



CORPORATION OF THE CITY OF
PORT COLBORNE

COMMITTEE OF ADJUSTMENT
-MEETING AGENDA-
6:00 P.M., Wednesday, May 11th, 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: A10-22-PC
Action: Minor Variance
Agent: N/A
Owners: Jennifer Pulhalski
Location: 346 Sugarloaf Street
 - ii) Application: A11-22-PC
Action: Minor Variance
Agent: Jamie McNay
Owners: Karen Stewart
Location: 138 Omer Ave
 - iii) Application: A12-22-PC
Action: Minor Variance
Agent: N/A
Owners: Lisa Sherk & Ervin Goertzen
Location: 21 Walnut Street
 - iv) Application: B08-22-PC
Action: Consent
Agent: N/A
Owners: Mayo & Patricia Ridesic
Location: 141 Merritt Parkway
 - v) Application: A20-22-PC
Action: Minor Variance
Agent: Hamid Bahrami
Owners: Elizabeth Dimitrov
Location: 954 Wyldewood Road
 6. Other Business
 7. Approval of Minutes
 - i) April 13th, 2022, Committee of Adjustment Meeting

8. Adjournment

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

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A10-22-PC

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

AND IN THE MATTER OF the lands legally known as Part Block D on Plan 3761, in the City of Port Colborne, Regional Municipality of Niagara, located in the First Density Residential (R1) zone, municipally known as 346 Sugarloaf Street.

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

1. That a maximum height of 6.29m be provided, whereas the maximum height permitted is 6m.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission for a proposed accessory structure at 346 Sugarloaf St. Due to the proposed height, a minor variance is required. A sketch of the proposal is shown on the reverse side of this notice.

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

DATE:

TIME:

LOCATION:

May 11th, 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. 204 or email at Samantha.yeung@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division’s report may be available for public inspection by **May 6th, 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=Ekd4XqAsgzs>.


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 May 10th, 2022**, by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2901 ext. 204. 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 Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.

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,

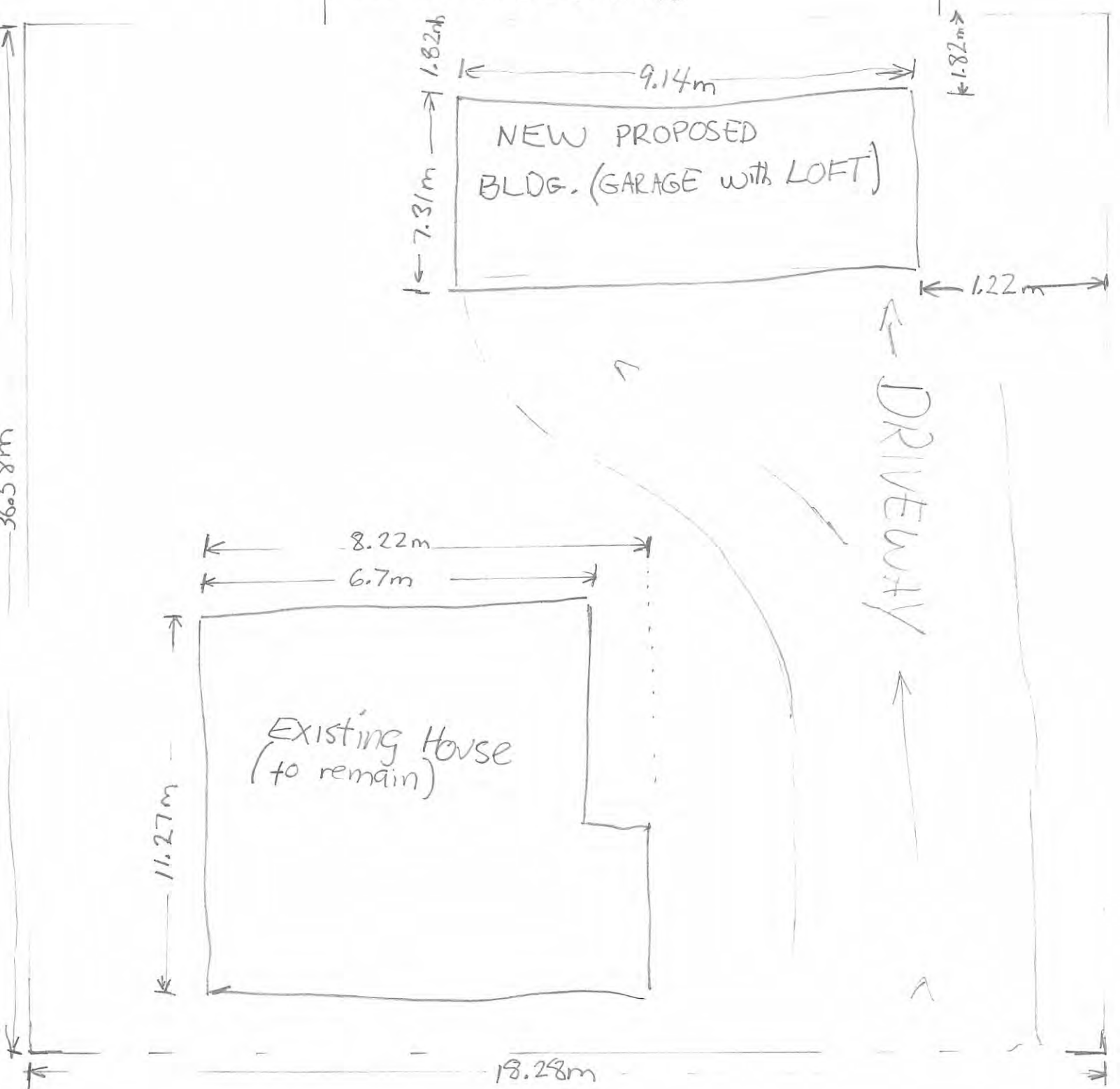


Samantha Yeung,
Secretary-Treasurer

Date of Mailing: April 21st, 2022

Mar. 22, 202

Proposed Plan - 346 Sugarloaf St.
Port Colborne.
R1 Zoning/ARN-2711 010 017 08500
PLAN 3761 P4 BIK D NP776



Sugarloaf Street



City of Port Colborne

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

Development and Legislative Services

Planning Division Report

May 6th, 2022

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

Re: Application for Minor Variance A10-22-PC
346 Sugarloaf Street
Part Block D on Plan 3761
Agent: N/A
Owner(s): Jennifer Puhalski

Proposal:

The purpose and effect of this application is to permit an increased height to an accessory structure to permit the construction of a proposed garage. The applicant is requesting a maximum accessory structure height of 6.29m whereas 6m is permitted.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Second Density Residential (R2) to the north and First Density Residential (R1) to the east, south and west. The surrounding land uses consist of detached dwellings to the north, south, east and west.

Official Plan:

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

Zoning:

The subject property is zoned R1 zone in accordance with Zoning By-Law 6575/30/18. Accessory structures are permitted in this zone.

Environmentally Sensitive Areas:

There are no environmentally sensitive areas on the subject lands.

Public Comments:

Notice was circulated on April 21st, 2022. As of May 6th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on April 21st, 2022. As of May 6th, 2022, the following comments have been received.

Fire Department

No objection.

Drainage Superintendent

No comment.

Planning Act – Four Tests:

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

Is the application minor in nature?

Staff find the requested variance to be minor in nature. The increase in height from 6m to 6.29m will not negatively impact the subject parcel or neighbouring properties. The structure is located at a reasonable distance from all lot lines so the increase in height, will not result in visibility concerns.

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

The proposal is desirable and appropriate as the development is located in a suitable location on the site. Accessory structures are a permitted use in the R1 zone so the proposal is compatible with the requirements of the zoning by-law.

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

The Zoning By-law permits accessory structures in the R1 zone and the proposal meets the setbacks and lot coverage requirements. 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 to residential uses 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 A10-22-PC be **granted** for the following reasons:

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

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

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Manager of Planning Services



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 *Chris*
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: Jennifer Puhalski

Mailing Address: 346 Sugarloaf Street

City: Port Colborne

Province:

Postal Code: L3K 2P3

Telephone: 905 788 5155

Fax:

Email: jpuhalski40@gmail.com

1.2 Owner's SOLICITOR (if applicable)

Name:

Mailing Address:

City:

Province:

Postal Code:

Telephone:

Fax:

Email:

1.3 Owner's Authorized AGENT (if applicable)

Name:

Mailing Address:

City:

Province:

Postal Code:

Telephone:

Fax:

Email:

1.4 MORTGAGES, Charges & Other Encumbrances:

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

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

April 2020

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

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

Section 2: LOCATION

Former Municipality: <i>Humberstone</i>	
Concession No.	Lot(s):
Registered Plan No. 376 <i>776</i>	
Reference Plan No.	Part(s): <i>B/K D</i>
Name of Street: <i>Sugarloaf</i>	Street No.

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage: <i>18.28 m</i>	Depth: <i>36.57 m</i>	Area: <i>668.6 sq/m</i>
Existing Use: <i>Garage</i>		
Proposed Use: <i>Garage with storage loft.</i>		

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: <i>urban residential</i>
Regional Policy Plan:

4.2 What is the Zoning of the land (By-law 1150/97/81)?
<i>R1</i>

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:
Height restriction - actual height of proposed bldg is 6.29 m

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:

style of building

Section 12

DATE OF ACQUISITION of the land by the current owner:

2020

Section 13

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

50 yrs

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 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 checked="" type="checkbox"/> No
Consent	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Site Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No

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

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?

1930 to present

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

⊗ see site plan

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

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 March 16, 2022 .
Date

X [Signature]
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 March 16/2020
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 Jennifer Pihalski
Of the City/Town/Township of Port Colborne
In the County/District/Regional Municipality of _____

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 22nd day of March
A.D. 20 22

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

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

X [Signature]

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

A Commissioner, etc.

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

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

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

Processing

Date: _____

Accepted by Manager of Planning and Development Services:
Circulated:

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

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

(name of agent)

of the _____ of _____

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

Dated at the _____ of _____

in the _____ of _____

this _____ day of _____ 20__

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

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

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

Information on the Port Colborne Official Plan and Zoning Bylaw

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

Information on Servicing, Lot Grading and Drainage

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

Information about the Building Code

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

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

For Concerns regarding Provincial Policy and Ministry responsibilities

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

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

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

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

7. Ministry of Transportation of Ontario
Corridor Management Section

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

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

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

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A12-22-PC

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

AND IN THE MATTER OF the lands legally known as Concession 1 Part Lot 32 in the City of Port Colborne, Regional Municipality of Niagara, located in the First Density Residential (R1) zone, municipally known as 21 Walnut Street.

AND IN THE MATTER OF AN APPLICATION by the owners Lisa Sherk & Ervin Goertzen, for relief from the provisions of Zoning By-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O 1990 C.P 13, so as to permit the construction of an addition on the rear of the dwelling, notwithstanding the following;

1. That a rear yard setback of 4.88m be permitted, whereas 7m is required in the R1 zone.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission for a proposed addition to the rear of the dwelling. Due to the proposed rear yard setback, a minor variance is required. 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:

May 11th, 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. 204 or email at Samantha.yeung@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division’s report may be available for public inspection by **May 6th, 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=Ekd4XqAsgzs>.

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 May 10th, 2022**, by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. 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 Samantha.yeung@portcolborne.ca or call (905) 835-2901 ext. 204.

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.

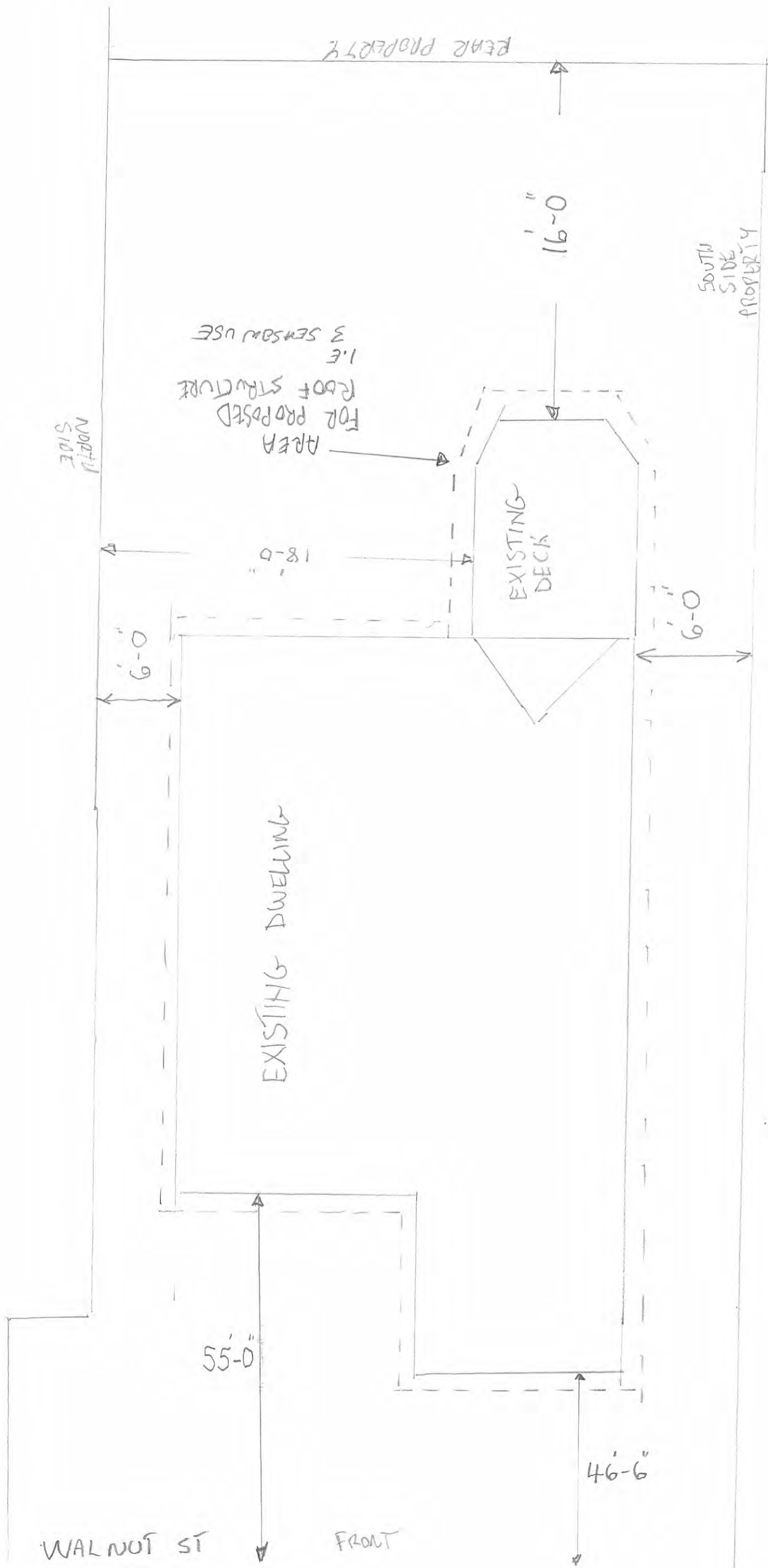
By order of the Committee of Adjustment,



Samantha Yeung,
Secretary-Treasurer

Date of Mailing: April 21st, 2022

21 WALNUT ST PROPERTY





City of Port Colborne

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

Development and Legislative Services

Planning Division Report

May 6th, 2022

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

Re: Application for Minor Variance A12-22-PC
21 Walnut Street
Concession 1 Part Lot 32
Agent: N/A
Owner(s): Lisa Sherk & Ervin Goertzen

Proposal:

The purpose and effect of this application is to permit the construction of a deck enclosure at the rear of the dwelling. Enclosed structures are deemed to be part of the building to which they are attached and shall meet all required yards. The requested rear yard setback is 4.88m whereas 7m is required.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned First Density Residential (R1) zones to the north, south, east and west. The surrounding land uses consist of detached dwellings to the north, south, east and west.

Official Plan:

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

Zoning:

The subject property is zoned R1 zone in accordance with Zoning By-Law 6575/30/18. Detached dwellings are permitted in this zone.

Environmentally Sensitive Areas:

There are no environmentally sensitive areas on the subject lands.

Public Comments:

Notice was circulated on April 21st, 2022. As of May 6th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on April 21st, 2022. As of May 6th, 2022, the following comments have been received.

Fire Department

No objection.

Drainage Superintendent

No comment.

Planning Act – Four Tests:

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

Is the application minor in nature?

Staff find the requested variance to be minor in nature. The existing deck conforms to the required 4.5m setback, however when enclosing it, it becomes a part of the dwelling and is required to meet the 7m setback for detached dwellings. The footprint and lot coverage of the dwelling will remain unchanged.

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

The proposal is desirable and appropriate as the majority of the requirements of the by-law will have been met with the exception of the requested variance and the proposal is located in a suitable location on the site. The proposed rear yard setback will not negatively affect the amount of usable amenity space on the subject property.

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

This proposal is in keeping with the general intent and purpose of the Zoning By-law, as most of the by-law requirements have been met and detached dwellings are permitted in the R1 zone.

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

The Official Plan permits residential uses 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 A12-22-PC be **granted** for the following reasons:

1. **The application is minor in nature.**
2. **It is appropriate for development of the site.**

3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.
4. It is desirable and in compliance with the general intent and purpose of the Official Plan

Prepared by,

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

Chris Roome, BURPI
Planner

Submitted by,

A handwritten signature in dark ink, appearing to read 'Denise Landry', with a horizontal line drawn across the middle of the signature.

Denise Landry, MCIP, RPP
Manager of Planning Services



File No. _____

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

Minor Variance or Permission

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

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

SUBMISSION OF APPLICATION:

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

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

COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

Decisions of the Committee are made in public.

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

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

APPLICATION FEES

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

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

APPLICATION FORM AND SKETCH

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

NOTICE REQUIREMENTS

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

APPLICATIONS REQUIRED

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

PLEASE TYPE OR USE BLACK INK

1. OWNER
 - 1.1 Registered Owner(s): LISA SHERK & ERVIN GOERTZEN
Mailing Address: 21 WALNUT ST
City: PORT COLBORNE Province: ON
Postal Code: L3K 2T7 Telephone: 289-241-9030
Fax: _____ Email: bracebridge1@hotmail.com
 - 1.2 Owner's SOLICITOR (if any): _____
Mailing Address: _____
City: _____ Province: _____
Postal Code: _____ Telephone: _____
Fax: _____ Email: _____
 - 1.3 Owner's Authorized AGENT(if any): ✓ _____
Mailing Address: _____
City: _____ Province: _____
Postal Code: _____ Telephone: _____
Fax: _____ Email: _____

1.4 MORTGAGES, Charges and other Encumbrances:

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

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

2019 JULY

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

Mailing Address: _____

City: _____ Province: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

1.7 All communications should be sent to the:

Owner ☒ Solicitor ☒ Agent _____

2. LOCATION:

Former Municipality HUMBERSTONE

Concession No. 1 Lot(s) PT 32 Registered Plan No. 59R14404 Lot(s) _____

Reference Plan No. _____ Part(s) _____

Name of Street WALNUT Street No. 21

3. DESCRIPTION: Part No. on sketch _____

Frontage _____ Depth _____ Area _____

Existing Use _____

Proposed Use _____

4. OFFICIAL PLAN AND ZONING

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

Port Colborne Official Plan URBAN RESIDENTIAL

Regional Policy Plan BUILT UP AREA

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

RESIDENTIAL

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

Yes _____ No ☒

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

6. Type of ACCESS

Provincial Highway _____

Regional Road _____

Municipal Road maintained all year ☒

Other Public Road _____

Municipal Road maintained **seasonally** _____

Right-of-Way _____

Water Access _____

Private Road _____

7. What type of WATER SUPPLY is proposed?

Publicly owned and operated piped water supply CITY

Lake _____

Well (private or communal) _____

Other (specify) _____

8. What type of SEWAGE DISPOSAL is proposed?

Publicly owned and operated sanitary sewage system _____

Septic system (private or communal) _____

Other (specify) _____

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

Publicly owned and operated stormwater system _____

Other (specify) _____

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

RELIEF FROM REAR YARD SET BACK

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

Yes _____ No X _____

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

EXISTING DECK BUILT WHEN HOUSE WAS BUILT
10 years ago. PROPOSED ROOF STRUCTURE TO
COVER SAID DECK AREA

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

2 yrs 9 months ago

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

2012 JULY

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

10 YEARS

15. OTHER APPLICATIONS:

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

Official Plan Amendment _____

Zoning By-law Amendment _____

Minor Variance _____

Plan of Subdivision _____

Consent _____

Site Plan _____

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

File number of the application _____

Name of the approval authority considering the application _____

Lands affected by the application _____

Purpose of the application _____

Status of the application _____

Effect of the application on the proposed amendment _____

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

16.1 ALL EXISTING USE

Residential X

Industrial _____

Commercial _____

Institutional _____

Agricultural _____

Parkland _____

Vacant _____

Other _____

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

10 YEARS

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

Yes RESIDENTIAL DWELLING No _____

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

Type of building or structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres and number of storeys)	Dimensions or floor area (in metres)	Date of Construction
RESIDENTIAL		16'-0" FT	7'-6" FT	6'-6"	SINGLE STORY		
		4.87 MET	2.30 MET	1.98 MET		23.0 MET	

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	<input type="text"/>			

16.7 If Industrial or Commercial, specify use

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

Yes ☐ No ☒ Unknown ☐

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

Yes ☐ No ☒ Unknown ☐

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

Yes _____ No ☒ _____ Unknown _____

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

Yes _____ No ☒ _____ Unknown _____

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

Yes _____ No ☒ _____ Unknown _____

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

Yes _____ No ☒ _____ Unknown _____

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

Yes _____ No ☒ _____ Unknown _____

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

Yes _____ No ☒ _____ Unknown _____

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


Yes _____ No ☒ _____ Unknown _____

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

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

ACKNOWLEDGMENT CLAUSE

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

Date Feb 16/22 Signature of Owner 

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

Yes _____ No ☒ _____ Unknown _____

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

HOUSE USE AS HOME

16.19 If there has been industrial or commercial uses on the property or if the answer to 1465 to 16.13 is "Yes", a previous use inventory is needed. Is a previous use inventory attached?

Yes _____ No ☒ _____

17 NIAGARA PENINSULA CONSERVATION AUTHORITY Prescreening Criteria

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

Yes _____ No / _____ Unknown _____

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

Yes _____ No / _____ Unknown _____

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

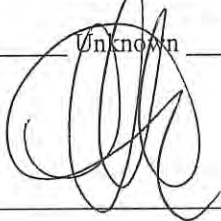
Yes _____ No / _____ Unknown _____

17.4 Is there a valley slope on the property?

Yes _____ No / _____ Unknown _____

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

Yes _____ No / _____ Unknown _____

Date MARCH 15/22 Signature of Applicant(s) 

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

I/We ERWIN GOERTZEN

of the City/Town/Township of PORT COLBORNE

in the County/District/Regional Municipality of NIAGARA

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

DECLARED before me at the

City of Port Colborne

in the Region of Niagara

This 15th day of March

A.D. 2022

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



(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.

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

AUTHORIZATION

LOCATION OF SUBJECT LANDS:

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

(name of agent)

of the _____ of _____

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

Dated at the _____ of _____

in the _____ of _____

this _____ day of _____ 200_____

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

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

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

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

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

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

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

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

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

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

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

Watershed Planner
(905) 788-3135
Ext 272

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

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

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

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

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

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

Date of Receipt of Completed Application _____

Public Hearing Date _____

Adjourned Public Hearing Date _____

Checked for Completeness by _____

PROCESSING

Date

Accepted by Manager of Planning and Development Services: _____

Circulated: _____

Comments received;
Solicitor _____

Engineer _____

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

Notice of Public Meeting _____

Public Meeting _____

Committee Approval _____

Notice Given _____

Final Day for OMB Appeal _____

OMB Appeal _____

OMB Hearing _____

OMB Decision _____

Final Day to Satisfy Conditions _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Agreement Signed by Owner _____

Agreement Signed by Mayor and Clerk _____

Agreement sent to City Solicitor _____

Registration _____

Instrument No. _____

Final Approval _____

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A11-22-PC

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

AND IN THE MATTER OF the lands legally known as Lot 14 and 15 on Plan 4, in the City of Port Colborne, Regional Municipality of Niagara, located in the First Density Residential (R1) zone, municipally known as 138 Omer Ave.

AND IN THE MATTER OF AN APPLICATION by the agent, Jamie McNay, on behalf of the owner Karen Stewart 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 proposed accessory structure in the rear yard, notwithstanding the following;

1. That the accessory structure be permitted in the corner side yard with a side yard setback of 1.22m, whereas accessory structures are not permitted in the corner side yard.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission for a proposed accessory structure at 138 Omer Ave. Due to the proposed location on the property, a minor variance is required. A sketch of the proposal is shown on the reverse side of this notice.

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

DATE:	May 11th, 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. 204 or email at Samantha.yeung@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division’s report may be available for public inspection by **May 6th, 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=Ekd4XqAsgzs .
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 May 10th, 2022 , by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2901 ext. 204. 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 Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.
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,



Samantha Yeung,
Secretary-Treasurer

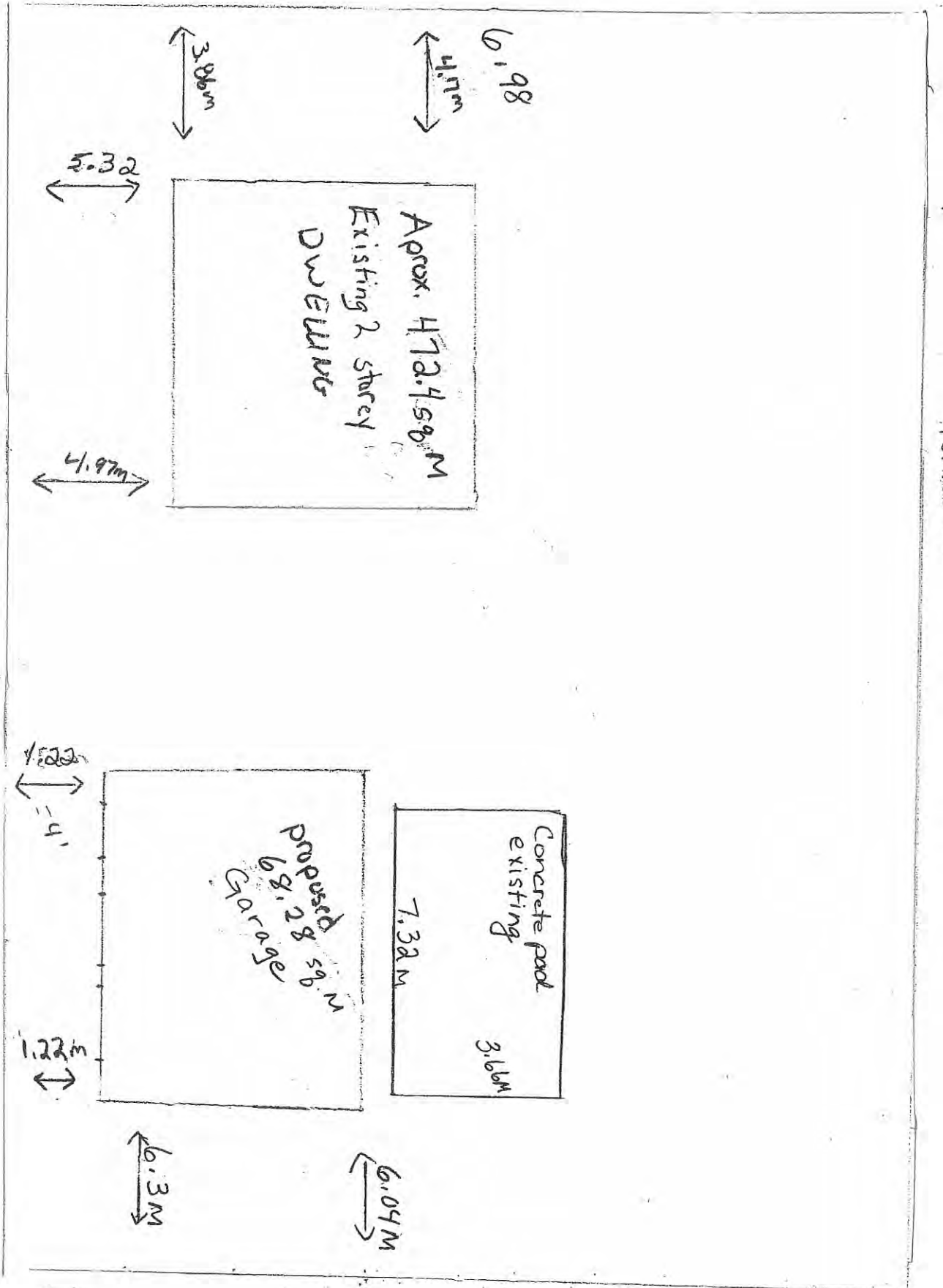
Date of Mailing: April 21st, 2022

OMER AVE

30.49m

45.12m

138 OMER AVE



Fielden Ave



City of Port Colborne

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

Development and Legislative Services

Planning Division Report

May 6th, 2022

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

Re: Application for Minor Variance A11-22-PC
138 Omer Ave
Lot 14 and Lot 15 on Plan 4
Agent: Jamie McNay
Owner(s): Karen Stewart

Proposal:

The purpose and effect of this application is to permit the construction of a proposed accessory structure. The applicant is requesting that the accessory structure be permitted within a required corner side yard, whereas accessory structures are not permitted in a corner side yard. The proposed structure will be located 1.22m from the corner side lot line and 6.3m from the rear lot line. The existing accessory structure in the corner side yard is proposed to be demolished and the proposed structure will comply with the lot coverage requirements of the R2 zone.

Surrounding Land Uses and Zoning:

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

Official Plan:

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

Zoning:

The subject property is zoned R2 zone in accordance with Zoning By-Law 6575/30/18. Accessory structures are permitted in this zone.

Environmentally Sensitive Areas:

There are no environmentally sensitive areas on the subject lands.

Public Comments:

Notice was circulated on April 21st, 2022. As of May 6th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on April 21st, 2022. As of May 13th, 2022, the following comments have been received.

Fire Department

No objection.

Drainage Superintendent

No comment.

Planning Act – Four Tests:

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

Is the application minor in nature?

Staff find the requested variance to be minor in nature. The requested location will be 1.22m from the corner side yard lot line. The subject property currently contains a garage to be demolished in the corner side yard, and the new location will result in a greater setback than the existing garage.

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

The proposal is desirable and appropriate as the development is located in a suitable location on the site. The location will not result in any visibility issues within a sight triangle and the proposed location was chosen in order to preserve a concrete patio located in the rear yard.

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

The Zoning By-law permits accessory structures 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 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 A11-22-PC be **granted** for the following reasons:

1. **The application is minor in nature.**
2. **It is appropriate for development of the site.**

3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.
4. It is desirable and in compliance with the general intent and purpose of the Official Plan

Prepared by,

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

Chris Roome, BURPI
Planner

Submitted by,

A handwritten signature in dark ink, appearing to read 'Denise Landry', with a horizontal line drawn across the middle of the signature.

Denise Landry, MCIP, RPP
Manager of Planning Services



PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: <u>Karen Stewart</u>	
Mailing Address: <u>138 Omer Ave.</u>	
City: <u>Port Colborne</u>	Province: <u>Ontario</u>
Postal Code: <u>L3K 3Y6</u>	Telephone: <u>289 219 3662</u>
Fax:	Email: <u>bewellenergies@gmail.com</u>

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

1.3 Owner's Authorized AGENT (if applicable)	
Name: <u>Jamie McNay @ McNay Construction</u>	
Mailing Address: <u>953 Cedar Bay Rd.</u>	
City: <u>Port Colborne</u>	Province: <u>Ontario</u>
Postal Code: <u>L3K 5V3</u>	Telephone: <u>289 213 1237</u>
Fax:	Email: <u>mcnayconstruction@gmail.com</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>1992</u>

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: <i>n/a</i>	
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: <i>Humberstone</i>	
Concession No.	Lot(s): <i>14, 15</i>
Registered Plan No. <i>832</i>	
Reference Plan No.	Part(s):
Name of Street: <i>Omer Ave.</i>	Street No. <i>138</i>

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage: <i>100'</i>	Depth: <i>150'</i>	Area:
Existing Use: <i>Residential</i>		
Proposed Use: <i>Residential</i>		

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: <i>Residential</i>
Regional Policy Plan: <i>Residential</i>

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

Section 5

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

Section 6

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

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

Section 7

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

Section 8

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

Section 9

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

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
<div>Correction to drawings to have garage 4' from property. Drawings incorrectly indicate 8'.</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 IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
The location of the garage if built per incorrect location indicated by the drawings would result in a concrete patio being destroyed.

Section 12

DATE OF ACQUISITION of the land by the current owner:
1992

Section 13

DATE OF CONSTRUCTION of all existing buildings and structures on the land:
Home built 1920, Current garage to be demolished built 1926 approx. to the best of my knowledge.

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:
101 1/2 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:
n/a
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 checked="" 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 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?
since 1920, 101 1/2 years, adjacent homes after 1920 I believe

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

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

Type of Building or Structure at 138 Ormer	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
Garage	to be demolished per permit,						
House	7m approx.	28.13m approx	E 17.83 approx M	W 5.6m approx	6.10 m approx	1550sqft or 144 sq m approx	1920

16.4 ALL PREVIOUS USE
<div><input checked="" 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 type="checkbox"/> Vacant</div> <div><input type="checkbox"/> Other</div> <div></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 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?
<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 April 4, 2022
Date

X Karen Stewart
Signature of Owner

Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-screening Criteria

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☒ Yes
☐ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

17.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

X April 4, 2022
Date

X Karen Stewart
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 Karen Stewart
Of the City/Town/Township of Port Colborne
In the County/District/Regional Municipality of Niagara

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

DECLARED before me at the
City of Port Colborne
In the Region of Niagara
This 6th day of April
A.D 20 22

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

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

X Karen Stewart

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:

138 Omer Ave., Port Colborne, ON

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

~~Karen Stewart~~^{KS} Jamie McNay

(name of agent)

of the City of Port Colborne

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

Dated at the 18th City of Port Colborne

in the Region of Niagara

this 6th day of April 2022

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

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

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

Information on the Port Colborne Official Plan and Zoning Bylaw

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

Information on Servicing, Lot Grading and Drainage

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

Information about the Building Code

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

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

For Concerns regarding Provincial Policy and Ministry responsibilities

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

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

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

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

7. Ministry of Transportation of Ontario
Corridor Management Section

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

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

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

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR CONSENT

APPLICATION NO. B08-22-PC

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

AND IN THE MATTER OF the lands legally known as Lot 1 on Plan 53 in the City of Port Colborne, Regional Municipality of Niagara, located in the First Density Residential (R1) zone, municipally known as 141 Merritt Parkway.

AND IN THE MATTER OF AN APPLICATION by the owners Mayo and Patricia Ridesic, for a severance under Section 53 (1) of the Planning Act R.S.O 1990 C.P 13, so as to permit the conveyance of Part 1 having a lot frontage of 16.46m and a lot area of 519.2m² for a future residential use. Part 2 will retain a lot frontage of 21.55m with a lot area of 681.0m². 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:	May 11th, 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. 204 or email at Samantha.yeung@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday May 6th, 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=Ekd4XqAsgzs>.

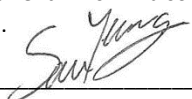
Anyone wishing to participate in the meeting is asked to submit a written submission that will be circulated to Committee members prior to the meeting. If anyone wishes to virtually participate in the meeting they must pre-register with the Secretary-Treasurer. **Written submissions and virtual participation requests must be received by noon on Tuesday May 10th, 2022**, by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. 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 Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.

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,



Samantha Yeung
Secretary-Treasurer
Date of Mailing: April 21, 2022



City of Port Colborne

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

Planning and Legislative Services

Planning Division Report

May 6th, 2022

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

Re: Application for Consent B08-22-PC
141 Merritt Parkway
Lot 1 on Plan 53
Agent: N/A
Owner(s): Mayo and Patricia Ridesic

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 1 having a lot frontage of 16.46m and a lot area of 519.2m² for a future residential use. Part 2 will retain a lot frontage of 21.55m on Merritt Parkway North with a lot area of 681m².

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned First Density Residential (R1) to the north, south, east and west and Commercial Plaza (CP) to the east. The surrounding uses consist of detached dwellings to the north, west and south with an office and auto garage to the east.

Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on April 21st, 2022. As of May 6th, 2022, the comments have been received.

Jodie Trottier

I am the direct neighbor beside where they want to build and we along with other people on the street are very concerned with how this will affect our properties. We are 100% against this plan moving forward.

Issues/Concerns:

- We have young children in area and it is a quiet corner.
- Proposed area to build is too close to our property line.
- On the drawing it shows row on trees, which we think is our property, not theirs.
- The projected build area goes right into our backyard. Complete loss of privacy.
- Loss of value on our place of residence. (resale etc...)
- Need more information to fully assess the information – 1 storey or 2 storey?
- All of the houses in our area are spaced out, beautiful lawns, privacy. With this build so close we will lose all of that. We purchased a house in this area for this reason, this build will take away from that.

The owners who purchased this property about a year ago have not spent 1 night in the house. The only person who has been there in day hours has been the contractor they hired to do renos. All neighbors can confirm this. These people are not from the city and have purchased this lot solely as an investment with no plans on living in it. Hence the plan to sever the lot and build another house to maximize profit.

Staff Response: The building footprint on the sketch is only for demonstration purposes. It has been used to show the maximum allowable building area that would meet the requirements of the Zoning By-law. The applicant does not intend on building a dwelling with those dimensions, however, if they proposed that footprint, it would be permitted under the Zoning By-law. Furthermore, the proposed application is only for the creation of a new lot and does not address building setbacks or lot coverage requirements. As mentioned in the discussion section below, the application conforms to the requirements of the PPS, Growth Plan, ROP, City of Port Colborne Official Plan and Comprehensive Zoning By-law.

Agency Comments:

Notice was circulated on April 21st, 2022. As of May 6th, 2022, the following has been received.

MTO

Although the MTO has no objection to the above described Consent Application, the property owner(s) should be made aware that both lots, Part 1 and Part 2, are located within the MTO Permit Control Area for the Hwy 58/Merritt Road North intersection. As a result, MTO Building and Land Use Permits are required prior to the commencement of any on-site construction/work. All development must comply with the MTO Building and Land Use Policy, MTO Corridor Signage Policy and any other MTO policies/requirements.

Drainage Superintendant

No comments on the proposed application.

Fire Department

No objection to proposed application.

Discussion:

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

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

The Growth Plan also directs development to settlement areas. The subject parcel is located within a settlement area where the Growth Plan states that growth should be focused in “Built-up” areas.

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

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

City of Port Colborne Official Plan

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

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

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

The subject lands are zoned First Density Residential (R1) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 16.46m and a lot area of 519.2m²

Part 2: A lot frontage of 21.55m and a lot area of 681m².

The R1 zone requires a lot frontage of 15m and a minimum lot area of 0.05ha. In addition to the lot area requirement, Part 2 requires a lot frontage of 17m as it is a corner lot. The requirements of the Zoning By-law have been met.

The proposed building envelope, as shown on the sketch, demonstrates that a dwelling can be accommodated on the property and conform to the required setbacks of the R1 zone. The applicant has stated that they do not intend on building on the property and that the building envelope is to demonstrate the maximum size a potential dwelling on the severed lot could be.

Recommendation:

Given the information above, Planning Staff recommend application B08-22-PC be **granted** subject to the following conditions:

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

For the following reasons:

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

Submitted by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Manager of Planning Services

Samantha Yeung

From: Jodie Trottier [REDACTED]
Sent: May 6, 2022 2:20 PM
To: Samantha Yeung
Cc: [REDACTED]; [REDACTED]
Subject: Application No. B08-22-PC

Importance: High

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

Good Afternoon,

I would like to register for the virtual zoom hearing for Application No. B08-22PC, being held on May 11th, 2022.

I would also like to request The Planning Divisions Report that came available today for public inspection.

I am the direct neighbor beside where they want to build and we along with other people on the street are very concerned with how this will affect our properties. We are 100% against this plan moving forward.

Issues/Concerns:

- We have young children in area and it is a quiet corner.
- Proposed area to build is too close to our property line.
- On the drawing it shows row on trees, which we think is our property, not theirs.
- The projected build area goes right into our backyard. Complete loss of privacy.
- Loss of value on our place of residence. (resale etc...)
- Need more information to fully assess the information – 1 storey or 2 storey?
- All of the houses in our area are spaced out, beautiful lawns, privacy. With this build so close we will lose all of that. We purchased a house in this area for this reason, this build will take away from that.

Final Note:

The owners who purchased this property about a year ago have not spent 1 night in the house. The only person who has been there in day hours has been the contractor they hired to do renos. All neighbors can confirm this. These people are not from the city and have purchased this lot solely as an investment with no plans on living in it. Hence the plan to sever the lot and build another house to maximize profit.

Thank you

Jodie Trottier & Tim Gauthier
139 Merritt Parkway
Port Colborne, ON

[REDACTED]



File No. _____

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

Consent

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

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

SUBMISSION OF APPLICATION:

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

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

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 City Council to refuse to accept or further consider any application that does not provide the information, material and fees prescribed.

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

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

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

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

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

Decisions of the Committee are made in public.

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

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

APPLICATION FEES

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

REGIONAL REVIEW AND APPROVAL FEES

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

APPLICATION FORM AND SKETCH

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

NOTICE REQUIREMENTS

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

APPLICATIONS REQUIRED

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

PLEASE TYPE OR USE BLACK INK

1. OWNER

1.1 Registered Owner(s): Mayo & Patricia Ridesic
Mailing Address: 10 Addison Ave P.O. Box 1817
City: Niagara On The Lake Province: ON.
Postal Code: L0S 1J0 Telephone: 289 687 4402 (0797)
Fax: _____ Email: Ridesic@gmail.com

1.2 Owner's SOLICITOR (if any): N/A
Mailing Address: _____
City: _____ Province: _____
Postal Code: _____ Telephone: _____
Fax: _____ Email: _____

1.3 Owner's Authorized AGENT (if any): N/A
Mailing Address: _____
City: _____ Province: _____
Postal Code: _____ Telephone: _____
Fax: _____ Email: _____

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

1.5 The date the Subject Land was acquired by the Current Owner:
August 13 2021

1.6 Owner's ONTARIO LAND SURVEYOR (if any): J.D. BARNES LIMITED
Mailing Address: 401 Dufferin St. W. Suite 200
City: Norfolk Province: ON
Postal Code: L2E 2E3 Telephone: 905 252 2899
Fax: _____ Email: info@jdbarnes.com

1.7 All communications should be sent to the:
Owner ☒ Solicitor _____ Agent _____

2. LOCATION:
Former Municipality 141 Merritt Parkway, Port Colborne
Concession No. _____ Lot(s) 1 Registered Plan No. S112 Lot(s) _____
Reference Plan No. _____ Part(s) _____
Name of Street _____ Street No. _____

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

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

Reason for proposed transaction:

new lot

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

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

3. OFFICIAL PLAN AND ZONING

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

Port Colborne Official Plan residential
Regional Policy Plan Built up area

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

Residential R1

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

Yes ☒ No ☐

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

Yes ☐ No ☒

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

5. Type of ACCESS

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

6. What type of WATER SUPPLY is proposed?

Publicly owned and operated piped water supply

☒ municipal

Lake

Well (private or communal)

Other (specify) _____

7. What type of SEWAGE DISPOSAL is proposed?

Publicly owned and operated sanitary sewage system

☒

Septic system (private or communal)

Other (specify) _____

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

Publicly owned and operated storm water system

☒

Other (specify) _____

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

Part No. on sketch

Part 1

Frontage

16.46

Depth

31.54

Area

519.2 metres square

Existing Use

empty

Proposed Use

house

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

Existing:

vacant

Proposed:

detached dwelling

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

Part No. on sketch

Part 2

Frontage

21.55 m

Depth

31.55

Area

681.5 metres

Existing Use

detached dwelling

Proposed Use

no change

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:

detached dwelling

Proposed:

no change

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

Yes

No

☒

Unknown

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

File Number

Decision

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

Yes

No

☒

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

Grantee's (Purchaser's) name

Land Use on severed parcel

Date parcel transferred

Consent file number (if known)

B

13. OTHER APPLICATIONS:

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

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

NO

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

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

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

14.1 ALL EXISTING USE

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

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

50 years

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

Yes ✓ No *Yes*

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

Type of building or structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres and number of storeys)	Dimensions or floor area (in metres)	Date of Construction
<i>dwellling</i>	<i>7.59m</i>		<i>1.5 m</i>		<i>1 storey</i>		<i>50 +</i>

14.4 ALL PREVIOUS USE

Residential

Industrial _____

Commercial _____

Institutional _____

Agricultural _____

Parkland _____

Vacant _____

Other _____

14.5 ADJACENT USE(S)

NORTH

SOUTH

EAST

WEST

Residential

Industrial _____

Commercial _____

Institutional _____

Agricultural _____

Parkland _____

Vacant _____

Other _____

14.6 If Industrial or Commercial, specify use

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

Yes _____ No ✓ _____ Unknown _____

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

Yes _____ No ✓ _____ Unknown _____

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

Yes _____ No ✓ _____ Unknown _____

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

Yes _____ No ✓ _____ Unknown _____

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

Yes _____ No ✓ _____ Unknown _____

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

Yes _____ No ✓ Unknown _____

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

Yes _____ No ✓ Unknown _____

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

Yes _____ No ✓ _____ Unknown _____

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

Yes _____ No ✓ _____ Unknown _____

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

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

ACKNOWLEDGMENT CLAUSE

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

Date March 15, 2022 Signature of Owner 

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

Yes _____ No ✓ _____ Unknown _____

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

_____ ✓ _____

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

Yes _____ No ✓ _____

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

Date of Receipt of Completed Application _____

Public Hearing Date _____

Adjourned Public Hearing Date _____

Checked for Completeness by _____

PROCESSING

Date

Accepted by Manager of Planning and Development Services: _____

Circulated: _____

Comments received;

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

Notice of Public Meeting _____

Public Meeting _____

Committee Approval _____

Notice Given _____

Final Day for OMB Appeal _____

OMB Appeal _____

OMB Hearing _____

OMB Decision _____

Final Day to Satisfy Conditions _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Development Agreement Signed by Owner _____

Development Agreement Signed by Mayor and Clerk _____

Development Agreement sent to City Solicitor _____

Registration _____

Instrument No. _____

Final Approval _____

Application Revised August 2016

AUTHORIZATION

LOCATION OF SUBJECT LANDS:

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

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

Dated at the _____ of _____
in the _____ of _____
this _____ day of _____ 200_____

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

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

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

Information on the Port Colborne Official Plan and Zoning Bylaw

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

Information on Servicing, Lot Grading and Drainage

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

Information about the Building Code

4. Region of Niagara Public Works Department
Development Services Division
1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold,
L2V 4T7
Commissioner
(905) 685-1571
1-800-263-7215

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

For Concerns regarding Provincial Policy and Ministry responsibilities

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

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

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

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

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

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:	May 11th 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. 204 or email at Samantha.yeung@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **May 6th, 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, May 10th, 2022** by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. 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 Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.

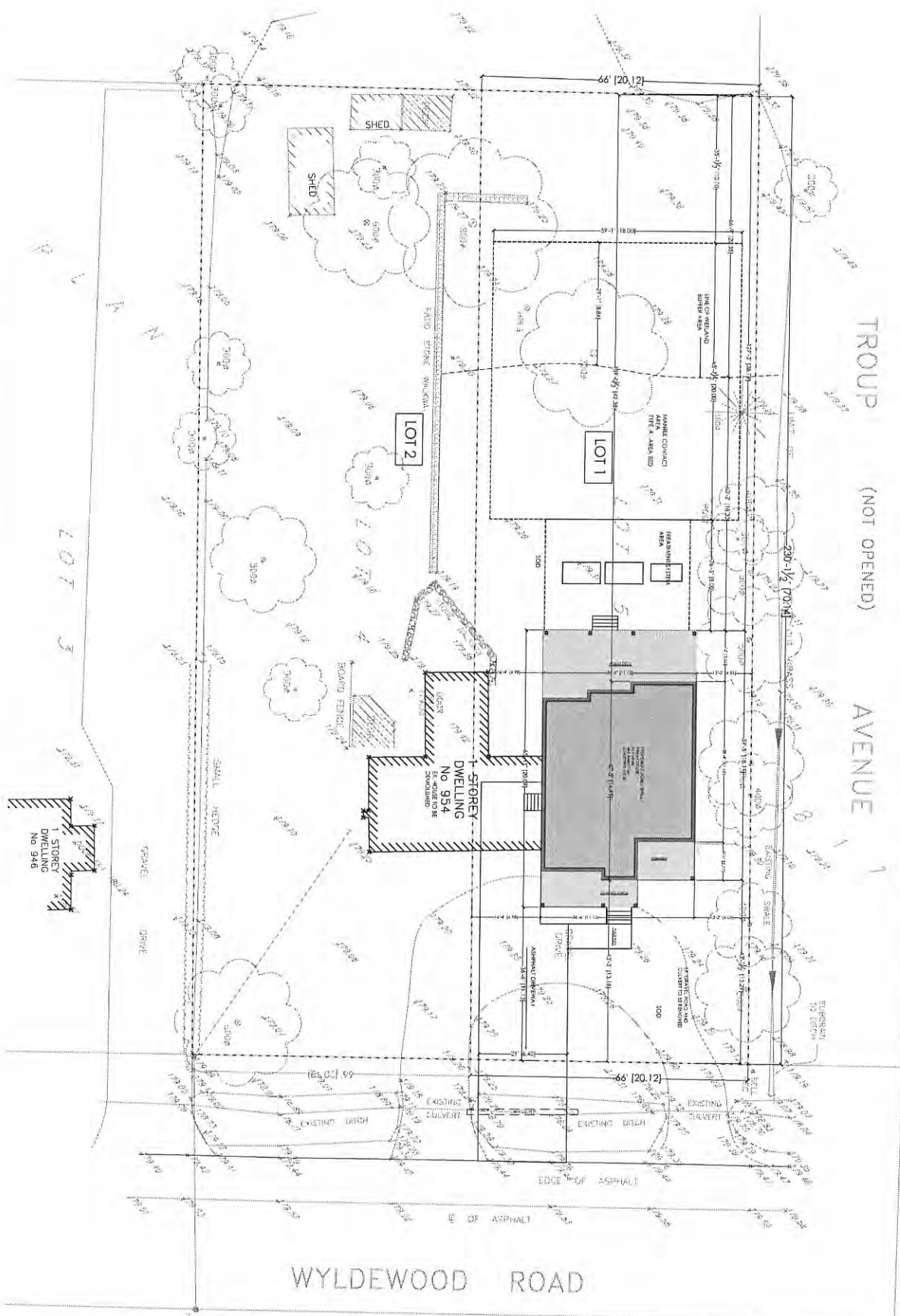
The owner or agent must be present virtually at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

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,



Samantha Yeung,
Secretary-Treasurer

Date of Mailing: April 21st, 2022



SITE INFORMATION		DATE 10/1/94	BY JTB
LOT NUMBER	200	MC-000000	
OWNER NAME	ELLEN	PLOT 200 (11.0000-1)	
LOT AREA	1.00		
DEED REFERENCE	42-200		
DEED BOOK REFERENCE	42-1		
DEED PAGE	1		
DEED DATE	10/1/94		
DEED COUNTY	11.0000		
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City of Port Colborne

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

Development and Legislative Services

Planning Division Report

May 6th, 2022

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

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

Proposal:

The purpose and effect of this application is to permit an increased lot coverage to a proposed dwelling on the subject property. The applicant has requested a maximum lot coverage of 15.2% whereas 10% is permitted in zoning bylaw 6575/30/18.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Agricultural Residential (AR) and Agricultural (A) to the north and south, and A to the east and west. The surrounding land uses consist of detached dwellings to the north and south, a detached dwelling and agricultural land to the east and a wooded area to the west.

Official Plan:

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

Zoning:

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

Environmentally Sensitive Areas:

The subject property is located within a Wetland Buffer. The NPCA has been circulated for comments.

Public Comments:

Notice was circulated on April 21st, 2022. As of May 6th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on April 21st, 2022. As of May 6th, 2022, the following comments have been received.

NPCA

The NPCA will have no objections to the proposed Minor Variance to increase lot coverage on the subject property for the proposed home, provided that the applicant receives a work permit from the NPCA for the proposed septic system.

Staff Response: The NPCA requires a work permit in order to install the septic system on the property, due its location to the Wetland Buffer. The permit application package will be forwarded to the applicant with a copy of this report.

Niagara Region

Regional staff do not object to the proposed Minor Variance Application, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies, subject to the Owner fulfilling the conditions as set out in the recommendation. City staff should be satisfied that the proposed development meets any applicable local requirements and provisions. Regional PSS staff does not object to the Minor Variance application provided the applicant applies for a Septic Permit Application for the installation of a new Class 4 Septic System.

Regional Staff note that the applicant should be advised that, Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") (416-212-8886) must be notified. In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.

Staff Response: Regional Private Sewage System have been satisfied that the proposal can be supported by the NPCA. The applicant will have to apply through the Region to obtain a septic system permit. A Stage 1-2 Archaeological Assessment is being requested by Regional Staff as the subject property exhibits potential for the findings of archaeological resources. As such, the requirement for an Archaeological Assessment has been included as a condition of approval.

Drainage Superintendant

No comments on the proposed application.

Fire Department

No objection to the proposed application.

Discussion:

The existing house currently encroaches over the property line of Lot 1 and Lot 2, as identified on the sketch. The applicant has proposed to demolish the existing house, which would resolve the encroachment issue. The applicant has also explored the possibility of demolishing half of the house on Lot 1 and retaining part of the structure on Lot 2 as an accessory structure to store construction materials during the construction of the house. Planning staff would have no concerns with this provided the structure be located 1m from the side lot line and that the applicant enter into a Development Agreement to permit accessory structures on a vacant parcel of land for construction purposes.

Planning Act – Four Tests:

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

Is the application minor in nature?

Staff find the requested variance to be minor in nature. The increase in lot coverage will not negatively impact the subject parcel or neighbouring properties. The increase in lot coverage from 10% to 15.2% is a reasonable and measured request as the property will still have an abundance of amenity space.

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

The proposal is desirable and appropriate as the proposed dwelling is located in a suitable location on the parcel. The proposed dwelling meets all the setback requirements of the zone and is compatible with the requirements of the zone. The increase in lot coverage is requested to to accommodate a patio on the east and west side of the dwelling.

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

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

Subject to the following conditions:

1. That the Owner submits a Stage 1-2 Archaeological Assessments (plus any subsequent recommended assessments) for the area of proposed development, prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI), for review and approval with a copy provided to the City of Port Colborne and Niagara Region. The report must be accepted by the Ministry, and a copy of any applicable MHSTCI letters of acknowledgement shall be provided to the Niagara Region prior to clearance of this condition.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Manager of Planning Services

Planning and Development Services

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

Via Email

May 6, 2022

Region File: D.17.07.MV-21-0059

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

Dear Ms. Yeung:

**Re: Provincial and Regional Comments
Minor Variance Application – 3rd Submission
City File: A20-21-PC
Agent: Hamid Bahrami
Owner: Elizabeth Dimitrov
Address: 954 Wyldewood Road
City of Port Colborne**

Regional Planning and Development Services staff has reviewed the 3rd submission of the above-noted Minor Variance Application, which seeks relief from the maximum lot coverage provisions of the Zoning By-law No. 6575/30/18, to facilitate the construction of a detached dwelling.

Regional staff previously provided comments on this application (July 9, 2021 and March 8, 2022, respectively); however, the application was deferred due to private septic concerns. Staff acknowledge that these concerns have been addressed as discussed in the “Private Sewage System” section of this letter and offer the following comments from a Provincial and Regional perspective to assist the Committee in its consideration of the revised application.

Provincial and Regional Policies

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

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. The permitted uses and activities for Prime Agricultural Areas are agriculture, agriculture-related, and on-farm diversified uses. In addition, the ROP permits the continued operation of legally established residential facilities, as well as the reasonable expansion or change in the use of such facilities subject to specific criteria, including not superseding urban area boundaries, not impacting the Core Natural Heritage System, or resulting in the intrusion of new incompatible land uses. Subject to the below comments, Regional staff are satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional policies.

Private Sewage System

Regional Private Sewage System (“PSS”) staff has reviewed the 3rd submission of the Minor Variance application for 954 Wyldewood Road. Regional comments (dated July 9, 2021) in response to the 1st submission had required that a Detailed Septic System Design be submitted to our department for review and approval due to the limited space available on-site. Through the 2nd submission, a drawing was provided for a septic system location which appeared to fit on-site; however, whether this proposed location could be supported was dependent on if the Niagara Peninsula Coservation Authority (“NPCA”) was agreeable to the works proposed within their buffer. On March 22, 2022, Regional PSS staff received confirmation from NPCA staff that the works for the septic system would be allowed within the buffer provided the applicant apply for their approval.

For additional information, Regional PSS staff had originally requested that a lot grading and drainage plan be submitted with the proposed Minor Variance application; however, City staff informed PSS staff that they had no concerns with this and would not be requesting one. As such, a lot grading plan / drainage plan was not provided with the application.

Based on the information submitted, Regional PSS staff does not object to the Minor Variance application provided the applicant applies for a Septic Permit Application for the installation of a new Class 4 Septic System. Please contact Matteo Ramundo, Private Sewage System Inspector (matteo.ramundo@niagararegion.ca) for any questions or concerns with regards to the process to apply for the permit.

Core Natural Heritage

The subject property is adjacent to the Region’s Core Natural Heritage System (“CNHS”), consisting of the Bearss Drain Locally Significant Wetland Complex (“LSW”) and Significant Woodland. Consistent with ROP Policy 7.B.1.11, an Environmental Impact Study (“EIS”) is generally required in support of site alteration and/or development proposed within 50 m of these features.

The proposed dwelling is within 50 m of these features but is within the existing development footprint. As such, Regional Environmental Planning staff do not object to the proposed Minor Variance and have no environmental requirements for the application.

Archaeological Potential

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

Based on the Ministry of Heritage, Sport, Tourism, and Culture Industries' ("MHSTCI") Criteria for Evaluating Archaeological Potential, the subject property exhibits potential for the discovery of archaeological resources due to proximity (within 300 m) to past and present watercourses and a wetland to the west, as well as location along a Historic Transportation Route (Wyldewood Road). The footprint of the proposed development area does not appear to have been subject to recent, intensive and extensive ground disturbance that would negate the requirement for an archaeological assessment.

Accordingly, Regional staff requires as a condition of the Minor Variance that a Stage 1 and 2 Archaeological Assessment (plus any subsequent recommended assessments), along with any applicable Letters of Acknowledgement from the MHSTCI is provided for the areas of the property that will be disturbed as a result of the proposed development. The condition conforms to and is consistent with the intent and purpose of Provincial and Regional policies relative to the conservation of archaeological resources.

The Applicant is advised that regardless of the intensity of any archaeological assessment that is carried out on the property, the site may not be free and clear of archaeological resources. Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") (416-212-8886) must be notified. In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. The

May 6, 2022

proposed dwelling is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following curbside limits are met:

- Recycling: No limit blue/grey boxed collected weekly;
- Organics: No limit green bins collected weekly; and,
- Garbage: 2 garbage bags/cans collected every-other-week.

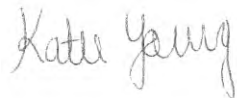
Conclusion

In conclusion, Regional staff do not object to the proposed Minor Variance Application, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies, subject to the Owner fulfilling the condition as set out in the attached Appendix. City staff should be satisfied that the proposed development meets any applicable local requirements and provisions.

Should you have any questions related to the above comments, please feel free to contact the undersigned at Katie.Young@niagararegion.ca, or Alexander Morrison, Senior Development Planner at Alexander.Morrison@niagararegion.ca.

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

Kind regards,



Katie Young
Development Planner, Niagara Region

cc: Alexander Morrison, MCIP, RPP, Senior Development Planner, Niagara Region
Matteo Ramundo, Private Sewage Systems Inspector, Niagara Region
Lori Karlewicz, Planning Ecologist, Niagara Region

Attachment

Appendix – Regional Condition of Minor Variance

Appendix

Regional Condition of Minor Variance

954 Wyldeewood Road, Port Colborne

1. That the Owner submits a Stage 1-2 Archaeological Assessments (plus any subsequent recommended assessments) for the area of proposed development, prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI), for review and approval with a copy provided to the City of Port Colborne and Niagara Region. The report must be accepted by the Ministry, and a copy of any applicable MHSTCI letters of acknowledgement shall be provided to the Niagara Region prior to clearance of this condition.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

Samantha Yeung

From: Nikolas Wensing <nwensing@npca.ca>
Sent: May 4, 2022 10:30 AM
To: Samantha Yeung
Subject: Re: 954 Wyldewood Road
Attachments: PERMIT APPLICATION PACKAGE VF1.0 (CSD Appendix D).pdf

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

Hello Samantha,

Thank you for providing me with the previous correspondence from Jessica, it is greatly appreciated. I can also confirm that the NPCA received the cheque with the fee payment for the NPCA's review of this application.

I have spoken with Nicholas Godfrey about this file. I can confirm that the NPCA has not yet received a permit application for the septic system on the subject property.

The NPCA will have no objections to the proposed Minor Variance to increase lot coverage on the subject property for the proposed home, provided that the applicant receives a work permit from the NPCA for the proposed septic system. The forms attached to this email are the NPCA's blank permit application forms, which will need to be filled in and submitted by the applicant to Nicholas Godfrey. Nicholas can be reached at the email: ngodfrey@npca.ca

Please let me know if you have any questions.

Sincerely,

Nikolas Wensing, B.A., MPlan
Watershed Planner

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

nwensing@npca.ca

www.npca.ca

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

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

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

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



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

☒ FEB 07/22
Date

☒ [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
☒ [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*.

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

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

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

1. Disclosures of Pecuniary Interest:

Nil.

2. Requests for Deferrals or Withdrawals of Applications:

Nil.

3. New Business

i) **Application: A07-22-PC**

Action: Minor Variance
Agent: N/A
Owner: James Joseph Jennings II
Location: 73 Christmas St

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

The applicant did not defer nor provide any further comments, questions and information.

Member Kalailieff questioned if the old garage would be demolished as it is still present.

Mr. Jennings responds stating a demolition permit had been processed and will be removed before construction.

There were no additional questions from the Committee.

That minor variance application A07-22-PC be **granted** for the following reasons:

1. **Minor in nature** as the increase in accessory lot coverage will not negatively impact the subject parcel.
2. **Appropriate for development of the site** as the parcel is large enough to accommodate an increase in accessory lot coverage.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as accessory structures are permitted in the R2 zone and the 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 Urban Residential designation.

Motion: Eric Beauregard Seconded: Gary Bruno

Carries: 5-0

ii) Application: A08-22-PC

Action: Minor Variance

Agent: N/A

Owner: Joanne Dasgupta & Stephen White

Location: 891 Lakeshore Rd E

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

The applicant did not defer nor provide any further comments, questions, and information.

There were no additional questions from the Committee.

That minor variance application A08-22-PC be **granted** for the following reasons:

1. **Minor in nature** as the increase in height will not negatively impact the subject parcel or surrounding area.
2. **Appropriate for development of the site** as the proposal is located in a suitable location on the site and will not have any impact on the existing septic system.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as accessory structures are permitted in the LR 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 accessory structures are permitted in the Rural designation.

Motion: Donna Kalailieff Seconded: Angie Desmarais

Carried: 5-0

iii) Application: A05-22-PC & B07-22-PC

Action: Minor Variance & Consent

Agent:

Owner: Ashleigh Miatello & Glenn Skrubbeltrang

Location: 8 Catharine St

The Secretary-Treasurer read all the correspondence received for this application. The applicant did not defer nor provide any further comments, questions, and information.

Member Beauregard asked for clarification on which lots merging.

Applicant shared screen to clarify the lot severance in 2018 and the proposed plan for lot boundary adjustment.

There were no additional questions from the Committee.

That minor variance application A05-22-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 location of the proposed lot lines will allow for the retention of the staircase on Parts 2 and 3 and there is no proposed development on any of the subject parcels.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the majority of the by-law requirements have been met.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as residential uses are permitted in the Urban Residential designation and the requirements of the Official Plan have been met.

Motion: Angie Desmarais Seconded: Gary Bruno

Carried: 5-0

And, planning Staff recommend application B07-22-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 2 and Part 3 be merged on title.
4. That minor variance application A05-22-PC be approved.

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

Carried: 5-0

iv) Application: A06-22-PC

Action: Minor Variance

Agent: N/A

Owner: Tricia Panunte

Location: 192 Queen St

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

Member Kalailieff asked if the property owner spoke with their neighbours regarding the size of their proposed structure.

Applicant stated they have asked their direct neighbours and no one had comments or objections.

Member Bruno asked for clarification on the city's policies.

Mr. Roome states that the city's policies do not have a regulation where the accessory structure must be smaller than the house. The minor variance is primarily for lot coverage.

There were no additional questions from the Committee.

That minor variance application A06-22-PC be **granted** for the following reasons:

1. **Minor in nature** as the increase in accessory lot coverage will not negatively impact the subject parcel.
2. **Appropriate for development of the site** as the parcel is large enough to accommodate an increase in accessory lot coverage.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as accessory structures are permitted in the R1 zone and the 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 Urban Residential designation.

Motion: Gary Bruno

Seconded: Eric Beauregard

Carried: 5-0

4. Other Business:

1. Member Bruno brought up the topic to include a section in the Committee of Adjustment applications that state members of the public could not contact the Committee of Adjustment, however a member or the Chair may contact the applicant.
2. As things are changing with COVID, we are in discussion to have in-person meetings starting in May or June. The Planning Department will update the Committee of Adjustment and the public as soon as they can.
3. The Planning Department will be making some changes for application schedules such as date for submission and to process a 5-week cycle rather than a 4-week cycle. It will not be changing the Committee meeting dates.

5. Approval of Minutes:

Minutes from the March 9th, 2022 meetings were approved.

6. Adjournment

There being no further business, the meeting was adjourned at approximately 6:53pm.