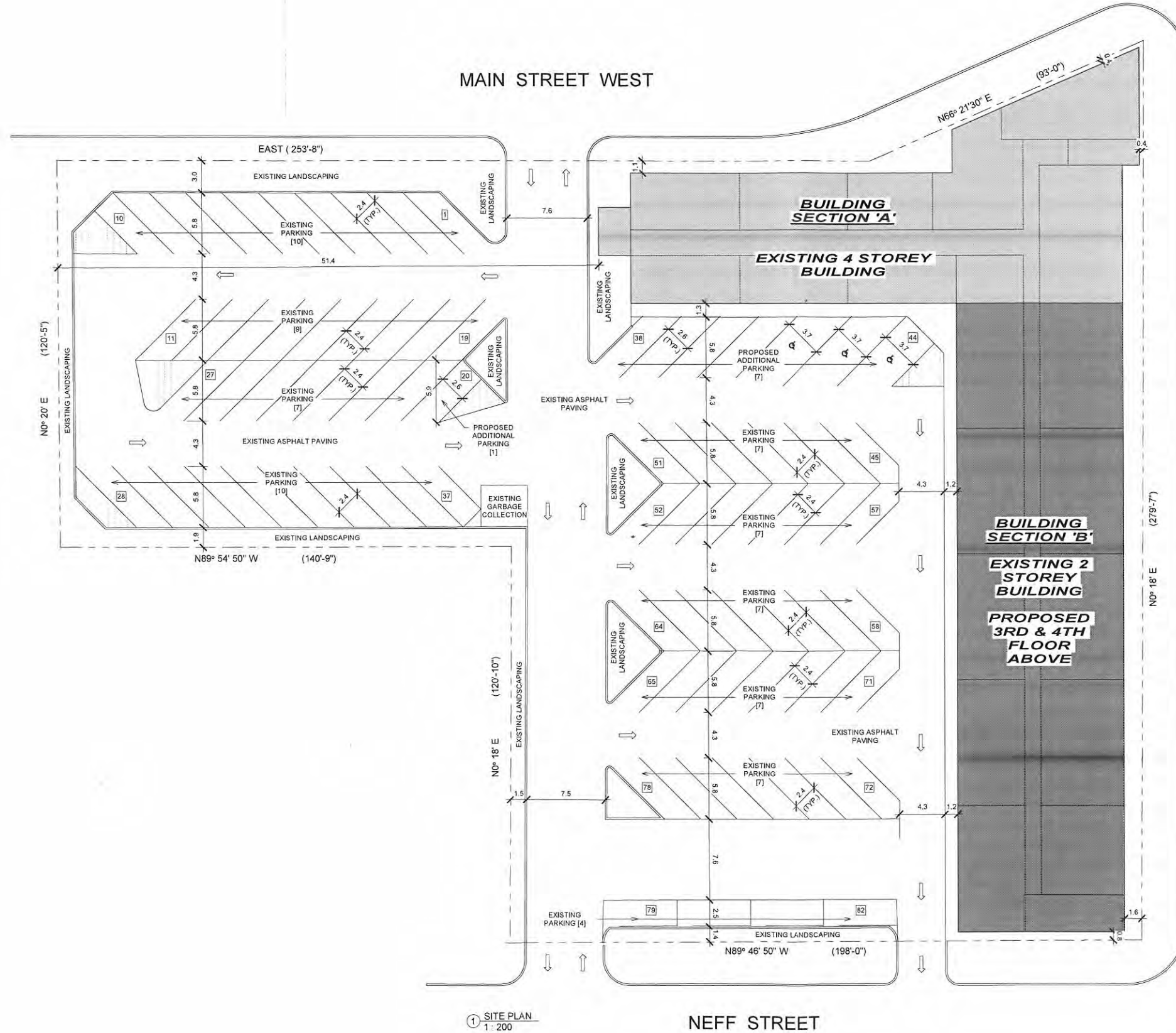
Samantha Yeung,
Secretary-Treasurer

Date of Mailing: May 13th, 2022



JASON PIZZICARELLA DESIGN - ARCHITECTS INC.
205 RIDGE ROAD N
RIDGEWAY, ONTARIO, L0S 1N0
T: 905-884-8300
e-mail: jpizzicarella@jpdesign.ca

CERTIFICATE OF PRACTICE: # 4053



SITE STATISTICS	
LOT AREA	6160 m ²
BUILDING COVERAGE:	EXISTING (+/-) 1672 m ² / 27%
BUILDING HEIGHT	(EXISTING) 4 STOREY
PARKING SPACES: EXISTING = 74 SPACES	EXISTING RATIO = 1.3
PROPOSED = 82 SPACES	PROPOSED RATIO = 1.1
	REQUIRED RATIO = 1.25
RESIDENTIAL UNITS:	EXISTING = 56 UNITS
	PROPOSED = 74 UNITS
EXISTING GROSS FLOOR AREA:	1st FLOOR = (+/-) 1672 m ²
	2nd FLOOR = (+/-) 1672 m ²
	3rd FLOOR = (+/-) 734 m ²
	4th FLOOR = (+/-) 734 m ²
	TOTAL = (+/-) 4812 m ²
PROPOSED GROSS FLOOR AREA:	1st FLOOR = (+/-) 1672 m ²
	2nd FLOOR = (+/-) 1672 m ²
	3rd FLOOR = (+/-) 1672 m ²
	4th FLOOR = (+/-) 1672 m ²
	TOTAL = (+/-) 6688 m ²
SETBACKS	
BUILDING SIDE	PROVIDED / EXISTING
NORTH SETBACK	0.4 m
EAST SETBACK	0.4 m
WEST (NORTH) SETBACK	51.4 m
WEST (SOUTH) SETBACK	42.6 m
SOUTH SETBACK	0.8 m
BUILDING DESCRIPTION	
MAJOR OCCUPANCY	
GROUP C	
RESIDENTIAL OCCUPANCY	
MUNICIPAL ADDRESS	
119 NEFF STREET, PORT COLBORNE, ONTARIO	
LAND ZONING	
MIXED USE (MU) ZONE	
GENERAL NOTES	
1. ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION AND REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE CITY AND AT THE SOLE EXPENSE OF THE OWNER.	
2. THE DIMENSIONS, AREAS AND LOCATIONS SHOWN ON THIS PLAN ARE APPROXIMATE AND MAY BE SLIGHTLY ALTERED IN FINAL DESIGN. PROVIDING THE INTENT AND PURPOSE OF THE ORIGINAL PLAN IS MAINTAINED AND ALL RELEVANT ZONING PROVISIONS COMPLIED WITH FURTHER AND NOTWITHSTANDING ANYTHING SHOWN ON THIS PLAN TO CONTRARY. ALL THE SERVICING, GRADING AND DRAINAGE SHALL BE IN ACCORDANCE WITH PLANS FILED IN THE CITY ENGINEER'S OFFICE AND APPROVED BY THE ENGINEER.	
3. ALL LIGHTS WILL BE DIRECTED AWAY FROM NEIGHBOURING PROPERTIES. FOOTCANDLES AT THE PROPERTY BOUNDARY SHALL BE ZERO.	
SITE PLAN 12/04/22	
SHEET TITLE: SITE PLAN & STATISTICS	
DRAWN BY: J.P.	DATE: 12/04/22
SCALE: 1 : 200	JOB # Project Number
SHEET NO.	A101

PROPOSED 3rd & 4th
FLOOR ADDITION TO
EXISTING 2 STOREY
BUILDING

119 NEFF STREET, PORT
COLBORNE, ON

No.	Description	Date



PORT COLBORNE

· PLANNING AND DEVELOPMENT DEPARTMENT ·

File No. _____

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

MINOR VARIANCE OR PERMISSION

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

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

SUBMISSION OF APPLICATION:

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

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

COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

NOTICE REQUIREMENTS

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



PORT COLBORNE

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: RALPH & LYNDIA ROTELLA	
Mailing Address: 100 OXFORD BLVD	
City: PORT COLBORNE	Province: ONT
Postal Code: L3K 5T3	Telephone: 905 328 6657
Fax:	Email: RALPH.ROTELLA@GMAIL.COM

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

1.3 Owner's Authorized AGENT (if applicable)	
Name: JASON PIZZICAROLA	
Mailing Address: 209 RIDGE RD N	
City: PORTERIE	Province: ON
Postal Code: L0S1N0	Telephone: 905 894 8309
Fax:	Email: JPCJPdesign.ca

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

1.5 Date and Subject Land was acquired by the Current Owner:
1990

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

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

Section 2: LOCATION

Former Municipality: 119 NEFF	
Concession No.	Lot(s):
Registered Plan No.	
Reference Plan No.	Part(s):
Name of Street: NEFF	Street No. 119

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage:	Depth:	Area:
Existing Use:		
Proposed Use:		

Section 4: OFFICIAL PLAN & ZONING

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

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

Section 5

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

Section 6

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

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

Section 7

What type of WATER SUPPLY is proposed?

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

Section 8

What type of SEWAGE DISPOSAL is proposed?

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

Section 9

What type of STORMWATER DISPOSAL is proposed?

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

Section 10

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

Owner would like to add 18 units on two floor over the existing east side running north & south. They would like to maintain the existing parking. Therefore, they would like to reduce parking ratio from 1.25 to 1-1.

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

- ☒ Yes Parking already existing
- ☐ No

Section 11

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

There is no way to increase parking.
Layout of parking ~~is~~ is existing

Section 12

DATE OF ACQUISITION of the land by the current owner:

1990

Section 13

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

2000

Section 14

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

22 years

Section 15: OTHER APPLICATIONS

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

Unknown

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

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

N/A

File number of the application:

Name of the approval authority considering the application:

Lands affected by the application:

Purpose of the application:

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 checked="" type="checkbox"/>	<input checked="" 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		<i>Further across</i>		

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

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

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

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

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

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

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

Status of the application: <i>N/A</i>
Effect of the application on the proposed amendment: <i>N/A</i>

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

16.1 ALL EXISTING USE

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

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

20 years

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

- ☒ Yes
- ☐ No

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

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
<i>Apartments</i>	<i>0.8m</i>	<i>0.4m</i>	<i>0.4m</i>	<i>51.4m</i>	<i>4 story ~ 50'-6"</i>		

16.4 ALL PREVIOUS USE

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

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 April 16/22
Date

X 
Signature of Owner

Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-screening Criteria

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

17.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

X APRIL 16/22
Date

X R. Rotella
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 RALPH ROTIELLA
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 27th day of April
A.D. 2022

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

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

X R. Rotella

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

A Commissioner, etc.

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

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

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

Processing

Date: _____

Accepted by Manager of Planning and Development Services:
Circulated:

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

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

119 NEFF ST

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

Jason Pizzicardi

(name of agent)

of the Town of Fort Erie

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

Dated at the City of of April Port Colborne
in the Region of Port Colborne Niagara
this 21 day of April 2022

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

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

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

Information on the Port Colborne Official Plan and Zoning Bylaw

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

Information on Servicing, Lot Grading and Drainage

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

Information about the Building Code

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

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

For Concerns regarding Provincial Policy and Ministry responsibilities

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

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

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

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

7. Ministry of Transportation of Ontario
Corridor Management Section

1201 Wilson Avenue, Bldg D, 7th Floor
Downsview, ON., M3M 1J8

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

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



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Development and Legislative Services

Planning Division Report

June 3rd, 2022

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

Re: Application for Minor Variance A15-22-PC
119 Neff Street
Lots 1, 2 and Part Lot 3 on Plan 1493
Agent: Jason Pizzicarola
Owner(s): Ralph and Lynda Rotella

Proposal:

The purpose and effect of this application is to permit the construction of a proposed addition to an apartment building at 119 Neff Street. Due to the increase in units, the applicant is requesting that the number of required parking spaces per unit be reduced to 1.1 whereas 1.25 spaces per unit is required. All other provisions of the Zoning By-law have been met.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Mixed Use (MU) and Downtown Commercial (DC) to the north, Second Density Residential (R2) zones to the east, R2 zones to the south, and MU and R2 zones to the west. The surrounding uses consist of single detached dwellings and small businesses to the north and east, and single detached dwellings to the south and west.

Official Plan:

The subject property is designated as Downtown Commercial in the City's Official Plan. Apartments are permitted under this designation.

Zoning:

The subject property is zoned DC zone in accordance with Zoning By-Law 6575/30/18. Apartments are permitted under 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. As of June 3rd, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on May 13th, 2022. As of June 3rd, 2022, the following comments have been received.

Drainage Superintendant

No concerns regarding municipal drains.

Fire Department

Port Colborne Fire has no objection to the reduction of the parking spaces for the future addition to the building. Fire safety will be dealt with at the building permit stage for the addition.

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 find the requested variance to be minor in nature. The decrease in required parking will result in 10 less parking spaces than what would be required and Neff street permits 12 hour parking with the exception of during snow removal and street cleaning which will provide additional temporary visitor parking.

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. Apartments are a permitted use in the DC zone so the proposal is compatible with the requirements of the zoning by-law. Staff are of the opinion that the proposed expansion and reduction of parking spaces is desirable and appropriate for the use of the land.

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

The Zoning By-law permits apartments in the DC zone and the proposal meets the setbacks and lot coverage requirements. The proposal has met the majority of the by-law requirements with the exception of the requested variance. The request to reduce parking is in keeping with the By-law as the subject property will still have ample parking space. Staff find this application to be in keeping with the general intent and purpose of the Zoning By-law.

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

The Official Plan permits apartments in the Downtown Commercial designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommend application A15-22-PC be **granted** for the following reasons:

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

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Manager of Planning Services

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR CONSENT

APPLICATION NO. B09-22-PC

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

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

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

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

DATE: June 8th, 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 June 3, 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=xBRAufVD77Q&feature=youtu.be>.

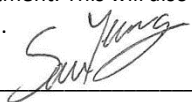
Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register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

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

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

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

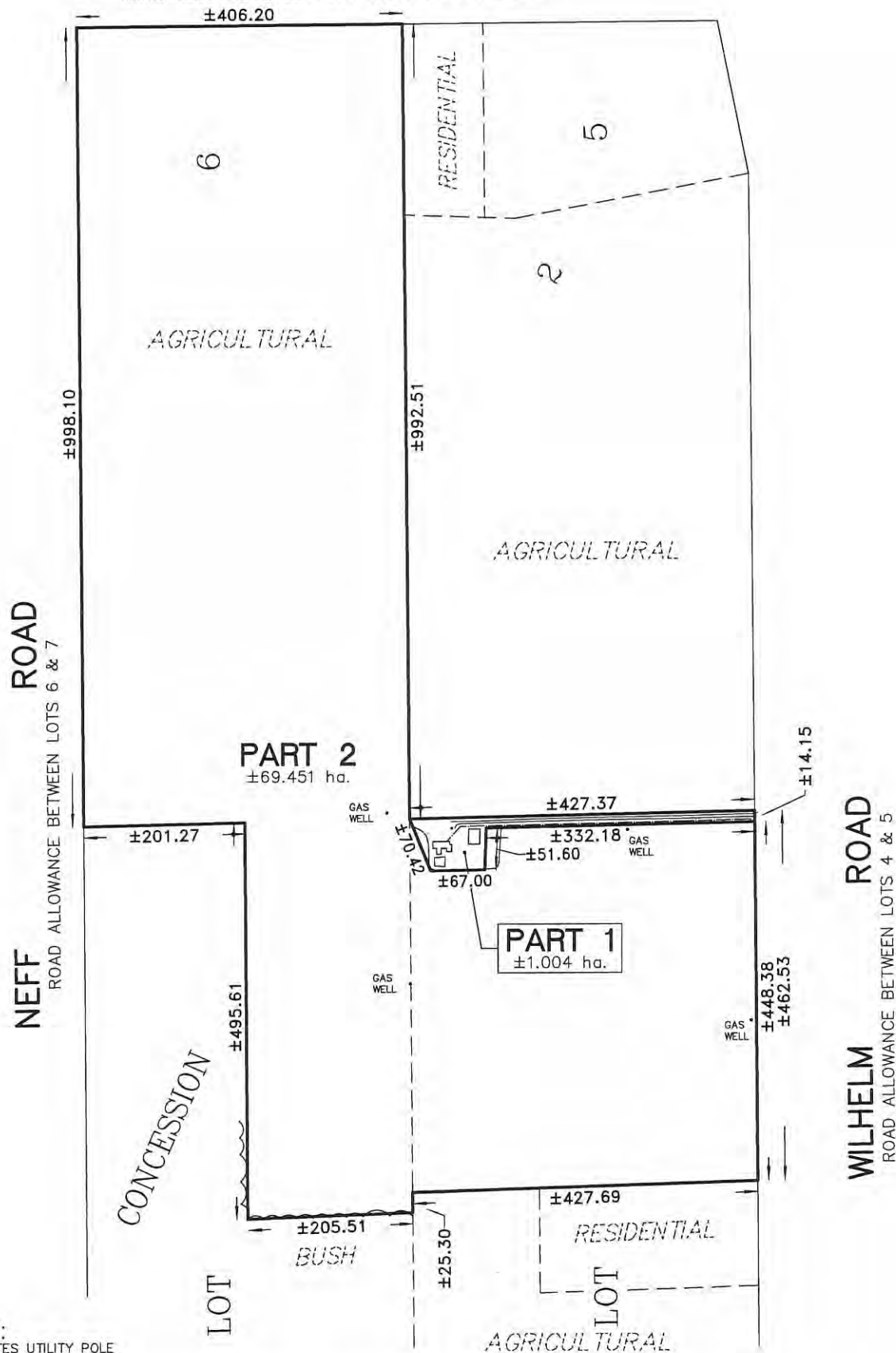
By order of the Committee of Adjustment,



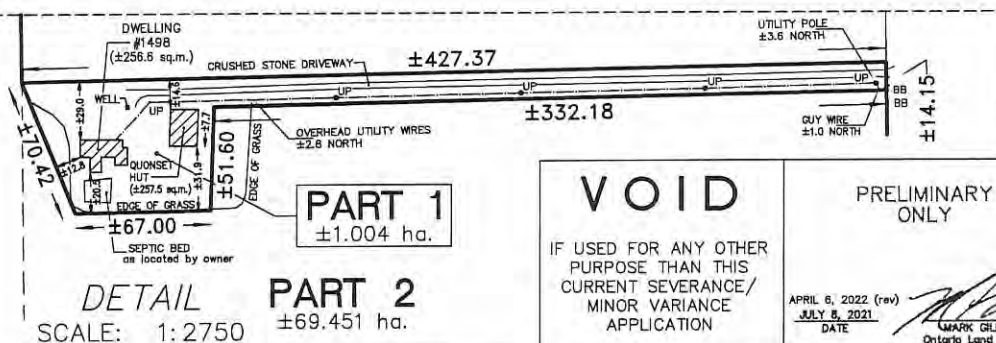
Samantha Yeung
Secretary-Treasurer
Date of Mailing: May 13, 2022

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

ROAD ALLOWANCE BETWEEN CONCESSIONS 2 & 3



NOTE:
UP DENOTES UTILITY POLE
BB DENOTES BELL BOX



VOID

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

PRELIMINARY
ONLY

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

MARK GILMORE
Ontario Land Surveyor

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

SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
PART OF LOTS 5 & 6
CONCESSION 2
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE, NOW IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

DRAWN BY: CM		CHECKED BY: DM	
SCALE: 1:5500		SURVEY 22-496	



PLEASE TYPE OR USE BLACK INK

Section 1

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

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

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

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

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

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

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

Section 2: LOCATION

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

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

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

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

Section 3: OFFICIAL PLAN & ZONING

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

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

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

Section 4

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

Section 5

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

Section 6

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

Section 7

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

Section 8

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

Section 9

Part No. On Sketch: 1

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

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

Existing: Frame dwelling, quonset hut garage
Proposed: No change

Section 10

Part No. On Sketch: 2

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

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

Existing: None
Proposed: None

Section 11

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

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

File Number:

Decision:

Section 12

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

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

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

Section 13: OTHER APPLICATIONS

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

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

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

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

☐ Commercial

☐ Institutional

☒ Agricultural

☐ Parkland

☐ Vacant

☐ Other

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

100 years +

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

☒ Yes

☐ No

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

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
Dwelling	420m	12.5m	20.5m	29m	2 stories	185 m. sq.	1920?

14.4 ALL PREVIOUS USE

☐ Residential

☐ Industrial

☐ Commercial

☐ Institutional

☒ Agricultural

☐ Parkland

☐ Vacant

☐ Other

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

14.6 If Industrial or Commercial, specify use

--

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☒ Yes
☐ No
☐ Unknown

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

- ☐ Yes
☐ No
☒ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☐ No
☒ Unknown

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-screening Criteria

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

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

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

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

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

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

- ☐ Yes
☒ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X 12 APR 2022
Date

X *Audylle Maitia*
Signature of Owner

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

- ☐ Yes
☒ No
☐ Unknown

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

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

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

- ☐ Yes
☒ No

X 12 APR 2022
Date

X 
Signature of Applicant(s)

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

I/We Andy Veenstra
Of the City/Town/Township of Sherkston-Port Colborne
In the County/District/Regional Municipality of Niagara

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

DECLARED before me at the
City _____ Of Port Colborne
In the Region of Niagara
This 12th day of April
A.D 20 22



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

X 

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

A Commissioner, etc.

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

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

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

Processing

Date: _____

Accepted by Manager of Planning and Development Services:
Circulated:

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

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:
1498 Wilhelm Rd. Port Colborne

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

(name of agent)
of the City of Port Colborne

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

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

X
Signature of Witness

X
Signature of Owner

X
Signature of Witness

X
Signature of Owner

X
Signature of Witness

X
Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

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

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

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

Information on the Port Colborne Official Plan and Zoning Bylaw

2. Port Colborne Engineering & Operations Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8

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

Information on Servicing, Lot Grading and Drainage

3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8

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

Information about the Building Code

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

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

Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health
- AND -
For Concerns regarding Provincial Policy and Ministry responsibilities

5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2

Watershed Planner
(905) 788-3135
Ext 272

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

6. Ministry of Transportation of Ontario

Corridor Management Section
159 Sir William Hearst Ave, 7th Floor,
Toronto, Ontario M3M 1J8

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

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

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

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



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Planning and Legislative Services

Planning Division Report

June 3rd, 2022

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

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

Proposal:

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

Surrounding Land Uses and Zoning:

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

Environmentally Sensitive Areas:

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

Public Comments:

Notice was circulated on May 20th, 2022. As of June 3rd, 2022, no comments from the public have been received.

Agency Comments:

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

Drainage Superintendant

The subject parcel is in the watershed of the Peter Storm Drain. Typically, a drainage apportionment agreement would be required for this type of application however, the drainage engineer's report for the Peter Storm Drain is out of date and is currently be reviewed. The correction of assessment to these parcels will be captured in the new report.

Additional comments, if the newly created parcel does not drain independently from the remaining parcel, it is recommended that a drainage apportionment agreement be entered into and registered on the title of both parcels to ensure drainage on both parcels.

Fire Department

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 "prime agricultural area" according to the PPS. The PPS states that prime agricultural areas shall be protected for long-term use for agriculture. Section 2.3.4.1 (c) states that lot creation in prime agricultural areas is discouraged and only may be permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

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

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

Staff are of the opinion that the proposed application conforms to the policies of the PPS, Growth Plan and ROP.

City of Port Colborne Official Plan

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

Section 3.5.3 (c) of the OP states, where two or more farms are amalgamated under one ownership, any surplus habitable dwellings may be severed provided, no new residential development shall be permitted on a vacant remnant parcel of farmland. The applicant has

submitted a Bona Fide Farmer Letter to staff that indicates that the farm will be amalgamated under one ownership. Staff are satisfied that the proposal meets the criteria of the OP.

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

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

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

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

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

Recommendation:

Given the information above, Planning Staff recommend application B09-22-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.
3. Approval of a Zoning By-law Amendment for Part 1 to Agricultural Residential zone and for Part 2 to an Agricultural Purposes Only zone.
4. That all conditions of consent be completed by June 8th, 2024.

For the following reasons:

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

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,

A handwritten signature in black ink, appearing to read 'D Landry', written over a horizontal line.

Denise Landry, MCIP, RPP
Manager of Planning Services

Samantha Yeung

From: Alana VanderVeen
Sent: May 16, 2022 9:52 AM
To: Samantha Yeung
Cc: Chris Roome
Subject: RE: Notice of Hearing: COA June 8th, 2022

Hello Samantha

A13-22-PC – There are no concerns regarding municipal Drains

A14-22-PC – There are no concerns regarding municipal Drains

A15-22-PC – There are no concerns regarding municipal Drains

A17-22-PC – There are no concerns regarding municipal Drains

B09-22-PC –

The subject parcel is in the watershed of the Peter Storm Drain. Typically, a drainage apportionment agreement would be required for this type of application however, the drainage engineer's report for the Peter Storm Drain is out of date and is currently be reviewed. The correction of assessment to these parcels will be captured the new report.

Additional comments, if the newly created parcel does not drain independently from the remaining parcel, it is recommended that a drainage apportionment agreement be entered into and registered on the title of both parcels to ensure drainage on both parcels.

Alana VanderVeen
Drainage Superintendent
City of Port Colborne

Phone 905-835-2900 x291

Email Alana.VanderVeen@portcolborne.ca

1 Killaly Street West,
Port Colborne, ON L3K 6H1

www.portcolborne.ca



Members Present: Dan O'Hara, Angie Desmarais, Gary Bruno, Donna Kalailieff

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

The meeting was called to order at approximately 6:10pm by Chair Dan O'Hara.

1. Disclosures of Pecuniary Interest:

Nil.

2. Requests for Deferrals or Withdrawals of Applications:

Application: A09-22-PC
Action: Minor Variance
Agent: Michael Sabelli
Owners: Acacio Terceira & Jennifer Rocha
Location: Mapleview Crescent

3. New Business

i) **Application: A10-22-PC**

Action: Minor Variance
Agent: N/A
Owner: Jennifer Puhalski
Location: 346 Sugarloaf Street

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

The applicant did not defer nor provide any further comments.

Member Kalailieff asked if there would be sleeping quarters in the loft.

The applicant confirmed that the loft would only be for storage.

Member Kalailieff addressed the neighbour's concerns in regard to the placement of the east facing window.

The applicant stated that the window placement should not be an issue because the loft will only be used for storage purposes.

The Chair invited delegates Mike and Treasure Curry into the meeting at this time.

Mike Curry expressed concerns over privacy and stated that if the loft will only be used for storage, there are no concerns.

There were no additional questions from the Committee.

That minor variance application A10-22-PC be **granted** for the following reasons:

1. **Minor in nature** as the increase in height will not negatively impact the subject parcel or neighbouring properties.
2. **Appropriate for development of the site** as 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 R1 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 Urban Residential designation.

Motion: Angie Desmarais

Seconded: Gary Bruno

Carries: 4-0

ii) **Application: A11-22-PC**

Action: Minor Variance

Agent: Jamie McNay

Owner: Karen Stewart

Location: 138 Omer Avenue

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

The applicant stated that they had already be granted a permit and that there is already a garage existing on the property line. He also noted that drainage should not be an issue because of where the storm sewer is located.

Member Bruno asked if the agent, Jamie McNay, would be the contractor.

The agent responded yes.

Member Bruno asked if McNay would use standard procedure for drainage.

The agent responded yes.

The Chair noted that there are no storm sewers on Omer Avenue, just covered ditches, so drainage may sometimes be an issue with heavy rainfall. He also asked if the setback for the new garage will be farther than the setback of the current garage.

The agent responded yes; the new setback will be four feet off the property line.

That minor variance application A11-22-PC be **granted** for the following reasons:

1. **Minor in nature** as there is already a garage existing in the corner side yard and setback of the new garage will be greater than the existing setback.
2. **Appropriate for development of the site** as the proposal is located in a suitable location on the site and will not result in any visibility issues within a site triangle.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as accessory structures are permitted in the R2 zone and the proposal meets the majority of the requirements of the by-law.
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: Gary Bruno

Seconded: Angie Desmarais

Carried: 4-0

iii) Application: A12-22-PC

Action: Minor Variance

Agent: N/A

Owners: Lisa Skerk & Ervin Goertzen

Location: 21 Walnut Street

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

The applicant (Mr. Goertzen) stated that the deck has been existing since the construction of the house, and that he is only looking to cover the deck, not expand it.

The Chair noted that there is a southern wall already erected.

The applicant stated that the wall was put up to protect the antique windows, and that he applied for a permit after.

There were no additional questions from the Committee.

That minor variance application A12-22-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 and the proposed setback will not negatively affect the amount of usable space on the property.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the majority of the by-law requirements have been met.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as residential uses are permitted in the Urban Residential designation and the requirements of the Official Plan have been met.

Motion: Donna Kalailieff

Seconded: Gary Bruno

Carried: 4-0

iv) Application: B08-22-PC

Action:	Consent
Agent:	N/A
Owner:	Mayo & Patricia Ridesic
Location:	141 Merritt Parkway

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

The applicant did not defer, nor offer any additional comments.

Member Bruno asked if the applicant currently lives in the house on the subject property.

The applicant responded that it is currently under renovation.

Member Bruno asked if the lot is being severed to someday build upon it.

The applicant responded yes, most likely.

Member Bruno suggested to consider the distancing of a new dwelling from neighbours and asked if the applicant has any plans to build.

The applicant responded that they do not have plans to build at this time.

The Chair acknowledged the comments received from Mrs. Jodie Trottier, and clarified that envelope shown on the sketch was simply the available area to build, and that the entire envelope will not necessarily be built upon.

Member Kalailieff asked if the applicants understand the MTO requirements if they were to build upon the corner lot in the future.

The applicant responded yes, and that the corner lot is not being changed at all.

Member Kalailieff reiterated that there would be restrictions from the MTO if they were to build in the future.

The applicant responded that they understand.

There were no additional questions from the Committee.

That application B08-22-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.
3. That the owner/applicant, at their own expense, obtains and submits an appraisal for the purposes of payment of cash-in-lieu of parkland dedication, by a qualified appraiser, which is to be based on the fair market value of Part 1 the day before the building permit is issued, and that the owner/applicant pays to the City a cash-in-lieu of parkland dedication, which shall be 5% of the appraised value of Part 1.
4. That all conditions of consent be completed by May 11th, 2024.

For the following reasons:

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

Motion: Chair Dan O'Hara

Seconded: Angie Desmarais

Carried: 4-0

v) **Application: A20-21-PC**

Action: Minor Variance
Agent: Hamid Bahrami
Owner: Elizabeth Dimitrov
Location: 954 Wyldewood Road

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

The applicant explained that this is the third time coming to the Committee of Adjustments.

The Chair asked if the applicant is planning on demolishing the existing dwelling and building a new dwelling.

The applicant responded that the owner is only building the north parcel as staff recommended. Half of the existing dwelling will be demolished, and the other half will be kept during the construction of the new house for storage, then demolished eighteen months later.

There were no other questions from the Committee.

That minor variance application A20-21-PC be **granted** for the following reasons:

1. **Minor in nature** as the increase in lot coverage will not negatively impact the subject parcel or the neighbouring properties, and is a reasonable and measured request.
2. **Appropriate for development of the site** as the proposed dwelling is in a suitable location on the site.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as detached dwellings are permitted in the AR zone and the proposal meets the majority of the requirements of the zoning by-law.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as detached dwellings are permitted in the Agricultural designation.

Motion: Gary Bruno Seconded: Angie Desmarais

Carried: 4-0

4. Other Business:

Member Bruno asked if Committee of Adjustment meetings would be moving to a hybrid model in June.

Mr. Roome responded that there are plans to go hybrid in June, but some details still need to be worked out.

The Chair asked about application A09-22-PC and its placement on the agenda.

The Secretary/Treasurer responded that they had to adjourn and resubmit their application, and recirculation was required. There was discussion around the definition of adjournment versus deferral.

5. Approval of Minutes:

Minutes from the April 13th, 2022 meetings were approved.

Motioned: Angie Desmarais

Seconded: Gary Bruno

Carried: 4-0

6. Adjournment

There being no further business, the meeting was adjourned at approximately 7:05pm.