



CORPORATION OF THE CITY OF
PORT COLBORNE

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

1. Call Meeting to Order
2. Reading of Meeting Protocol
3. Disclosures of Interest
4. Request for Any Deferrals or Withdrawals of Applications
5. New Business
 - i) Application: A33-21-PC
Action: Minor Variance
Agent: Defilippis Design
Owners: Ron Lucchino
Location: 3475 Firelane 12
 - ii) Application: A04-22-PC
Action: Minor Variance
Agent: N/A
Owners: Adam Ahlstedt
Location: Page St
 - iii) Application: A20-21-PC
Action: Minor Variance
Agent: Hamid Bahrami
Owners: Elizabeth Dimitrov
Location: 954 Wyldewood Road
 - iv) Application: A02-22-PC
Action: Minor Variance
Agent: Leigh Whyte
Owners: Wach Properties
Location: 126 Chippawa Road
 - v) Application: B06-22-PC
Action: Consent
Agent: William Heikoop
Owners: N/A
Location: 72 Killaly St E
 - vi) Application: A03-22-PC
Action: Minor Variance
Agent: Jacob Dicke
Owner: N/A
Location: 80 Nickle St

6. Other Business
7. Approval of Minutes
 - i) March 9th, 2021, Committee of Adjustment Meeting
8. Adjournment



PORT COLBORNE

• **PLANNING AND DEVELOPMENT DEPARTMENT** •

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

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR CONSENT

APPLICATION NO. A33-21-PC

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

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

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

- 1) That a front yard setback of 5.05m be provided, whereas 10m is required.
- 2) That a side yard setback of 0m be provided for the existing accessory structure, and a 0.97m setback be permitted for the proposed accessory structure, whereas 1m is required.
- 3) That a maximum lot coverage of 28% be provided whereas a maximum lot coverage of 15% is permitted.
- 4) That an interior side yard setback of 0.58m be provided for the existing dwelling, whereas 3m is required.

Explanatory Relief from the Zoning By-law: The applicant is requesting variances for an accessory structure that was built without a permit. Due to the location of the existing accessory structure, the minor variances are required. A sketch of the structure is shown on the reverse side of this notice.

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

DATE: March 9th, 2022

TIME: 6:00 P.M.

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

66 Charlotte Street, Port Colborne, Ontario

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

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **March 4th, 2022**.

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

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City's YouTube channel at <https://www.youtube.com/watch?v=qos4vpvNQtg>.

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

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

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

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

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

By order of the Committee of Adjustment,

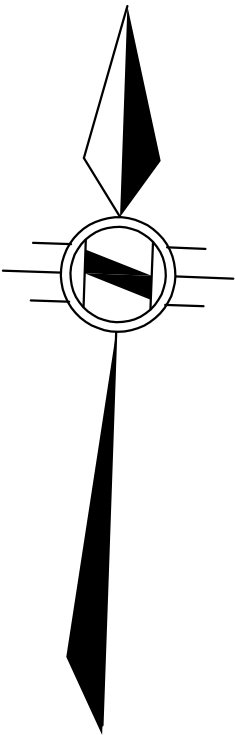
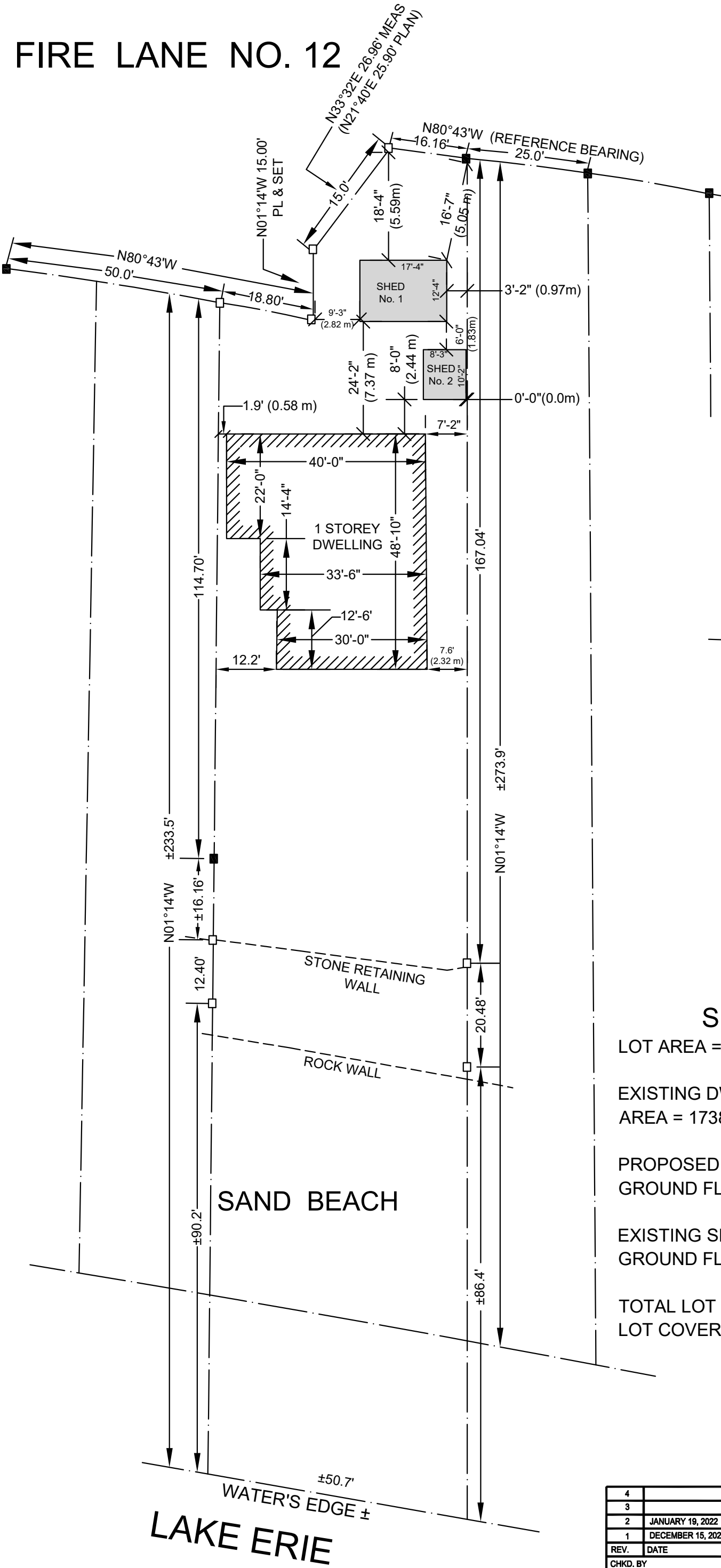
A handwritten signature in black ink, appearing to read 'Chris Roome', is written over a horizontal line.

Chris Roome, BURPI

Secretary-Treasurer

Date of Mailing: February 24th, 2022

FIRE LANE NO. 12



SITE STATISTICS

LOT AREA = 7324 sqft (680 m²)

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

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

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

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

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



City of Port Colborne

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

Development and Legislative Services

Planning Division

March 4, 2022

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

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

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

Proposal:

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

Surrounding Land Uses:

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

Official Plan:

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

Zoning:

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

Environmentally Sensitive Areas:

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

Public Comments:

Notice was circulated on February 25th, 2022. As of March 4th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on February 25th, 2022. As of March 4th, 2022, the following has been received.

Engineering Department

No comments on proposed application.

Drainage Superintendant

No comments on proposed application.

Fire Department

No objection to proposed application.

Niagara Region

Regional Private Sewage System (PSS) staff have reviewed the application for the existing accessory structure which was built without a permit. Regional PSS staff conducted an inspection on January 10, 2022. At the time of the inspection Regional staff were under the impression that there was a holding tank on site; however, after further discussion with the owner and the septic pumping contractor it was determined that a class 4 system is currently used. Regional staff were unable to determine the location of the existing tile bed and were unable to view the septic tank at the time of inspection. Staff required that the home owner have a septic contractor provide documentation confirming that, should the existing system fail, there would be sufficient space for a replacement system. PSS staff have received a letter dated February 08, 2022 from Cosby Septic and Excavating services, which indicates there is sufficient space for a replacement holding tank on the property that would meet the required setbacks as per Section 8 of the Ontario Building Code. Therefore, since there is enough useable space for a replacement system and the proposed shed will not encroach on the usable space, Regional PSS staff have no concerns with the minor variance application.

Planning Act – Four Tests:

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

Is the application minor in nature?

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

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

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

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

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

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

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

Recommendation:

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

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

Prepared by,



Chris Roome
Planner



PORT COLBORNE
PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR
MINOR VARIANCE

REVISED
DEC 9/21

PLEASE TYPE OR USE BLACK INK

Section 1

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

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

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

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

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

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

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

Section 2: LOCATION

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

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage:	20m (IRREG)	Depth:	39.7m (IRREG)	Area:	6805sqm (IRREG)
Existing Use:	SINGLE FAMILY				
Proposed Use:	SINGLE FAMILY W/ ACCESSORY BLDG				

Section 4: OFFICIAL PLAN & ZONING

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

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

LAKE SHORE RESIDENTIAL (LR)

Section 5

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

Section 6

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

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

Section 7

What type of WATER SUPPLY is proposed?

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

Section 8

What type of SEWAGE DISPOSAL is proposed?

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

Section 9

What type of STORMWATER DISPOSAL is proposed?

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

SUMP PUMP FOR DWELLING
- ACCESSORY BUILDING - NONE

Section 10

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

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

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

- ☒ Yes
- ☐ No

NO PERMIT YET

Section 11

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

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

Section 12

DATE OF ACQUISITION of the land by the current owner:

MAY 27 2004

Section 13

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

WINTER 2021

Section 14

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

40 years plus

Section 15: OTHER APPLICATIONS

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

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

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

File number of the application:

Name of the approval authority considering the application:

Lands affected by the application:

Purpose of the application:

Status of the application:

Effect of the application on the proposed amendment:

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

16.1 ALL EXISTING USE

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

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

40 years plus

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

- ☒ Yes
- ☐ No

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

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

16.4 ALL PREVIOUS USE

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

16.5 ALL ADJACENT USE(S)

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

16.6 If Industrial or Commercial, specify use

N/A

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

- ☐ Yes
☒ No
☒ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☒ Unknown

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

- ☐ Yes
☐ No
☒ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☐ No
☒ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X DEC 7/2021
Date

X *Ronald Shuech*
Signature of Owner

X

Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY
Pre-screening Criteria

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

☐ Yes

☐ No

☒ Unknown

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

☐ Yes

☐ No

☒ Unknown

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

☒ Yes

☐ No

☐ Unknown

17.4 Is there a valley slope on the property?

☐ Yes

☐ No

☒ Unknown

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

☐ Yes

☐ No

☒ Unknown

X Dec 7/2021
Date

X Rond A. Lucchesi
Signature of Applicant(s)

11 X 11

Please note:

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

I/We DE FILIPPIS, NICK
Of the City/Town/Township of BRIMSBY
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 BRIMSBY
In the PROV of ONTARIO
This 8 day of DEC.
A.D. 20 21

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

X [Signature]

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

Barbara Ellis

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

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

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application:

Public hearing Date:

Adjourned Public Hearing Date:

Checked for completeness by:

Processing

Date: _____

Accepted by Manager of Planning and Development Services:

Circulated:

Comments Received:

Solicitor:

Engineer:

- ☐ 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:

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

3475 FIRELANE No 12, Port Colborne

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

De Filippis Design (Nick De Filippis)
(name of agent)

of the CITY of Stoney Creek

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 Stoney Creek
in the PROV of ONTARIO
this 7 day of DECEMBER, 2021

[Signature]
Signature of Witness

[Signature]
Signature of Owner

X
Signature of Witness

X
Signature of Owner

X
Signature of Witness

X
Signature of Owner

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

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

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

COMMITTEE OF ADJUSTMENT

NOTICE OF PUBLIC HEARING

APPLICATION FOR CONSENT

APPLICATION NO. A04-22-PC

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

AND IN THE MATTER OF the property legally known as Lot 769 & Lot 770 on Plan 836, in the City of Port Colborne, Regional Municipality of Niagara, located in the Second Density Residential (R2) zone, located in the Second Density Residential (R2) zone on the North side of Page St.

AND IN THE MATTER OF AN APPLICATION By the owner Adam Ahlstedt 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 proposed semi-detached dwelling on Page St, notwithstanding the following:

- 1) That a minimum lot frontage of 16.81m be provided, whereas a minimum lot frontage of 18m is required for semi-detached dwellings.

Explanatory Relief from the Zoning By-law: The applicant is seeking to sever the property on Page St. This minor variance is being sought to meet the conditions of consent application B17-21-PC. Due to the proposed lot frontage, the minor variance is required. A sketch of the proposed severance is shown on the reverse of this notice.

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

DATE:

March 9th, 2022

TIME:

6:00 P.M.

LOCATION:

Virtually via Zoom

66 Charlotte Street, Port Colborne, Ontario

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

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division’s report may be available for public inspection by **March 4th, 2022.**

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City’s YouTube channel at <https://www.youtube.com/watch?v=qos4vpvNQtg>.

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

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

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

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

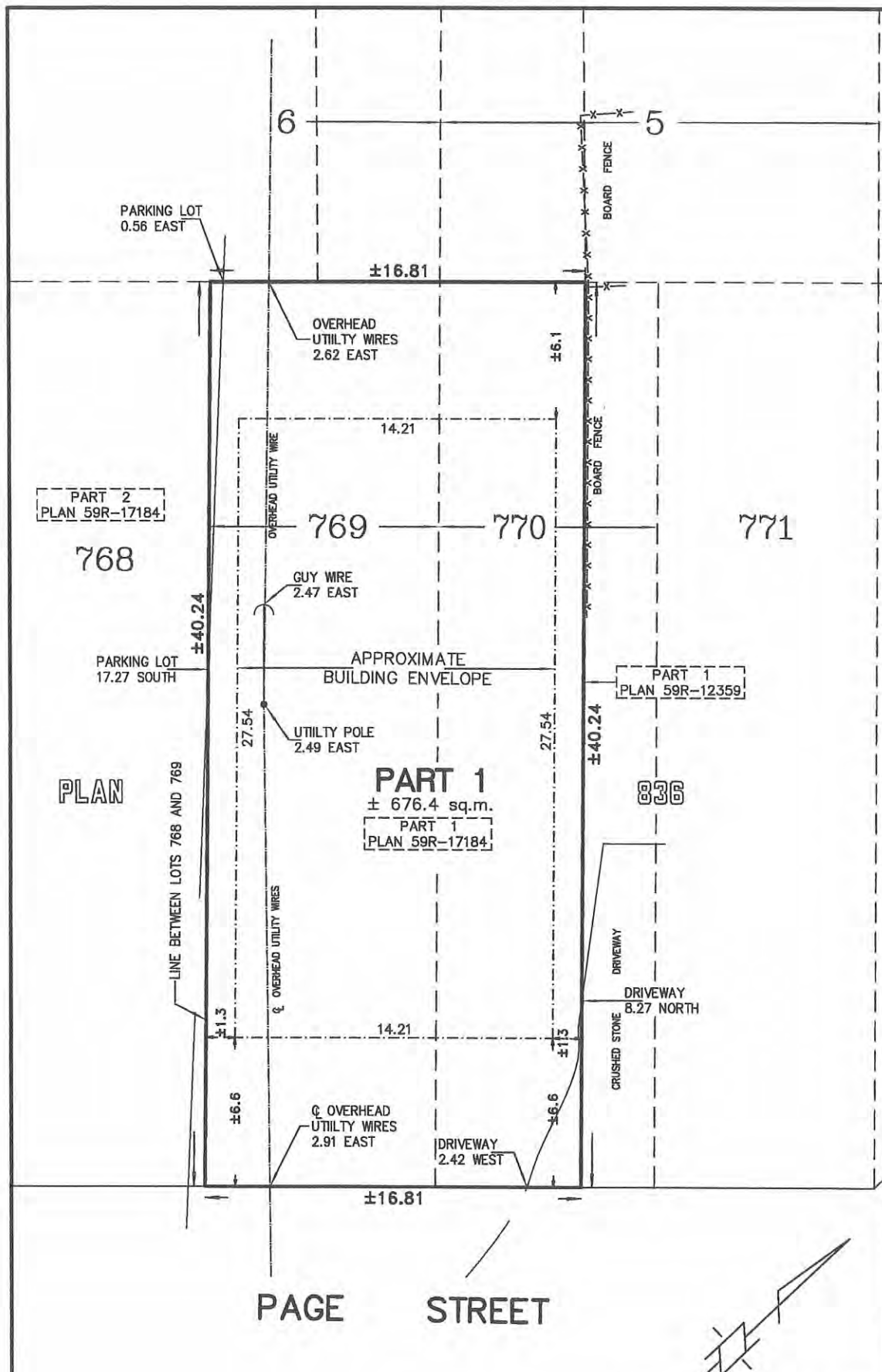
By order of the Committee of Adjustment,



Chris Roome, BURPI

Secretary-Treasurer

Date of Mailing: February 24th, 2022



FEB. 9, 2022
DATE

MARK GILMORE
Ontario Land Surveyor

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

SKETCH OF BUILDING ENVELOPE

LOT 769 & PART OF LOT 770
PLAN 836

IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

DRAWN BY: CM CHECKED BY: MG
SCALE: 1:200 SURVEY 22-667



City of Port Colborne

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

Development and Legislative Services

Planning Division

March 4, 2022

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

Re: Application for Minor Variance A04-22-PC
VL Page Street
Lot 769 and 770 on Plan 836
Agent: N/A
Owner(s): Adam Ahlstedt

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

Proposal:

The purpose and effect of this application is to permit a reduced lot frontage as a result of severance application B17-21-PC. This severance application created a lot that had insufficient lot frontage for a semi-detached dwelling. The applicant is seeking the minor variance to address this insufficiency.

Surrounding Land Uses:

The subject lands are surrounded by First Density Residential (R1) and Gateway Industrial (GI) zones to the north, Second Density Residential (R2) and Institutional (I) zones to the east and west, and Highway Commercial (HC) zones to the south.

Official Plan:

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

Zoning:

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

Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

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

Agency Comments:

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

Drainage Superintendant

No comments on proposed application.

Fire Department

No objection to proposed application.

Planning Act – Four Tests:

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

Is the application minor in nature?

Staff find the requested variance to be minor in nature. The request for 16.81m where 18m is required for lot frontage for a semi-detached dwelling in the R2 zone is considered a reasonable and measured request.

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

The proposal is desirable and appropriate as the parcel will be large enough to accommodate a semi-detached dwelling and ensure that it is located in a suitable location on the site.

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

The Zoning By-law permits semi-detached dwellings in the R2 zone and the proposal meets the majority of the requirements of the by-law. Staff find this application to be in keeping with the general intent and purpose of the Zoning By-law.

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

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

Recommendation:

Given the information above, Planning Staff recommend application A04-22-PC be **granted** for the following reasons:

1. **Minor in nature** as the requested variance is considered a reasonable and measured request.

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

Submitted by,

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

Chris Roome
Planner



PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

APPLICATION FOR MINOR VARIANCE

RECEIVED

FEB 11 2022

PLANNING & DEVELOPMENT
SERVICES DEPT.

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: <u>Ahlstedt Homes Ltd</u>	
Mailing Address: <u>82 Wellandvale Dr</u>	
City: <u>Welland</u>	Province: <u>Ontario</u>
Postal Code: <u>L3C7C6</u>	Telephone: <u>905-329-4516</u>
Fax:	Email: <u>adam.ahltd@gmail.com</u>

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

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

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

1.5 Date and Subject Land was acquired by the Current Owner:
<u>Feb. 22, 2022</u>

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: <u>Lanthier and Gilmore Surveying Ltd</u>	
Mailing Address: <u>173 Clarence St.</u>	
City: <u>Port Colborne</u>	Province: <u>Ontario</u>
Postal Code: <u>L3K 3G4</u>	Telephone: <u>905-835-5477</u>
Fax:	Email: <u>lanthier.gilmore@bellnet.ca</u>

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

Section 2: LOCATION

Former Municipality: <u>Port Colborne</u>	
Concession No.	Lot(s): <u>769, pt 770</u>
Registered Plan No. <u>836</u>	
Reference Plan No.	Part(s):
Name of Street: <u>Page St.</u>	Street No. <u>Vacant Lot</u>

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage: <u>56ft</u>	Depth: <u>132.05ft</u>	Area: <u>7394.8 sq ft</u>
Existing Use: <u>Vacant</u>		
Proposed Use: <u>Semis, single family residential</u>		

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: <u>R2 Urban Residential</u>
Regional Policy Plan: <u>Built Up Area</u>

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

Section 5

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

Section 6

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

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

Section 7

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

Section 8

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

Section 9

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

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW: * Zoning bylaw req. 15m setback, we already have

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

Section 11

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

Lot size too small

Section 12

DATE OF ACQUISITION of the land by the current owner:

Feb 22, 2022

Section 13

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

N/A

Section 14

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

N/A

Section 15: OTHER APPLICATIONS

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

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

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

File number of the application:	B17-21-PC
Name of the approval authority considering the application:	Committee of Adjustment
Lands affected by the application:	Page St. Vacant Lot, 49 Chipman Rd
Purpose of the application:	Severance

Status of the application: <i>Complete</i>
Effect of the application on the proposed amendment: <i>Created a lot with insufficient lot depth for semi-detached</i>

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 checked="" 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?
<i>N/A</i>

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 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

16.13 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 January 28 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 January 28 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 Adam Ambrose, Ambrose Homes Ltd

Of the City/Town/Township of Welland

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
10th City of PORT COLBORNE

In the REGION of NIAGARA

This 11th day of FEBRUARY

A.D. 20 22

[Signature]

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

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

X

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

Personal information collected on this application will become part of a public record.
Any questions regarding this collection should be directed to: 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:

PLAN 836 Lot 769 and PT Lot 770 (AN 64150021S) → Page 51.

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

Ahlstedt Homes Ltd. (Adam Ahlstedt)

and its agent

of the City of Welland

to make an application on my/our behalf to the Council for 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 Subdivide / Minor Variance or Permission / Draft Plan of Subdivision or Condominium Site Plan / Custom Approval / Interpretation of the appropriate application in accordance with the Planning Act

Date of this 5th of February
in the City of Port Colborne
this 5th day of February 2022

X Adam Ahlstedt
Signature of Owner

X Darryl Bell
Signature of Agent

X Sharon Weaver
Signature of Owner

X DeKuyper
Signature of Agent

X _____
Signature of Owner

X _____
Signature of Agent

This form is only to be used for legal purposes which may be required by someone other than the owner or where more than one owner is authorizing to another owner.

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

Where the Owner is without a spouse, common-law or equity interest, 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(s) included on this document as defined within the Planning Act.

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A20-21-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended, and Section 16.3 (g) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the property legally known as Lots 4 & 5 on Plan 58, in the City of Port Colborne, Regional Municipality of Niagara, and located in the Agricultural Residential Zone (AR), municipally known as 954 Wyldewood Road.

AND IN THE MATTER OF AN APPLICATION by the agent Hamid Bahrami on behalf of the owner Elizabeth Dimitrov, for relief from the provisions of Zoning By-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O. 1990 c. P. 13, for a proposed detached dwelling, notwithstanding the following:

- 1) That a maximum lot coverage of 15.2%, whereas 10% is required.

Explanatory Relief from the Zoning By-law: The applicant is seeking permission for a proposed single detached dwelling at 954 Wyldewood Road. Due to the proposed lot coverage, a minor variance is required. A sketch of the proposed parcel is shown on the reverse of this notice.

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

DATE:	March 9th 2022
TIME:	6:00 P.M.
LOCATION:	City of Port Colborne Council Chambers - Third Floor (virtual) 66 Charlotte Street, Port Colborne, Ontario

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

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **March 4th, 2022**

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City's YouTube channel at <https://youtu.be/KzeM9rE7Bl8>.

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

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

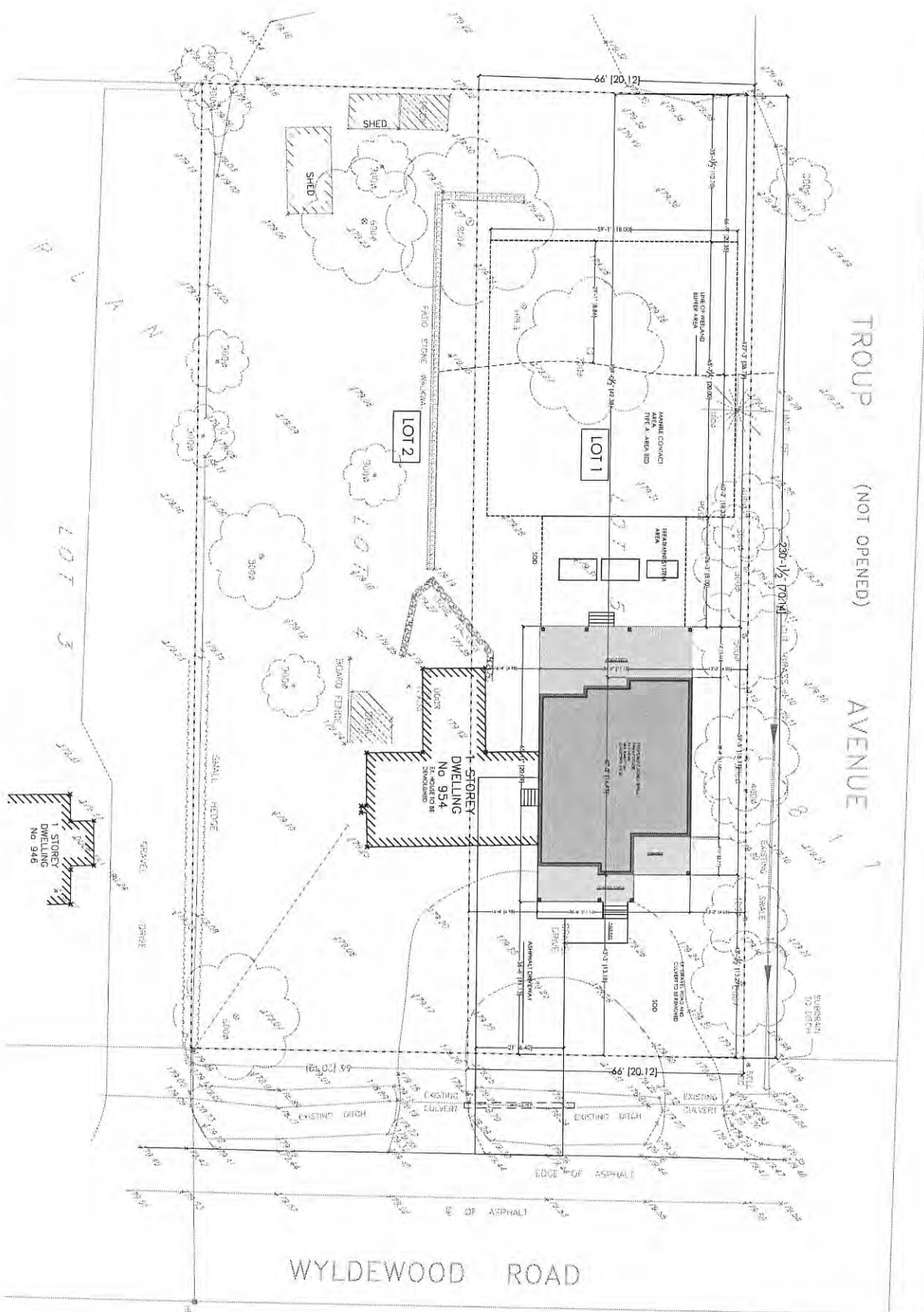
The owner or agent must be present virtually at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

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



Date of Mailing: February 24th, 2022

Chris Roome, BURPI
Secretary-Treasurer

[illegible]



City of Port Colborne

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

Development and Legislative Services

Planning Division

March 4, 2022

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

Re: Application for Minor Variance A20-21-PC
654 Wyldewood Road
Lots 4 & 5 on Plan 58
Agent: Hamid Bahrami
Owner(s): Elizabeth Dimitrov

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

Proposal:

The purpose and effect of this application is to permit a proposed dwelling on the subject property. Due to the proposed lot coverage, the minor variance is required.

Surrounding Land Uses:

The subject lands are surrounded by Agricultural Residential (AR) and Agricultural (A) zones to the north and south, and A zones to the east and west.

Official Plan:

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

Zoning:

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

Environmentally Sensitive Areas:

The subject property is located within a Wetland Buffer. Planning Staff are expecting comments from the NPCA.

Public Comments:

Notice was circulated on February 25th, 2022. As of March 4th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on February 25th, 2022. As of March 4th, 2022, the following has been received.

Engineering Department

No comments on proposed application.

Drainage Superintendant

No comments on proposed application.

Fire Department

No objection to proposed application.

Planning Act – Four Tests:

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

Is the application minor in nature?

Staff find the requested variance to be minor in nature. The increase in lot coverage from 10% to 15.2% is a reasonable and measured request.

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

The proposal is desirable and appropriate as the proposed dwelling is located in a suitable location on the parcel.

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

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

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

The Official Plan permits detached dwellings in the Agricultural 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 A20-21-PC be **granted** for the following reasons:

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

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

Submitted by,

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

Chris Roome
Planner



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: Elizabeth Dimitrov	
Mailing Address: 1493 Grazia Court	
City: Mississauga	Province: On
Postal Code: L4W 4B4	Telephone: 4162580874
Fax:	Email: plamenbdd@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: HB Design/ Hamid Bahrami	
Mailing Address: 282 Parliament St, Suite 204	
City: Toronto	Province: On
Postal Code: M5A 3A4	Telephone: 416 829-7170
Fax:	Email: hb@hb-developments.com

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
Street Capital- \$80,000.00

1.5 Date and Subject Land was acquired by the Current Owner:
2011

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Chambers & Associates	
Mailing Address: 12 Thorold Road East	
City: Welland	Province: On
Postal Code: L3C 3T2	Telephone: 905 735-7841
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: Port Colborne	
Concession No.	Lot(s): 5
Registered Plan No. 817	
Reference Plan No.	Part(s):
Name of Street: Wyldewood Road	Street No. 954

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage: 20.12M	Depth: 70.14M	Area: 1411.21M ²
Existing Use: Single Family house		
Proposed Use: Single Family house		

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)?
AR

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 type="checkbox"/> Other (specify) To be collected and directed to street swale _____

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
That a maximum lot coverage of 15.2%, whereas 10% is required. _____ _____ _____ _____ _____

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

Section 11

WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
The proposed house footprint is 10% of Lot area, Covered porches and wooden deck is 5.2% of the lot area.

Section 12

DATE OF ACQUISITION of the land by the current owner:
2011

Section 13

DATE OF CONSTRUCTION of all existing buildings and structures on the land:
Summer 2022

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:
+50 Years

Section 15: OTHER APPLICATIONS

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

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

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

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

16.1 ALL EXISTING USE
<input 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?
+50 Years

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
House	15.73m	41.50m	North: 11.16	South:11.34	1 Storey-5.5m	17.8x12.5	1960

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 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 checked="" 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

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

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.

5 FEB 07 / 22
X 
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 FEB 07/22
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 PLAMEN DIMITROV
Of the City/Town/Township of MISSISSAUGA
In the County/District/Regional Municipality of PEEL REGION
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 07 day of FEB
A.D 20 22

[Signature]
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:

AUTHORIZATION

LOCATION OF SUBJECT LANDS:

954 Wyldewood Road, Port Colborne



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

Hamid Bahrami / HB Design

(name of agent)

of the City of Toronto

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 1st of Junein the City of Mississaugathis 1st day of Jun 20021H. Bahrami
Signature of Witness
Signature of OwnerH. Bahrami
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*.

COMMITTEE OF ADJUSTMENT

NOTICE OF PUBLIC HEARING

APPLICATION FOR CONSENT

APPLICATION NO. A02-22-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 6 of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the property legally known as Concession 2 Part Lot 26, in the City of Port Colborne, Regional Municipality of Niagara, located in the Second Density Residential (R2) zone, Part 1on the prepared sketch, municipally known as 126 Chippawa Road.

AND IN THE MATTER OF AN APPLICATION By the agent, Leigh Whyte, on behalf of the owners Wach Properties, 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 expansion of a legal non-conforming use.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission for the expansion of the existing legal non-conforming residential use in the R2 zone. The applicant proposes to internally renovate the existing 5-unit residential structure and add an additional unit for a total of 6 residential units. The existing use is legal non-conforming as it is not a permitted use in the R2 zone but was constructed in 1949, prior to City’s Zoning By-law. A Sketch of the subject property is shown on the reverse of this notice.

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

DATE:

TIME:

LOCATION:

March 9th, 2022

6:00 P.M.

Virtually via Zoom

66 Charlotte Street, Port Colborne, Ontario

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

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division’s report may be available for public inspection by **March 4th, 2022**.

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City’s YouTube channel at <https://www.youtube.com/watch?v=qos4vpvNQtg>.

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

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

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

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

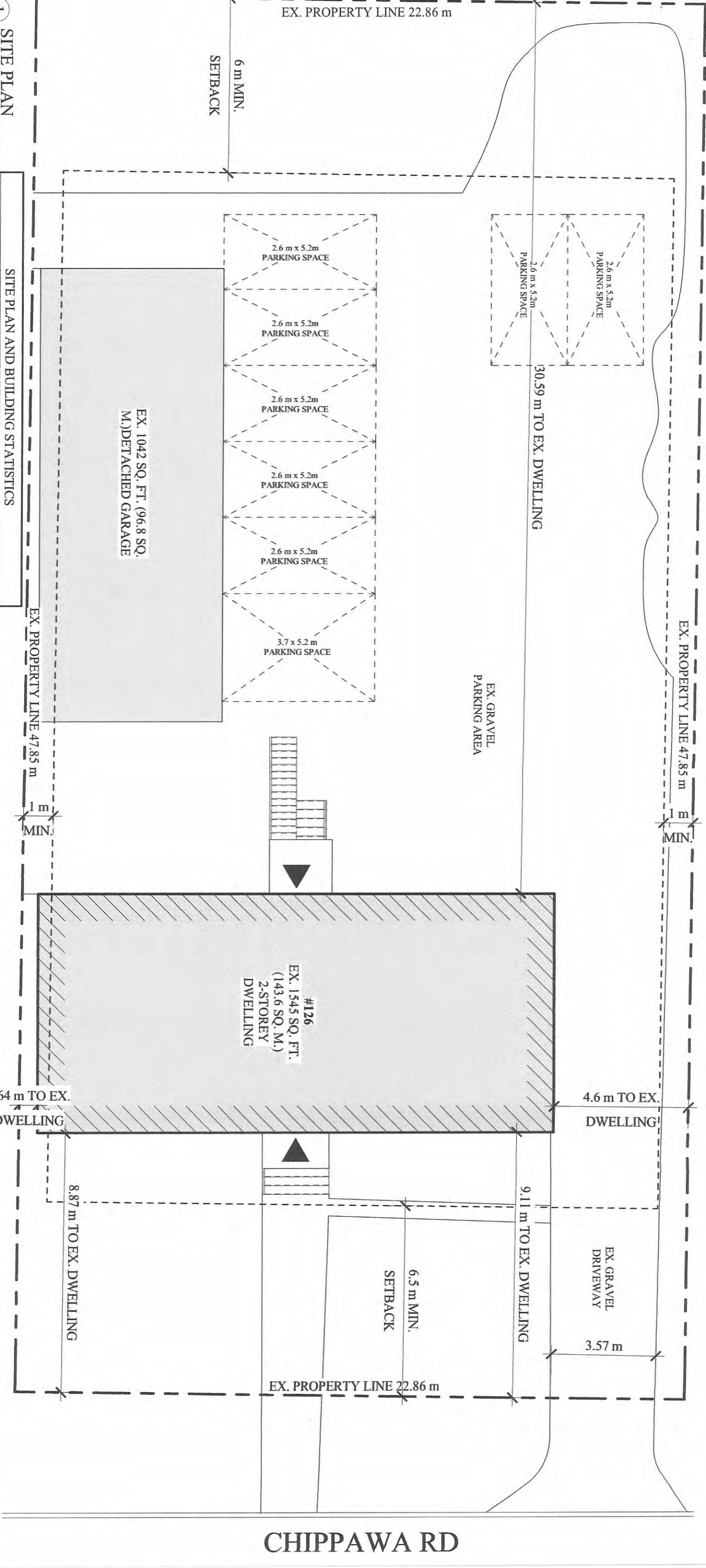
By order of the Committee of Adjustment,



Chris Roome, BURPI

Secretary-Treasurer

Date of Mailing: February 24th, 2022



1 SITE PLAN
3/32" = 1'-0"

SITE PLAN AND BUILDING STATISTICS			
Zoning:	SECOND DENSITY RESIDENTIAL-R2		
	Required	Existing	Proposed
Lot Area	400.0 sq.m	EX. 1093.732 sq.m	AS EXISTING
Lot Frontage	12.0 m	EX. 22.86	AS EXISTING
Lot Coverage	50%	EX. 22.6%	AS EXISTING
Insulated Areas	N/A	N/A	AS EXISTING
Front Setback	6.5 m	EX. 8.87 m	AS EXISTING
Rear Setback	6.0 m	EX. 30.59 m	AS EXISTING
Int.Side Setback	1.0 m	EX. 0.64 m/ 4.6 m	AS EXISTING
Ex. Side Setback	N/A	N/A	AS EXISTING
Building Height	11.0 m	EX. 8.06 m	AS EXISTING
Landscaped	25%	EX. 28.5%	AS EXISTING
Parking Requ.d ¹	1.25 PER UNIT	EX. 6	8

Add Requirements:

info@jordanstationdesignco.ca



MINOR VARIANCE
APPLICATION

126 Chippawa Road, Port Colborne, ON L3K 1T1



City of Port Colborne

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

Development and Legislative Services

Planning Division

March 4, 2022

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

**Re: Application for Minor Variance A02-22-PC
126 Chippawa Road
Concession 2 Part Lot 26
Agent: Leigh Whyte
Owner(s): Wach Properties**

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

Proposal:

The purpose and effect of this application is to permit the expansion of a legal non-conforming use in the R2 zone. The applicant proposes to internally renovate the existing 5-unit residential structure and add an additional unit for a total of 6 residential units. The existing use is legal non-conforming as it is not a permitted use in the R2 zone but was constructed in 1949, prior to the City's Zoning By-law.

Surrounding Land Uses:

The subject lands are surrounded by Second Density Residential (R2) and Gateway Industrial (GI) zones to the north and west, R2 zones to the south, and First Density Residential (R1) zones to the east.

Official Plan:

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

Zoning:

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

Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

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

Agency Comments:

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

Drainage Superintendant

No comments on proposed application.

Fire Department

No objection to proposed application.

Discussion

The Official Plan sets out policies pertaining to the expansion of legal non-conforming uses. Section 11.2.2 b) states the following:

An application for the enlargement or extension of a legal non-conforming use shall be judged as follows:

- i) The proposed expansion is in proportion to the size of the non-conforming use;*
- ii) The proposed expansion does not require an adjustment to the boundary between two areas of different land use;*
- iii) The proposed expansion does not create or aggravate existing compatibility issues with the surrounding area;*
- iv) Conditions that may minimize the nuisance are agreed upon, including but not limited to; landscaping, screening and setbacks; and*
- v) Factors such as traffic safety, parking, loading and municipal services have been considered.*

The proposed expansion does not include an addition to the structure. Planning Staff are satisfied that the application meets these policies as the size of the building is not being increased, the boundaries do not need to be adjusted and the expansion will not create any compatibility issues. Furthermore, parking and municipal servicing factors have already been addressed.

Additionally, Section 11.2.3 (b) (i) states the following:

b) The Committee of Adjustment, in granting an application for the extension or enlargement of non-conforming land, buildings or structures or uses shall be satisfied that:

- i) *The proposed extension or enlargement does not represent an unreasonable increase to the size and intensity of the legal non-conforming use;*

Since this application does not propose an external addition, Planning Staff are of the opinion that this request is not an unreasonable increase to the size and intensity of the legal non-conforming use.

Furthermore, staff consider this proposal to be similar to the existing non-conforming use, as the use is not being formally changed. Staff recognize that the application doesn't formally bring the property into more compliance with the By-law, however are of the opinion that the proposal does not expand the extent of non-conformity.

Planning Act – Four Tests:

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

Is the application minor in nature?

Staff find the requested variances to be minor in nature. The expansion of the non-conforming use will not negatively impact the surrounding area and neighbouring properties. No external additions have been proposed for any structure on the property and a sufficient number of parking spaces has already been accommodated on site. Staff consider this to be a reasonable and measured request.

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

The proposal is desirable and appropriate as there are no proposed additions to the existing dwelling.

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

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

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

The Official Plan permits apartments 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 A02-22-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 there are no proposed external additions to the dwelling.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the majority of the by-law requirements have been met.

4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as apartments are permitted in the Urban Residential designation and the requirements of the Official Plan have been met.

Submitted by,

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

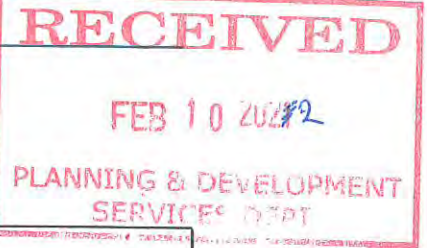
Chris Roome
Planner



PORT COLBORNE

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR MINOR VARIANCE



PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Wach Properties (Attn: Michal Wach)	
Mailing Address: 126 Chippawa Road	
City: Port Colborne	Province: Ontario
Postal Code: L3K 1T5	Telephone: (905) 923-4794
Fax: NA	Email: michaljeter03@yahoo.ca

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

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

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

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

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: TBD	
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: NA	
Concession No. NA	Lot(s): NA
Registered Plan No. NA	
Reference Plan No. NA	Part(s): NA
Name of Street: Chippawa Road	Street No. 126

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage: 22.86 m	Depth: 47.85 m	Area: 1,093.85 sm
Existing Use: 5-unit multi-dwelling residential structure		
Proposed Use: 6-unit multi-dwelling residential structure		

Section 4: OFFICIAL PLAN & ZONING

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

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

Section 5

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

Section 6

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

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

Section 7

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

Section 8

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

Section 9

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

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
<u>Expansion of an existing non-conforming use of the property to permit a 5-unit multi-dwelling residential structure to undergo interior renovation to accommodate a 6th unit.</u>

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

Section 11

WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
<u>The existing use is non-conforming. The renovation and addition of the one additional (6th) dwelling unit will continue to be non-conforming.</u>

Section 12

DATE OF ACQUISITION of the land by the current owner:
2021

Section 13

DATE OF CONSTRUCTION of all existing buildings and structures on the land:
Prior to 2000.

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:
Over 20 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: NA
Name of the approval authority considering the application: NA
Lands affected by the application: NA
Purpose of the application: NA

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

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?
Over 20 years.

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
Residential	8.87 m	30.59 m	0.64 m	4.60 m	2 storey	143.6 sm	Over 20 years
Garage	22.5+/- m	8.2+/- m	0.5+/- m	15.4+/- m	1 storey	See attached	Over 20 years
						See attached	

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
NA

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 February 10, 2022

Date

X *Min. White*

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

February 10, 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 P. Leigh Whyte, MCIP, RPP, AICP

Of the City/Town/Township of Fort Erie

In the County/District/Regional Municipality of Niagara

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

DECLARED before me at the

City Of Port Colborne

In the Region of Niagara

This 16th day of February

A.D. 20 22

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

A Commissioner, etc.

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

X

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

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

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:

126 Chippawa Road, Port Colborne

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

Leigh Whyte, MCIP, RPP, AICP obo PLW Planning & Environmental Consulting

(name of agent)

of the Town of Fort Erie

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

Dated at the Town of Fort Erie

in the Regional Municipality of Niagara

this 10th day of February 2022

X Leigh Whyte
Signature of Witness

X Minichuk
Signature of Owner

X
Signature of Witness

X
Signature of Owner

X
Signature of Witness

X
Signature of Owner

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

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

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

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR CONSENT

APPLICATION NO. B06-22-PC

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

AND IN THE MATTER OF the lands legally known as Concession 2 Part Lots 26 and 27 and Part of the Road Allowance Between Lots 26 and 27, on Reference Plan 59R-1871 in the City of Port Colborne, Regional Municipality of Niagara, located in the Light Industrial (LI-62) zone, municipally known as 72 Killaly Street East.

AND IN THE MATTER OF AN APPLICATION by the agent William Heikoop on behalf of the owners 1218614 Ontario Inc, for a lot boundary adjustment under Section 53(1) of the Planning Act R.S.O 1990 C.P 13, so as to permit the conveyance of Part 1 having a lot frontage of 20.65m and a lot area of 1839m² for a proposed lot addition to the abutting Part 3. Part 1 will retain a lot frontage of 74.44m on Killaly Street East and a lot area of 5511m². This application is also subject to Site Plan Control application D11-01-22. A sketch of the subject lands is shown on the reverse side of this notice.

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

DATE:

TIME:

LOCATION:

March 9th, 2022

6:00 P.M.

Virtually via Zoom

66 Charlotte Street, Port Colborne, Ontario

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

PUBLIC HEARING: You are entitled to participate and express your views about this application or you may be represented by counsel for that purpose. The Planning Division’s report may be available for public inspection by **Friday March 4th, 2022.**

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

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

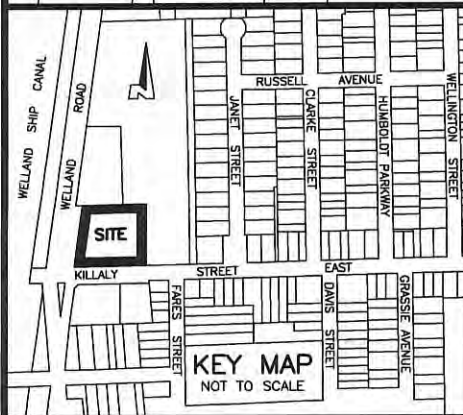
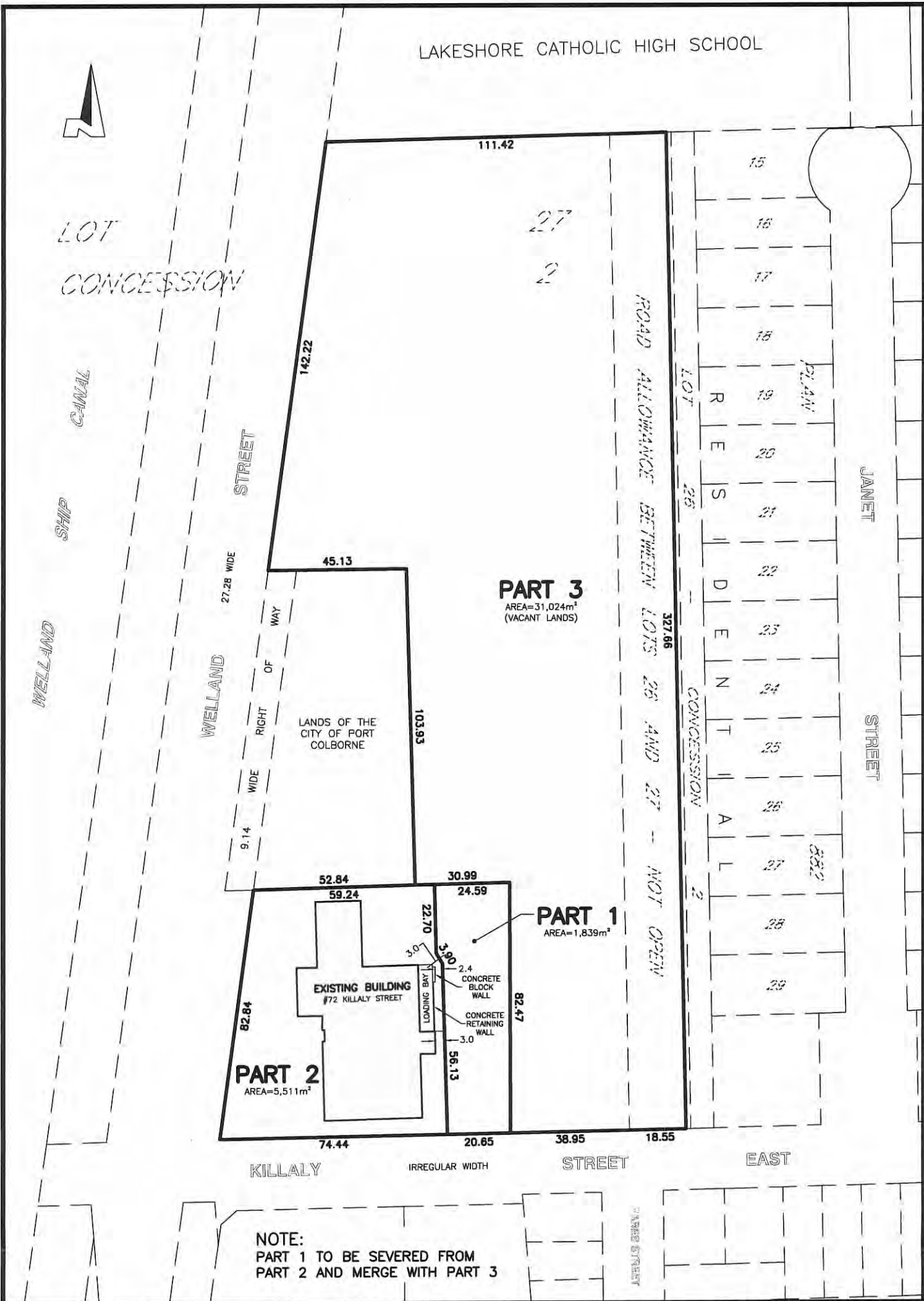
To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City’s YouTube channel at <https://www.youtube.com/watch?v=qos4vpvNQtg>.

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

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

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

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



SKETCH
PREPARED FOR SEVERANCE APPLICATION

PART OF LOTS 26 AND 27 AND
PART OF THE ROAD ALLOWANCE
BETWEEN LOTS 26 AND 27,
CONCESSION 2
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE
IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 1500 (METRIC)

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND
CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY.
DO NOT SCALE FROM THIS DRAWING.
ALL MEASUREMENTS ARE +/- MEASUREMENTS.

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

"THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH SEAL"

© COPYRIGHT 2022
THE REPRODUCTION, ALTERATION OR USE OF THIS SKETCH, IN
WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN PERMISSION OF
CHAMBERS AND ASSOCIATES SURVEYING LTD. IS STRICTLY PROHIBITED.

Feb. 1, 2022 *Don Chambers*
DATE DONALD G. CHAMBERS, B. Sc., O.L.S.

**CHAMBERS AND ASSOCIATES
SURVEYING LTD**

12 THOROLD ROAD EAST (905) 735-7841 / 735-7844
WELLAND ONTARIO FAX (905) 735-7333
L3C 3T2 www.casl-surveying.com

DWG 21105_SEV FILE 21-105



City of Port Colborne

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

Development and Legislative Services

Planning Division

March 4th, 2022

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

**Re: Application for Consent B06-22-PC
72 Killaly Street East
Concession 2 Part Lots 26 and 27 and Part of the
Road Allowance Between Lots 26 and 27
Agent: William Heikoop
Owner(s): 1218614 Ontario Inc**

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

Proposal:

The purpose and effect of this application is to permit the conveyance Part 1 having a lot frontage of 20.65m and a lot area of 1839m² for a proposed lot addition to the abutting Part 3. Part 2 will retain a lot frontage of 74.44m on Killaly Street East with a lot area of 5511m².

Surrounding Land Uses:

The subject lands are surrounded by Institutional (I) zones to the North, Second Density Residential (R2) and Parks and Public (P) zones to the east, and Fourth Density Residential (R4), R2 and P zones to the South.

Official Plan:

The subject property is designated as Industrial/ Employment in the City's Official Plan.

Zoning:

The subject property is located in the Light Industrial – 62 (LI-62) zone, a special provision of the Light Industrial zone, under Zoning By-Law 6575/30/18.

Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on February 23rd, 2022. As of March 4th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on February 23rd, 2022. As of March 4th, 2022, the following has been received.

Drainage Superintendant

No comments on the proposed application.

Fire Department

No objection to proposed application.

Discussion:

This consent application proposes a lot addition of Part 1 to Part 3. The proposed addition will leave the following lot areas and frontages:

Part 1 and Part 3: A lot frontage of 78.15m and a lot area of 32,863m²

Part 2: A lot frontage of 74.44m and a lot area of 5511m².

The LI zone requires a lot frontage of 30m and does not have a minimum lot area. The requirements of the Zoning By-law have been met.

Recommendation:

Given the information above, Planning Staff recommend application B06-22-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.
3. That Part 1 and Part 3 be merged on title.

For the following reasons:

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

Submitted by,

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

Chris Roome
Planner

**PORT COLBORNE**

• PLANNING AND DEVELOPMENT DEPARTMENT •

**APPLICATION FOR
CONSENT**

PLEASE TYPE OR USE BLACK INK

Section 1**RECEIVED****FEB 09 2021****PLANNING & DEVELOPMENT
SERVICES DEPT.****1. Registered Owner (s):**

Name: 1218614 Ontario Inc.

Mailing Address: 2807 Tammy Ave.

City: Port Colborne

Province: ON

Postal Code: L3K 5V3

Telephone: (905) 835-5797

Fax:

Email: larry@fontainetransport.com

1.2 Owner's SOLICITOR (if applicable)

Name: Wilson, Opatovsky Barristers and Solicitors - Christopher Wilson

Mailing Address: 190 Elm Street, P.O. Box 99

City: Port Colborne

Province: ON

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: Upper Canada Consultants - William Heikoop

Mailing Address: 3-30 Hannover Drive

City: St. Catharines

Province: ON

Postal Code: L2W 1A3

Telephone: (905) 688-9400

Fax:

Email: wheikoop@ucc.com

1.4 MORTGAGES, Charges & Other Encumbrances:

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

Fontaine Transport Inc. located at 72 Killaly Street East, Port Colborne, ON L3K 1N4

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

Unknown

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Chambers and Associates Surveying Ltd.	
Mailing Address: 12 Thorold Road East	
City: Welland	Province: ON
Postal Code: L3C 3T2	Telephone: (905) 735-7841
Fax: (905) 735-7333	Email: aheywood@jdbarnes.com

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

Section 2: LOCATION

Former Municipality: Township of Humberstone	
Concession No. 2	Lot(s): 27
Registered Plan No.	Lot(s):
Reference Plan No. 59R-1871	Part(s): 1
Name of Street: Killaly Street East	Street No. 72

2.1 Type of proposed transaction: (Check appropriate space(s))
<input type="checkbox"/> Creation of New Lot <input checked="" type="checkbox"/> Addition to lot <input type="checkbox"/> Mortgage or Charge <input type="checkbox"/> Lease <input type="checkbox"/> Disposal of Surplus Farm Dwelling <input type="checkbox"/> Farm Retirement Lot <input checked="" type="checkbox"/> Partial Discharge or Mortgage <input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement
Reason for proposed transaction:
To adjust the boundary of Part 2 by severing Part 1 and adding it to Part 3 on the Severance Sketch.

2.2 If a lot addition, identify the lands to which the parcel will be added:
Part 1 will be severed from Part 2 and transferred to Part 3.

2.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:
1338277 Ontario Inc.

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: Industrial/Employment

Regional Policy Plan: Urban Area (Built-Up)

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

Light Industrial with Special Provision 62 - (LI-62)

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

☒ Yes

☐ No

Section 4

Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?

☐ Yes

☒ No

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

Section 5

Type of ACCESS

☐ Provincial Highway

☐ Regional Road

☒ Municipal Road maintained all year

☐ Other Public Road

☐ Municipal Road maintained **seasonally**

☐ Right-of-Way

☐ Water Access

☐ Private Road

Section 6

What type of WATER SUPPLY is proposed?

☒ Publicly owned and operated piped water supply

☐ Lake

☐ Well (private or communal)

☐ Other (specify)

Section 7

What type of SEWAGE DISPOSAL is proposed?

☒ Publicly owned and operated sanitary sewage system

☐ Septic system (private or communal)

☐ Other (specify)

Section 8

What type of STORMWATER DISPOSAL is proposed?

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

Section 9

Part No. On Sketch: 1

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)

Frontage: 20.65m Depth: 82.47 Area: 1,839sq.m.

Existing Use: Light Industrial

Proposed Use: Light Industrial

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

Existing:

Proposed:

Section 10

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)

Frontage: 74.44m Depth: 82.84 Area: 5,511sq.m.

Existing Use: Light Industrial

Proposed Use: Light Industrial

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

Existing:

Proposed:

Section 11

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

- ☐ Yes
☒ No
☐ Unknown

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

File Number: N/A

Decision: N/A

Section 12

HAS THE LAND BEEN SEVERED from the parcel originally acquired by the owner of the land?

- ☐ Yes
☒ No

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

Grantee's (Purchaser's) name:
N/A

Land Use on severed parcel:
N/A

Date Parcel Transferred:
N/A

Consent file number (if known):
B N/A

Section 13: OTHER APPLICATIONS

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

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

Name of the approval authority considering the application:
City of Port Colborne

Lands affected by the application:
72 Killaly Street East

Purpose of the application:
To permit the development of a warehouse

Status of the application:
Filed

Effect of the application on the proposed amendment:
None

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

14.1 ALL EXISTING USE

- ☐ Residential
☒ Industrial

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

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

Unknown

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
N/A							

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

14.6 If Industrial or Commercial, specify use

~~Warehouse~~ Transportation warehouse and office

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☐ No
☒ Unknown

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

- ☐ Yes
☐ No
☒ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☐ No
☒ Unknown

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

- ☒ Yes
☐ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X Nov. 30, 2021
Date

X [Signature]
Signature of Owner
Larry Fontaine ASO for 4338277 Ontario Inc.
1218414 re

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

Transportation Warehouse/Office

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

- ☒ Yes
☐ No

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-screening Criteria

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

- ☐ Yes
- ☒ No
- ☐ Unknown

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

- ☐ Yes
- ☒ No
- ☐ Unknown

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

- ☐ Yes
- ☒ No
- ☐ Unknown

15.4 Is there a valley slope on the property?

- ☐ Yes
- ☒ No
- ☐ Unknown

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

- ☐ Yes
- ☒ No
- ☐ Unknown

X Feb 7/2022
Date

X William Heikoop
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 William Heikoop

Of the City/Town/Township of St. Catharines

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 St. Catharines
In the Regional Municipality of Niagara
This 7th day of Feb.
A.D. 2022

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

X William Heikoop

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

Robert John VanDerValk, a Commissioner, etc.,
Province of Ontario, for
Upper Canada Planning & Engineering Ltd.
Expires November 23, 2022.

Robert John VanDerValk
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:

72 Killaly Street East

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

Upper Canada Consultants

(name of agent)

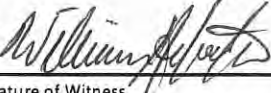
of the _____ City _____ of _____ St. Catharines

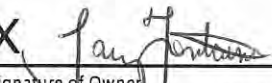
to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment / Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium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

Dated at the _____ City _____ of _____ St. Catharines

in the _____ Regional Municipality _____ of _____ Niagara

this _____ 7th day of _____ Feb. 20 22

X 
Signature of Witness

X 
Signature of Owner
Larry Fontaine ASO for 1338277 Ontario Inc.
1218614
FF

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.



PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

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

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR CONSENT

APPLICATION NO. A03-22-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 2.18 (a), 2.19.1, 3.7 (b), and 8.5 (c), (d), (f) and (i), of the City of Port Colborne Zoning By-law 6575/30/18, as amended.

AND IN THE MATTER OF the lands legally known as Lots 20, 21, 22, 23 and Part Lot 24 on Plan 857 in the City of Port Colborne, Regional Municipality of Niagara, located in the Fourth Density Residential (R4) zone, municipally known as 80 Nickel Street.

AND IN THE MATTER OF AN APPLICATION By the agent, Jacob Dickie, on behalf of the owners 2819524 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 the construction two proposed 3-storey stacked townhouse developments with a total of 14 units, notwithstanding the following;

- 1) That the proposed garbage storage areas be located in the front yard, whereas garbage storage areas are permitted in the interior side and rear yard.
- 2) That a rear-yard setback for both proposed patios/decks of 3m be permitted, whereas 4.5m is required for decks with a height above the ground floor level of 1.2m or greater.
- 3) That a driveway width of 6m be permitted, whereas 7.5m is required for driveways where two-way traffic is permitted.
- 4) That a front-yard setback of 3m be permitted, whereas 7.5m is required in the R4 zone.
- 5) That an interior side-yard setback of 1.1m be permitted, whereas 3m is required in the R4 zone.
- 6) That a rear yard setback of 5m be permitted, whereas 6m is required in the R4 zone.
- 7) That a width of both proposed planting strips of 2.3m be permitted, whereas a width of 3m is required for lands abutting a Third Density Residential Zone

Explanatory Relief from the Zoning By-law: The applicant is requesting permission for two proposed block townhouse developments with three storeys and a total of 14 units. The City of Port Colborne Zoning By-law does not currently provide a definition for stacked townhouses, the applicant has requested that the Committee consider a stacked townhouse as a like use to a block townhouse, as permitted in the R4 zone. Due to the proposed location of the garbage storage area, location of the rear patio/decks, setbacks and width of landscape buffers, the minor variance is required. A sketch of the proposal is shown on the reverse side of this notice

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

DATE: March 9th, 2022
TIME: 6:00 P.M.
LOCATION: Virtually via Zoom
66 Charlotte Street, Port Colborne, Ontario

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

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **March 4th, 2022.**

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City's YouTube channel at <https://www.youtube.com/watch?v=qos4vpvNQtg>.

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

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

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

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

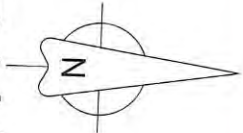
By order of the Committee of Adjustment,



Chris Roome, BURPI

Secretary-Treasurer

Date of Mailing: February 24th, 2022



163 / 165 MITCHELL ST.
ZONED: R3

GROUND LEVEL PATIO
2ND LEVEL DECK
NO 3RD LEVEL ACCESS

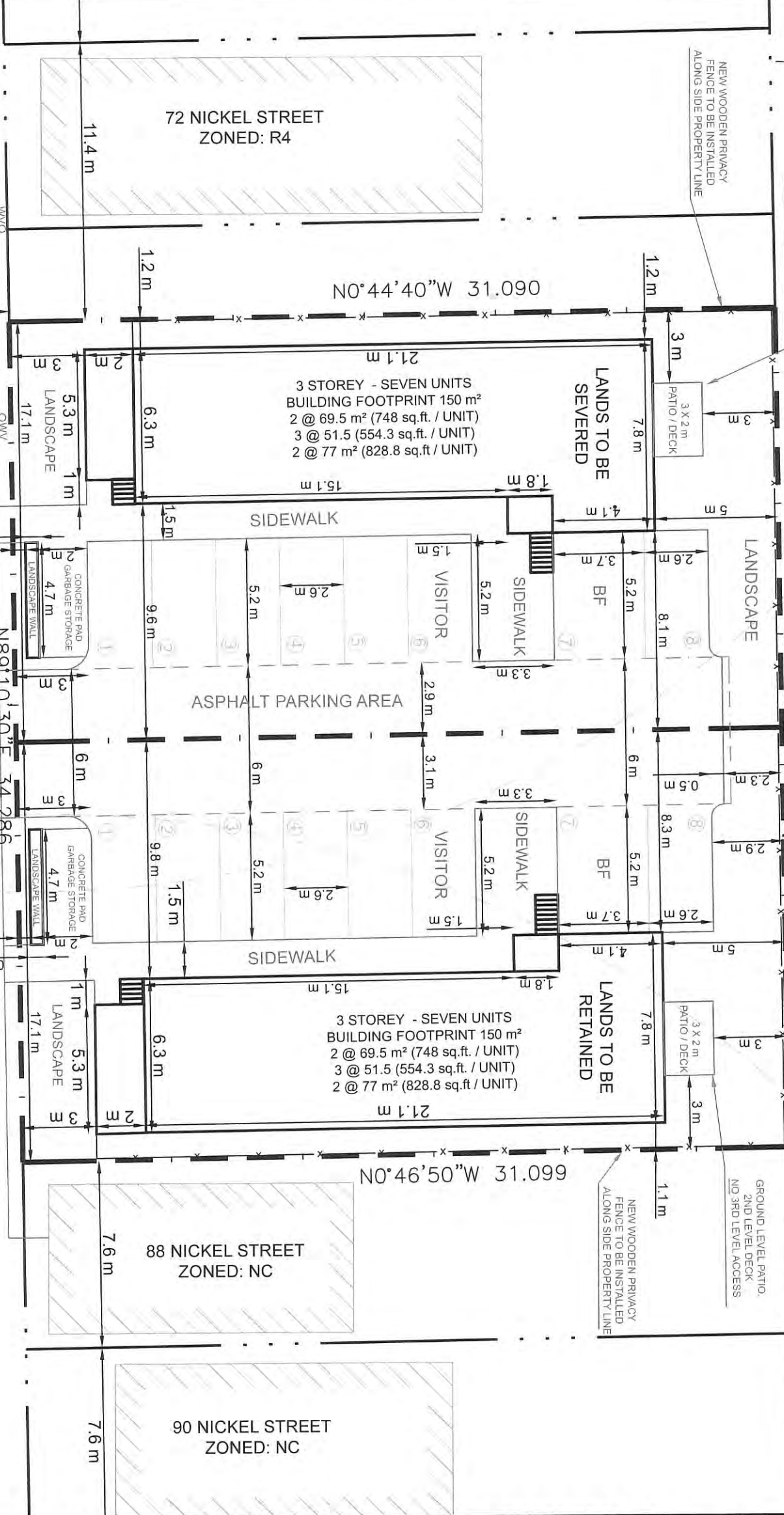
N89°09'30"E 34.267

EXISTING FENCE TO BE
MAINTAINED ALONG
REAR PROPERTY LINE

198 DAVIS ST.
ZONED: R3

GROUND LEVEL PATIO,
2ND LEVEL DECK
NO 3RD LEVEL ACCESS

NEW WOODEN PRIVACY
FENCE TO BE INSTALLED
ALONG SIDE PROPERTY LINE



BOULEVARD
EXISTING
DRIVEWAY

Portion of neighbouring
asphalt to be removed

Hydropipe to be relocated

Old driveway to be removed

(BY BY-LAWS No. 5, 88 & 89)
(OMAR STREET BY REGISTERED PLAN No. 949)

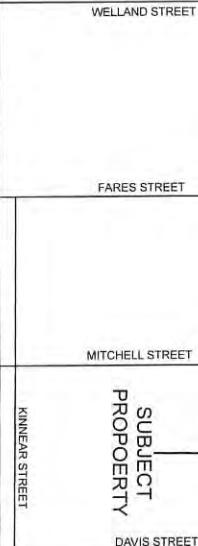
NICKEL STREET

APPROX. CENTER LINE OF ROAD

PIN 64164-0226(LT)

APPROX. 45m RADIUS
TO FIRE HYDRANT

KEY PLAN



CONCEPT SITE PLAN

80 NICKEL STREET, PORT COLBORNE

CURRENT ZONING: R4 (FOURTH DENSITY RESIDENTIAL) ZB No. 6675/30/18

TOTAL SITE AREA: 1065.6 m² (0.26 ac, 0.11 ha)

LANDS TO BE RETAINED - 532.636 m² (0.13 ac, 0.05 ha)

LANDS TO BE SEVERED - 533.0106 m² (0.13 ac, 0.05 ha)

MINOR VARIANCE: R4 - XX - DWELLING, TOWNHOUSE BLOCK

PROPOSED: 7 RESIDENTIAL UNITS / LOT			
ZONING: R4	REQUIRED	RETAINED PROPOSED	SEVERED PROPOSED
MIN LOT AREA	0.02 ha	0.05 ha	0.05 ha
LOT FRONTAGE	6.0 m / UNIT	17.1 m	17.1 m
MIN. FRONT YARD	7.5 m	3.0 m	3.0 m
MIN. INT. SIDE YARD	3.0 m	1.1 m	1.2 m
MIN. REAR YARD	6.0 m	5.0 m	5.0 m
BUILDING HEIGHT	11.0 m	11.0 m	11.0 m
BUILDING FOOTPRINT	-----	150.0 m ²	150.0 m ²
BUILDING COVERAGE	-----	28.14%	28.14%
PARKING	1 / UNIT	7 SPACES	7 SPACES
BARRIER FREE	-----	1 SPACE (INC.)	1 SPACE (INC.)
VISITOR PARKING	-----	1 SPACE	1 SPACE
TOTAL PARKING	-----	8 SPACE	8 SPACE
REQ. DRIVEWAY WIDTH	MIN. 7.5 m	6.0 m (SHARED)	6.0 m (SHARED)
HARD SURFACE	-----	202.17 m ²	198.18 m ²
HARD COVERAGE	-----	37.96%	37.18%
LANDSCAPED AREA	-----	180.47 m ²	184.83 m ²
LANDSCAPE COVERAGE	25% MIN.	33.9%	34.7%
LANDSCAPE BUFFER	3.0 m (1)	2.3 m	2.3 m
DECK (REAR)	4.5 m (2)	3.0 m	3.0 m
DECK (INTERIOR)	3.0 m (2)	3.0 m	3.0 m

NOTE: 1. ZB 6675/30/18 - 8.5 (i) LANDSCAPE BUFFER ABUTTING R3
2. ZB 6675/30/18 - 2.19.1 - GENERAL STRUCTURES
3. LANDSCAPING WALL SHALL NOT EXCEED 0.75m IN HEIGHT AS PER 2.13(c)
4. GARBAGE STORAGE TO BE LOCATED IN THE FRONT YARD.

LEGEND

☐ ACCESS

☐ EASEMENT

☐ HP - HYDRO POLE

☐ FH - FIRE HYDRANT

SCALE: 1:200

WHEN PRINTED ON 11" X 17"

PROJECT FILE NO. 2021_06

DATE: JANUARY 4, 2022

DRAWN BY: S.C.

REVIEWED BY: T.G.



WWW.URBANINMIND.CA

DATE: APRIL 9, 2021

FILE No.: NS2021-011

DWG FILE: NS2021-011-01

O.L.S./PROJECT CONSULTANTS/LAND MANAGEMENT

12 LUNAN STREET, ST. CATHARINES, ONTARIO

905-688-4413

6395 COLBORNE STREET, PORT COLBORNE, ONTARIO

905-335-8400

THE LAROCQUE GROUP



City of Port Colborne

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

Development and Legislative Services

Planning Division

March 4, 2022

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

Re: Application for Minor Variance A03-22-PC
80 Nickel Street
Lots 20, 21, 22, 23 and Part Lot 24 on Plan 857
Agent: Jacob Dickie
Owner(s): 2819524 Ontario Inc

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

Proposal:

The purpose and effect of this application is to permit the construction of two proposed 3-storey block townhouse developments. Due to the proposed garbage storage location, rear yard setback for decks, driveway width, front yard setback, interior side yard setback, rear yard setback and width of planting strips, the minor variance is required.

Surrounding Land Uses:

The subject lands are surrounded by Third Density Residential (R3) zones to the north and south, Neighbourhood Commercial (NC), Fourth Density Residential (R4), Institutional (I) and Heavy Industrial (HI) zones to the east, and R4, R3 and I zones to the west.

Official Plan:

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

Zoning:

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

Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

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

Note: These comments have been summarized in the Planning Staff Report. For a copy of the full comments, please refer to the Agenda Package.

Cindy Martineau – 166 Mitchell Street

- Concerns over encroachment into yards, as well as privacy concerns from the height of the buildings.
- Concerns over the amount of parking and where the overflow parking will be located.
- Inquiring about the types of tenants that will be inhabiting the dwellings.
- Concerns over the height of the proposed dwellings. Believes a two-storey dwelling would be better suited for the lot.

Shelbey Peters – 56 Nickel

- Issues over the size of the proposed dwellings.
- Concerns over privacy into nearby properties.
- Concerns over the required amount of parking.

Rosemarie Taylor – 166 Mitchell

- Does not believe garbage storage area should be located in the front yard. Rodents are an issue and this proposal may make things worse.
- Does not believe that the encroachment into the required yards should be permitted.
- Believes that the reduction in driveway width will result in difficulties maneuvering and could lead to accidents.
- Does not believe a reduction in front yard setback should be permitted as dust from transport trucks may have a negative impact.

Agency Comments:

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

Drainage Superintendant

No comments on proposed application.

Fire Department

No objection to proposed application.

Discussion

As part of a complete application, Planning Staff requested a Planning Justification Report (PJR) be submitted with the application. The report, prepared by Urban in Mind, provided an expert opinion on the proposed development.

Planning staff agree with the recommendation in the PJR that, due to site constraints, there is not enough room in the rear or interior side yards for the garbage storage location. Potential unsightly visuals will be mitigated through the use of the landscaped wall.

Planning Staff also agree with the justification for the reduction in required setbacks, driveway width and width of a planting strip. The fencing and vegetation along the rear property line will help to address privacy concerns and the reduction in the required setbacks is also not out of character for the surrounding area. The size of the parking area allows for vehicles to still maneuver, in spite of the reduced width. The requested width of the landscaped buffer only applies to a smaller section of the rear yard, where most of the rear yard is still in compliance with the By-law.

Staff notes that this proposal will fit the character of the neighbourhood as the zoning permits townhouse developments. Parking concerns have been addressed by the applicant by providing 16 parking spaces where 14 are required as per the By-law. There is also sufficient street parking located nearby for any overflow parking. The proposal will also meet the built form of the surrounding area as the setbacks for other dwellings are similar to the requested setbacks of this application.

Planning Act – Four Tests:

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

Is the application minor in nature?

Staff find the requested variances to be minor in nature. The setback reductions, driveway width and width of planting strips are all considered to be reasonable and measured requests. The location of the garbage storage area has mitigated potential negative impacts by the installation of the landscaped wall.

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

Staff finds this application to be desirable and appropriate for the development of the site as the buildings will be located in a suitable location on the subject parcel.

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

The Zoning By-law permits townhouse dwellings in the R4 zone and the proposal meets the majority of the requirements of the by-law. Staff find this application to be in keeping with the general intent and purpose of the Zoning By-law.

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

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

Recommendation:

Given the information above, Planning Staff recommend application A03-22-PC be **granted** for the following reasons:

1. **Minor in nature** as the requested variance is considered a reasonable and measured request.
2. **Appropriate for development of the site** as the building will be located in a suitable location on the site.

3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as townhouse dwellings are permitted in the R4 zone and the majority of the requirements of the by-law have been satisfied.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as townhouse dwellings are permitted in the urban residential designation.

Submitted by,

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

Chris Roome
Planner

PLANNING JUSTIFICATION REPORT MINOR VARIANCE, CONSENT & SITE PLAN

JANUARY 21, 2022

80 NICKLE STREET, PORT COLBORNE, ON



Subject Property

Prepared by:

Urban in Mind,
Professional Urban Planning, Land Development & CPTED Consultants

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1.0 INTRODUCTION:

Urban in Mind has been retained by the Owner to obtain Minor Variance, Consent & Site Plan approvals for 80 Nickle Street ("subject property") in the City of Port Colborne, Ontario (**Figure 1**).

The intention is to sever the subject property to build a 7-unit block townhouse block on the retained lands and a mirror image of another 7-unit block townhouse block on the severed lands with a shared access easement in the middle that will function as a driveway for both properties (**Figure 8**), which are both planned for rental accommodation.

1.1 Purpose of the Report:

The purpose of this **Planning Justification Report** is to provide an analysis of the subject property, and to evaluate the proposal in context with the applicable planning policies, thereby providing a sound justification for the approval of the required planning applications.

2.0 SUBJECT PROPERTY AND SURROUNDING AREA:

2.1 Site Overview:

Figure 1: Aerial View of **Subject Property** (Niagara Navigator)

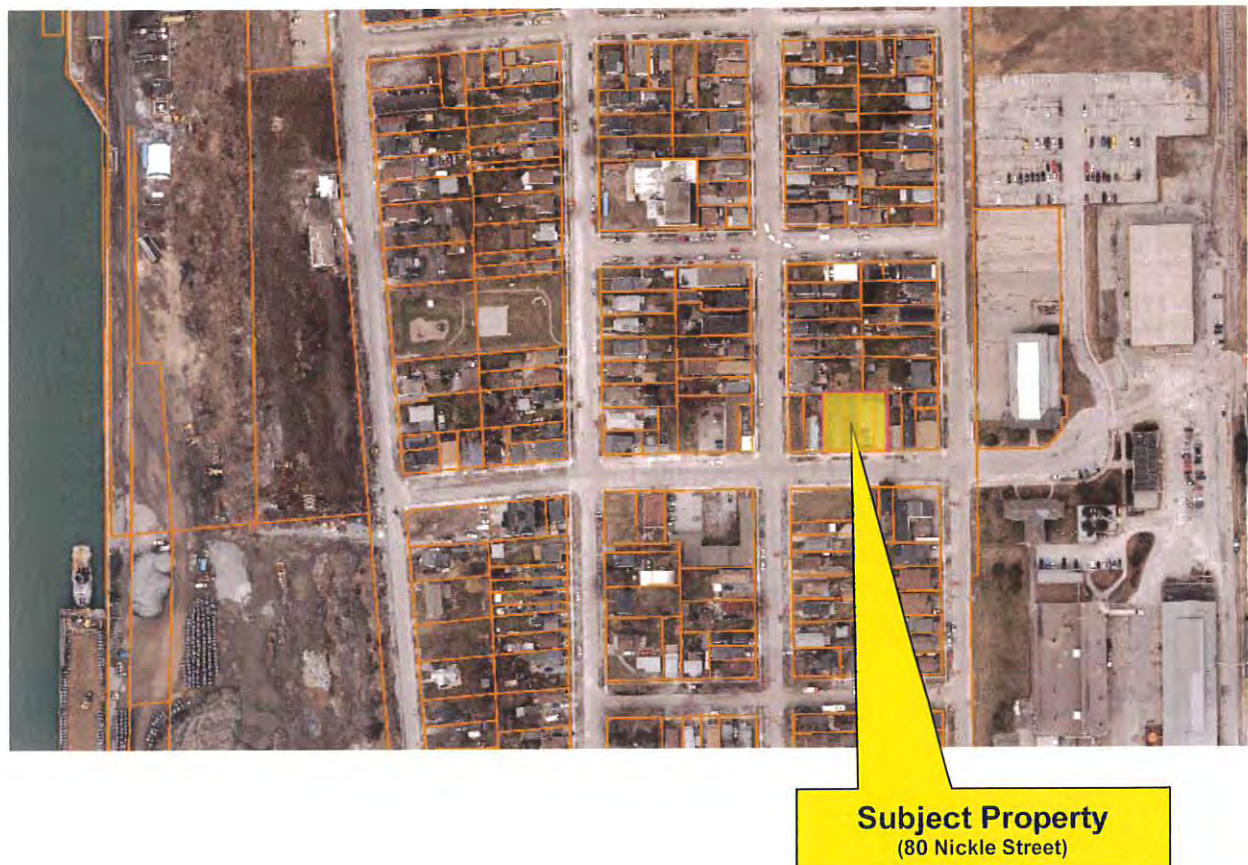


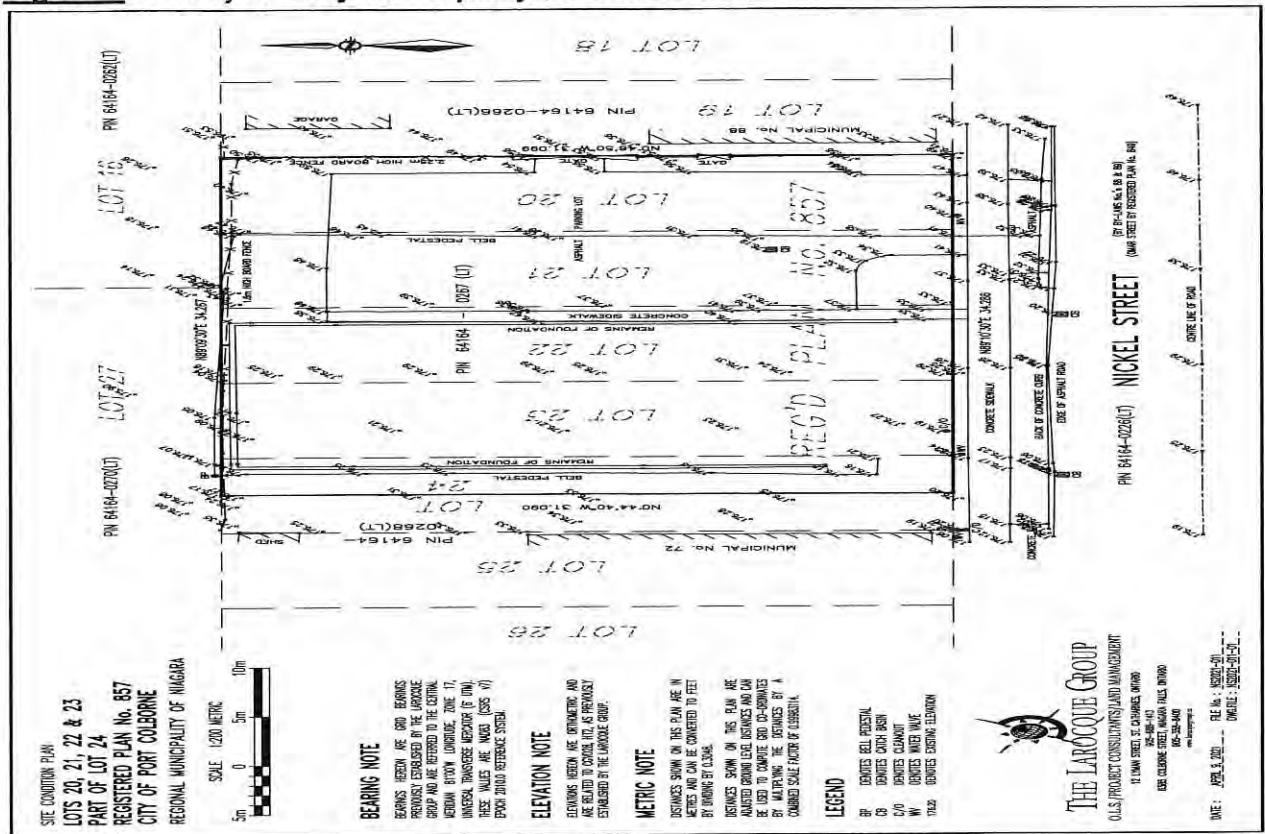
Figure 2: Aerial View #2 of **Subject Property** (Google Maps)



The 'vacant' subject property is municipally known as 80 Nickle Street (**Figure 1, 2 & 3**) and is located on the north side of Nickle Street, east of Mitchell Street, south of Decew Street and west of Davis Street in the City of Port Colborne, Ontario.

The site has a frontage of 34.286 m with one vehicular access from Nickle Street, and a total lot area of 1065.6 m² (0.26 ac/0.11 ha). As shown in the image above, the site is generally flat. The eastern segment of the property is primarily comprised of asphalt, while the western segment of the property is primarily comprised of dirt/sod. There are no trees or structures on site, just a perimeter fence that wraps around the northern and eastern property lines.

Figure 3: Survey of *Subject Property* (The Larocque Group)



The immediate surrounding area includes the following:

Figure 4: Rear Yards of the Abutting Properties (North)

Figure 5: Abutting Property (East)

Figure 6: Properties Across the Street (South)

Figure 7: Abutting Property (West)

Figure 4: Rear Yards of the Abutting Properties (**North**) (Google Maps)



Figure 5: Abutting Property (**East**) (Google Maps)



Figure 6: Properties Across the Street (**South**) (Google Maps)

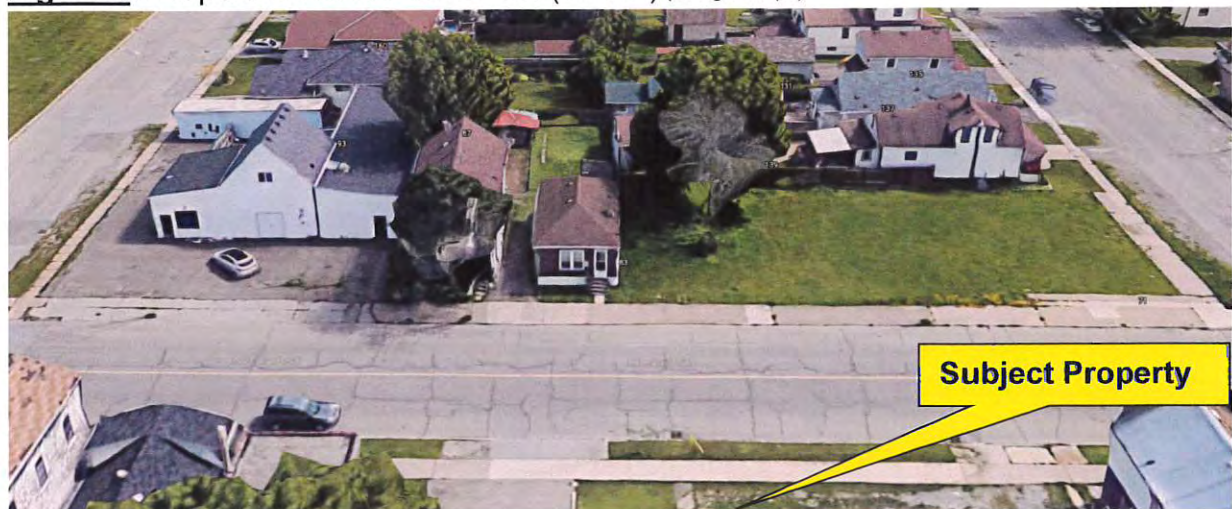
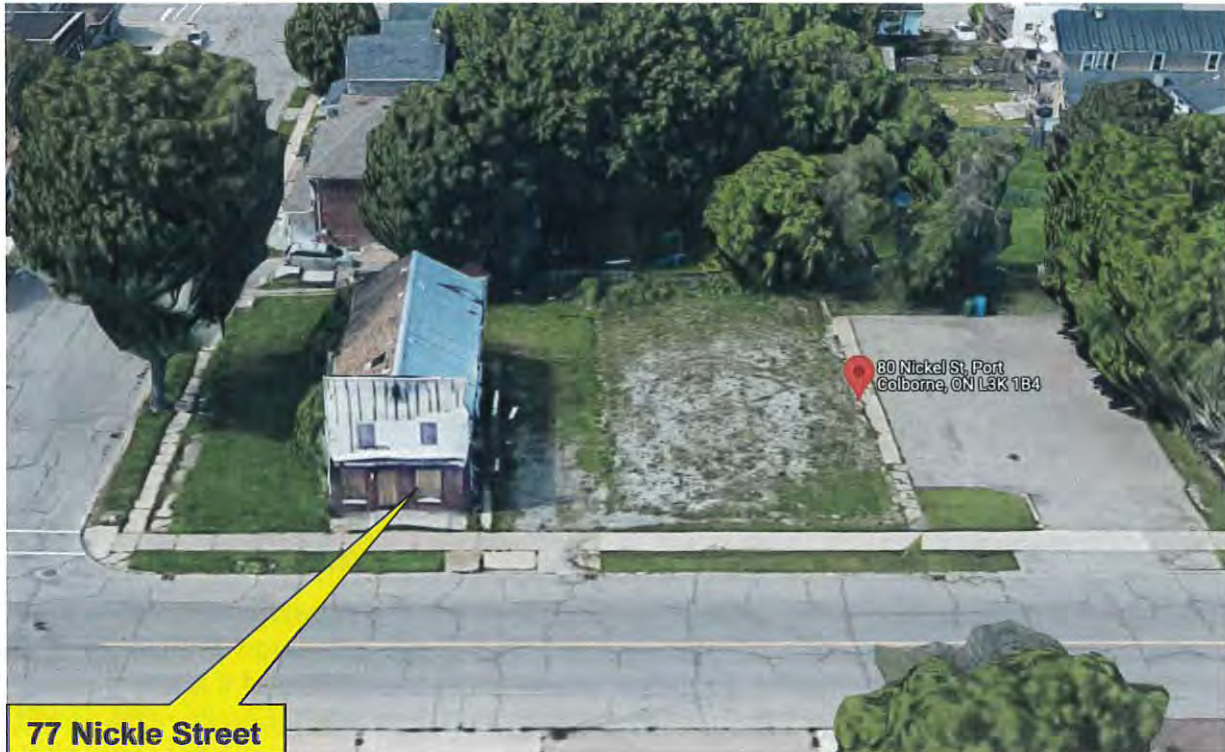


Figure 7: Abutting Property (West) (Google Maps)



2.2 Neighbourhood Character:

The subject property is located within the '**East Village**' (also known as the 'East Waterfront') **neighbourhood** which has historic ties to the industries that developed along the Welland Canals. While the neighbourhood does contain a wide variety of older buildings that exhibit unique architectural styles, there are no listed or designated heritage properties within the subject property's immediate vicinity, so the subject property. As such, the site is not subject to any heritage design restrictions. Overall, Nickle Street maintains a diverse streetscape character in terms of the variety of uses in addition to building shapes, sizes, and forms. While primarily residential, the small stretch of a street also features a hotel, laundromat, a community out-reach centre, a cafe and a church all within walking distance from the site. The subject property is also less than 75 m from the Vale refinery which is a large industrial employer. The neighbourhood has seen a lot of economic decline over the years, which is evident based on the large number of vacant properties and dilapidated buildings found in the area. As such, there are many buildings that are in desperate need of repairs and the proposed development would reinvigorate the neighbourhood. The sidewalks and public roads within the area are also in generally poor condition. That being said, there is a high potential for infill and redevelopment within the community based on the amount of underutilized space that is available. As such, the proposed development will help to rejuvenate and reinvigorate the area which should bring more investment into the local community.

2.3 Transportation:

The segment of Nickle Street that abuts the subject property is classified by the City of Port Colborne Official Plan as a '**Collector Commercial or Industrial Road**' with an Existing Right-of-Way of 20.5 m. The City has not indicated that any lands from the subject property are needed for a future right-of-way widening. There is also on-street parking availability along Nickle Street on both sides of the streets.

With respect to public transit, the City offers a local bus service which includes two routes that travel between the east and west side of Port Colborne. The subject property is within walking distance of these routes. In addition, there is a regional bus service that is operated by Welland Transit which travels between Port Colborne City Hall and the Downtown Welland Bus Terminal. The site is also located in a very bikeable/walkable location as it is only located within ~1 km from Downtown Port Colborne.

3.0 PROPOSED DEVELOPMENT & PLANNING APPLICATIONS:

The following planning applications are required to facilitate the development of (1) 7-unit block townhouse on the proposed retained lot, (1) 7-unit block townhouse on the proposed severed lot in addition to a shared easement in the middle of the site that will function as a driveway for both lots. (i.e. essentially, both lots will generally mirror each other in building layout and design.)

- Minor Variance(s)
- Consent & Easement(s)
- Site Plan Approval

The subject property is currently zoned as '**Residential (R4)**' under the City of Port Colborne's Zoning By-law 6575/30/18. In order to fine-tune the site to accommodate a viable development, the following variances are being requested as described in **Table 1** below:

Table 1: Proposed Variances to Zoning By-law No. 6575/30/18

'Residential (R4)'	Required	Proposed Retained Lot	Proposed Severed Lot
Min. Lot Area	0.02 ha	0.05 ha	0.05 m
Min. Lot Frontage	6.0 m/unit*	17.1 m (per lot)	17.1 m (per lot)
Min. Front Yard Setback	7.5 m	3.0 m	3.0 m
Min. Rear Yard Setback	6.0 m	5.0 m	5.0 m
Min. Interior Side Yard Setback	3.0 m	1.1 m	1.2 m
Max. Building Height	11.0 m	11.0 m	11.0 m
Min. Landscaped Area	25%	33.9%	34.7%

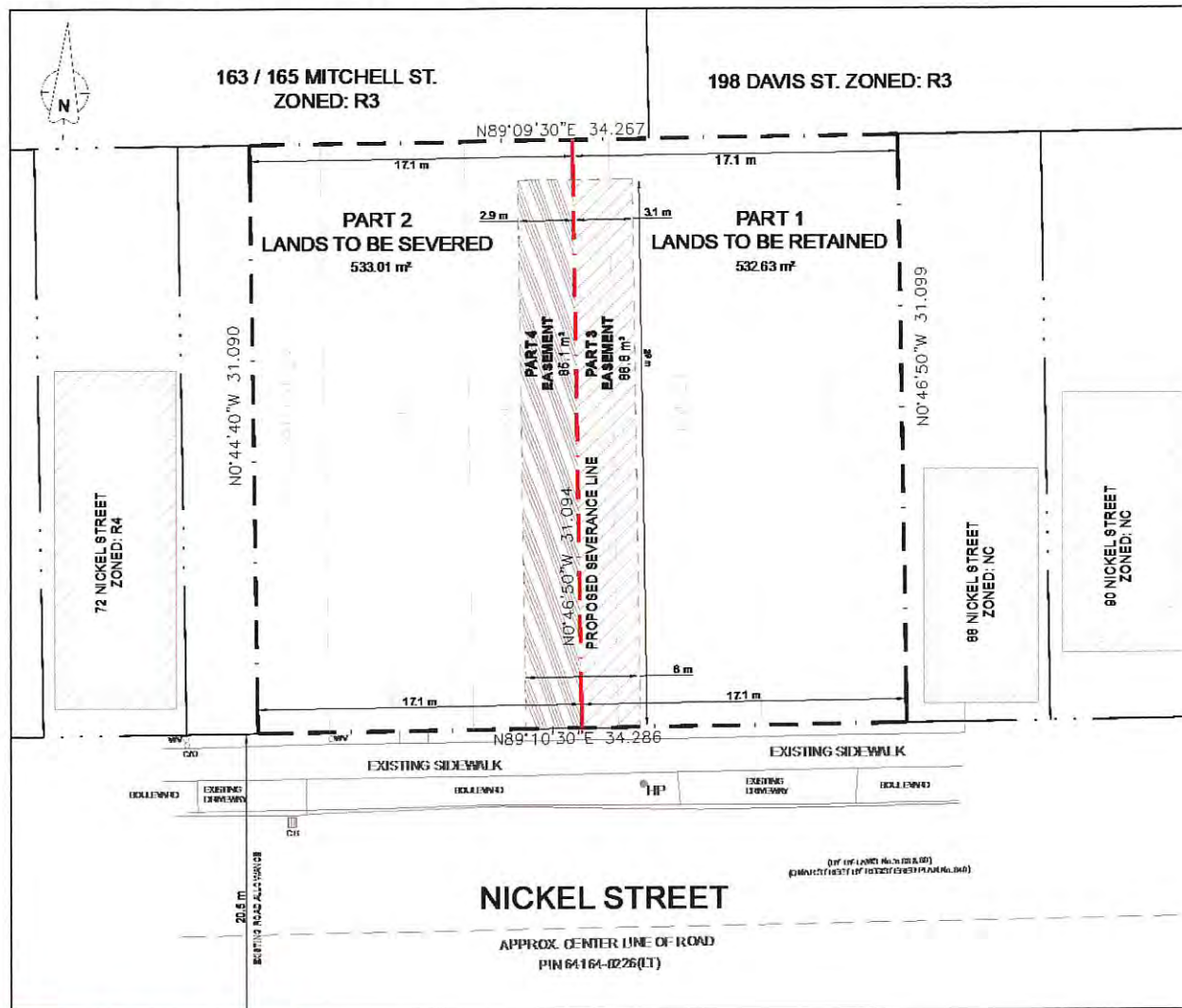
Min. Planting Strip Width Abutting a Residential Third Density Zone	3.0 m	2.3 m	2.3 m
Min. Parking Spaces	1 per unit = 7	7 + 1 Visitor = 8	7 + 1 Visitor = 8
Min. Accessible Parking Spaces	1	1	1
Min. Loading Spaces	0	0	0
Min. Driveway Width	7.5 m	6.0 m (shared)	6.0 m (shared)
Deck - Min. Setback from Rear Lot Line	4.5 m	3.0 m	3.0 m
Deck - Min. Setback from Interior Side Lot line	3.0 m	3.0 m	3.0 m
Outdoor Storage	Garbage storage areas shall only be permitted in an interior side yard or a rear yard.	The proposed garbage storage area will be located in the (screened) front yard.	The proposed garbage storage area will be located in the (screened) front yard.

Required Variances as listed in order of the Zoning By-Law:

- Variance 1:** To Allow for the Proposed **Garbage Storage Area** to be Located in the Front Yard for both the Retained and Severed Lots.
- Variance 2:** Reduction to the Required **Setback from the Rear Lot Line for a Deck** from 4.5 m to 3.0 m for both the Retained and Severed Lots.
- Variance 3:** Reduction to the Required **Driveway Width** for Two-Way Traffic from 7.5 m to 6.0 (via Shared Easement) for both the Retained and Severed Lots.
- Variance 4:** Reduction to the Required **Front Yard Setback** from 7.5 m to 3 m for both the Retained and Severed Lots.
- Variance 5:** Reduction to the Required **Interior Side Yard Setback** from 3.0 m to 1.1 m for the Retained Lot and 1.2 m for the Severed Lot.
- Variance 6:** Reduction to the Required **Rear Yard Setback** from 6.0 m to 5.0 m for both the Retained and Severed Lots.
- Variance 7:** Reduction to the Required **Width for a Planting Strip** (Abutting a Residential Third Density Zone) from 3.0 m to 2.3 m for both the Retained and Severed Lots.

PLEASE NOTE: The justification for each of the above requested variances are described in **SECTION 5.0** of this Report.

Figure 8: Severance Sketch (Urban in Mind)



For Future Severance Application

Figure 9: Site Plan (Urban in Mind)

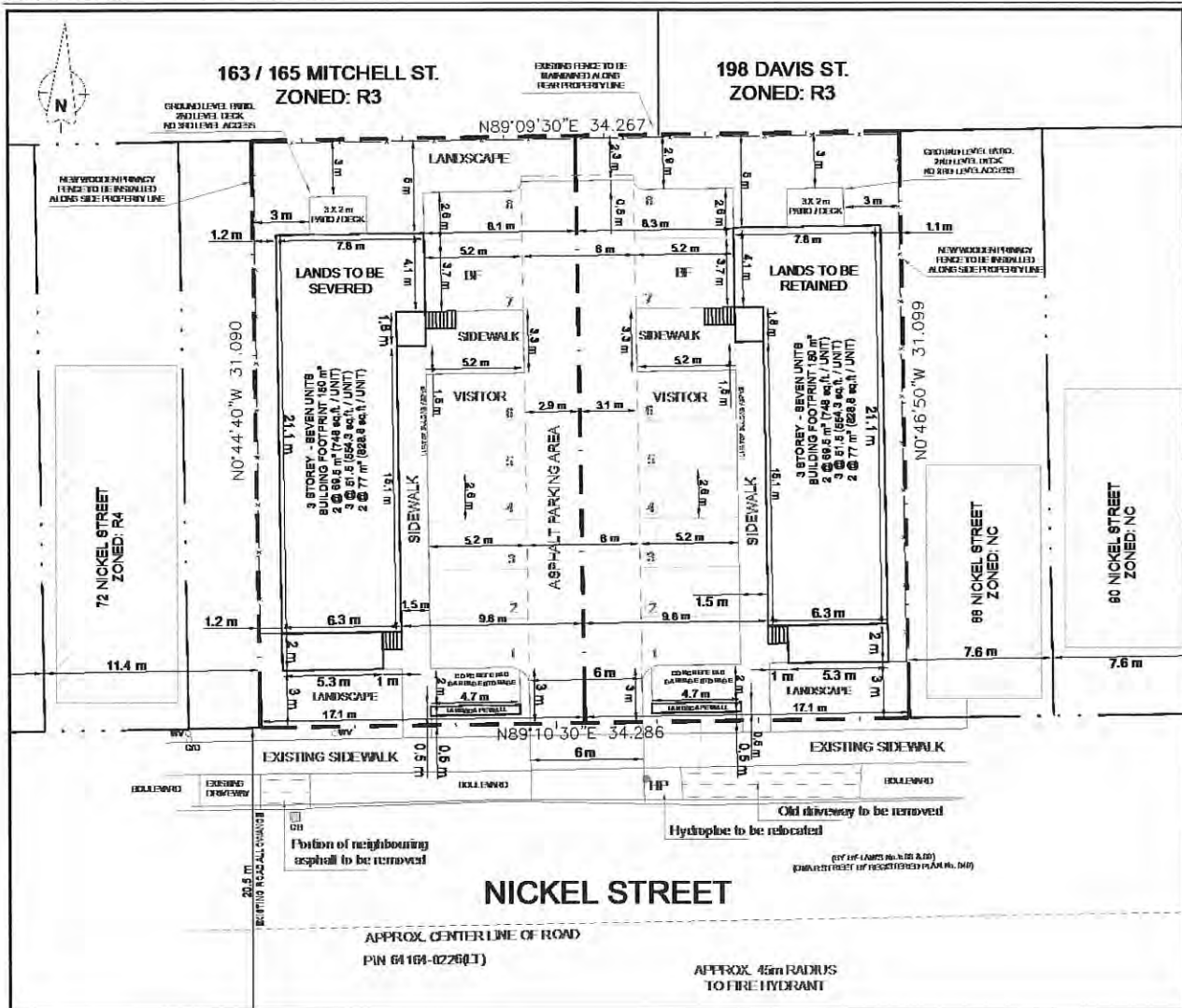
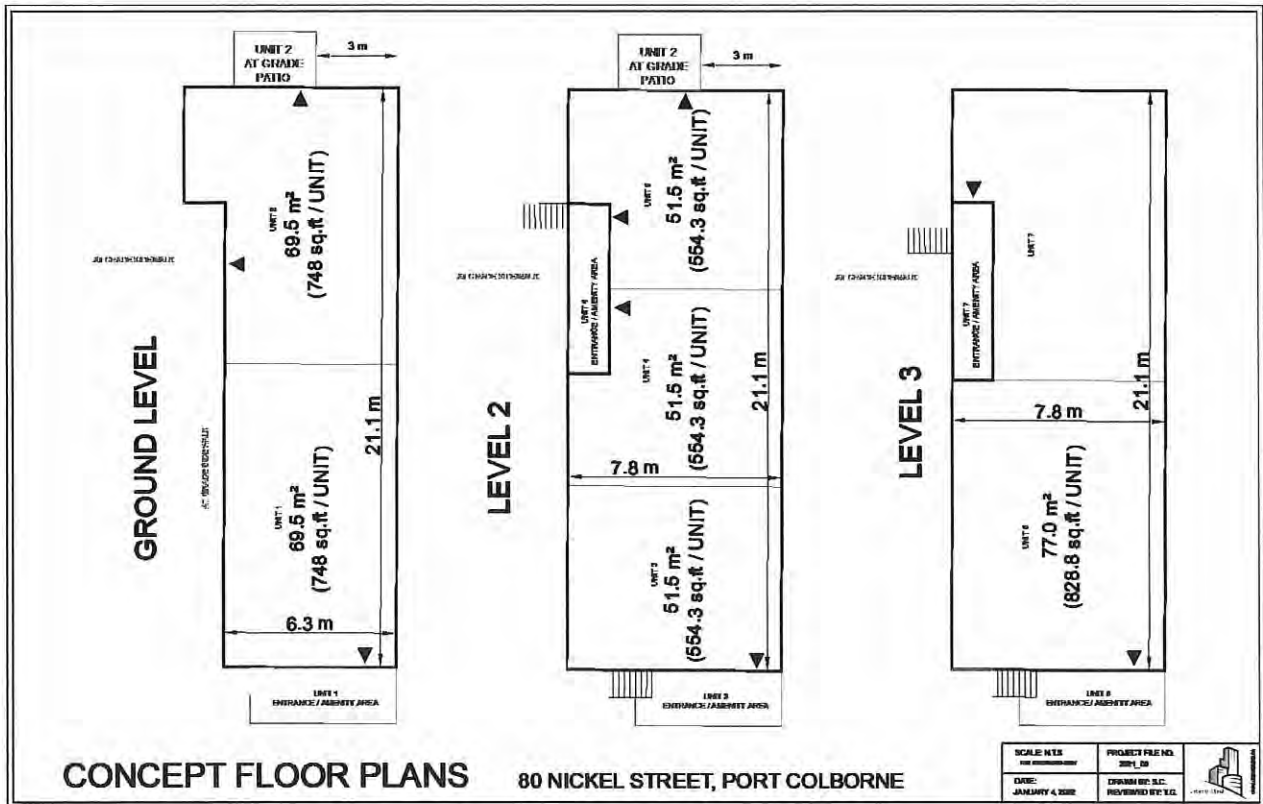


Figure 10: Conceptual Elevations (Urban in Mind)



Figure 11: Conceptual Floor Plans (Urban in Mind)



3.1 Impact of the Proposed Development:

The proposed development will provide an opportunity to reinvigorate a vacant (greyfield) lot within a part of the city that would benefit from local reinvestment. As per the severance sketch, the Consent Application will split the subject property into two almost identical lots (retained & severed) with a mutual easement in the middle that will function as a shared driveway (**Figure 8**). Each lot will be occupied by (1) block townhouse that will contain 7 residential rental units (**Figure 9**). Each unit will have its own outdoor entrance either from the amenity area located along the street frontage (unit #1, #3 & #6) or the amenity area located along the side of the building (unit #2, #4, #5 & #7) (**Figure 10 & 11**), both of which are accessible from the on-site private sidewalk which will connect to the public sidewalk along Nickle Street. Stairs will be required to access the upper-level units given that the 3-storey building will not have an elevator, and as such, the ground floor units should be fully accessible. The height of the building will be within the 11.0 m maximum, which conforms to the 'R4' provisions of the Zoning By-Law. The platforms used to access the upper-level units will also function as balconies to encourage residents to spend time outdoors and socialize with neighbours, while also promoting natural surveillance (CPTED) or "eyes on the street". In the rear, unit #2 will have its own at-grade patio & unit #5 will have its own deck, both of which will face into the rear yard landscaped area.

Landscape walls will be installed along the street frontage to hide the front yard garbage storage areas, while also providing for a more attractive streetscape appearance and site signage. Privacy fencing will be maintained along the side and rear lot lines. Furthermore, the proposed developments exceeds the parking requirements of the Zoning By-Law. In total, each lot will have 8 parking spaces which includes 1 visitor parking space and 1 barrier-free parking space which should be more than sufficient for the smaller unit sizes. The subject property is located within a highly walkable, bikeable, and transit-oriented area, where ease of movement is a major asset to the proposed development's success. The proposed 14-unit (total) infill development will increase the number (and variety) of housing options within an area that can support more growth to meet the intensification objectives of Provincial, Regional and Local Planning Policy. The proposed residential units will generally range in size from 55.5 sq.m to 77 sq.m, thereby providing affordable rental housing for many within the city/neighbourhood. Increasing the number of residents in the area will also help to support neighbourhood shops, local community facilities, schools, and enhanced municipal transit viability. Overall, the proposed development will play an important role in setting the tone for higher-level redevelopment in the 'East Village' neighbourhood, while also contributing to the visual diversity found along the streetscape character.

4.0 PLANNING POLICY REVIEW:

4.1 Planning Act, R.S.O. 1990, c. P.13:

The Planning Act is the leading provincial legislation that sets out the rules for land use planning in Ontario. The Planning Act ensures that matters of provincial interest are met and guides planning policy to protect citizen rights and the natural environment.

Applicable provisions from the Planning Act have been included as follows:

"PART I PROVINCIAL ADMINISTRATION

Provincial Interest

- 2** The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,
- (a) the protection of ecological systems, including natural areas, features and functions;
 - (b) the protection of the agricultural resources of the Province;
 - (c) the conservation and management of natural resources and the mineral resource base;
 - (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
 - (e) the supply, efficient use and conservation of energy and water;
 - (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
 - (g) the minimization of waste;
 - (h) the orderly development of safe and healthy communities;
 - (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
 - (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
 - (j) the adequate provision of a full range of housing, including affordable housing;
 - (k) the adequate provision of employment opportunities;
 - (l) the protection of the financial and economic well-being of the Province and its municipalities;
 - (m) the co-ordination of planning activities of public bodies;
 - (n) the resolution of planning conflicts involving public and private interests;
 - (o) the protection of public health and safety;
 - (p) the appropriate location of growth and development;
 - (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
 - (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

Powers of Committee

45 (1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

PART VI SUBDIVISION OF LAND

Plan of subdivision approvals

51(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act”

4.2 Provincial Policy Statement (PPS) (2020):

The Provincial Policy Statement (PPS) for the Province of Ontario was recently updated in May 2020. It provides the provincial policy direction on matters of provincial interest related to land development provided under Section 3 of the *Planning Act*. The goal of the PPS is to enhance the quality of life for all people living, working and/or playing in Ontario.

Applicable excerpts from the Provincial Policy Statement are as follows:

“Part V: Policies

1.0 Building Strong Healthy Communities

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a)** promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b)** accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c)** avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d)** avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e)** promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- h)** promoting development and land use patterns that conserve biodiversity; and

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario’s settlement areas vary significantly in terms

of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a)** efficiently use land and resources;
- b)** are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- e)** support active transportation;
- f)** are transit-supportive, where transit is planned, exists or may be developed; and Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.4 Housing

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

- 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.6 Infrastructure and Public Service Facilities

1.6.6 Sewage, Water and Stormwater

1.6.6.1 Planning for sewage and water services shall:

- a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
 - 1. municipal sewage services and municipal water services;
- c) promote water conservation and water use efficiency;
- d) integrate servicing and land use considerations at all stages of the planning process; and
- e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

1.6.6.7 Planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;

- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

1.6.7 Transportation Systems

- 1.6.7.4** A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

1.6.8 Transportation and Infrastructure Corridors

- 1.6.8.3** Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

1.7 Long-Term Economic Prosperity

- 1.7.1** Long-term economic prosperity should be supported by:
- a) promoting opportunities for economic development and community investment-readiness;
 - b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
 - c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;
 - d) maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets;
 - e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

1.8 Energy Conservation, Air Quality and Climate Change

- 1.8.1** Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:
- a) promote compact form and a structure of nodes and corridors;
 - b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;

- e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion”

4.3 Growth Plan for the Greater Golden Horseshoe (2019):

The Places to Grow Act, 2005, S.O. 2005, c. 13, is legislation that enables the “Growth Plan for the Greater Golden Horseshoe” policy. The Growth Plan for the Greater Golden Horseshoe (Growth Plan) is a provincial policy that aims to control growth and development within the Greater Golden Horseshoe Area in a way that supports economic prosperity, protects the environment and improves the quality of life for all residents. The Growth Plan also encourages intensification by directing a significant portion of new growth to the built-up areas of communities, thus protecting agricultural areas from encroaching development and incompatible land uses.

The Growth Plan sets regional standards for growth and development that must be incorporated into municipal planning documents. The Region of Niagara and the City of Port Colborne have already incorporated Growth Plan (2006) policies into their Official Plan documents, and are currently in the process of updating their documents to reflect the new Growth Plan (2019) and PPS (2020) policies.

The subject property is defined as being within the ‘**Built-Up Area**’ designation (**Appendix ‘A’**) of the Growth Plan.

Applicable policies from the Growth Plan have been included as follows:

“2 Where and How to Grow

2.1 Context

To support the achievement of complete communities, this Plan establishes minimum intensification and density targets that recognize the diversity of communities across the GGH.

Building compact and complete communities, and protecting agricultural lands, water resources and natural areas will help reduce greenhouse gas emissions and ensure communities are more resilient to the impacts of climate change.

2.2 Policies for Where and How to Grow

2.2.1 Managing Growth

2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and
 - iii. can support the achievement of complete communities;

- c) within settlement areas, growth will be focused in:
 - i. delineated built-up areas;
 - ii. strategic growth areas;
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
 - iv. areas with existing or planned public service facilities;
- 3. Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:
 - b) be supported by planning for infrastructure and public service facilities by considering the full life cycle costs of these assets and developing options to pay for these costs over the long-term;
 - c) provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form;
- 4. Applying the policies of this Plan will support the achievement of complete communities that:
 - a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
 - b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
 - c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
 - d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - e) provide for a more compact built form and a vibrant public realm, including public open spaces;

2.2.2 Delineated Built-up Areas

- 1. By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:
 - a) A minimum of **50 per cent** of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, **Niagara**, Peel, Waterloo and York will be within the delineated built-up area; and
- 3. All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

- a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
- b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
- c) encourage intensification generally throughout the delineated built-up area;
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

2.2.6 Housing

1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:
 - a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
 - i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and
2. Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:
 - a) planning to accommodate forecasted growth to the horizon of this Plan;
 - b) planning to achieve the minimum intensification and density targets in this Plan;
 - c) considering the range and mix of housing options and densities of the existing housing stock; and
 - d) planning to diversify their overall housing stock across the municipality.
3. To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.”

4.4 Greenbelt Plan (2017):

The ‘Greenbelt Act’ is legislation that enables the ‘Greenbelt Plan’. The Greenbelt Plan is a Provincial Policy that aims to preserve agricultural lands and environmental natural areas to encourage a prosperous and sustainable Ontario.

The Greenbelt Plan works together with the Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, and the Growth Plan for the Greater Golden Horseshoe.

The subject property is not located within the 'Greenbelt Area' (**Appendix 'A'**) and as such the policies of the Greenbelt Plan do not apply.

4.5 Niagara Escarpment Plan (2017):

The 'Niagara Escarpment Planning & Development Act' is legislation that enables the 'Niagara Escarpment Plan'. In 1990, the Niagara Escarpment was recognized as a "World Biosphere Reserve" by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The Niagara Escarpment Plan aims to maintain the Niagara Escarpment and land in its vicinity as a continuous natural environment and to ensure that only development that is compatible with that natural environment is permitted.

The subject property is not located within the 'Niagara Escarpment Plan Area' (**Appendix 'B'**) and as such the policies of the 'Niagara Escarpment Plan' do not apply.

4.6 Niagara Peninsula Conservation Authority:

The subject property is located within the jurisdiction of the Niagara Peninsula Conservation Authority. However, no portion of the subject property is located within an area that is regulated by the Conservation Authority. As such, a **Conservation Development Permit should not be required** for the development of the subject property (**Appendix 'C'**).

4.7 Niagara Region Official Plan (1994):

The current version of the Niagara Region Official Plan (ROP) was granted approval by the Minister of Municipal Affairs in 1994. Since this time, the document has been amended several times with the most recent consolidation being in 2014. To ensure consistency with the policies of the Provincial Plans, the Region is currently working on updating the ROP and intends on releasing a draft version of the new document by the end of 2021.

The ROP is the leading planning document for guiding growth, land use and development on a regional scale for the 12 local municipalities in the Region which includes the City of Port Colborne. The ROP contains broader planning objectives that are intended to be implemented by Local Official Plans (LOP). In addition, the ROP addresses certain policy matters that transcend local municipal boundaries. Compliance with the ROP should be sought for all planning applications.

The following 'Niagara Region Official Plan' designations apply to the subject property:

- The subject property is located within the Region's **'Built-Up Area'** (**Appendix 'D'**).
- The subject property is located within 'Potential Resource Areas' for Stone and the Welland Gas Field (**Appendix 'E' & 'F'**).
- The subject property is located within a **'Gateway Economic Centre'** (**Appendix 'G'**).

Applicable excerpts from the Niagara Region Official Plan have been included as follows:

“4 Managing Growth
4.A Shaping Growth in Niagara
4.A.1 Growth Management Objectives

The objectives of the Growth Management Policies of this plan are to:

- Objective 4.A.1.1** Direct the majority of growth and development to Niagara’s existing Urban Areas.
- Objective 4.A.1.2** Direct a significant portion of Niagara’s future growth to the Built-up Area through intensification.
- Objective 4.A.1.3** Direct intensification to Local Municipally Designated Intensification Areas.
- Objective 4.A.1.4** Prevent urban development in inappropriate areas, thus contributing to the conservation of resources such as the Niagara Escarpment, the Greenbelt, aggregate areas, Core Natural Areas, and prime agricultural land.
- Objective 4.A.1.6** Build compact, mixed use, transit supportive, active transportation friendly communities in the Built-up Area and in Designated Greenfield Areas.
- Objective 4.A.1.7** Reduce dependence on the automobile through the development of compact, mixed use, transit supportive, active transportation friendly urban environments.
- Objective 4.A.1.12** Direct growth in a manner that promotes the efficient use of existing municipal sewage and water services.

4.C Intensification and Greenfield Growth
4.C.1 General Intensification

- Policy 4.C.1.1** Intensification includes all forms of development that occur within the Built-up Area as identified on Schedule A of this Plan. The Region will promote intensification by:
- b) Supporting infrastructure development and improvements in Local Municipally Designated Intensification Areas where upgrades or improvements to Regional infrastructure works are required.

4.C.3 Regional Residential Intensification Target

Policy 4.C.3.1 By the year 2015 and for each year thereafter, a minimum of 40% of all residential development occurring annually within Niagara will occur within the Built-up Area of Niagara's communities.

4.C.4 Municipal Residential Intensification Target

Policy 4.C.4.1 The following residential intensification targets are to be met by Niagara's local municipalities and are considered to be minimum standards.

Policy 4.C.4.2 Local municipalities will develop their own residential intensification targets and strategies, which may equal or exceed these minimum standards, and incorporate the targets into their official plans.

Municipality	Residential Intensification Target (percent of total annual development)
City Port Colborne	15%
REGION OF NIAGARA	40%

4.G Urban Growth Our Common Objectives

The following objectives are the basis for the policies in this Chapter of the Plan and should guide decisions related to land use planning, infrastructure development, natural and cultural resource management and fiscal planning:

Objective 1 Build compact, vibrant, sustainable, integrated and complete communities.

Objective 2 Plan and manage growth to support a strong, competitive and diverse economy.

Objective 3 Protect, conserve, enhance and wisely use the valuable natural resources of land, air, energy and water for current and future generations.

Objective 4 Maximize the use of existing and planned infrastructure to support growth in a compact and efficient manner.

Objective 5 Provide flexibility to manage growth in Niagara in a manner that recognizes the diversity of communities across the Region within the framework set out in the Regional Official Plan.

Objective 6 Promote continued collaboration and cooperation among governments, institutions, businesses, residents, and not-for-profit

organizations to achieve our Vision and the objectives of these policies.

4.G.1 Niagara's Urban Community Objectives

The objectives of the Urban Community policies are to:

Objective 4.G.1.1 Provide a framework for developing sustainable, complete communities.

Objective 4.G.1.2 Plan for all of Niagara's residents, both current and future, by promoting social inclusion, improved access to housing, commercial goods and services, job opportunities and social services.

Objective 4.G.1.3 Provide a policy direction for creating healthy, safe, vibrant, transit supportive, active transportation friendly, diverse, mixed use residential areas.

Objective 4.G.1.4 Develop a policy framework to ensure that, as urban development occurs, natural resources and ecosystem health and sustainability are maintained, enhanced or restored.

Objective 4.G.1.6 Promote and facilitate the revitalization and redevelopment of downtowns.

4.G.3 Sustainable Urban Development

Policy 4.G.3.1 The Region encourages the local municipalities to establish official plan policies and other measures supporting development that addresses the principles of environmental sustainability including:

g) Providing for collection and storage of recyclable wastes on site;

4.G.8 Built-up Areas

Policy 4.G.8.1 Built-up Areas are lands located within Urban Areas which have been identified by the Ministry of Infrastructure (formerly the Ministry of Public Infrastructure Renewal). Built-up Areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term.

4.I Mixed Use Areas

Policy 4.I.1 The Region encourages the development of mixed use areas in Niagara. Mixed use areas should be planned to accommodate a variety of complementary land uses, including residential, commercial, employment, recreation, institutional, the Core Natural Heritage System, hydrological features and open space.

- Policy 4.I.2** Mixed use areas should be planned to accommodate a variety of housing types, with an emphasis on providing opportunities for medium and high density residential development.
- Policy 4.I.3** Mixed use areas should be planned to allow for the mixing of land uses at several scales. Land use could be mixed within neighbourhoods, blocks, parcels and buildings.
- Policy 4.I.4** Mixed use areas should be planned to accommodate a variety of transportation modes, including walking, cycling and transit.
- Policy 4.I.5** Mixed use areas should be located in both greenfield and intensification areas.
- Policy 4.I.6** Local municipalities are encouraged to identify mixed use areas in their official plans and create a set of land use policies to guide development in these areas.
- Policy 4.I.7** The planning of mixed use areas should direct particular attention to providing an attractive streetscape environment and public realm. A higher quality of public realm design is expected for mixed use areas compared to other residential areas, as mixed use areas often have a higher proportion of public space as compared to private space.

4.J Urban Design and the Public Realm

- Policy 4.J.4** The Region encourages complementary private realm site design that addresses public safety, active transportation, landscaping, and human scale in buildings facing public space.

7. Natural Environment

7.A A Healthy Landscape Policies for a Healthy Landscape

- Policy 7.A.3** New development, including infrastructure, should be designed to maintain or enhance the natural features and functions of a site.

7.A.3 Air Quality and Climate Change

Air pollution is a significant health concern and affects agriculture, natural vegetation and wildlife. Climate change poses significant economic, environmental and health risks. Many of the activities responsible for greenhouse gas emissions also cause other forms of air pollution. Policies elsewhere in this Plan make a significant contribution to reducing emissions by:

- c) Supporting transit, walking and cycling;

- e) Promoting green space, tree planting and natural heritage conservation.

8. Infrastructure

8.A Objectives for Infrastructure

- Objective 8.A.2** To optimize the use of existing infrastructure.
- Objective 8.A.3** To provide a framework where urban development occurs only in areas with full municipal services and where public/private utility infrastructure has or will be established to serve the anticipated growth and development.
- Objective 8.A.4** To provide necessary public utilities in accordance with the servicing needs of existing and future development conforming to stated priorities and with economic, safety and environmental considerations.
- Objective 8.A.6** To provide for the disposal and treatment of solid wastes in a manner which is economically, ecologically, and aesthetically acceptable.

8.B Water and Wastewater Systems

- Policy 8.B.9** Municipal sewage services and water services are the required form of servicing for development in Urban Areas.

9. Transportation

9.A General Objectives

- Objective 9.A.2** Reduce single-occupant vehicle trips by enhancing opportunities for residents, workers, and visitors of all ages and abilities to walk, cycle, take transit and carpool.

11. Housing and Community Services

11.A Residential Areas and Housing Policy

- 11.A.1** The Region encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle.
- 11.A.2** The Region encourages the development of attractive, well designed residential development that:
 - a) Provides for active transportation within neighbourhoods with connections to adjacent residential and commercial areas, parks and schools.
 - c) Emphasises the entrance and points of access to neighbourhoods.

- d) Is accessible to all persons.
- e) Incorporates the principles of sustainability in building design.
- f) Provides functional design solutions for such services as waste collection and recycling.
- g) Provides an attractive, interconnected and active transportation friendly streetscape.
- h) Contributes to a sense of safety within the public realm.
- i) Balances the need for private and public space.
- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.
- k) Encourages a variety of connections based on transportation mode between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.

Policy 11.A.3 The Region encourages housing which allows people to work at home or in relatively close proximity to work.”

4.8 City of Port Colborne Official Plan (2013):

The current version City of Port Colborne Local Official Plan (LOP) was approved by the Ontario Municipal Board in 2013. Since this time, the LOP has been amended several times with the most recent consolidation being in 2017.

The Local Official Plan provides policy direction on growth, land use and development on a more localized scale and is much more specific than the Regional Official Plan.

Compliance with the LOP should be sought for all planning applications.

The following City of Port Colborne designations apply to the subject property:

- The subject property is located within the a ‘**Secondary Plan Area**’ according to the City-Wide Land Use Map Land Use Designation (**Appendix ‘H’**).
- The subject property is located on a ‘High Vulnerable Aquifer’ (**Appendix ‘I’**).
- The subject property is located within a ‘Petroleum Resource Area’ (**Appendix ‘J’**).
- The subject property fronts on to Nickle Street which is classified as a ‘**Collector Commercial Industrial Road**’ (**Appendix ‘K’**).
- The subject property is falls within the ‘**Mixed Use Area**’ Land Use Designation as per the East Waterfront Secondary Plan (**Appendix ‘L’**).

Applicable excerpts from the City of Port Colborne Official Plan have been included as follows:

“Section 2: Our Vision: Port Colborne in 2031

2.1 Vision Statement

The Vision for the City of Port Colborne, which will be implemented through the Official Plan, shall:

- b) Provide the opportunity for a mix of residential accommodations in Port Colborne which can accommodate households with diverse social and economic characteristics, needs and desires;
- d) Create a community development pattern that fosters a vigorous and diverse local economy by supporting the existing business community while promoting new business opportunities keeping a focus on supporting viable marine industries and the tourism, manufacturing and transportation sectors;
- h) Support Port Colborne's role as a transportation hub which offers unique multimodal transportation links and support the growth of the local economy through the international movement of people and goods;
- j) Incorporate urban design elements to achieve attractive and distinct neighbourhoods within the Community;
- l) Ensure new development is accessible by all members of the community;
- p) Develop the community in a way which optimizes existing Municipal and Regional infrastructure.

2.2 Growth Management Strategy

The City of Port Colborne's Growth Management Strategy shall:

- a) Prevent development in inappropriate areas and support the conservation of valuable economic, environmental and cultural resources.
- b) Direct growth in a strategic manner.
- c) Direct urban growth to lands that fall within the designated Urban Area Boundary, which is serviced by municipal water and sanitary services.
- f) Support compact and transit supportive development within the built boundary and on designated greenfield lands.

2.3 Strategic Directions

2.3.1 Enhancing Quality of Life

The City will promote a compact urban form, a balanced mix of housing types and land uses, efficient and cost effective infrastructure and transportation, and good urban design for neighbourhoods and business areas by:

- c) Promoting residential intensification in the urban area with a flexible approach that encourages a mix of housing types and densities appropriate to location;

- d) Directing the creation of new multiple lots and units to settlement areas; and
- e) Incorporating active living considerations for both recreation and utilitarian purposes through support for such items as cycling and walking facilities and other means that promote healthy, active lifestyles.

2.4 Strategic Planning Policies

2.4.2 Housing

The City will promote the development of an appropriate mix of housing types, densities and tenures to meet the diverse needs in Port Colborne, taking into account current and future demographic characteristics, income levels, special needs and lifestyle considerations.

- a) New housing development should:
 - i) Be located in the urban area to make use of existing infrastructure and facilities;
 - ii) Be accessible to medical facilities, shopping and any future public transportation system;
 - iii) Be close to or be developed with on-site parks and open space;
 - iv) Incorporate design features for an aging population;
 - v) Use housing forms suitable for an aging population such as at-grade housing or medium density apartment buildings;
 - vi) Provide for a range of smaller lots and homes suitable to smaller households; and
 - vii) Be close to or be developed with social and recreational facilities.

2.4.3 Intensification and Infill

- a) The majority of the Municipality's intensification will be accommodated within the Urban Area where the development is compatible with the surrounding uses.

2.4.3.1 Intensification Target

- a) The Municipality will plan to achieve an intensification target of 15%.
- b) Intensification will be measured on an annual basis and will include all new housing units created within the Built-up area.

2.4.3.2 Design Guidelines

- a) Infill and intensification sites should match the pre-established building character of adjacent buildings.
- b) Where no existing or consistent character is established, infill and intensification development should be consistent with the applicable Design Guideline Policies of this Plan.

- c) Where appropriate, the design of the development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.
- d) The design of infill and intensification development should be consistent with all other applicable policies of this Plan.

2.4.9 Energy Conservation and Climate Change

- a) In order to reduce energy consumption, reasonably compact forms of development shall be maintained in conjunction with efficient pedestrian, bicycle and vehicular transportation networks.
- c) When considering building forms, development which results in extensive loss of sunlight to adjacent land uses shall be discouraged.
- h) The City may consider flexibility in zoning and site planning in order to accommodate variances in building orientation, landscaping designs, lot coverage and other site or building characteristics which provide for increased energy efficiency.

Section 3 City-Wide Land Use Policies

3.6.3 Design Guidelines

3.6.3.1 General Appearance and Signage

- a) Development will be consistent with the placement and character of the surrounding built form.
- b) The maximum height of buildings shall be six (6) storeys.
- f) Buildings should generally maintain the established building line for the front yard setback.
- g) All buildings shall front on and be oriented to the street.
- j) Canopies and awnings are encouraged as a means of weather protection for pedestrians.

3.6.3.2 Parking, Access and Loading Areas

- a) Where vehicular access is required from the front to the rear of the property, reduced standards for driveway widths shall be encouraged.
- b) Where pedestrian access is required from the front to the rear of the property, a minimum 3.0 metre walkway and outdoor lighting shall be provided.
- d) All parking areas shall be placed at the rear of buildings and accessed from side streets as to maintain a continuous building edge and a pedestrian-friendly street environment.

- f) Larger parking areas are encouraged to incorporate landscape edge treatments along public streets and landscaping medians to break up larger areas of asphalt and should be designed as follows:
 - i) Screening should be provided between parking areas and adjacent residential properties.
 - ii) Buffers should be located at the perimeter of the property line adjacent to parking areas and laneways to accommodate landscaping and tree planting.
 - iii) Landscape islands shall be placed at the ends of all parking aisles

Section 5 Secondary Plans

5.2 East Waterfront Secondary Plan

5.2.1 Vision The long-term vision for the East Waterfront responds to the opportunities for improvements and supports the community's goals for the area. It calls for green streets and open spaces that will create the setting for neighbourhood renewal, infill development and a variety of lakefront experiences. It is the intent of this Secondary Plan to:

- c) Improve the quality of streetscapes in the neighbourhood;
- d) Reduce the environmental and visual impact of industrial uses;
- e) Attract new investment and development to vacant properties;

5.2.2 Land Use The lands identified on Schedule F as the East Waterfront Secondary Plan are those lands intended to be used for a mixed use area including, Low and Medium Residential, Mixed-Use, Industrial, and Parks and Open Space and the uses associated with those designations. All development within the East Waterfront Secondary Plan area may be subject to an impact assessment dealing with potential impacts from existing industrial uses in the area which will identify the potential mitigating measures and/or warning clauses.

- c) The Mixed Use Area will
 - i) Encourage the development of neighbourhood-oriented, small-scale commercial uses, townhouses and apartment buildings of 2-5 stories;
 - ii) Have a minimum height of 2 stories and be encouraged to combine commercial uses on the ground floor and residential units on upper floors; and
 - iii) Be subject to the policies of Section 2.4.3 and Section 3.6 of this Plan

Section 8 Servicing and Stormwater Management

8.1 Water and Sanitary Servicing

8.1.1 Servicing Within the Urban Area

- a) New Development in the urban area is required to be on full municipal water services and municipal sanitary services.

8.2 Stormwater Management

- a) Stormwater will be managed on-site and will not have an adverse impact to neighbouring properties or the drainage patterns of the surrounding area.
- b) A stormwater management plan and a sediment and erosion control plan prepared and signed by a qualified engineer may be required with a development application depending on the scale and nature of the proposal and site specific environmental conditions. Stormwater management plans shall be prepared in accordance with Policy 7.A.2.1, of the Ontario Ministry of the Environment Stormwater Management Planning and Design Manual 2003 or its successor, and with watershed and/or environmental planning studies for the area. A stormwater management plan and a sediment and erosion control plan shall not be required for a new mineral aggregate operation or the expansion to an existing operation where these matters are adequately addressed through studies prepared to meet the requirements of the Aggregate Resources Act.
- c) A stormwater management plan submitted with an application for development shall demonstrate that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sediments, and impervious services as well as meeting the requirements of Policy 8.2 (b) and Section 8.2.1 of this Plan. Stormwater management facilities shall not be constructed in Natural Heritage Features as identified in Section 4 or key hydrologic features, or in required buffer zones unless permitted under Section 4 of this Plan.

Section 9: Transportation and Public Utilities

9.1 Transportation

9.1.1 Walking, Cycling and Transit

- a) From environmental, economic, health and traffic management perspectives, non-automobile modes of transportation are the preferred methods of movement within the City and full consideration will be given to accommodating pedestrians and cycling in the planning, design and evaluation of any new development.

9.1.2 Road Policies

- a) Roads under the jurisdiction of the City, the Region of Niagara and the Province of Ontario are classified according to their functions as noted below in the following table identified as Figure 9.1.

Roadway Classification	Typical Right-of-way Width	Average Annual Daily Traffic (AADT)
Laneway	10-15 metres	01-50
Local	20 metres	01-199
Local Commercial or Industrial	26 metres	01-199 (serves industry)
Collector	26 metres	200-999
Collector Commercial or Industrial	26-30 metres	200-999 (serves industry)
Arterial	26-40 metres	1000 and over

Figure 9.1

b) Roadway classifications are defined as follows:

- v) Collector Commercial or Industrial – roads that serve traffic between local commercial or industrial and arterial roads, and provide access to adjacent commercial or industrial properties. Collector roads are characterized by interrupted traffic, design speeds normally between 50 km/h and 80 km/h, and equal importance given to traffic movement and land access.

Section 11: Implementation

11.7.2 Consent Policies

- d) In commenting to the Committee of Adjustment, the City will ensure the following factors are considered:
 - i) Where applicable, the policies for infill and intensification, Section 2.4.3 of this Plan;
 - ii) The size, configuration and location of the proposed consent should be appropriate for the use proposed considering the municipal services available, or where municipal services are not available, the adequacy of potable water supply and suitability of the soil and site conditions for the installation and long-term operation of a private waste disposal system, subject to the approval of the Niagara Region Public Health Department and Niagara Region Public Works Department; and
 - iii) The lot size and proposed use of the proposed consent should conform to the provisions of the Zoning By-law, where applicable.”

4.9 Zoning By-Law 6575/30/18

The subject property is currently zoned as ‘**Fourth Density Residential (R4)**’ under the City of Port Colborne Zoning By-Law 6575/30/18 (**Appendix ‘M’**).

Applicable excerpts from Zoning By-law 6575/30/18 are as follows:

“Section 2: General Provisions

2.18 Outdoor Storage

- a) Except where otherwise noted, outdoor storage and garbage storage areas shall only be permitted in an interior side yard or a rear yard.

2.19 Permitted Encroachments

2.19.1 General Structures

	Height of Deck or Platform		
	Height above the Ground Floor Level to 0.61 metres	Height above the Ground Floor Level more than 0.61 metres but less than 1.2 metres	Height above the Ground Floor Level 1.2 metres or greater
Minimum Setback from Corner Side Lot Line	3 metres	3 metres	Required corner yard of principal building
Minimum Setback from Interior Side Lot Line	Required interior side yard of principal dwelling		
Minimum Setback from Rear Lot Line	1.6 metres	3 metres	4.5 metres
Minimum Setback from Front Lot Line	3 metres	3 metres	Required corner yard of principal building

Section 3: Parking Provisions

3.1 Parking Space Requirements

3.1.1 Parking Space Requirements for Residential Uses

Permitted Use	No. of Spaces Required per Unit
Dwelling, Townhouse Block	1

3.2 Parking Space Dimensions

	Min. Width (m)	Min. Depth (m)	Conditions
Standard Parking Space	2.6	5.2	-
Standard Parking Space Obstructed on Two Sides	3.5	5.2	Abutting any wall, column or structure on both sides
Standard Space Obstructed on One Side	3	5.2	Abutting any wall or column, or structure on one side
Accessible Space	3.7	5.2	-

3.3 Accessible Parking

Number of Required Standard Parking Spaces	Number of Accessible Parking Spaces
1-25	1

3.6 Encroachment into Yards

- a) A parking space, bicycle parking space, or parking area is permitted within any yard but is not permitted within a required landscape buffer, a landscape open space area or a sight triangle.

3.7 Ingress and Egress Standards

- b) Driveways shall have a minimum unobstructed width of 7.5 metres where two-way traffic is permitted and 3 metres where only one-way direction of traffic flow is permitted, except that the minimum width of a driveway accessory to a detached dwelling shall be 2.6 metres.

Section 8: Fourth Density Residential Zone (R4)

8.5 Zone Requirements – Dwelling, Townhouse Block

- | | |
|----------------------------------|---------------|
| a) Minimum Lot Frontage per Unit | 6 metres |
| b) Minimum Lot Area | 0.02 hectares |
| c) Minimum Front Yard | 7.5 metres |
| d) Minimum Interior Side Yard | 3 metres |
| e) Minimum Corner Side Yard | 4.5 metres |
| f) Minimum Rear Yard | 6 metres |
| g) Maximum Height | 11 metres |

- h) Minimum Landscaped Area 25 percent
- i) A 3 metre landscape buffer shall be required when a Townhouse development abuts the boundary of the Residential First Density, Residential Second Density or Residential Third Density Zone.
- j) Common walls shall be centred on the common lot line.
- k) There is no minimum interior side yard and/or rear yard for common walls.

Section 38: Definitions

Dwelling, Townhouse, Block: means a dwelling containing two or more dwelling units having private independent entrances directly from a yard and being attached horizontally in whole or in part above grade and divided vertically from each other by a common masonry wall, the said dwelling being located on a single lot, with or without dwellings, such lot being held and maintained under one ownership or under condominium ownership pursuant to the Condominium Act. R.S.O. 1990, as amended from time to time or any successors thereto.

5.0 PLANNING JUSTIFICATION

5.0 FOUR TESTS OF A MINOR VARIANCE

Section 45(1) of the Planning Act states that the Committee of Adjustment may authorize variances from the provisions of the Zoning By-Law provided that the '**Four Tests**' are satisfied. This section provides an analysis that evaluates the proposal's required variances within the context of the four tests as follows:

1. *Do the requested variances maintain the general intent and purpose of the Official Plan?*
2. *Do the requested variances maintain the general intent and purpose of the Zoning By-Law?*
3. *Are the requested variances desirable and appropriate for the lands?*
4. *Are the requested variances minor in nature?*

5.1 VARIANCE 1: TO ALLOW FOR THE PROPOSED GARBAGE STORAGE AREA TO BE LOCATED IN THE FRONT YARD

Variance 1: To Allow for the Proposed Garbage Storage Area to be Located in the Front Yard

As per Section 2.18 a) of Zoning By-law 6575/30/18
Garbage Storage Areas shall only be Permitted in an Interior Side Yard or a Rear Yard.

Whereas the Proposed Garbage Storage Area will be Located in the Front (screened) Yard for both the Retained and Severed Lots.

Due to site constraints, there is not enough room to locate both garbage storage areas in either of the side yards. At the same time, locating the garbage storage areas in the rear yard may lead to nuisances which could negatively affect the enjoyment of residents who like to spend time on the rear yard decks. As such, locating the garbage storage areas in the screened front yard is the most appropriate option for the site. It also allows for the most convenient and accessible pick-up/drop-off location for trucks, residents and others who are passing by along the public sidewalk. While the intention of the Zoning By-Law is to ensure that garbage storage is not located within any front yard because of its associated unsightly visual impact, these potential issues have been mitigated by the landscape wall which help to hide the garbage in addition to the storage area's its overall distance from the proposed amenity spaces (**ROP 11.A.2 f**) (**LOP 5.2.1 c**). As such, the proposed variance is Minor in Nature, Appropriate and Desirable, and meet the General Intent of both the Zoning By-law and Official Plan.

- As such **Variance #1**, meets the four (4) tests of minor variance.

5.2 VARIANCE 2: REDUCTION TO THE REQUIRED SETBACK FROM THE REAR LOT LINE FOR A DECK

Variance 2: Reduction to the Required Setback from the Rear Lot Line for a Deck

As per Section 2.19.1 (Height of Deck or Platform) of Zoning By-law 6575/30/18. The Required Minimum Setback from the Rear Lot Line for a Deck with a "Height above the Ground Floor Level 1.2 Metres or Greater" is 4.5 m. Whereas the Proposed Setback from the Rear Lot Line for a Deck is 3.0 m for both the Retained and Severed Lots.

The proposed rear yard decks will help to enhance the quality of life of residents living in either of the buildings by providing for an adequately size amenity space that will encourage people to spend time outdoors to promote healthy living (**LOP 2.3.1 e**). As such, the proposed variance to reduce required minimum setback from the rear lot line for a deck with a height that is greater than 1.2 m is appropriate for the lands because it will provide for a higher quality development. Overall, the impacts of the proposed variance will be minor in nature given that the fencing and vegetation along the abutting rear property line will be maintained to help with privacy. Furthermore, there is quite a bit of separation between the houses on the abutting lots and the proposed decks. At the same time, the decks are too small to warrant large gatherings/parties and as such it is anticipated that any nuisance related issues affecting the abutting neighbours will be rare or non-existent. As such, the proposed variance is Minor in Nature, Appropriate and Desirable, and meet the General Intent of both the Zoning By-law and Official Plan.

- As such **Variance #2**, meets the four (4) tests of minor variance.

5.3 VARIANCE 3: REDUCTION TO THE REQUIRED DRIVEWAY WIDTH FOR TWO-WAY TRAFFIC

Variance 3: Reduction to the Required Driveway Width for Two-Way Traffic

As per Section 3.7 b) of Zoning By-law 6575/30/18 The Required Driveway Width for Two-Way Traffic is 7.5 m. Whereas the Proposed Driveway Width (Shared Easement) is 6.0 m for both the Retained and Severed Lots.

The proposed variance to reduce the width of the two-way driveway via the shared easement is appropriate for the lands because it will ensure a functional development where there is an adequate amount of space allocated towards parking, landscaping, and the pedestrian sidewalks. While it is understood that the intent of the Zoning By-Law is to ensure that driveways are wide enough to accommodate vehicles, reduced standards should be encouraged in areas where there is on-street parking availability and front yard garbage collection such as in the case of the subject property where there is no need for large utility trucks to park on-site (**LOP 3.6.3.2 b**). Furthermore, the proposed variance is minor in nature because the driveway will be long and wide enough for vehicles to safely maneuver in and out of the site without harm. Overall, the 14-unit development will not generate a high amount of on-site traffic given the large size of the parking area/driveway. As such, the proposed variance is Minor in Nature, Appropriate and Desirable, and meet the General Intent of both the Zoning By-law and Official Plan.

- As such **Variance #3**, meets the four (4) tests of minor variance.

5.4 VARIANCE 4: REDUCTION TO THE REQUIRED FRONT YARD SETBACK

Variance 4: Reduction to the Required Front Yard Setback

As per Section 8.5 c) of Zoning By-law 6575/30/18 The Required Front Yard Setback is 7.5 m. Whereas the Proposed Front Yard Setback is 3.0 m for both the Retained and Severed Lots.

The proposed variance to reduce the required front yard setback is appropriate for the lands because it will create a situation that is more compatible with the pre-existing front yard setbacks found along the Nickle Street as buildings are generally sited right along the edge of the public sidewalk (**ROP 11.A.2 g**) (**LOP 2.4.3.2 a**). This contributes to a more pedestrian-friendly streetscape character while also allowing for a more compact development at a higher density to meet growing housing demands (**ROP 4.C.2.1 h**). As such, the proposed variance is minor in nature and appropriate because it will not create a situation that is out of context for the neighbourhood or result in the over development of the site. As such, the proposed variance is Minor in Nature, Appropriate and Desirable, and meet the General Intent of both the Zoning By-law and Official Plan.

- As such **Variance #4**, meets the four (4) tests of minor variance.

5.5 VARIANCE 5: REDUCTION TO THE REQUIRED INTERIOR SIDE YARD SETBACK

Variance 5: Reduction to the Required Interior Side Yard Setback

As per Section 8.5 d) of Zoning By-law 6575/30/18 The Required Interior Side Yard Setback is 3.0 m. Whereas the Proposed Interior Side Yard Setback is 1.1 m for the Retained Lot and 1.2 m for the Severed Lot.

The proposed variance to reduce the required interior side yard setback to 1.1 m for the retained lot and 1.2 m for the severed lot is minor in nature because it will not create a situation that is out of character with the Nickle Street streetscape which contains lots with a diverse range of side yards setbacks, some of which are even more narrow than what is being proposed such as in the case of the abutting properties to the east (88, 90 & 92 Nickle Street). Furthermore, the proposed variance is appropriate for the lands because it will allow for a more compact development that is consistent with the intensification objectives of the Regional and Local Official Plans (**ROP 4.C.2.1 h**) (**LOP 2.3.1 c**). Lastly the proposed variance maintains the general intent of the Zoning By-Law as there will still be enough room in between buildings for pedestrians to pass by. As such, the proposed variance is Minor in Nature, Appropriate and Desirable, and meet the General Intent of both the Zoning By-law and Official Plan.

- As such **Variance #5**, meets the four (4) tests of minor variance.

5.6 VARIANCE 6: REDUCTION TO THE REQUIRED REAR YARD SETBACK

Variance 6: Reduction to the Required Rear Yard Setback

As per Section 8.5 f) of Zoning By-law 6575/30/18 The Required Rear Yard Setback is 6.0 m. Whereas the Proposed Rear Yard Setback for both the Retained and Severed Lots is 5.0 m.

The proposed variance to reduce the required rear yard setback is minor in nature as it only constitutes a 1.0 m deviation from the required standard. Furthermore, the subject property backs on to the large backyards of the abutting lots. As such, there is a large separation distance in between the subject property and the actual dwellings located on the abutting lots to the rear. Overall, the proposed variance is appropriate for the lands because it will allow for more building massing that will provide for a density that is appropriate for the site under the constraints of a building height (3 storeys) that is compatible for the area (**ROP 4.C.2.1 i**) (**LOP 2.3.1 c**). As such, the proposed variance is Minor in Nature, Appropriate and Desirable, and meet the General Intent of both the Zoning By-law and Official Plan.

- As such **Variance #6**, meets the four (4) tests of minor variance.

5.7 **VARIANCE 7: REDUCTION TO THE REQUIRED WIDTH FOR A PLANTING STRIP (ABUTTING A RESIDENTIAL THIRD DENSITY ZONE)**

Variance 7: Reduction to the Required Width for a Planting Strip (Abutting a Residential Third Density Zone)

As per Section 8.5 i) of Zoning By-law 6575/30/18 The Required Width for a Planting Strip Abutting a Residential Third Density Zone is 3.0 m.

Whereas the Proposed Planting Strip is 2.3 m for both the Retained and Severed Lots.

The proposed variance to reduce the required width of the planting strip abutting the rear lot line is minor in nature as it does not affect the entire extent of the rear yard. For instance, the planting strip will have a width of 5 m behind the proposed buildings and a width of 3.0 m behind the proposed rear decks, which in both cases meets the 3.0 m requirement of the Zoning By-Law. In addition, the planting strip will have a width of 2.9 m behind the proposed parking areas and a width of 2.3 m behind the proposed driveway, both of which only constitutes as a minor deviation from the required 3.0 m standard, and can be mitigated through vegetative plantings. With that being said, the proposed variance is appropriate for the lands because it will ensure that there is an adequate amount of space on the site to meet the Zoning By-Law's parking requirements while also ensuring that there is enough maneuverability space at the end of the driveway. Furthermore, it will also allow for a more compact development to serve the housing needs of the community (ROP 11.A.1) (LOP 2.4.9 h). As such, the proposed variance is Minor in Nature, Appropriate and Desirable, and meet the General Intent of both the Zoning By-law and Official Plan.

- As such **Variance #7**, meets the four (4) tests of minor variance.

6.0 **CONCLUSION**

Given the analysis presented in this Planning Justification Report, it is in the Author's professional planning opinion that there is enough merit to support the seven (7) requested minor variances, which individually and collectively meet the general intent and purpose of the Regional and Local Official Plans, meet the general intent and purpose of the Zoning By-Law, are desirable and appropriate for the lands and are minor in nature, which therefore meet the 'Four Tests' prescribed under Section 45(1) of the Planning Act.

Overall, the proposed development should be considered '**Good Planning**,' in the '**Public Interest**', and in generally conformity with the intent of the applicable planning policies. It will also facilitate the improvement of a vacant derelict lot within the City's East Waterfront Area while providing for quality housing that will add to the municipal tax base.

As such, the Planning Application for the above evaluated minor variances **should be approved.**

I hereby certify that this Planning Justification Report was prepared and reviewed by Registered Professional Planner (RPP), within the meaning of the *Ontario Professional Planners Institute Act, 1994*.



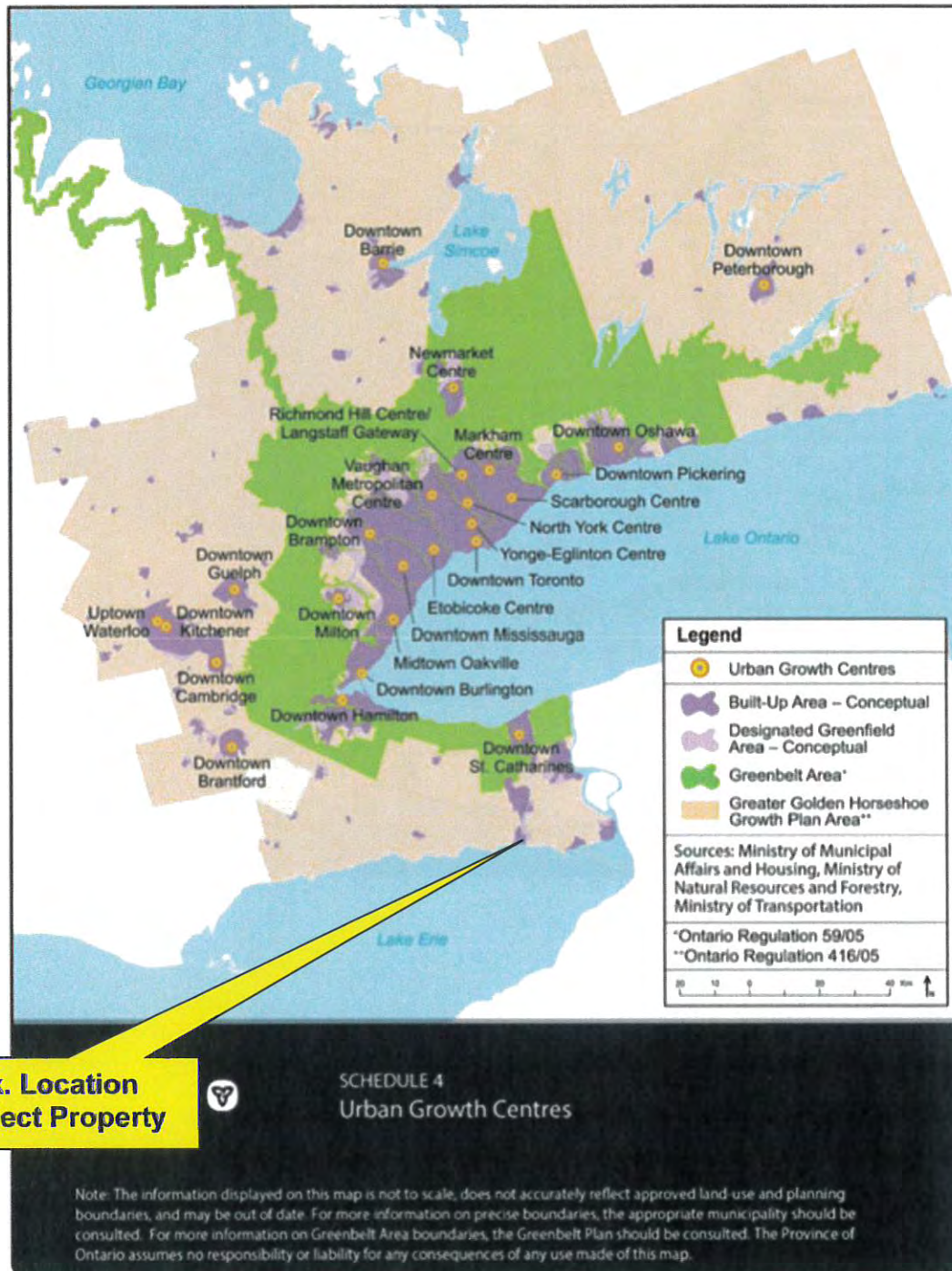
Terrance Glover, RPP, CPT

Principal

Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants



Appendix 'A' (Places to Grow – Schedule 4, Urban Growth Centres)



**Approx. Location
of Subject Property**

Appendix 'B'
(Niagara Escarpment Commission – Interactive Mapping)



Appendix 'C' (Niagara Peninsula Conservation Authority – Regulated Area Mapping)

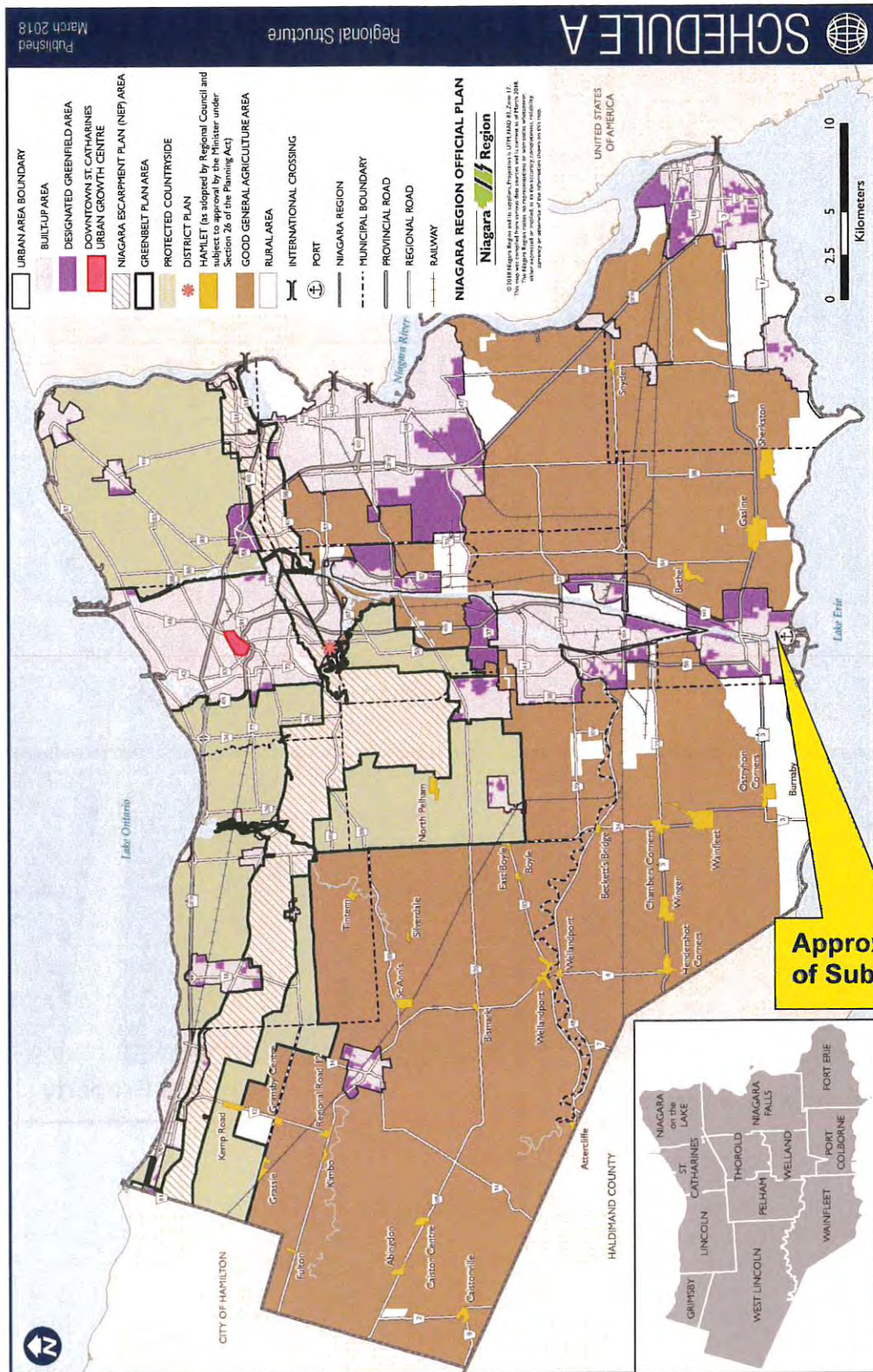


NPCA APPROXIMATE REGULATION LANDS

Subject Property

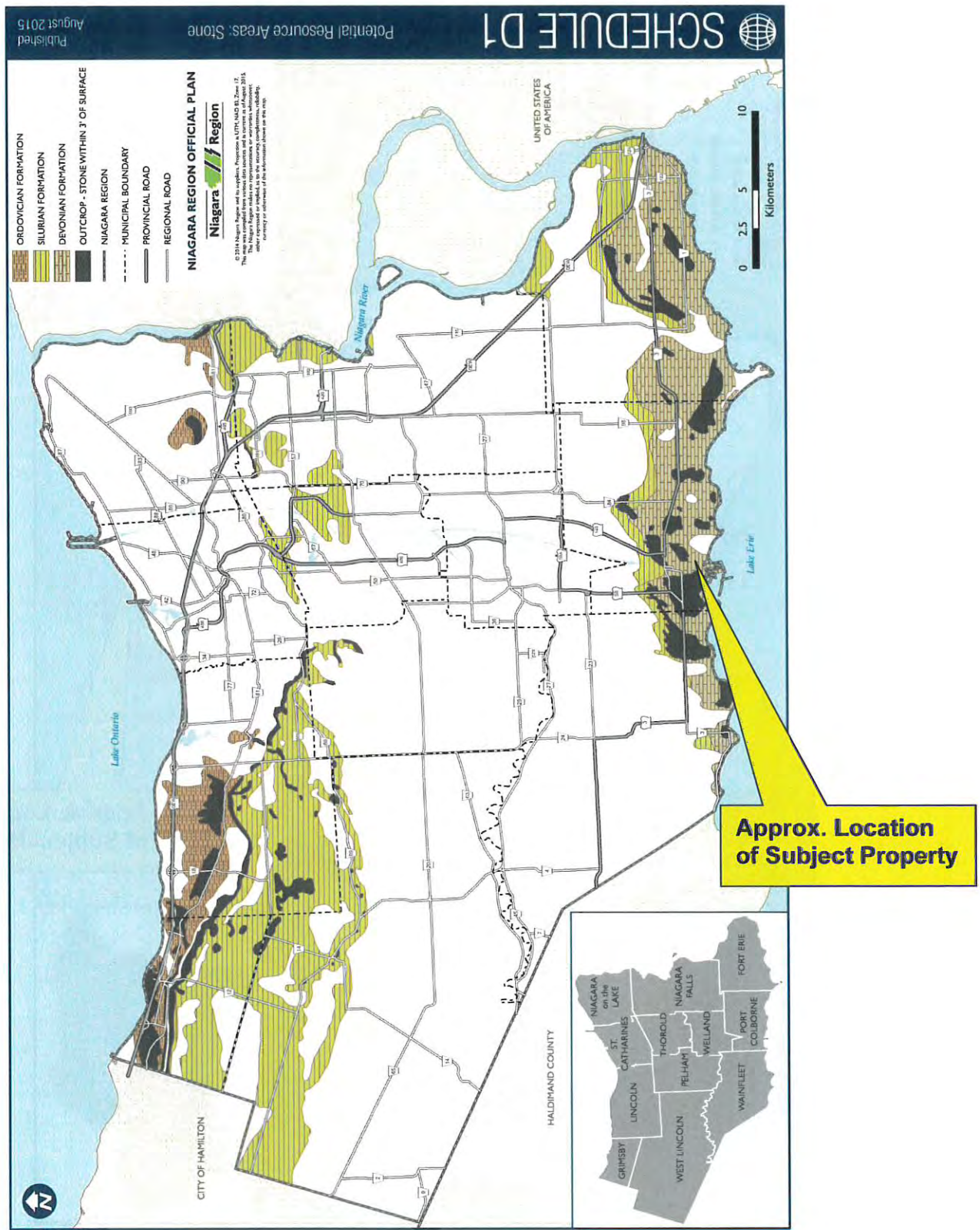
Appendix 'D'

(Niagara Regional Official Plan – Schedule A, Regional Structure)



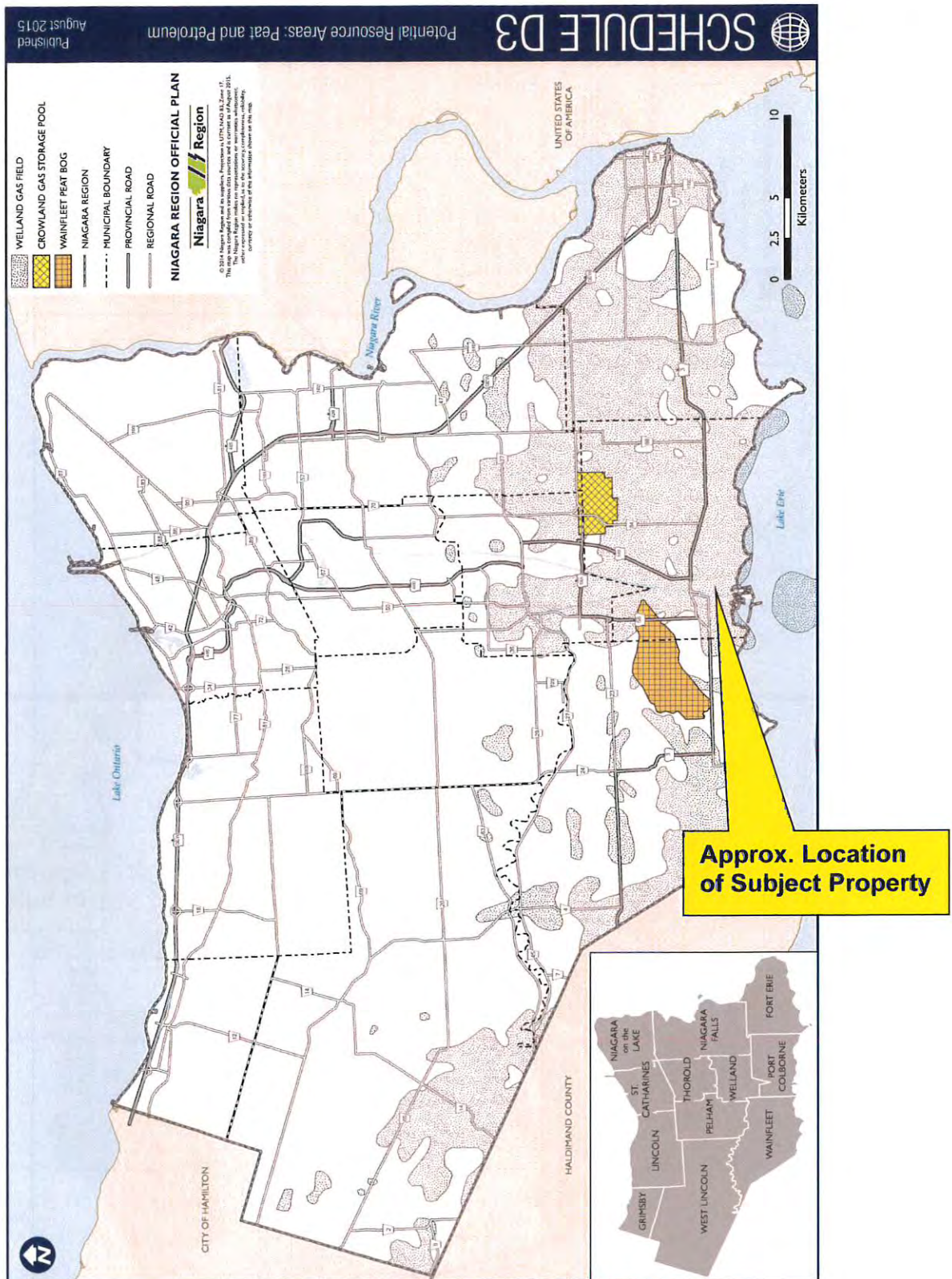
Appendix 'E'

(Niagara Regional Official Plan – Schedule D1, Potential Resource Areas: Stone)

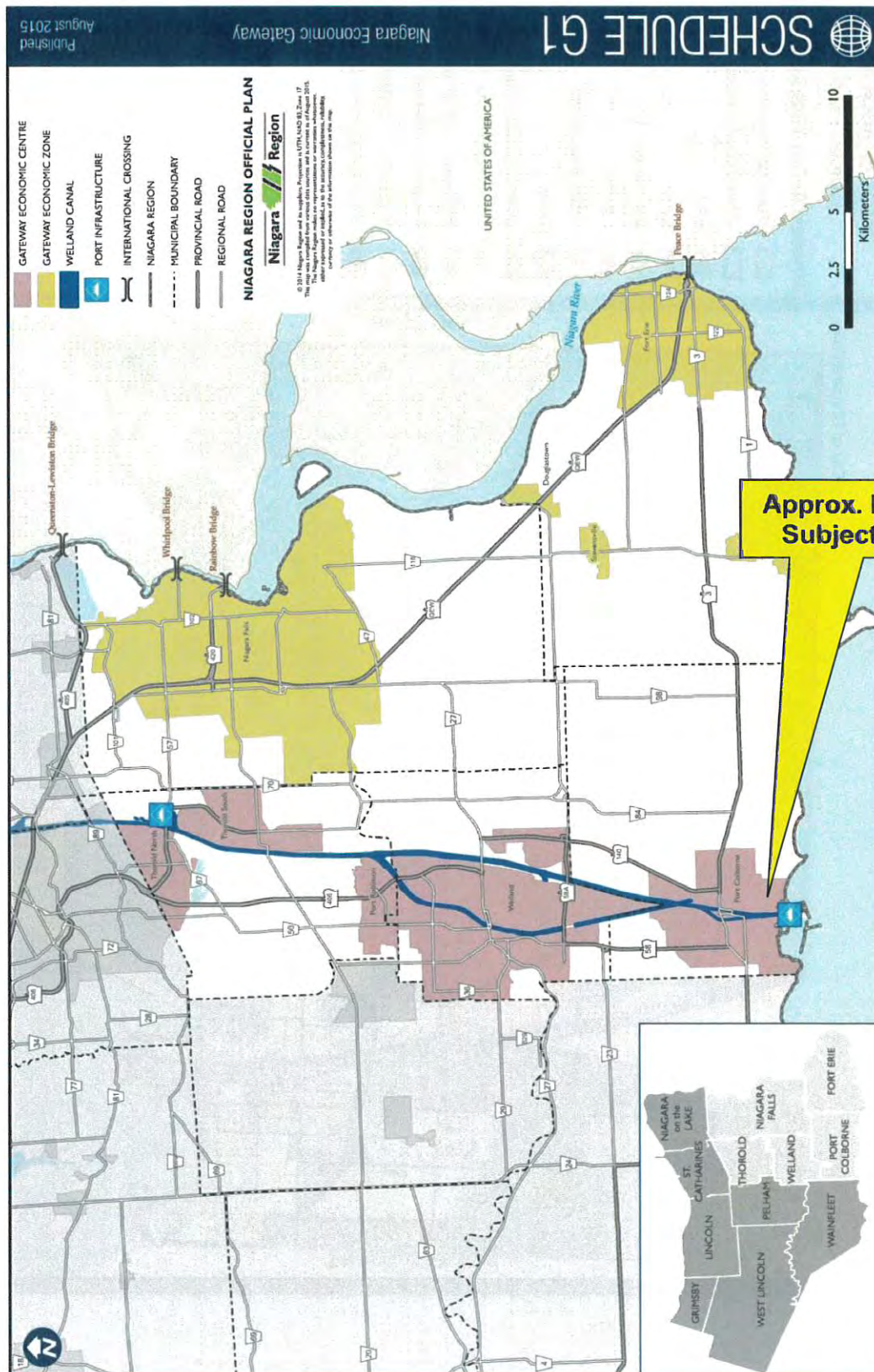


Appendix 'F'

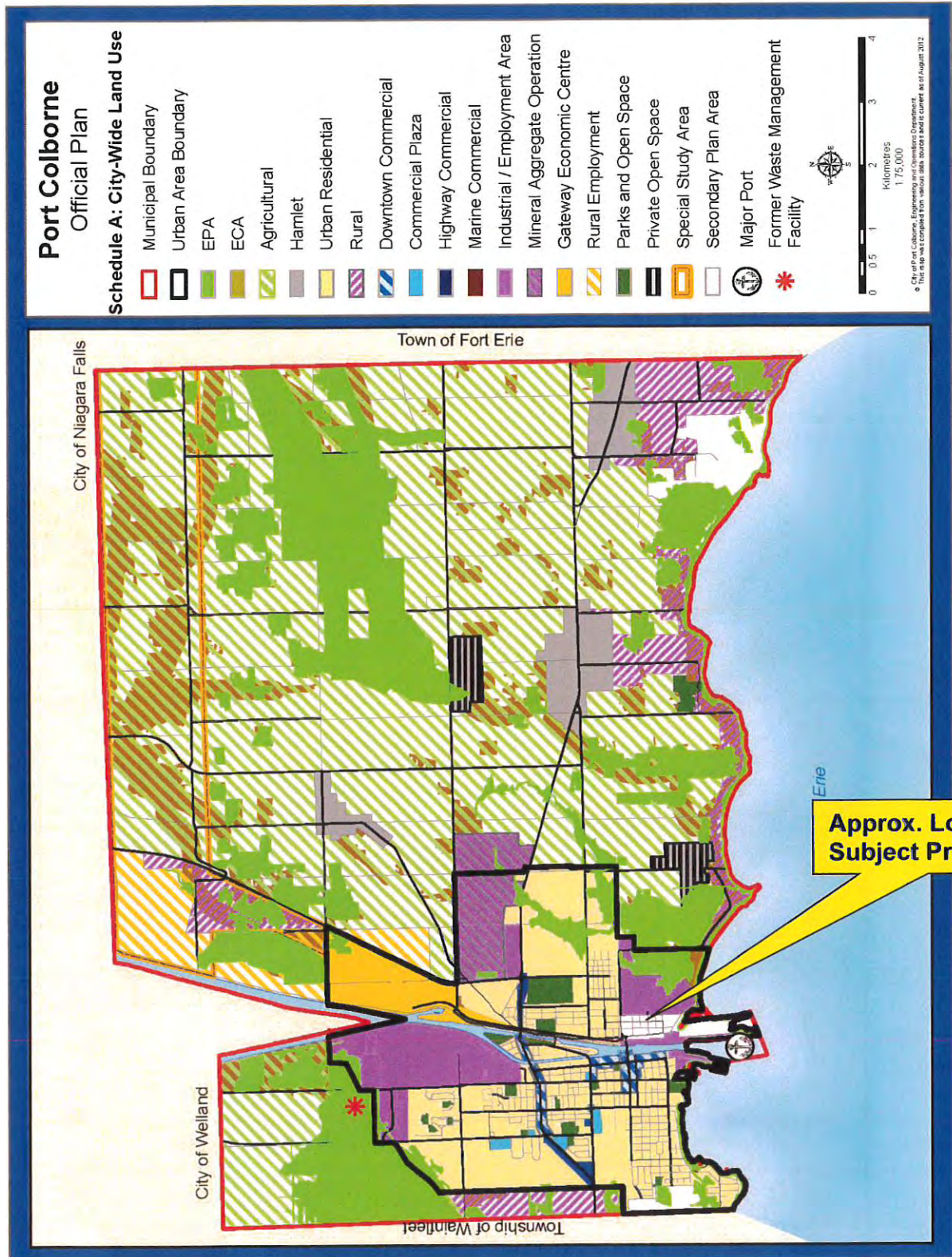
(Niagara Regional Official Plan – Schedule D3, Potential Resource Areas: Peat and Petroleum)



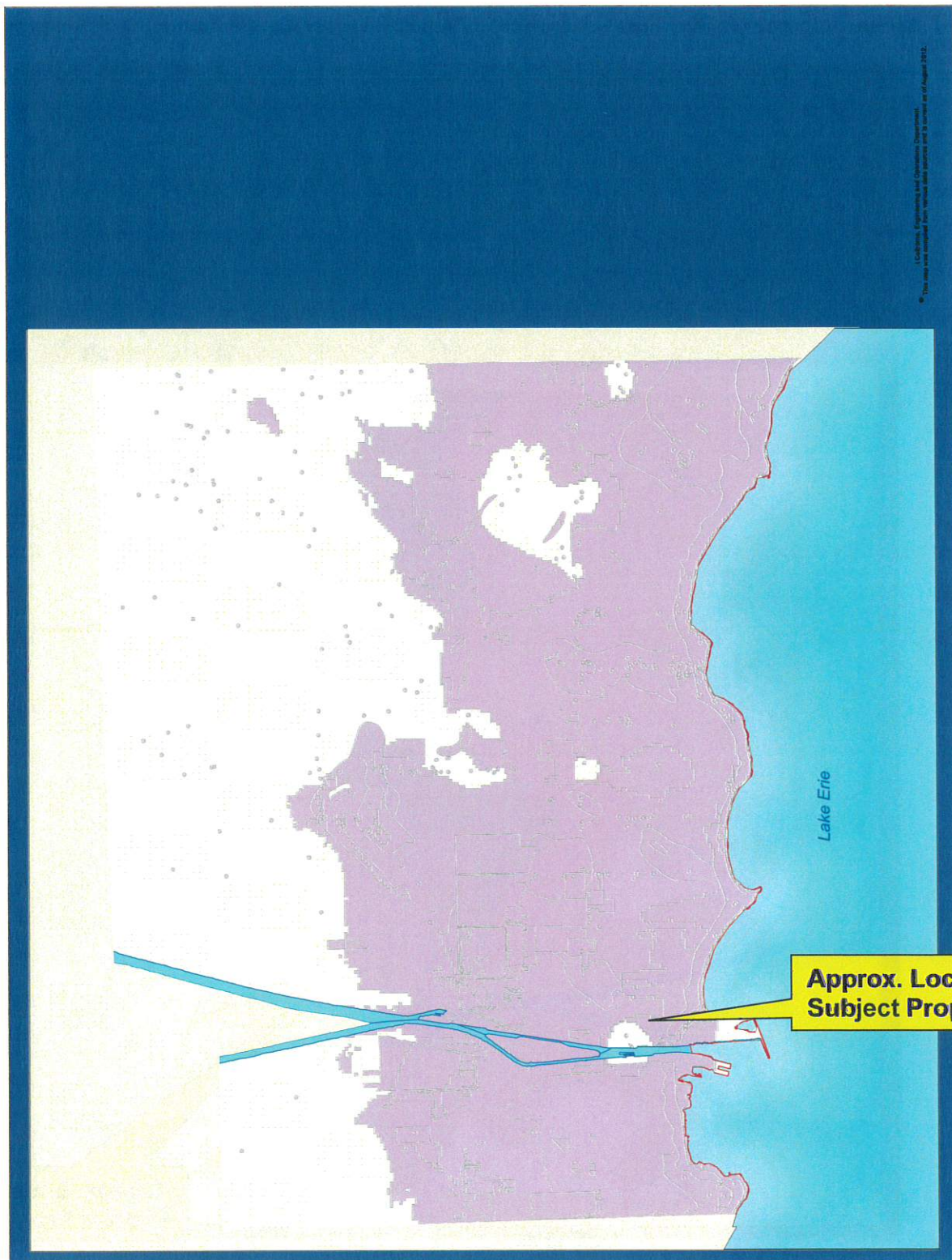
Appendix 'G' (Niagara Regional Official Plan – Schedule G1, Niagara Economic Gateway)



Appendix 'H' (Port Colborne Official Plan – Schedule A, City Wide Land Use)

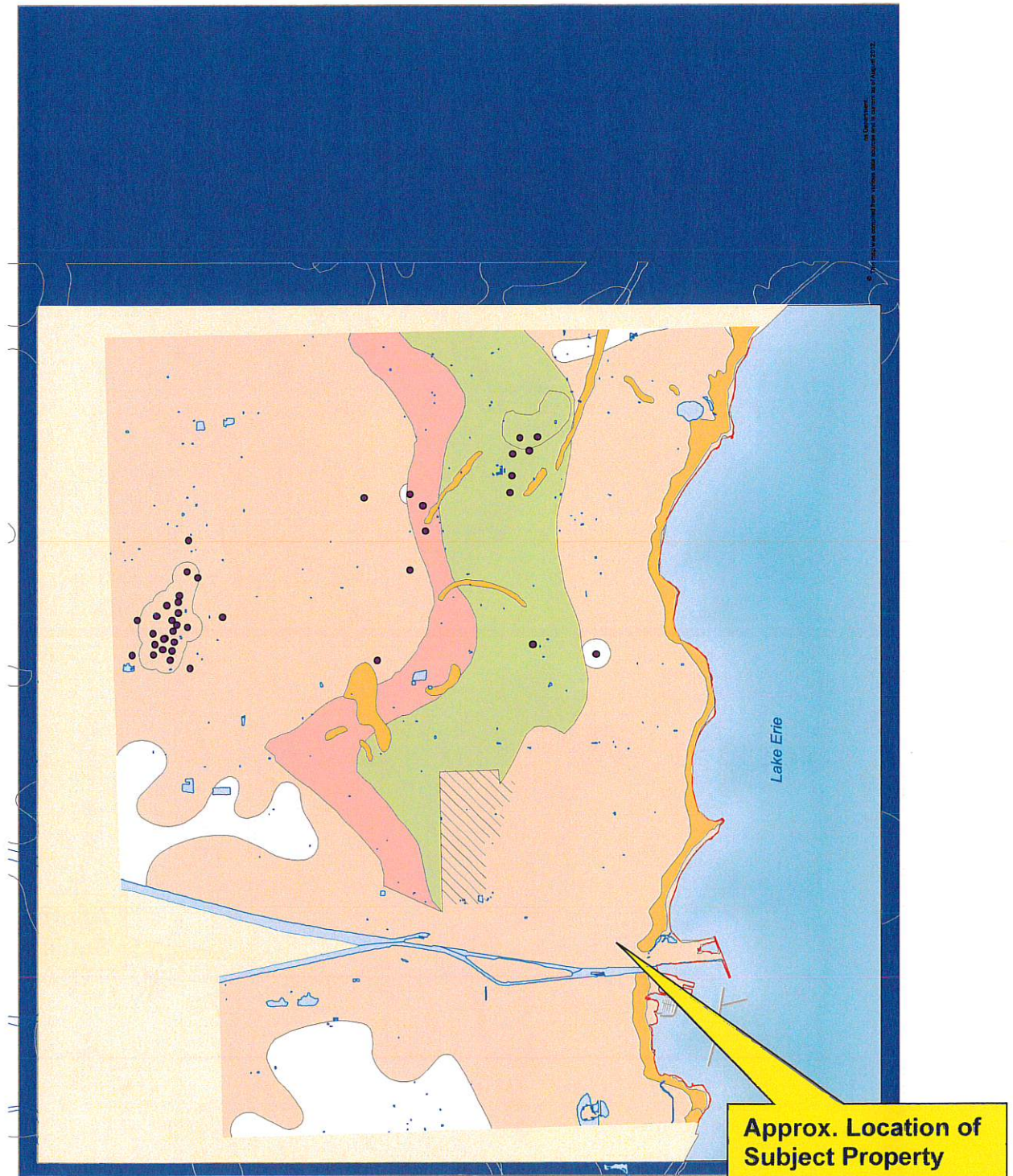


Appendix 'I'
(Port Colborne Official Plan – Schedule B3, Vulnerable Aquifer Areas)

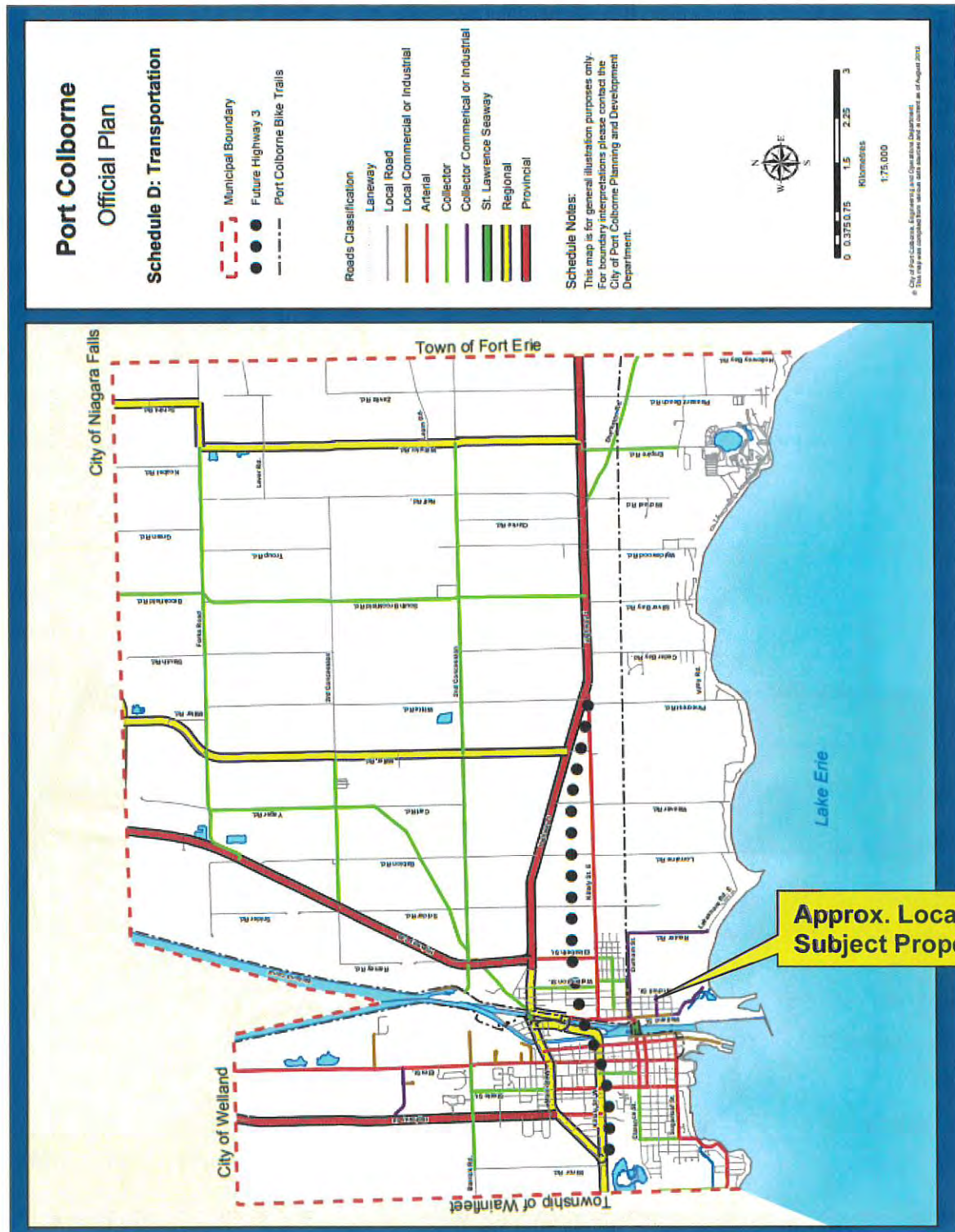


Appendix 'J'

(Port Colborne Official Plan – Schedule C, Mineral Aggregate and Petroleum Resources)



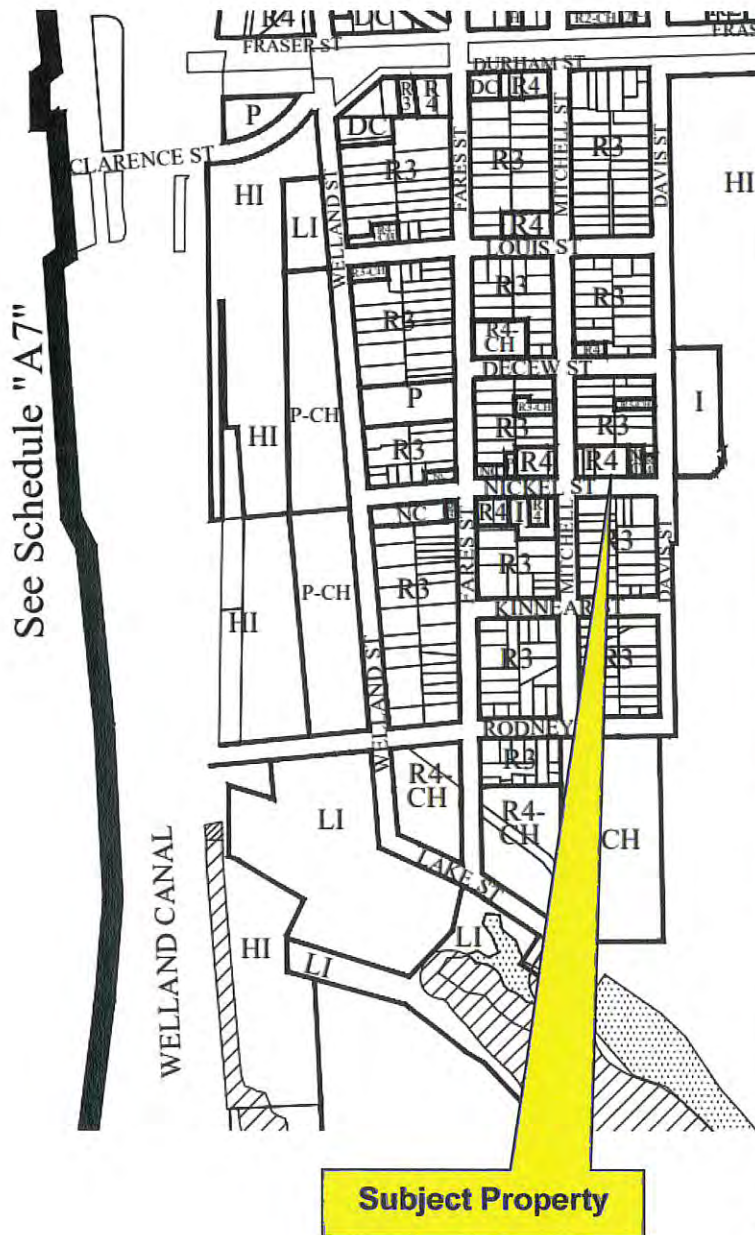
Appendix 'K' (Port Colborne Official Plan – Schedule D, Transportation)




Appendix 'L' (Port Colborne Official Plan – Schedule F, East Waterfront Secondary Plan)






Appendix 'M'
(Zoning By-Law 6575/30/18 – Schedule "A6")




City of Port Colborne

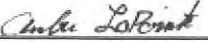

PORT COLBORNE
SCHEDULE "A6"
to By-law No. 6575/30/18

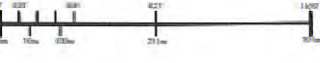
LEGEND

Symbol	Zone
A	AGRICULTURAL
AR	AGRICULTURAL RESIDENTIAL
RR	RURAL RESIDENTIAL
LR	LAKESHORE RESIDENTIAL
R1	FIRST DENSITY RESIDENTIAL
R2	SECOND DENSITY RESIDENTIAL
R3	THIRD DENSITY RESIDENTIAL
R4	FOURTH DENSITY RESIDENTIAL
RD	RESIDENTIAL DEVELOPMENT
MU	MIXED USE
NC	NEIGHBOURHOOD COMMERCIAL
DC	DOWNTOWN COMMERCIAL
HC	HIGHWAY COMMERCIAL
I	INSTITUTIONAL
P	PUBLIC AND PARK
LI	LIGHT INDUSTRIAL
HI	HEAVY INDUSTRIAL
MAO	MINERAL AGGREGATE OPERATIONS
GI	GATEWAY INDUSTRIAL
ID	INDUSTRIAL DEVELOPMENT
	ENVIRONMENTAL PROTECTION
	HAZARD
	ENVIRONMENTAL CONSERVATION

This is Schedule "A6" to By-law No. 6575/30/18
Passed the 23rd Day of April 2018.


John Maloney, Mayor


Amber LaPointe, City Clerk



Chris Roome

From: cindy martineau <cpmartineau@msn.com>
Sent: March 2, 2022 10:55 AM
To: Chris Roome
Subject: 80 Nickel Street P.C.

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

Hello Chris, our names are Cindy and Paul Martineau, we live at 162 Mitchell Street. We have been here since 2015, prior to this we lived at 166 Mitchell Street. Myself for 31 years and my husband for 57 years in this area. We have seen alot of changes and have persevered through many difficult times
We love it here. Homes are being upgraded, new faces are buying homes and young blood is coming to an old and tired community. Some of which have moved here from Toronto and Hamilton to get away from this exact problem.
We certainly are not happy in regards to not 1 but 2 proposed apartment buildings being built. Not to mention 3 to 4 stories high (the sign on site says 4 your letter says 3?) with 7 units in each. I say no. It will not only ruin the skyline we enjoy so much sitting on our porch and be an unwanted site for this area. We have worked hard to make our forever home a place to love and be happy in. We would loose the sunrise and clear skies we so enjoy. Here are our some major concerns we have;

1) It will encroaches on us and the privacy of my fellow neighbours @ 163/165 Mitchell and 198 Davis and 88 Nickel with only a few feet separating them (the buildings) from their property lines AND with the proposed balconies facing their yards would make it very uncomfortable to be in their yards. Absolutely no privacy at all.

2) 14 units with 1 parking spot per. As you know most young couples/families have 2 cars! Where will the overflow of cars park? On our streets? Causing plowing/street cleaning issues. Not to mention hazardous to kids playing with no thought of running out between them!

3) What are we looking at in regards to tenants? Subsidized, low income/geared to income, seniors complex, adult living or condo's?

4) We welcome new builds and new homes that are being built and renovated in our area, (aside from the hotels, churches, schools and Vale plant) the norm is no higher than 2 stories in all of East Village.
When the prior building was finally taken down, we thought awesome a new 2 story will be erected. If this were the case then bring it on but please don't start making our area the start of large unwanted complexes. That may end up housing people who do not see our vision for this area as a nice family oriented community. Or owned by less the desirable landlords.

We would like to be invited to the virtual meeting, we want our views heard, however if possible we would just like to listen and have our letter and thoughts read by someone at the meeting. Believe me I'm passionate about this and if I open my mouth I'm afraid it will not come across as I intended.

Sincerely,
Cindy and Paul Martineau
905-736-0844
cpmartineau@msn.com

Sent from my Galaxy

To whom it may concern

My name is Rosemarie Taylor, I live at 166 Mitchell St. I am opposed to any variance in the zoning by laws

The zoning By laws were decided on and put in effect for a reason to help neighbours coexist with each other and their community.

The majority of requests for changes are about condensing the spaces between people. In the last two years we have discovered and appreciated our personal space. To give this corporation the ability to encroach on our neighbours is neither right nor fair!

Request 1

There is a very good reason that garbage was moved to the rear or interior side yards. No one walking by wants to see or smell your garbage, especially the garbage that will be generated by a 14 unit townhouse. Also this winter we had a major rodent issue. I and my back neighbour have dealt with 17 skunks and 2 possums alone, this does not include what my other neighbours have had to contend with. Having garbage bins on the street will just make it all the more desirable to the rodent population, something we do not need!

Request 2,5 and 6

All the houses in our neighbourhood are no more than two storeys, so having a three storey townhouse towering over us is enough of an inconvenience to our neighbours but the owners are within their rights to do this. But on top of this, to encroach into our neighbours personal space by reducing setbacks should not be permitted!

Request 3

In an already overcrowded parking lot with 16 parking spaces they are requesting a reduction in driveway width to only 6m from 7.5m. Any SUVs or larger vehicles will already find it difficult to maneuver in this spot, making this any more difficult by reducing the driveway width is just an accident waiting to happen!

Request 4 and 7

Cutting the setback in the front yard by more than half and reducing the planting strips will have the effect of having the front apartments almost on the street. Nickel Street is very busy most days, with Tractor Trailer traffic from the Vale Center (formerly INCO), the noise and dust population will be exponentially worse the closer you are to the street especially in the summertime when windows are open.

We have a nice neighbourhood, who help each other out whenever possible. A lot of people have lived here most of their lives and consider their houses their forever homes. We welcome new neighbours to our community but at the end of the day everyone should be entitled to peace and solitude in their home.

Chris Roome

From: Melancholy Cyndaquil <shelbey.peters@gmail.com>
Sent: March 2, 2022 11:00 AM
To: Chris Roome
Subject: 80 Nickel Street

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

Good morning,

I've been keeping an eye on the construction going on with the demolition of the large white building on Nickel Street, near Lucy's Cafe.

As it turns out, we're quite a tightly knit community. We all have good relationships with each other and the people of the city.

Imagine our surprise when we find out there will be not ONE (1) but TWO (2) Four (4) floored apartments being nestled onto that corner.

The amount of privacy issues this creates for neighbour's is appalling, on top of disturbing and outright overlooked.

I'd inquire as to where you plan on putting able parking for those tenants? The street as it is, is already hindered by the amounts of trucks coming and leaving from the plant, the reach out centre can hardly help out the people of the city it already has and the roads are HORRIBLY under kept.

This decision needs to be looked into by someone with an actual understanding of what communities need.

How about we maybe change the buildings we already have condemned? Or, better yet, don't add ANYTHING THERE.

Plants need to thrive too.

Do the earth a favour; Be less SELFISH and forget about money.

Plant trees. Do your own part.

Thank you.

3-56 Nickel Street.



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: 2819524 Ontario Inc.	
Mailing Address: 15 Fiesta Lane	
City: Toronto	Province: Ontario
Postal Code: M8Y 1V3	Telephone: 416-575-5743
Fax:	Email: ryan@greyisledesign.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: Jacob Dickie - Urban in Mind	
Mailing Address: Business - 3370 South Service Road, Unit 103	
City: Burlington	Province: Ontario
Postal Code: L7N 3M6	Telephone: 519-719-8721
Fax:	Email: jdickieurbaninmind@gmail.com

1.4 MORTGAGES, Charges & Other Encumbrances:

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

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

--

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name:The Larocque Group	
Mailing Address:12 Lyman Street	
City:St. Catharines	Province:Ontario
Postal Code:	Telephone:905-358-8400
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: See the Survey included in this package	
Concession No.	Lot(s):
Registered Plan No.	
Reference Plan No.	Part(s):
Name of Street:Nickle Street	Street No.80

Section 3: DESCRIPTION Part No. On Sketch: _____

Frontage:34.285 m	Depth:31.099 m	Area:1065.6 m2 (0.26 ac/0.1
Existing Use:Vacant		
Proposed Use:Residential		

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan:Mixed Use Area - East Waterfront Secondary Plan
Regional Policy Plan:Built-Up Area

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

Section 5

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

Section 6

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

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

Section 7

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

Section 8

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

Section 9

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

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
7 Variances - See the list of variances included in this package. <div></div> <div></div> <div></div> <div></div> <div></div>

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:
The proposed development, being 'infill' requires acceptable deviations from the City's zoning standards to provide for a density and scale that is more in line with today's expectations for residential development in accordance with the objectives of the Provincial Plans. The intensification of the property will ultimately require (7) minor variances to fine-tune the site permissions, and facilitate the require subsequent Site Plan Approval. Justification for each minor variance is provided in Section 5.0 in the Planning Justification Report included in this package.

Section 12

DATE OF ACQUISITION of the land by the current owner:
March 17, 2021

Section 13

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

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:
Vacant for approximately 20 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
<div><input type="checkbox"/> Residential</div> <div><input type="checkbox"/> Industrial</div> <div><input type="checkbox"/> Commercial</div> <div><input type="checkbox"/> Institutional</div> <div><input type="checkbox"/> Agricultural</div> <div><input type="checkbox"/> Parkland</div> <div><input checked="" type="checkbox"/> Vacant</div> <div><input type="checkbox"/> Other</div> <div></div>

16.2 What is the length of time the existing use(s) of the land have continued?
Approximately 20 years. The property used to be the site of the 'Union Hall'

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

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
<div><input type="checkbox"/> Residential</div> <div><input type="checkbox"/> Industrial</div> <div><input type="checkbox"/> Commercial</div> <div><input checked="" type="checkbox"/> Institutional</div> <div><input type="checkbox"/> Agricultural</div> <div><input type="checkbox"/> Parkland</div> <div><input type="checkbox"/> Vacant</div> <div><input type="checkbox"/> Other</div> <div>Union Hall - Community Use</div>

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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
Vale Refinery/Cafe

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

Jan 23, 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

Jan 23, 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 2819524 Ontario Inc.

Of the City/Town/Township of Toronto

In the County/District/Regional Municipality of Toronto

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 Toronto

In the Province of Ontario

This 23rd day of January

A.D 20 22

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

X



Philip Dias, LSO #631046
A Commissioner, etc.

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

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

80 Nickle Street, City of Port Colborne

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

Jacob Dickie

(name of agent)

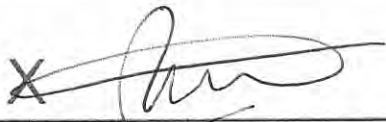
of the City of Toronto

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 23rd of January

in the City of Toronto

this 23rd day of January 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

80 Nickle Street – List of Variances (7)

Variance 1: To Allow for the Proposed Garbage Storage Area to be Located in the Front Yard

As per Section 2.18 a) of Zoning By-law 6575/30/18

Garbage Storage Areas shall only be Permitted in an Interior Side Yard or a Rear Yard.

Whereas the Proposed Garbage Storage Area will be Located in the Front Yard for both the Retained and Severed Lots.

Variance 2: Reduction to the Required Setback from the Rear Lot line for a Deck

As per Section 2.19.1 (Height of Deck or Platform) of Zoning By-law 6575/30/18

The Required Minimum Setback from the Rear Lot Line for a Deck with a *"Height above the Ground Floor Level 1.2 Metres or Greater"* is 4.5 m.

Whereas the Proposed Setback from the Rear Lot Line for a Deck is 3.0 m for both the Retained and Severed Lots.

Variance 3: Reduction to the Required Driveway Width for Two-Way Traffic

As per Section 3.7 b) of Zoning By-law 6575/30/18

The Required Driveway Width for Two-Way Traffic is 7.5 m.

Whereas the Proposed Driveway Width (Shared Easement) is 6.0 m for both the Retained and Severed Lots.

Variance 4: Reduction to the Required Front Yard Setback

As per Section 8.5 c) of Zoning By-law 6575/30/18

The Required Front Yard Setback is 7.5 m.

Whereas the Proposed Front Yard Setback is 3.0 m for both the Retained and Severed Lots.

Variance 5: Reduction to the Required Interior Side Yard Setback

As per Section 8.5 d) of Zoning By-law 6575/30/18

The Required Interior Side Yard Setback is 3.0 m

Whereas the Proposed Interior Side Yard Setback is 1.1 m for the Retained Lot and 1.2 m for the Severed Lot.

Variance 6: Reduction to the Required Rear Yard Setback

As per Section 8.5 f) of Zoning By-law 6575/30/18

The Required Rear Yard Setback is 6.0 m

Whereas the Proposed Rear Yard Setback for both the Retained and Severed Lots is 5.0 m.

Variance 7: Reduction to the Required Width for a Planting Strip (Abutting a Residential Third Density Zone)

As per Section 8.5 i) of Zoning By-law 6575/30/18

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

Staff Present: David Schulz, Senior Planner
Chris Roome, Planner / Acting Secretary-Treasurer

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

1. Disclosures of Interest:

Nil.

2. Requests for Deferrals or Withdrawals of Applications:

Nil.

3. New Business

i) **Application: A33-21-PC**

Action: Minor Variance
Agent: Defillipis Design
Owner: Ron Lucchino
Location: 3475 Firelane 12

The Chair motioned that the application be deferred until the next Committee of Adjustment meeting.

That minor variance application A33-21-PC be **Deferred** until February 9th, 2022.

Motioned: Gary Bruno Seconded by: Angie Desmarais
Carried: 5-0

ii) Application: B18-21-PC

Action: Consent

Agent: Harry Kalantzakos

Owner: Gabriella Guo

Location: 664 King Street

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

The owner did not provide any additional comments.

No additional questions were asked by the Committee.

Harry Wells asked about the nature of the shed on the property and if it will be permanent.

The owner stated that if they need to they can remove the shed.

Mr. Wells asked why the building isn't considered a fourplex.

Mr. Roome responded that the building is a semi-detached dwelling with 2 accessory dwelling units that meet the requirements of the zoning by-law. A fourplex would not be permitted in this zone and planning staff has reviewed the building permit and are confident the by-law requirements for ADU's have been met.

The Chair added that the application is for a severance, not the use of the property.

Mr. Wells asked what the address of the property is.

The Chair questioned the relevance of this question to the application.

Mr. Wells stated that Part 1 of the application should require a minor variance to address setback deficiencies.

Mr. Schulz responded that Section 6.5 (k) of the by-law states that nothing shall prevent the splitting of a semi-detached dwelling.

The Chair asked if the applicant applied for a minor variance, if the front yard setback for Part 1 would be included.

Mr. Schulz responded yes, to bring the property into further conformity with the by-law.

Member Kalailieff stated that she remembered discussing this property at a Council meeting and it was discussed that the shed would be removed.

Mrs. Guo stated it can be taken down if it is an issue.

Member Bruno asked if it should be added as a condition.

Mr. Schulz said it is up to the Committee.

Member Bruno suggested the condition be added.

Member Beauregard asked if a lot grading plan would be required.

Mr. Roome stated that it would be required during the building permit stage.

That consent application **B18-21-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 storage shed on the subject property be removed.

For the following reasons:

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

iii) Application: A32-21-PC

Action: Minor Variance

Agent: Nancy Waters

Owner: Club Castropignano

Location: 664 King Street

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

The applicant did not provide any further comments at this time.

The Committee members did not ask any additional questions.

Amanda Volpatti asked what the capacity limit of the use was.

Ms. Waters responded that the limit was 75 people.

Ms. Volpatti asked if the facility would be rented out to anybody.

Ms. Waters responded that people will have the opportunity to rent the facility, however all events would be run by the Club.

Ms. Volpatti raised some parking concerns and asked if they will be applying for a liquor license.

Ms. Waters responded that they will be applying for a liquor license, but all events would be run during nighttime hours. She also stated that all AGCO rules will apply.

Ms. Volpatti asked how often events would be held.

Ms. Waters responded that events would be held a few times a month.

Jesse Morin asked if there would be any sound issues, since his property is right beside the club.

Ms. Waters responded that sound proofing will be installed.

Mr. Morin asked if the applicant could change the use again if they wanted to.

The Chair responded that they would need a minor variance to do so.

Brett Pirson raised concerns about parking and renting the facility.

Ms. Waters responded that club staff will always be present to run rented events and events won't be held during regular business hours. She also stated that they can explore alternative parking options on Highland Ave.

Mr. Moring asked if the food will be cooked on site or catered.

Ms. Waters responded that not much cooking would be done on site.

Sheri Teasdale raised concerns over parking.

Ms. Waters responded that they will consider alternative options.

Member Bruno asked what the parking requirements are.

Mr. Schulz responded that the parking requirements are also a legal non-conforming use and the 1 space per 20sqm of GFA was the requirement for a place of worship.

Member Bruno asked if parking requirements would have to be addressed through a by-law.

Mr. Schulz responded it would need to be directed through Council.

Member Beauregard asked if the City can collect cash in lieu of parking.

Mr. Schulz responded that we do not have a policy in our Official Plan.

Member Beauregard asked if a private contract for parking could be implemented.

Mr. Schulz responded it could be possible however it isn't recommended and that a condition to further pave the property for more parking would make more sense.

That minor variance application **A32-21-PC** be **GRANTED** for the following reasons:

1. **Minor in nature** as the requested variances are considered reasonable and measured requests.
2. **Appropriate for development of the site** as the proposal will not change the exterior or footprint of the building.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the requirements listed in regard to legal non-conforming uses are satisfied.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as community facilities are permitted in the Urban Residential designation.

Subject to the following condition:

1. That the applicant explore potential on-site parking alternatives within the provisions of the by-law and to the satisfaction of the Planning Department.

Motion: Dan O'Hara

Seconded: Eric Beauregard

Carried: 4-1

4. Other Business:

Member Beauregard asked if a report addressing the 4 tests for a minor variance was a requirement for the applicant to submit.

Mr. Schulz responded that it is not a requirement, however sometimes staff request a Planning Justification Report that will highlight the 4 tests.

5. Approval of Minutes:

Minutes from the December 8th, 2021 Committee of Adjustment meeting were approved.

Moved: Angie Desmarais
Carried: 5-0

Seconded by: Eric Beauregard

6. Adjournment

There being no further business, the meeting was adjourned at approximately 7:10 PM.

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

Staff Present: David Schulz, Senior Planner
Chris Roome, Planner / Acting Secretary-Treasurer

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

1. Disclosures of Interest:

Nil.

2. Requests for Deferrals or Withdrawals of Applications:

Application A33-21-PC was deferred until the March 9th hearing.

3. New Business

i) **Application: B04-22-PC**

Action: Consent
Agent: Paul Fehrman
Owner: David Crawford
Location: 1305 Highway 3

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

The applicant did not provide any further information.

No questions or comments were made by the Committee.

That consent application **B04-22-PC** be **GRANTED** subject to the following conditions:

1. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.

2. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. That a final certification fee of \$216 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.
4. That Part 2 merges with Part 3.
5. Pursuant to Section 50(12) of The Planning Act, R.S.O. 1990, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving the identical subject parcel of land.

For the following reasons:

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

Motion: Gary Bruno Seconded: Eric Beauregard

Carries: 5-0

ii) Application: A01-22-PC

Action: Minor Variance
Agent: N/A
Owner: Miles Tonnies
Location: V/L Franklin Ave

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

The owner did not provide any additional comments.

Member Bruno asked staff if a deck would be permitted on the property.

Mr. Roome responded that they would likely require another variance.

The Chair asked staff what the maximum lot coverage is on the property.

Mr. Roome responded that the maximum lot coverage is 40%.

The Chair reminded the applicant that if they want to build and structures or additions in the future, another variance would be required.

That minor variance application **A01-22-PC** be **granted** for the following reasons:

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

Motion: Eric Beauregard

Seconded: Angie Desmarais

Carried: 5-0

iii) Application: B05-22-PC

Action: Consent

Agent: N/A

Owner: Peter Smith and Donna Bonato

Location: V/L Firelane 3

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

The applicant did not provide any further comments at this time.

There were no additional questions from the Committee.

That consent application **B05-22-PC** be **GRANTED** subject to the following conditions:

1. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
2. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. That a final certification fee of \$216 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.
4. That Lot 33, 57 and Part of Lot 32 and 58 be merged in title to create Part 2;

5. That Lot 31, 59 and Part of Lot 32 and 58 be merged in title to create Part 1;
6. That the owner enter into a Development Agreement to implement the recommendations of the Hydrogeological Assessment, prepared by Terra-Dynamics Consulting Inc. (dated September 22, 2021);
7. That a Stage 1 and 2 Archaeological Assessments be completed by a licensed professional archaeologist in accordance with the *Ontario Heritage Act* and the *Standards and Guidelines for Consultant Archaeologists*. Required archaeological assessments shall be submitted to the Province for review. No demolition, grading or other soil disturbances shall take place on the property until the Province has verified that the required archaeological assessment report(s) have met licensing and resource conservation requirements

For the following reasons:

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

Motion: Angie Desmarais

Seconded: Donna Kalailieff

Carried: 5-0

4. Other Business:

The Committee discussed the recent changes to the Planning Act.

5. Approval of Minutes:

There were no attached minutes in the Agenda Package to approve.

6. Adjournment

There being no further business, the meeting was adjourned at approximately 6:30 PM.