



CORPORATION OF THE CITY OF
PORT COLBORNE

**COMMITTEE OF ADJUSTMENT
-MEETING AGENDA-
6:00 P.M., Wednesday, November 9th, 2022
Council Chambers (Virtual & In-Person)**

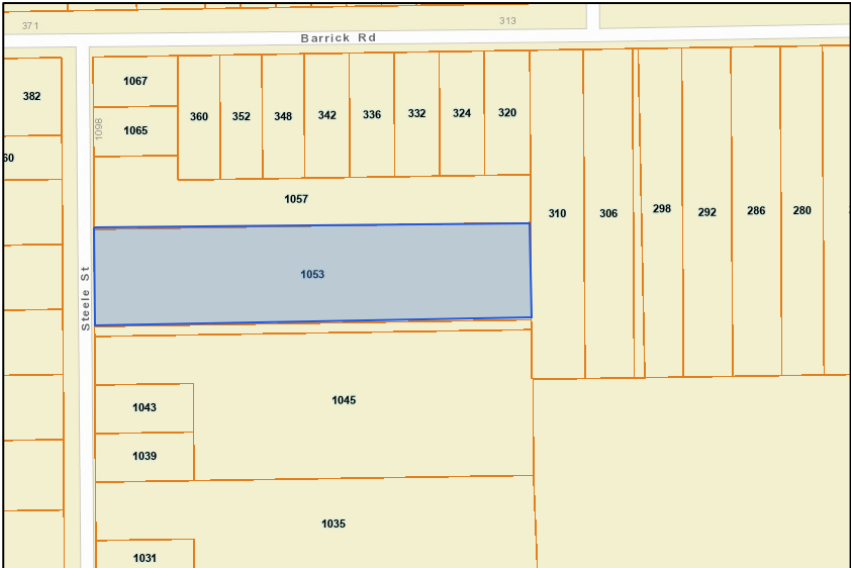
-
1. Call Meeting to Order
 2. Reading of Meeting Protocol
 3. Disclosures of Interest
 4. Request for Any Deferrals or Withdrawals of Applications
 5. New Business
 - i) Application: B24-22-PC
Action: Consent
Agent: Steven Bedford
Owners: 2513724 Ontario Inc.
Location: 1053 Steele Street
 - ii) Application: A28-22-PC
Action: Minor Variance
Agent: N/A
Owners: Andrew Devries
Location: 39 & 41 Lakeshore Road West
 - iii) Application: A31-22-PC
Action: Minor Variance
Agent: N/A
Owners: John Ihnat
Location: 912 Silver Bay Road
 - iv) Application: A30-22-PC
Action: Minor Variance
Agent: N/A
Owners: Mike and Marsha McCreadie
Location: 574 Wyldewood Road
 - v) Application: A29-22-PC
Action: Minor Variance
Agent: N/A
Owners: Jacob and Nancy DenBesten
Location: 136 West Street
 6. Other Business
 7. Approval of Minutes
 - i) October 12, 2022, Committee of Adjustment Meeting
 8. Adjournment

APPLICATION NO. B24-22-PC

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

AND IN THE MATTER OF the lands legally known as Concession 2 Part Lot 29, in the City of Port Colborne, located in the First Density Residential (R1) and Residential Development (RD) zone, municipally known as 1053 Steele Street.

AND IN THE MATTER OF AN APPLICATION by the agent Steven Bedford on behalf of the owner 2513724 Ontario Inc for consent for the purpose of creating a new lot. The subject parcels are shown as Parts 1 and 2 on the proposed sketch. Where Part 2 is to be severed for future residential use, and Part 1 is to be retained for existing residential use. A sketch of the subject lands is shown on the reverse side of this notice.



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

DATE:	November 9, 2022
TIME:	6:00 P.M.
LOCATION:	66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

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

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

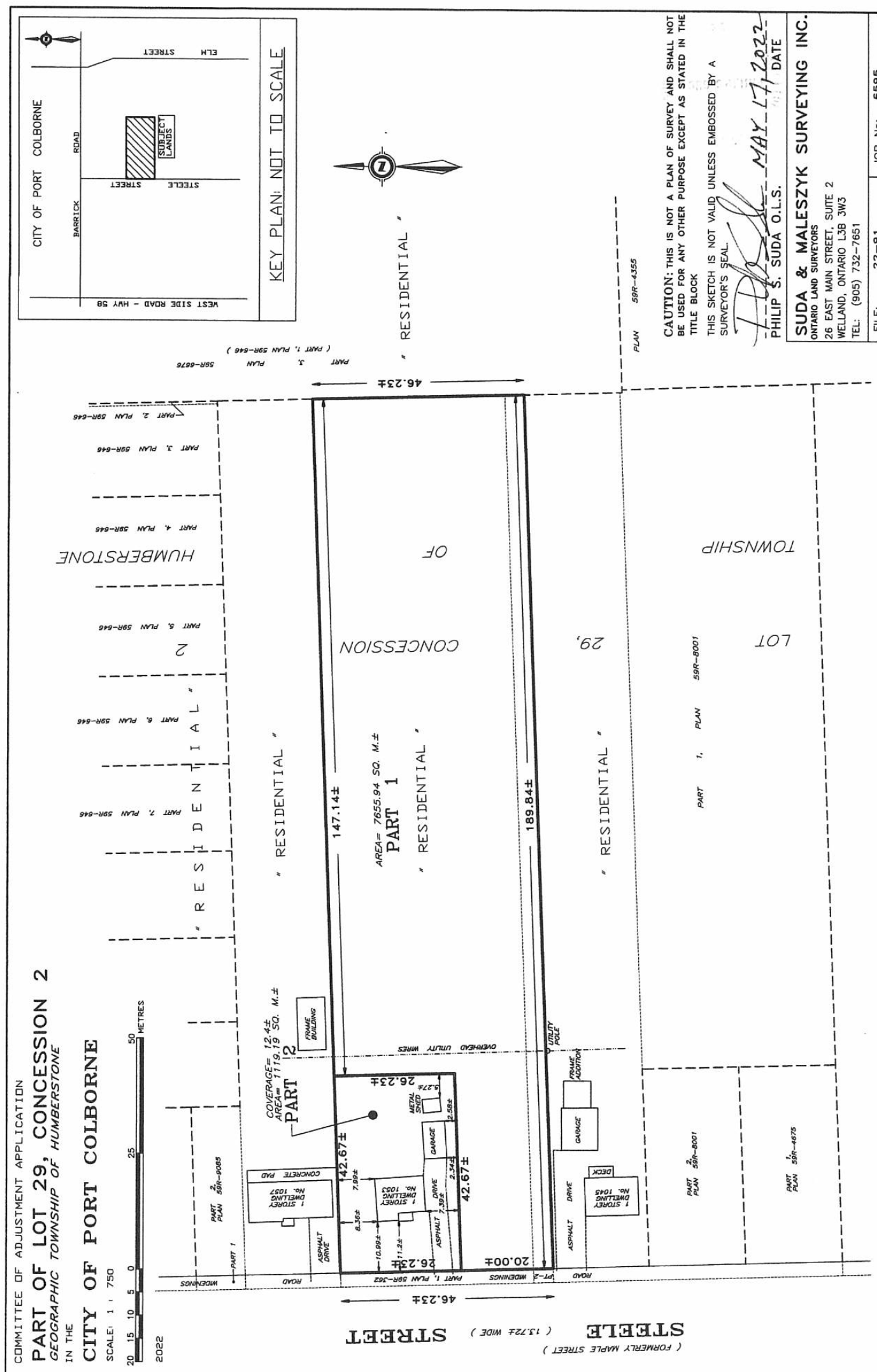
NOTE: If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures How to get involved in the Virtual Hearing
<p>The Public Meeting will be held in-person, with the meeting live-streamed on the City’s YouTube channel at https://www.youtube.com/watch?v=b0wzBQkH5Ts&feature=youtu.be.</p> <p>Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. Written submissions and participation requests must be received by noon on Tuesday, November 8, 2022, by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p> <p>If you have any questions about the submission process or would like to explore alternative submission methods, please email Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.</p> <p>The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.</p>

NOTE: If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible 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: October 25, 2022





PORT COLBORNE
• PLANNING AND DEVELOPMENT DEPARTMENT •

**APPLICATION FOR
CONSENT**

PLEASE TYPE OR USE BLACK INK

Section 1

RECEIVED

SEP 20 2022

1. Registered Owner (s):

Name: 2513724 Ontario Inc. c/o Ethem Erdoganoglu

Mailing Address: 27 Romfield Dr.

City: St. Catharines

Province: ON

Postal Code: M3J 1K2

Telephone: 647-926-2248

Fax:

Email: ethemerdoganoglu@gmail.com

1.2 Owner's SOLICITOR (if applicable)

Name: Armen Karapetyan

Mailing Address: 3200 Dufferin St., Suite 504

City: City

Province: ON

Postal Code: M6A 3B2

Telephone: 416 5860;26

Fax:

Email: info@armenklaw.com

1.3 Owner's Authorized AGENT (if applicable)

Name: Stephen Bedford

Mailing Address: c/o 122 Glenwood Avenue

City: St. Catharines

Province: Ontario

Postal Code: L2R 4C7

Telephone: 905-688 2610

Fax:

Email: stephenbedford@landxdevelopments

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.

Computershare Trust Company of Canada c/o Home Trust Company, 2300-145 King St. West, Toronto, ON M5H1J8

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

September 23, 2021

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Suda & Malesyzk Surveyors Inc.	
Mailing Address: 26E. Main St. Suite 2	
City: City	Province: ON
Postal Code: L3B 3S3	Telephone: 905 732 7651
Fax:	Email: dcb@cogeco.ca

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

Section 2: LOCATION

Former Municipality:	
Concession No. 2	Lot(s): Part of 29
Registered Plan No.	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Steele	Street No. 1053

2.1 Type of proposed transaction: (Check appropriate space(s))
<input checked="" type="checkbox"/> Creation of New Lot <input type="checkbox"/> Addition to lot <input type="checkbox"/> Mortgage or Charge <input type="checkbox"/> Lease <input type="checkbox"/> Disposal of Surplus Farm Dwelling <input type="checkbox"/> Farm Retirement Lot <input type="checkbox"/> Partial Discharge or Mortgage <input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement
Reason for proposed transaction:
Sever the house and create a property with a 20 m frontage that can be merged in the future to adjacent lands to enable the redevelopment of all the rear lands

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

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

Section 3: OFFICIAL PLAN & ZONING

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

Port Colborne Official Plan: Urban Residential

Regional Policy Plan: Built Up Area

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

First Density Residential (R1) and Residential Development (RD)

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

☒ Yes

☐ No

Section 4

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

☐ Yes

☒ No

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

Section 5

Type of ACCESS

☐ Provincial Highway

☐ Regional Road

☒ Municipal Road maintained all year

☐ Other Public Road

☐ Municipal Road maintained seasonally

☐ Right-of-Way

☐ Water Access

☐ Private Road

Section 6

What type of WATER SUPPLY is proposed?

☒ Publicly owned and operated piped water supply

☐ Lake

☐ Well (private or communal)

☐ Other (specify)

Section 7

What type of SEWAGE DISPOSAL is proposed?

☒ Publicly owned and operated sanitary sewage system

☐ Septic system (private or communal)

☐ Other (specify)

Section 8

What type of STORMWATER DISPOSAL is proposed?

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

Section 9

Part No. On Sketch: 2_____

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)

Frontage: 26.23m Depth: 42.67m Area: 1119.19 sq m

Existing Use: Residential

Proposed Use: Residential

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

Existing: 1 Storey dwelling, 10.99m front lot line setback, 7.99m north side yard & 7.39m rear lot line setback

Proposed: No Change

Section 10

Part No. On Sketch: 1_____

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)

Frontage: 20m Depth: 189.84m Area: 7655.94 sq m

Existing Use: Vacant

Proposed Use: Vacant (future residential)

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

Existing: Vacant

Proposed: Vacant

Section 11

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

- ☐ Yes
☒ No
☐ Unknown

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

File Number:

Decision:

Section 12

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

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

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

Section 13: OTHER APPLICATIONS

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

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

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

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

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

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

Dwelling 1968 - present day

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

☒ Yes
☐ No

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

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
Dwelling	10.99m		7.99m	7.39m	1 Storey		
Garage			2.34m				
Shed		5.27m					

14.4 ALL PREVIOUS USE

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

14.5 ALL ADJACENT USE(S)				
	NORTH	SOUTH	EAST	WEST
Residential	<input 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="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14.6 If Industrial or Commercial, specify use

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☐ No
☒ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X

08/09/2022

Date



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

There is an existing single detached dwelling on the lot to be created, Part 2.

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

- ☐ Yes
☒ No

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-screening Criteria

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

15.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

X 08/09/2022
Date

X 
Signature of Applicant(s)

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

I/We STEPHEN BEDFORD

Of the City/Town/Township of St. Catharines

In the County/District/Regional Municipality of Niagara

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

DECLARED before me at the
City _____ Of St. Catharines
In the Region of Niagara
This 12 day of Sept.
A.D. 20 22

TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS
X 
Signature of applicant(s), solicitor, or authorized agent
Stephen Bedford



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.

**Amanda Margaret Diakouloukas, a
Commissioner, etc., Province of
Ontario, for Heelis, Little, Almas &
Murray LLP, Barristers and Solicitors.
Expires April 3, 2025.**

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:

1053 Steele St.

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

Stephen Bedford

(name of agent)

of the City _____ of St. Catharines

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

Dated at the City _____ of Toronto

in the Province _____ of Ontario

this 8th day of September 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

Planning and Legislative Services

Planning Division Report

November 4th, 2022

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

Re: Application for Consent B24-22-PC
1053 Steele Street
Concession 2 Part Lot 29
Agent: Steven Bedford
Owner(s): 2513724 Ontario inc.

Proposal:

The purpose of this application is to permit the conveyance of Part 2 (as depicted on the attached sketch) having a lot frontage of 26.23m on Steele Street and a lot area of 1119.19m² for an existing detached dwelling. Part 2 (as depicted on the attached sketch) will retain a lot frontage of 20m on Steele Street and a lot area of 7655.94m² for future residential use. The applicant intends to merge Part 1 with the adjacent lands to enable the redevelopment of all the rear lands in the future.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned First Density Residential and Residential Development to the north and south, Residential Development to the west and, Fourth Density Residential to the east. The surrounding uses consist of detached dwellings to the north, south, east and, west.



Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on October 25th, 2022 to properties within 60m meters of the subject lands as per Section 53 (5) of the Planning Act. As of November 4th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on October 14th, 2022. As of November 4th, 2022, the following comments have been received.

Drainage Superintendent

There are no concerns regarding municipal drains for this application.

Engineering Technologist

A master lot grading plan is required to ensure that the parcels will drain independently from one another. A municipal consent permit will be required for the construction of a new entrance.

Staff response

Planning staff will add the master lot grading plan as a condition of the severance. The municipal consent permit can be applied for by the applicant at a later date, as it is not necessary for the creation of the lot.

Discussion:

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

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

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

The Growth Plan also directs development to settlement areas. The subject parcel is located within a “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.

Furthermore, they support a range and mix of housing options, including additional residential units and affordable units, to serve all sizes, incomes, and ages of households.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application may provide for a range of housing types if the lands to the east are developed and encourages intensification in the delineated built-up area.

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

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

City of Port Colborne Official Plan

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

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP, which requires that severance applications must be submitted with an Ontario Land Surveyors Sketch and that each parcel has frontage on a public road. This section also provides for the collection of parkland dedication as a result of lot creation. Staff has established that parkland dedication fees are required to be collected before a building permit can be issued, and as such, Staff will include a condition that the applicant signs the City’s Memorandum of Understanding, stating that they are aware of the requirements for the collection of parkland dedication as set out in by-law number 4748/130/05.

Staff is satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the lots created will have frontage on a public road.

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

The subject lands are zoned First Density Residential (R1) and Residential Development (RD) under Zoning By-law 6575/30/18. The western side of the property is zoned R1 while the eastern side is zone RD. Part 2 appears to be wholly contained in the R1 zone, while Part 1 will have frontage in the R1 zone with the remainder of the property being located in the RD zone. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 20.00m and a lot area of 7655.94m²

Part 2: A lot frontage of 26.23m and a lot area of 1119.19m².

The requirements for creating a lot in the R1 zone provide for 15m of lot frontage and 0.05ha of lot area. Part 2 has exceeded these requirements. Since the frontage of Part 1 is located in the R1 zone, the R1 frontage requirement must be applied and has been exceeded. The RD zone requires that the lot area remain as existing. The RD section of this parcel has not been altered and the R1 section of this parcel has exceeded the lot area requirement of 0.05ha.

Recommendation:

Given the information above, Planning Staff recommends application B24-22-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the applicant(s) sign the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
4. That a master lot grading plan be submitted to the satisfaction of the Public Works department. The plan must demonstrate that each parcel will drain independently of one another. In the event that they do not, a mutual agreement drain is suggested.
5. That all conditions of consent be completed by November 9th, 2024.

For the following reasons:

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

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,

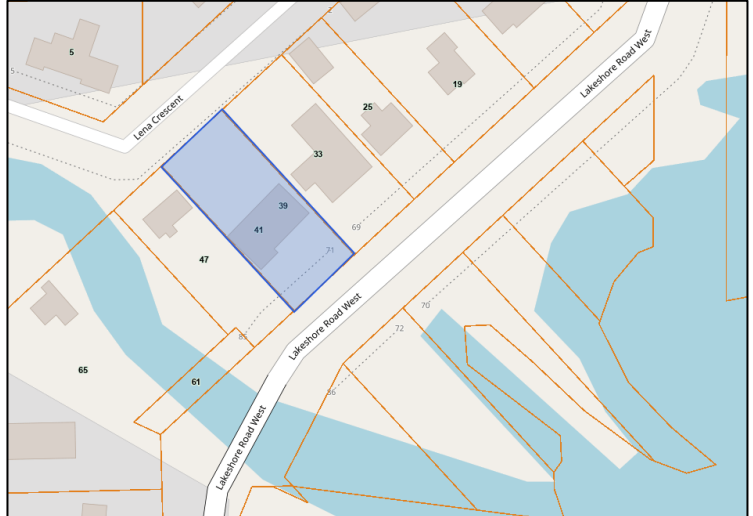


Denise Landry, MCIP, RPP
Manager of Planning Services

APPLICATION NO. A28-22-PC

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

AND IN THE MATTER OF the lands legally known as Lot 10 and Part Lot 9 on Plan 44, in the City of Port Colborne, located in the First Density Residential (R1) zone, municipally known as 39-41 Lakeshore Road West.



AND IN THE MATTER OF AN

APPLICATION by the owner Andrew Devries for relief from the provisions of Zoning By-law 6575/30/18, as amended, so as to permit the construction of an accessory structure, notwithstanding the following;

1. That a maximum height of 6.553m be permitted, whereas 6m is permitted.

Explanatory Relief from the Zoning By-law: The applicant is proposing to build a garage in the rear of the property. Due to the proposed height of the garage, a minor variance is required. A sketch of the proposal is shown on the reverse side of this notice.

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

DATE:	November 9, 2022
TIME:	6:00 P.M.
LOCATION:	66 Charlotte Street – Third floor Council Chambers and Virtually via zoom

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

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

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

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

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on November 8, 2022** by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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

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

By order of the Committee of Adjustment,

[illegible]



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE OR PERMISSION

THE CITY OF PORT COLBORNE
THE PLANNING ACT – SECTION 45.

Section 1 – CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: <i>Andrew Devries</i>	
Mailing Address: <i>41 Lakeshore Rd. West</i>	
City: <i>Port Colborne</i>	Province: <i>ON</i>
Postal Code: <i>L3K 2S2</i>	Telephone: <i>(905) 651-2856</i>
Fax:	Email: <i>youngsa@hotmail.com</i>
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 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.5 All communications should be sent to the:	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

Section 2: LOCATION OF SUBJECT LAND

Municipal Address of Subject Property: <i>39-41 Lakeshore Rd. West</i>	
Concession No.	Lot(s): <i>10 PTL9</i>
Registered Plan No. <i>44</i>	
Reference Plan No. <i>NP803</i>	Part(s):

Section 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch: _____

3.1 Lot Description		
Frontage: <u>22.86m</u>	Depth: <u>54.864m</u>	Area: <u>1254.191m²</u>
Existing Use: <u>residence</u>		
Proposed Use: <u>residence/detached garage</u>		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: <u>Urban Residential & Environmental Protection Area</u>		
Regional Policy Plan: <u>Built up Area</u>		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
<u>First Density Residential</u>		

Section 4 : LAND INFORMATION

4.1 Date and Subject Land was acquired by the Current Owner:	
<u>June 2015</u>	
4.2 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	
4.3 MORTGAGES, Charges & Other Encumbrances:	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
<u>Penfinancial - 247 East Main St. Welland, ON</u>	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
<u>May 1949</u>	
4.5 Type of ACCESS	
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Right-of-Way
<input checked="" type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Water Access
<input type="checkbox"/> Other Public Road	<input type="checkbox"/> Private Road
4.6 What type of WATER SUPPLY is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply	
<input type="checkbox"/> Lake	
<input type="checkbox"/> Well (private or communal)	
<input type="checkbox"/> Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system	
<input type="checkbox"/> Septic system (private or communal)	
<input type="checkbox"/> Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system	
<input type="checkbox"/> Other (specify)	
4.9 Has a Pre-Consultation application been filed for this proposal?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, please indicate the meeting date: _____	

Section 5 : NATURE & EXTENT OF RELIEF FROM THE ZONING BY-LAW

5.1 NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
<p>The current zoning by-law is 6m. The proposed height is 6.553 m. for proposed garage</p>
5.2 WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
<p>Need higher ceilings for garage doors + walkable attic/storage space</p>
5.3 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 6 : ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

6.1 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
6.2 What is the length of time the existing use(s) of the land have continued?		
<p>always been residential</p>		
6.3 Are there any buildings or structures on the subject land?		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No single garage (to be demo'd)		
6.4 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
6.5 If Industrial or Commercial, specify use		
6.6 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		
6.7 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		
6.8 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		
6.9 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		
6.10 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		

6.11 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
6.12 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
6.13 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
6.14 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown		
<ul style="list-style-type: none"> 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. 		
<p>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.</p>		
<p>ACKNOWLEDGMENT CLAUSE</p> <p>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.</p>		
<u>X Sept 27/22</u> Date		<u>X Andrew Davies</u> Signature of Owner

Section 7 : NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-screening Criteria

7.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as "hazard lands"?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
7.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
7.3 Is the property located on or within 30 metres of the Lake Erie shoreline?		
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
7.4 Is there a valley slope on the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
7.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown

POSTING OF PUBLIC HEARING SIGN

A public hearing sign is required to be posted by all applicants or agents on each property under application. A sign will be made available to you after review of your application, and you are required to post each sign in a prominent location on the subject property. The sign should be placed so that it is legible from the roadway.

Each sign must remain posted a minimum of 10 days prior to the hearing, until the day following the hearing. Should a sign go missing or become damaged or illegible please contact the Secretary-Treasurer as soon as possible to request a replacement sign. Failure to post the sign as required may result in deferral of your application(s).

Please note that an affidavit must also be signed and commissioned in the presence of a Commissioner of Oaths. This can be done at City Hall AFTER the signs have been posted.

I/We Andrew Devries am/are the owner(s) of the land subject to this application for minor variance and I/We agree to post the required sign(s) a minimum of 10 days prior to the hearing and will remain posted, and replaced, if necessary, until the day following the hearing.

X Andrew Devries
Signature of Owner/Agent

X Sept 27/22
Date

X _____
Signature of Owner/Agent

X _____
Date

PERMISSION TO ENTER

I/We Andrew Devries am/are the owner(s) of the land subject to this application for minor variance and I/We authorize the members of the Committee of Adjustment and the City of Port Colborne Planning Staff to enter onto the property for the purpose of evaluating the merits of the application(s).

Please note that the Committee is considered a quasi-judicial body of the Government and should not be contacted by members of the public. Any comments, questions or concerns should be addressed through the Planning Division.

X Andrew Devries
Signature of Owner

X Sept 27/22
Date

X _____
Signature of Owner

X _____
Date

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X Sept 27/22
Date

X Andrew Devries
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 Andrew Devries

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 municipality of port colborne
in the region of Niagara. This
27 day of September 20 22.

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

X Andrew Devries

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

Samantha Siu Man Yeung
A Commissioner, etc.

Samantha Siu Man Yeung, a
Commissioner, etc., Province of Ontario,
for the Corporation of the City of Port
Colborne.
Expires September 8, 2025.

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

SUGGESTION TO THE APPLICANT

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

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

1. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
General Planning Department
(905) 835-2900, Ext. 286
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Engineering Technologist
(905) 835-2900, Ext. 226
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Building Clerk
(905) 835-2900, Ext 229
Information about the Building Code
4. Region of Niagara Public Works Department
Planning and Development Department
1815 Sir Isaac Brock Way, Thorold, Ontario L2V 4T7
(905) 980-6000, Ext. 3727
Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health, and for concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2
Watershed Planner
(905) 788-3135, Ext 272
For information about lands which may be zoned as "Hazard" in the local zoning by law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario
Corridor Management Section
159 Sir William Hearst Ave, 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
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement (PPS)* available for download (On-line) at: <http://www.mah.gov.on.ca>
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement



41 Lakeshore Rd West - Port Colborne

1 message

Mani Drummond <mdrummond@npca.ca>

Mon., Sep. 26, 2022 at 12:11 p.m.

Hi Andrew,

Following up on our conversation, I have attached a map of your property (which is highlighted by a bright blue border).

The green highlighted area featured on the west side of your property is the 30-metre wetland buffer, any works that encroach into this buffer will require a permit from the NPCA.

If you are submitting a site plan to the City of Port Colborne, they will likely circulate the application to us as there are regulated areas present on your property. At that point we will be able to provide a 'no objection' approval if the proposed garage is still located outside of the wetland buffer area (which from our conversation it seems is will be located in the unregulated area).

I hope this helps!

Thank you,

Mani Drummond

Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

Tel: 905-788-3135 | extension 235

email: mdrummond@npca.ca

The NPCA is updating our Planning and Permitting Policies! To find out more visit [Get Involved with NPCA](#) and register for the August 24, 2022 Virtual Public Information Session.

NPCA Watershed Explorer

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.

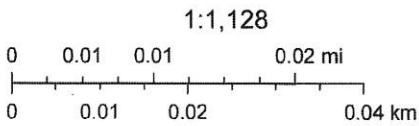
To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

41 Lakeshore Road West - Regulated Areas Map



9/26/2022, 11:41:33 AM



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

Development and Legislative Services

Planning Division Report

November 4th, 2022

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

Re: Application for Minor Variance A28-22-PC
39-41 Lakeshore Road West
Lot 10 and Part Lot 9 on Plan 44
Agent: N/A
Owner(s): Andrew Devries

Proposal:

The purpose and effect of this application is to permit the construction of a proposed accessory structure. The applicant is requesting that a height of 6.553m be provided whereas 6m is permitted for accessory structures. All other provisions of the Zoning By-law are proposed to be met.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned First Density Residential (R1) to the north, east, and west. The lands to the south are zoned Marine Commercial (MC). There is also a Hazard (H) zone to the south of the property, identified as the Lake Erie Shoreline. The surrounding land uses consist of single detached dwellings to the north, east, and west, with a vacant Marine Commercial lot and Lake Erie Shoreline to the south.



Official Plan:

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

Zoning:

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

Environmentally Sensitive Areas:

There are no environmentally sensitive areas on the subject lands.

Public Comments:

Notice was circulated on October 25, 2022 as per Section 45 (5) of the Planning Act to adjacent land owners with 60m of the subject lands. As of November 4, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on October 14th, 2022. As of November 4th, 2022, the following comments have been received.

Drainage Superintendent

No concerns with regards to municipal drains.

Fire Department

No objection to the proposed application.

Engineering Technologist

A lot grading plan will be required when the applicant applies for a building permit. A municipal consent permit will also be required for any work within the City's right-of-way, alteration to the existing entrance, and/or construction of a driveway.

Discussion:

Staff has noted that the applicant has applied for an accessory structure height of 6.553m but feels it would be more appropriate to round up to 6.6m as three decimal places are too specific and may result in inconsistencies with the building permit application. Staff note that the Notice of Public Hearing was sent and indicated the requested height to be 6.553m. In this circumstance, rounding up is not viewed as granting more than has been requested but rather, simplifying the request to ensure there are no inconsistencies.

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 6.6m 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. Furthermore, one of the intents of accessory structure height is to ensure that accessory structures remain accessory to the primary use of the property. Staff is satisfied that the proposed garage will remain accessory in nature as the proposed height will remain less than the height of the existing dwelling, which is 7.6m.

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

The proposal is desirable and appropriate as the development is located in a suitable location on the site. The proposed structure is located in the rear yard and will be setback from the interior side yard by 1.1m and the rear yard by 4.8m, which complies with the Zoning By-law requirements. Accessory structures are a permitted use in the R1 zone so the proposal is compatible with the requirements of the zoning by-law.

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

The Zoning By-law permits accessory structures in the R1 zone and the proposal meets the setbacks and lot coverage requirements and will be accessory in nature to the primary dwelling, as the primary dwelling will have a larger height than the accessory structure. Staff find this application to be in keeping with the general intent and purpose of the Zoning By-law.

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

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

Recommendation:

Given the information above, Planning Staff recommend application A28-22-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,

A handwritten signature in black ink, appearing to read 'Denise Landry', with a horizontal line drawn across it.

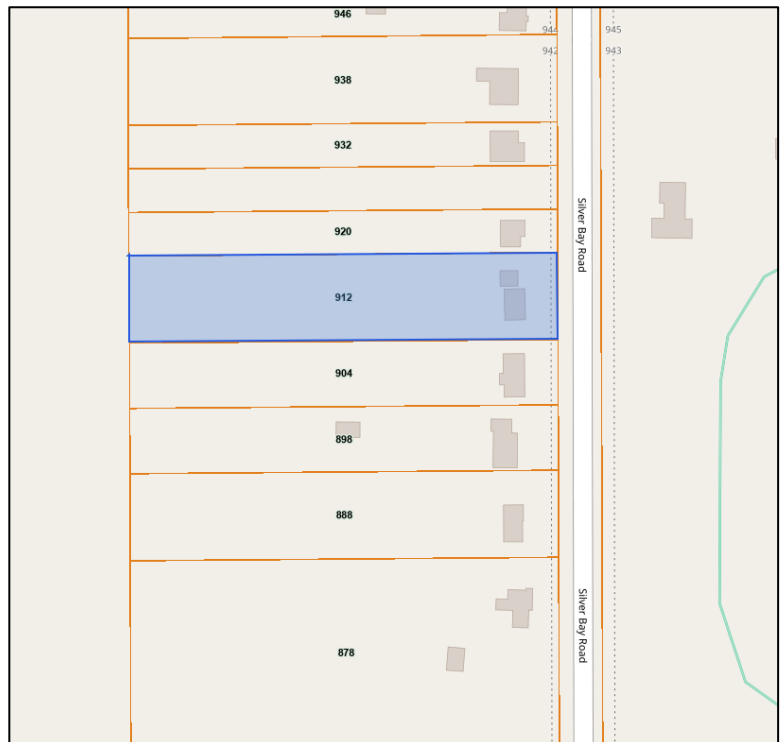
Denise Landry, MCIP, RPP
Manager of Planning Services

APPLICATION NO. A31-22-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 2.8.1 (a) (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 Concession 1 Lot 11, in the City of Port Colborne, located in the Hamlet Residential (HR) zone, municipally known as 912 Silver Bay Road.

AND IN THE MATTER OF AN APPLICATION by the owner John Ihnat for relief from the provisions of Zoning By-law 6575/30/18, as amended, so as to permit the construction of an accessory structure, notwithstanding the following:



- 1) That a maximum height of 7.32m be permitted, whereas 6m is required.

Explanatory Relief from the Zoning By-law: The applicant is proposing to build an accessory structure on the subject lands. Due to the proposed height, a minor variance is required. A sketch of the subject property is shown on the reverse side of this notice.

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

DATE:	November 9, 2022
TIME:	6:00 P.M.
LOCATION:	66 Charlotte Street – Third floor Council Chambers and Virtually via zoom

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

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

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

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

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on November 8, 2022** by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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

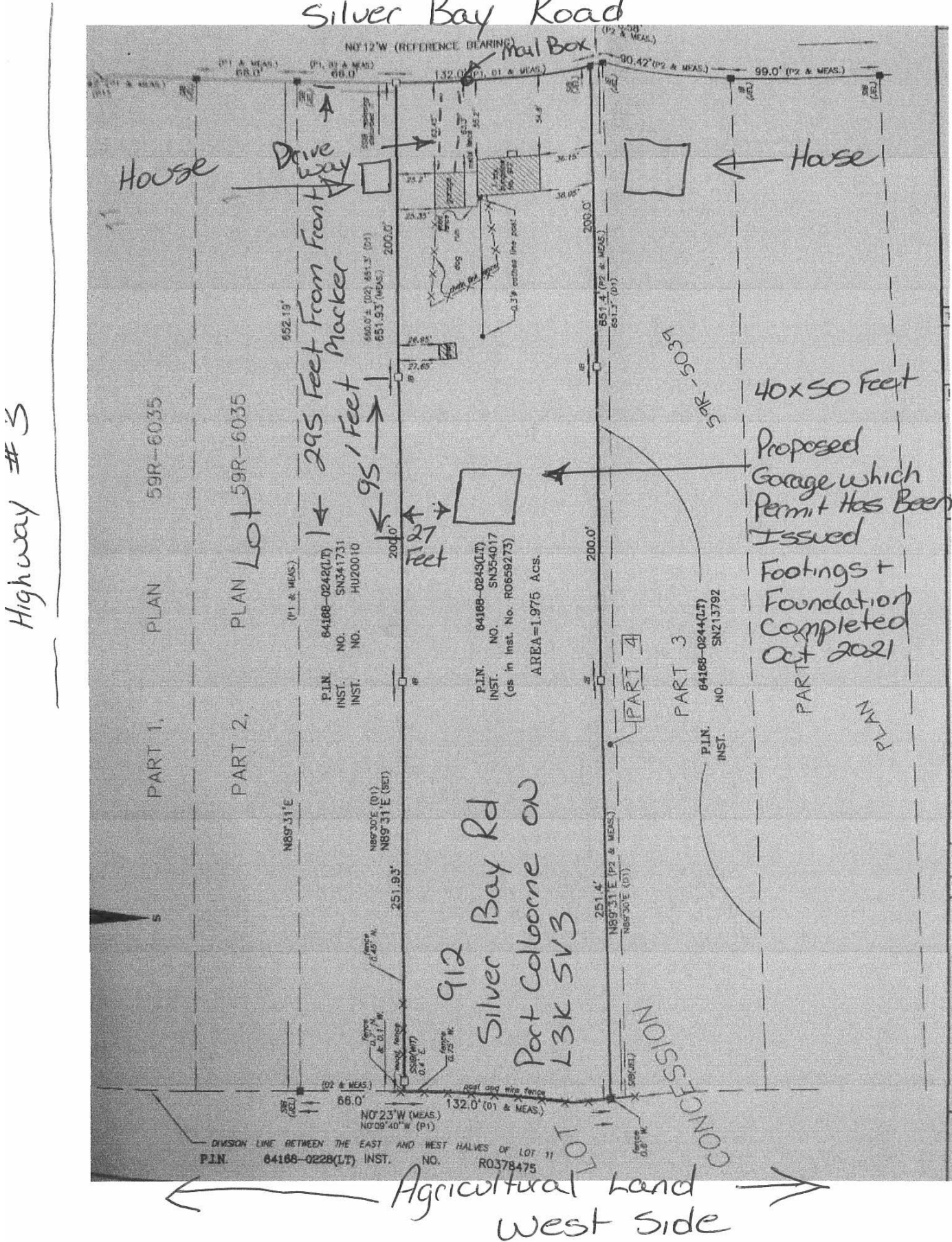
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

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

By order of the Committee of Adjustment,

Samantha Yeung

Samantha Yeung,
Secretary-Treasurer
Date of Mailing: October 25, 2022





PORT COLBORNE
· PLANNING AND LEGISLATIVE SERVICES ·

**APPLICATION FOR
MINOR VARIANCE**

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: <i>John Ihnat</i>	
Mailing Address: <i>912 Silver Bay Road</i>	
City: <i>Port Colborne</i>	Province: <i>ONT</i>
Postal Code: <i>L3K 5V3</i>	Telephone: <i>905 246-5736</i>
Fax:	Email: <i>Len6093@yahoo.com</i>

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.
<i>Meridian Credit Union</i>

1.5 Date and Subject Land was acquired by the Current Owner:
<i>Aug 12/2012</i>

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: <i>Matthews, Cameron, Heywood Kerry + Howe Surveying LTD</i>	
Mailing Address: <i>5233 Stanely Ave</i>	
City: <i>Niagara Falls</i>	Province: <i>ONT</i>
Postal Code: <i>L2E 7C2</i>	Telephone: <i>905 358 3693</i>
Fax: <i>905 358 6224</i>	Email: <i>www.the-surveyors.ca</i>

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. <i># 1</i>	Lot(s): <i># 11</i>
Registered Plan No.	
Reference Plan No.	Part(s):
Name of Street: <i>Silver Bay Road</i>	Street No. <i>912</i>

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage: <i>132' Feet</i>	Depth: <i>651' Feet</i>	Area: <i>1.975 Acs</i>
Existing Use: <i>Rural Residential</i>		
Proposed Use: <i>Rural 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>Rural Residential</i>
Regional Policy Plan: <i>Rural Residential</i>

4.2 What is the Zoning of the land (By-law 1150/97/81)?
<i>Rural 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 type="checkbox"/> Municipal Road maintained all year
<input checked="" type="checkbox"/> Other Public Road
<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Water Access
<input type="checkbox"/> Private Road

Section 7

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

Section 8

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

Section 9

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

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
Change in Height From 19' To 24 Ft From conventional roof to Barn style 7.32m

10.1 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?	
<input checked="" type="checkbox"/> Yes	Permit issued May 18/2021
<input type="checkbox"/> No	#2021-7894

Section 11

WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
Higher than Allowable height.
Wish to go 5 Feet Higher than Allowable
Wish to change Roof From conventional Roof To Barn Style (Gambrel Roof) 5 Feet higher Than issued Permit. From 19 Feet to 24 Feet at Peak

Section 12

DATE OF ACQUISITION of the land by the current owner:
Aug 12/2012

Section 13

DATE OF CONSTRUCTION of all existing buildings and structures on the land:
1963

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:
Since 1963

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

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

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

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

16.6 If Industrial or Commercial, specify use**16.7 Has the grading of the subject land been changed by adding earth or material?
Has filling occurred on the subject land?**

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

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 Sept 1 / 2022
Date

X 
Signature of Owner

X Sept 23/22

Date

X

Signature of Applicant(s)

* must be
Signed and
filled out.

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 John Ihnat
Of the City/Town/Township of Port Colborne
In the County/District/Regional Municipality of Niagara 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 23rd day of September

A.D 20 22.

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

X

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


A Commissioner, etc.

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

Samantha Siu Man Yeung, a
Commissioner, etc., Province of Ontario,
for the Corporation of the City of Port
Colborne.
Expires September 8, 2025.

Development and Legislative Services

Planning Division Report

November 4, 2022

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

Re: Application for Minor Variance A31-22-PC
912 Silver Bay Road
Concession 1 Lot 11
Agent: N/A
Owner(s): John Ihnat

Proposal:

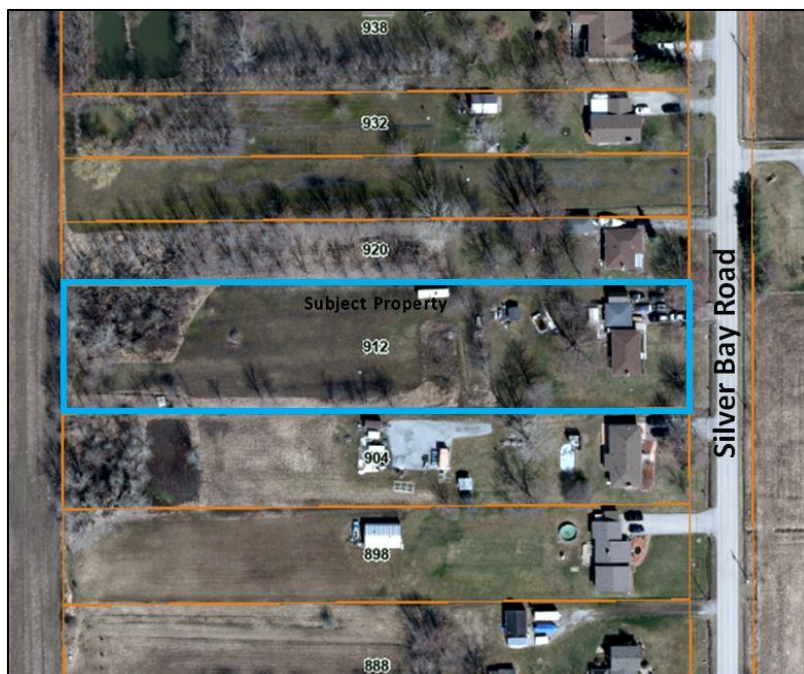
The purpose and effect of this application is to permit the construction of a proposed accessory structure. The applicant is requesting that a maximum height of 7.32m be provided whereas a maximum of 6m is permitted for accessory structures. All other provisions of the Zoning By-law are proposed to be met.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Hamlet Residential (HR) to the north and south, Agricultural (A) zones to the east, and Hamlet Development (HD) zones to the west. The surrounding uses consist of single detached dwellings to the north, south, east, and west.

Official Plan:

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



Zoning:

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

Environmentally Sensitive Areas:

There are no environmentally sensitive areas on the subject lands.

Public Comments:

Notice was circulated on October 25, 2022 as per Section 45 (5) of the Planning Act to adjacent land owners with 60m of the subject lands. As of November 4, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on October 14, 2022 to internal departments. As of November 4, 2022, the following comments have been received.

Drainage Superintendant

No concerns regarding municipal drains.

Fire Department

Port Colborne Fire has no objection to the application.

Engineering Department

No comments regarding the proposed application.

Planning Act – Four Tests:

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

Is the application minor in nature?

Staff finds the requested variance to be minor in nature. The increase in height from 6m to 7.32m will not negatively impact the subject parcel or neighbouring properties. The structure is located at a reasonable distance from all lot lines so the increase in height will not result in visibility concerns and is also setback behind the dwelling. The proposed structure will remain accessory in nature as it will be located deep into the lot negating the sight from the frontage of the property.

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

The proposal is desirable and appropriate as the development is located in a suitable location on the site. Accessory structures are a permitted use in the HR zone so the proposal is compatible with the requirements of the zoning by-law. As such, it is the opinion of planning staff that the application is desirable for the appropriate development or use of the land.

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

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

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

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

Recommendation:

Given the information above, Planning Staff recommends application A31-22-PC be **granted** for the following reasons:

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

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



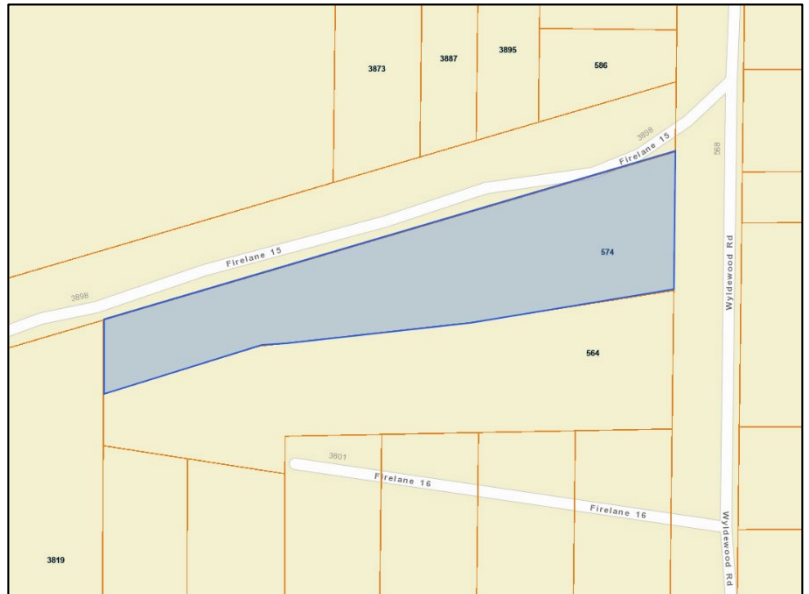
Denise Landry, MCIP, RPP
Manager of Planning Services

APPLICATION NO. A30-22-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 11.3 (e) 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 Lot 10, in the City of Port Colborne, located in the Lakeshore Residential (LR) zone, municipally known as 574 Wyldewood Road.

AND IN THE MATTER OF AN APPLICATION by the owners Mike and Marsha McCreadie for relief from the provisions of Zoning By-law 6575/30/18, as amended, so as to permit the construction of an attached garage, notwithstanding the following:



- 1) That a corner side yard setback of 3.19m be permitted, whereas 4.5m is required in the Lakeshore Residential zone.

Explanatory Relief from the Zoning By-law: The applicant is proposing to build an attached garage to the existing dwelling. Due to the location and encroachment into the corner side yard, a minor variance is required. A sketch of the subject property is shown on the reverse side of this notice.

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

DATE:	November 9, 2022
TIME:	6:00 P.M.
LOCATION:	66 Charlotte Street – Third floor Council Chambers and Virtually via zoom

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

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

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

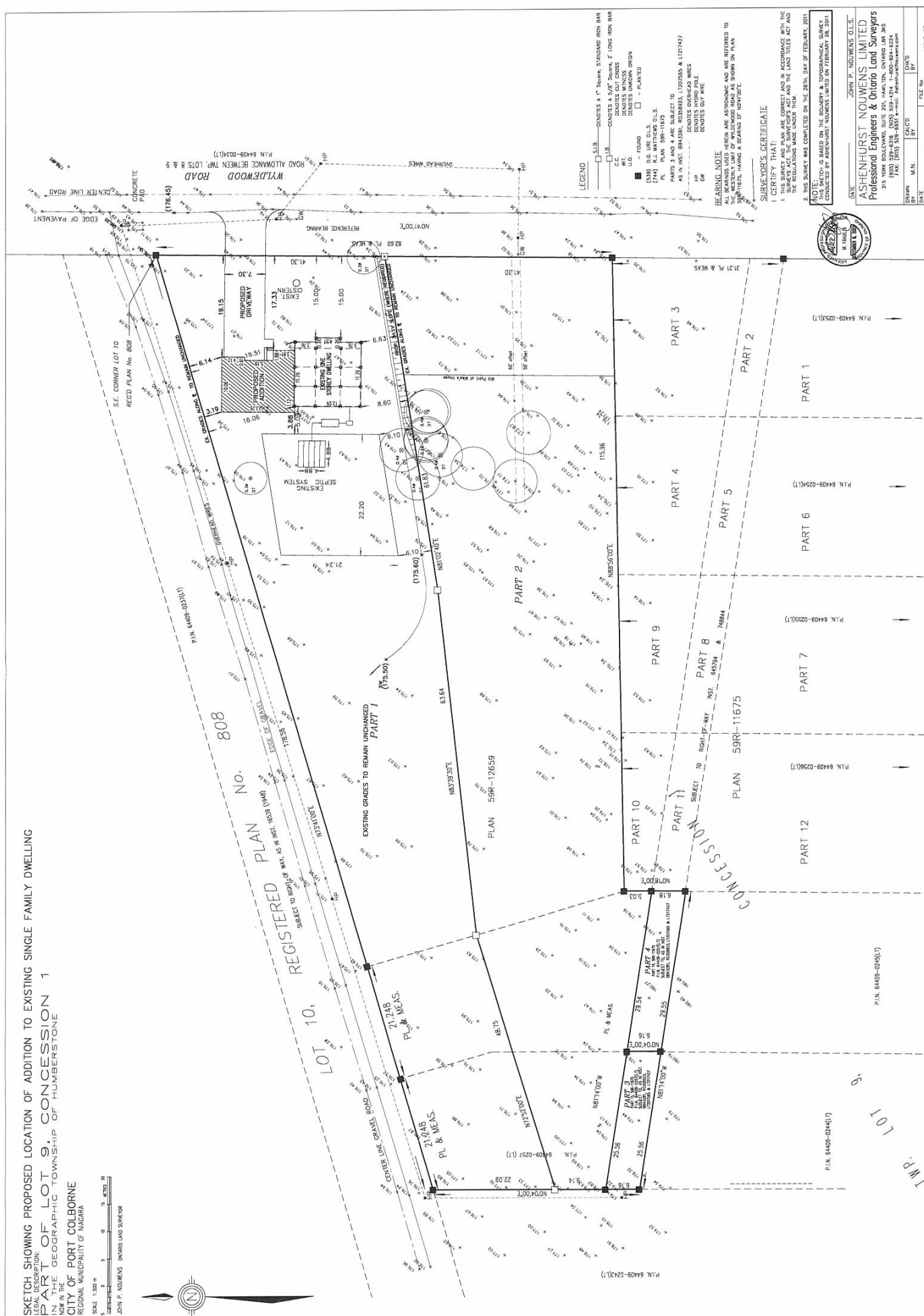
The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at <https://www.youtube.com/watch?v=fmiAjEgzuTY>.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on November 8, 2022** by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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

By order of the Committee of Adjustment,

Samantha Yeung,
Secretary-Treasurer
Date of Mailing: October 25, 2022





PORT COLBORNE
· PLANNING AND LEGISLATIVE SERVICES ·

**APPLICATION FOR
MINOR VARIANCE**

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: mike and marsha mccreadie	
Mailing Address: 66 casablanca blvd	
City: Grimsby	Province: ont
Postal Code: l3m 4s7	Telephone: 905-741-0381
Fax:	Email: mccreadie4@sympatico.ca

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

1.3 Owner's Authorized AGENT (if applicable)	
Name: na	
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.
NA

1.5 Date and Subject Land was acquired by the Current Owner:
2003

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Ashenhurst Nouwens Limited	
Mailing Address: 315 York Boulevard Suite 201	
City: Hamilton	Province: Ont
Postal Code: L8R 3K5	Telephone: 905-529-6316
Fax: 905 529 6651	Email: AshenhurstNouwens.com

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

Section 2: LOCATION

Former Municipality: humberstone	
Concession No. CON 1	Lot(s): 10
Registered Plan No. 808	
Reference Plan No. 808	Part(s): 1
Name of Street: WYLDEWOOD RD	Street No. 574

Section 3: DESCRIPTION Part No. On Sketch: 1

Frontage: 135FT	Depth: 477 FT	Area: 1.24a
Existing Use: LAKE SHORE RESIDENTIAL		
Proposed Use: RESIDENTIAL		

Section 4: OFFICIAL PLAN & ZONING

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

4.2 What is the Zoning of the land (By-law 6575/30/18)?
LAKE SHORE RESIDENTIAL

Section 5

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

Section 6

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

Section 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) CISTERN

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) NA

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
The back right side corner of proposed structure is encroaching on the side yard set back. The corner lot side yard set back required for Lake shore residential zone is 4.5m i am requesting that a corner side yard setback of 3.19m be permitted

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

- ☐ Yes
☒ No

Section 11

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

My property being a angled corner lot makes my proposed structure design encroach on side yard set back by 1. 3 m (approx 8.5sq meters) at the rear corner. The proposed structure is 365sq meters the balance of the structure 356.5sq meters or 98% of the structure complies with the bylaw set back requirements

Section 12

DATE OF ACQUISITION of the land by the current owner:

2003

Section 13

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

august 2012

Section 14

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

10 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 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
<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?
10years

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	15m	118m	6.6m	16m	1 story 7m	12.09 x11.79	2011
shed	51m	93m	5.8	20m	2.4m 1 story	3.04x3.04m	2013

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?**

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

16.11 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?
<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?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 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)?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 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 Sept 28 / 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 Sept 28/2022
Date

X [Signature]
Signature of Applicant(s)

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

I/We Mike & Angela McCreedia
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 28th day of September
A.D. 20 22

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: City Clerk, 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.

SUGGESTION TO THE APPLICANT

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

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

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

Development and Legislative Services

Planning Division Report

November 4th, 2022

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

Re: Application for Minor Variance A30-22-PC
574 Wyldewood Road
Concession 1 Lot 10
Agent: N/A
Owner(s): Mike and Marsha McCreadie

Proposal:

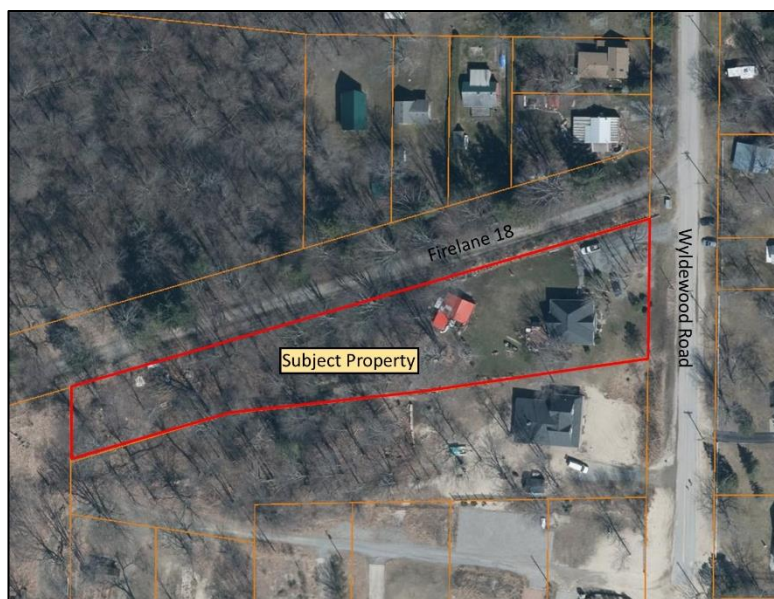
The purpose and effect of this application is to permit the construction of a proposed addition to the detached dwelling. The applicant is requesting that a corner side-yard setback of 3.19m be permitted, whereas 4.5m is required for detached dwellings. All other provisions of the Zoning By-law are proposed to be met.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Rural Residential and Lakeshore Residential to the north, Rural Residential to the East, and Lakeshore Residential to the south, and west. The surrounding land uses consist of single detached dwellings to the north, east, south, and west.

Official Plan:

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



Zoning:

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

Environmentally Sensitive Areas:

There are no environmentally sensitive areas on the subject lands.

Public Comments:

Notice was circulated on October 25th, 2022 to properties within 60m meters of the subject lands as per Section 45 (5) of the Planning Act. As of November 4th, 2022, the following public comments have been received.

Agency Comments:

Notice was circulated on October 14th, 2022 to internal departments and external stakeholders. As of November 4th, 2022, the following comments have been received.

Andrew Guzda – 586 Wyldewood Road

We are neighbours of Mike and Marsha McCreadie and have read the posted sign and received a letter from the City concerning their minor variance application for 574 Wyldewood Road. This minor encroachment at the northwest corner of the proposed building has no bearing on my property and we are in full support of this application.

Llyod Ripani – 564 Wyldewood Road

I reside next to the property of Mr. McCreadie at 564 Wyldewood Rd. Mr. and Mrs. McCreadie notified me some time ago of their intention to improve their property with a garage addition and spoke about the minor encroachment on the northwest corner. The lot is irregular in its shape and I believe his application and encroachment are quite minor in nature and would have absolutely no negative impact on the neighbourhood. The addition would only make a beautiful home more beautiful and more useful for their special needs son. I offer full support to this application and hope to attend the hearing.

Drainage Superintendent

There are no concerns regarding municipal drainage however there is a mutual agreement drain over this property with the neighbour to the south. When the lot grading for this parcel and the parcel to the south was completed a mutual agreement drain was completed. It was recommended that the agreement be registered on the title of both parcels however the City does not know, nor needs to know if that was completed since it is a private matter. The new build can't affect the existing drainage of the subject parcel.

Staff Response

While the Drainage Superintendent does not have any concerns regarding the application, the applicant should be aware that there may be a mutual agreement drain over their property. City Staff does not know if one is registered on title and is of no concern to Staff as it is a civil matter. These comments are provided as additional information to the applicant.

Fire Department

No objection to the proposed application.

Engineering Technologist

A lot grading plan will be required at the building permit stage and a municipal consent permit will be required for work within the City's right-of-way, such as, alteration to the existing entrance, and/or, construction of a driveway.

Niagara Region (Please see full comments in Agenda Package)

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 below condition and any applicable local requirements and provisions:

1. That the owner replace the cracked septic tank lid prior to the issuance of building permits.

Planning Act – Four Tests:

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

Is the application minor in nature?

Staff finds the requested variance to be minor in nature. The decrease in corner side-yard setback from 4.5m to 3.19m will not negatively impact the subject parcel or neighbouring properties. Furthermore, one of the intents of corner side-yard setbacks is to restrict potential visibility concerns within a sight triangle. Staff believes that, due to the corner side yard encroachment being proposed approximately 29m from the front property line, the proposal will not affect the sight triangle of Firelane 15 and Wyldewood Road.

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

The proposal is desirable and appropriate as the development is located in a suitable location on the site. The proposed decrease in corner side-yard setback will not negatively impact the subject property and will not affect the drainage. Furthermore, detached dwellings are permitted in the Lakeshore Residential zone, the lot coverage requirement has not been exceeded and most setbacks have been complied with, except for the requested variance.

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

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

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

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

Recommendation:

Given the information above, Planning Staff recommends application A30-22-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**

Subject to the following condition:

1. That the owner replace the cracked septic tank lid prior to the issuance of building permits.

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 Only

October 28, 2022

Region File: D.17.07.MV-22-0121

Chris Roome
Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8

Dear Mr. Roome:

**Re: Regional and Provincial Comments
Proposed Minor Variance
City File: A30-22-PC
Owners: Marsha and Mike McCreadie
574 Wyldewood Road
City of Port Colborne**

Regional Planning and Development Services staff has reviewed the above-noted Minor Variance application, which proposes one variance. The property is zoned “Lakeshore Residential” in the City’s Zoning By-law 6575/30/18, as amended. The applicant is proposing to construct an accessory building (attached garage) with a corner side yard setback of 3.19 m, whereas 4.5 m is required in the Lakeshore Residential zone.

Staff note there was no pre-consultation meeting for this application. The following comments from a Provincial and Regional perspective are provided to assist the Committee in their consideration of the application.

Provincial and Regional Policies

The subject lands are located within the ‘Rural Lands’ under the *Provincial Policy Statement, 2020* (“PPS”) and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and designated ‘Rural Area’ in the *Regional Official Plan* (“ROP”).

The predominant use of lands in the Rural Area will be for agriculture; however, some low intensity non-agricultural development, such as residential uses, may be permitted provided it is compatible with the rural landscape and can be sustained by rural

services. Development in the Rural Area will be permitted only when the individual lot and soil conditions are suitable for the long term operation of a private waste disposal system. As such, the proposal for an attached garage addition to the existing dwelling is permitted subject to the below comments.

Natural Heritage

The subject property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of Significant Woodland (designated as Environmental Conservation Area). 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 Significant Woodland.

The proposed addition is within the above-noted setback, but is 35 m from the Significant Woodland and separated from the feature by an existing accessory building. As such, Environmental Planning staff offer no objection to the minor variance.

Archaeological Potential

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

Based on 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 the presence of Lake Erie within 300 m and location along a historic transportation route (Wyldeewood Road). Based on a review of available aerial imagery, the proposed garage will be attached to the existing dwelling on the property and in the general vicinity of the existing driveway, where ground disturbance has taken place. Also, the nature of the proposed variance would not impact archaeological resource interests. As such, staff offer no archaeological assessment requirements for the Minor Variance application.

Private Sewage System

Regional Private Sewage System ("PSS") staff has reviewed the submitted application and reviewed records for previous files on the property. A septic permit for the installation of a septic system from 2010 was located. The installed system was designed for a 3 bedroom, 120 square metre home. Based off of the floor plans provided it would appear that the addition will be 965.8 square feet (90 sq.m). With the additional 90 sq.m this would bring the total design flow of the dwelling to 1,700 L/day. Although the system was only designed for 1,600L/day, when the inspection took place for the installation of the system, it was noted that the filter bed's filter area was

constructed at 6.1m by 6.1m, which is larger than what was required at the time. Due to the filter area being oversized during construction, the existing system will be able to support the additional flows. In addition to the desktop review of the file, an on-site inspection took place on October 14, 2022 to ensure all of the required setbacks of the Ontario Building Code ("OBC") would be met and that the existing system was in good working order.

At the time of the inspection it was determined that all required setbacks of the OBC would be met. It was noted that the levels in the tanks were below the normal working level; however, the Owner advised that the tanks had been pumped out recently. The tile bed for the system appeared to be in good working order and showed no signs of defects. The only issue that was found on-site was that one of the septic tank lids was cracked, which could cause additional infiltration to the system. Regional PSS staff offer no objection to the proposed minor variance provided the owner replaces the cracked septic tank lid.

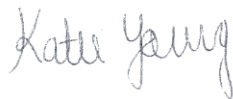
Conclusion

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 below condition and any applicable local requirements and provisions:

1. That the owner replace the cracked septic tank lid prior to the issuance of building permits.

If you have any questions related to the above comments, please contact the undersigned at Katie.Young@niagararegion.ca. Please send a copy of the staff report and notice of Committee's decision on this application.

Kind regards,



Katie Young, RPP
Development Planner
Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Lori Karlewicz, Planning Ecologist, Niagara Region
Matteo Ramundo, Private Sewage Systems Inspector, Niagara Region

Samantha Yeung

From: MCCREADIE Mike -RG OPS [REDACTED]
Sent: October 31, 2022 10:23 AM
To: Samantha Yeung
Subject: 574 Wyldewood Minor Variance

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

October 31, 2022

Re: 574 Wyldewood Road

Minor variance application A30-22-PC

We are neighbours of Mike and Marsha McCreddie and have read the posted sign and received a letter from the City concerning their minor variance application for 574 Wyldewood Road. This minor encroachment at the northwest corner of the proposed build has no bearing on my property and we are in full support of this application.

Andrew Guzda, Jean Fabi
586 Wyldewood Road.,
Port Colborne
[REDACTED]

THIS MESSAGE IS ONLY INTENDED FOR THE USE OF THE INTENDED RECIPIENT(S) AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, PROPRIETARY AND/OR CONFIDENTIAL. If you are not the intended recipient, you are hereby notified that any review, retransmission, dissemination, distribution, copying, conversion to hard copy or other use of this communication is strictly prohibited. If you are not the intended recipient and have received this message in error, please notify me by return e-mail and delete this message from your system. Ontario Power Generation Inc.

Samantha Yeung

From: MCCREADIE Mike -RG OPS [REDACTED]
Sent: October 31, 2022 8:27 AM
To: Samantha Yeung
Subject: FW: Minor Variance Application

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

Subject: Minor Variance Application

[REDACTED]

Minor Variance Application

October 26th/ 2022
Re: 574 Wyldewood Rd.
APPLICATION NO. A30-22-PC

I reside next to the property of Mr. McCreadie at 564 Wyldewood rd. Mr and Mrs McCreadie notified me some time ago of their intention to improve their property with a garage addition and spoke about the minor encroachment on the north west corner. The lot is irregular in its shape and I believe his application and encroachment is quite minor in nature and would have absolutely no negative impact to the neighbourhood.

The addition would only make a beautiful home more beautiful and more useful for their special needs son. I offer full support to this application and hope to attend the hearing.

Regards, Lloyd Ripani
564 Wyldewood rd. Port Colborne
[REDACTED]

THIS MESSAGE IS ONLY INTENDED FOR THE USE OF THE INTENDED RECIPIENT(S) AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, PROPRIETARY AND/OR CONFIDENTIAL. If you are not the intended recipient, you are hereby notified that any review, retransmission, dissemination, distribution, copying, conversion to hard copy or other use of this communication is strictly prohibited. If you are not the intended recipient and have received this message in error, please notify me by return e-mail and delete this message from your system. Ontario Power Generation Inc.

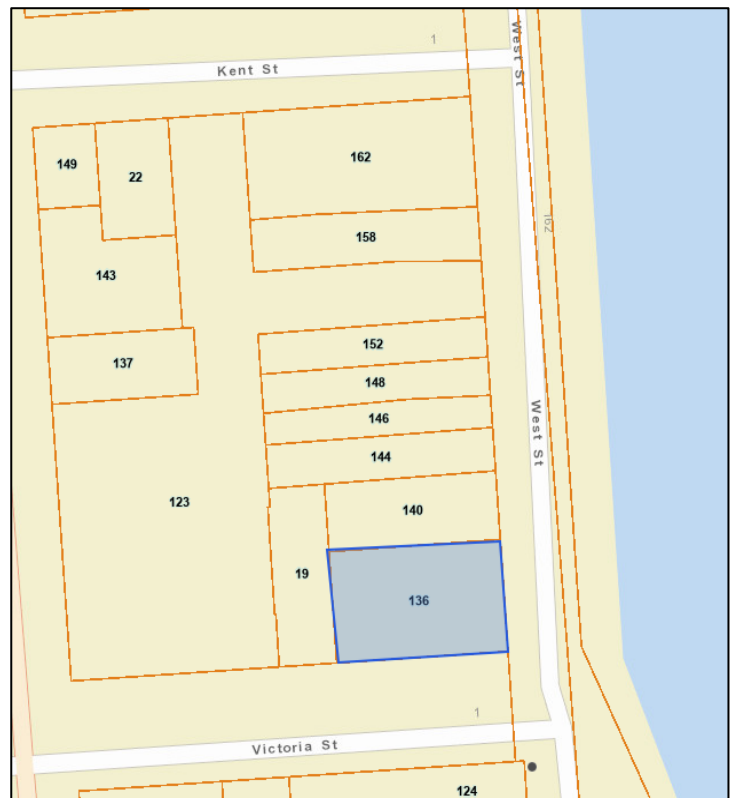
APPLICATION NO. A29-22-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 2.7 (b) (i) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Part Lot 11 on Plan 987, in the City of Port Colborne, located in the Downtown Commercial (DC) zone, municipally known as 136 West Street.

AND IN THE MATTER OF AN APPLICATION by the owners Jacob and Nancy DenBesten for relief from the provisions of Zoning By-law 6575/30/18, as amended, so as to permit the expansion of a legal non-conforming use.

Explanatory Relief from the Zoning By-law: The applicant is proposing to build covered porch addition attached to the dwelling. The dwelling is considered a legal non-conforming use as it is located in the Downtown Commercial zone, where detached dwellings are not permitted. As the applicant is requesting to extend the structure past the existing footprint, a minor variance is required. A sketch of the subject property is shown on the reverse side of this notice.



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

DATE:	November 9, 2022
TIME:	6:00 P.M.
LOCATION:	66 Charlotte Street – Third floor Council Chambers and Virtually via zoom

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

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

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

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

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on November 8, 2022** by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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

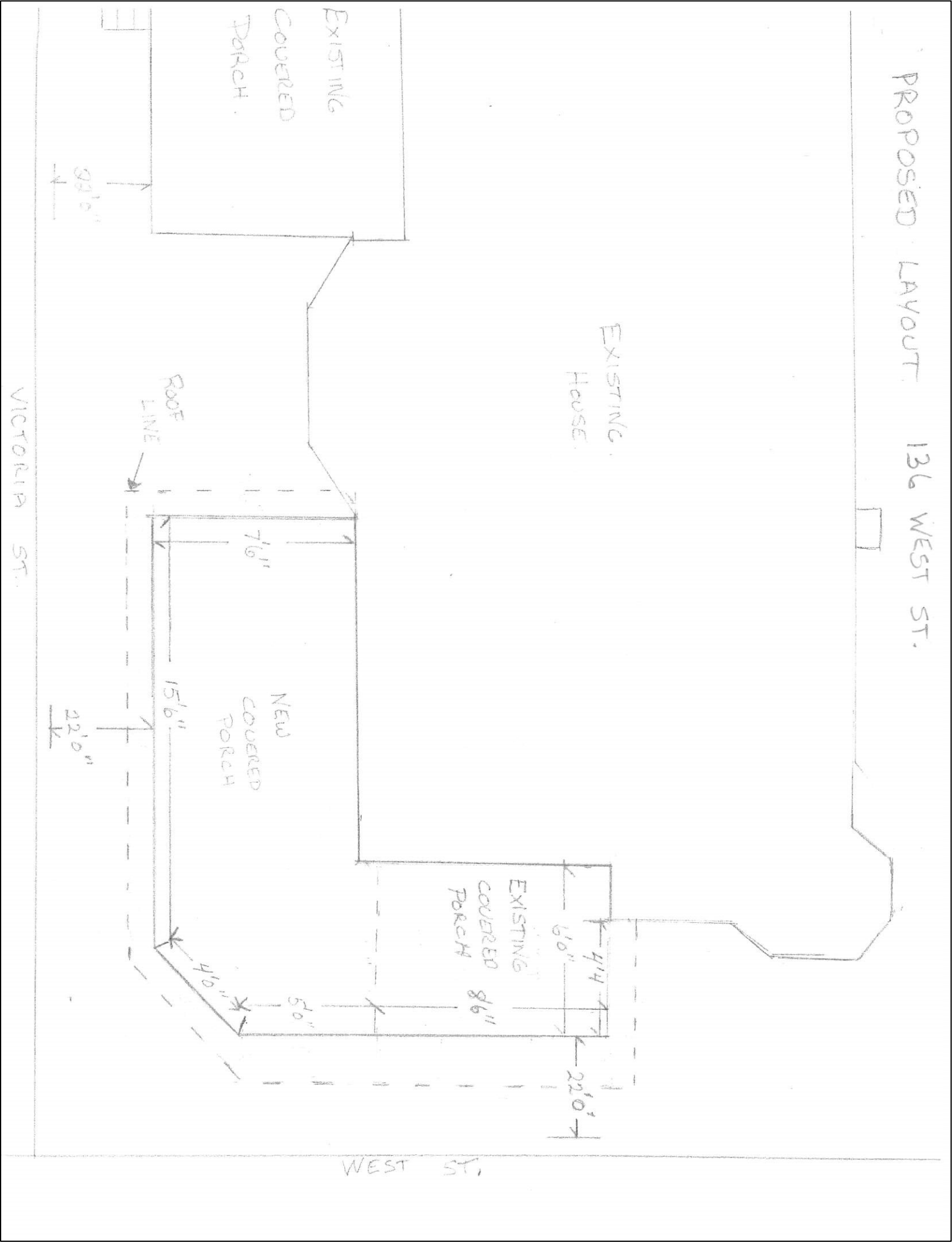
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

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

By order of the Committee of Adjustment,



Samantha Yeung,
Secretary-Treasurer
Date of Mailing: October 25, 2022





PORT COLBORNE

• **PLANNING AND LEGISLATIVE 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 6575/30/18 (as amended).

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

SUBMISSION OF APPLICATION:

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

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

COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

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

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

POLICIES

In addition to the matters set out in "Procedures for 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:

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

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

NOTICE REQUIREMENTS

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



PORT COLBORNE
• PLANNING AND LEGISLATIVE SERVICES •

**APPLICATION FOR
MINOR VARIANCE**

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: <i>Jacob + Nancy DenBester</i>	
Mailing Address: <i>63100 Concession 6 rd</i>	
City: <i>Wellandport</i>	Province: <i>Ontario</i>
Postal Code: <i>L0R2J0</i>	Telephone: <i>905-658-2961</i>
Fax:	Email: <i>pigmanjack1@hotmail.com</i>

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:
<i>April / 2021</i>

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:	
Concession No.	Lot(s): <i>Part 11</i>
Registered Plan No. <i>984</i>	
Reference Plan No.	Part(s):
Name of Street: <i>West St</i>	Street No. <i>132</i>

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage: <i>66 feet</i>	Depth: <i>108 feet</i>	Area: <i>0.5 acre</i>
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>commercial (DC)</i>
Regional Policy Plan:

4.2 What is the Zoning of the land (By-law 1150/97/81)?
<i>commercial</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
<div><input type="checkbox"/> Provincial Highway</div> <div><input type="checkbox"/> Regional Road</div> <div><input checked="" type="checkbox"/> Municipal Road maintained all year</div> <div><input type="checkbox"/> Other Public Road</div> <div><input type="checkbox"/> Municipal Road maintained seasonally</div> <div><input type="checkbox"/> Right-of-Way</div> <div><input type="checkbox"/> Water Access</div> <div><input type="checkbox"/> Private Road</div>

Section 7

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

Section 8

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

Section 9

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

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
<div>Extending a covered porch by</div> <div>about 20 feet</div> <div></div> <div></div> <div></div>

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

Section 11

WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
Its zoning is commercial and it does not allow the porch without a minor variance.

Section 12

DATE OF ACQUISITION of the land by the current owner:

Section 13

DATE OF CONSTRUCTION of all existing buildings and structures on the land:
House was built in 1886

Section 14

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

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 checked="" 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 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: <i>Port Colborne city planner + council</i>
Lands affected by the application:
Purpose of the application: <i>Minor variance</i>
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?
<i>+/- 2 yrs (length of our ownership.)</i>

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
<i>House</i>	<i>9.1m</i>	<i>9.0m</i>	<i>8.5m</i>	<i>1.7m</i>	<i>2 story</i>	<i>+/- 107m²</i>	<i>1886</i>

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

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

16.6 If Industrial or Commercial, specify use
residential

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?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X October 3
Date

X Jack Van Bester
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 October 3

Date

X Nancy DeBester

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 Nancy DeBester

Of the City/Town/Township of Port Colborne

In the County/District/Regional Municipality of Do 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 28 4th day of October

A.D 20 72

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

A Commissioner, etc.

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

X Nancy DeBester

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

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

(name of agent)

of the _____ of _____

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

Dated at the _____ of _____

in the _____ of _____

this _____ day of _____ 20____

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

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

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

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

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

Staff Present: Chris Roome, Planner & Acting Secretary Treasurer

The meeting was called to order at approximately 6:02pm 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: A27-22-PC**

Action: Minor Variance
Agent: Dave Malloy
Owner: Mark Ricard
Location: 111 Killaly Street

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

No comments, questions or delegations from members of the public and Committee of Adjustment.

That minor variance application A27-22-PC be **granted** for the following reasons:

1. **The application is minor in nature** as the requested variances will not negatively impact the property or surrounding properties and the primary function is not changing.

2. **It is appropriate for development of the site** as the footprint of the structure is not changing and will become a permitted use in the zone.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the zoning by-law permits take-out restaurants in the CP zone and the proposal is more compliant with the by-law by removing the legal non-conforming status and adding a permitted use.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as restaurants are permitted in the Commercial Plaza designation.

Motion: Angie Desmarais Seconded: Gary Bruno

Carries: 5-0

ii) **Application: A09-22-PC**

Action: Minor Variance
Agent: Michael Sabelli
Owner: Jennifer Rocha and Acacio Terceira
Location: Mapleview Crescent

The Secretary-Treasurer read all the correspondence received for these applications.

The agent, Mr. Sabelli, had no additional information to add regarding the application.

Member Beauregard had two concerns; 1) explanation for the inconsistency with the application submitted that stated a 2m setback as opposed to the proposed 1m setback requested in the public notice. 2) What is the reasoning for a 1 metre setback in a rural area?

Mr. Roome explained the application had undergone some changes after discussions and it is being proposed for a minimum 1 metre setback from the property line. The changes were an oversight by the department.

Mr. Sabelli answered the second question explaining the setback is to accommodate a larger home for the applicant's family. He stated this setback was approved by the Engineering staff confirming independent drainage.

Member Beauregard asked for clarification due to the empty side yard on the east side.

Ms. Rocha explained the eastern side is to accommodate the septic system.

Mr. Roome explained the Region commented the septic system could not be accommodated on the Eastern side with the 2 metre setback on the Western side, but would with the 1 metre setback provided there is proper drainage.

Member Beauregard has concerns regarding the Ontario Building Code with separation distance and fire suppression walls with adjacent properties. He asked for opinions on including a condition pertaining to this matter.

Mr. Roome explained there is the option to add this as a condition. It was noted that the property to the West is much larger than this property and that the property is more influenced by the Region's Core Natural Heritage System with significant woodlot features. This property has been cleared of these features which is why the Region is more lenient in their comments.

The Chairman asked if the driveway will be located on the westerly side of the house.

Ms. Rocha answered yes.

The Chairman asked if the wall on the westerly side could be all brick or have no windows in order to meet the fire safety requirements.

Ms. Rocha answered this is attainable.

Member Bruno asked to clarify the natural features on the westerly side. If there is a bush separating the properties, could a condition be set where the bush cannot be cut?

Mr. Roome explained the property owner of the neighbouring lot would have a number of studies to be completed with the Region before determining if the trees could be cleared or not. He also thinks the fire safety issues will be dealt with at the building permit stage.

No further comments, questions or delegations from members of the public and Committee of Adjustment.

That minor variance application A09-22-PC be **granted** for the following reasons:

1. **The application is minor in nature** as the requested variances will not negatively impact the property or surrounding properties.
2. **It is appropriate for the development of the site** as the proposed increase in lot coverage will not lead to the overdevelopment of the site and a decrease in side yard setback will not negatively impact the surrounding parcels.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the zoning by-law permits detached dwellings in the RR zone and the proposal meets the majority of the requirements.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as residential dwellings in the Rural designation.

Subject to the following conditions:

1. That a Landscape Plan is submitted to the satisfaction of the Region which illustrates plantings and permanent fencing separating the development footprint from the adjacent feature to the north.
2. That a Tree Preservation Plan is submitted to the satisfaction of the Region.

Motion: Donna Kalailieff

Seconded: Eric Beauregard

Carried: 5-0

iii) Application: B19-22-PC, B20-22-PC, B21-22-PC

Action: Consent (x3)

Agent: N/A

Owners: Robert Williams

Location: Killaly Street

The Secretary-Treasurer read all the correspondence received for these applications.

No comments, questions or delegations from members of the public and Committee of Adjustment.

That consent application B19-22-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That consent applications B20-22-PC and B21-22PC be granted.
4. That all conditions of consent be completed by October 12th, 2024.

For the following reasons:

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

And, that consent application B20-22-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the

subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.

2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That consent applications B19-22-PC and B21-22-PC be granted.
4. That all conditions of consent be completed by October 12th, 2024.

For the following reasons:

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

And, that consent application B21-22-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That consent applications B19-22-PC and B20-22-PC be granted.
4. That all conditions of consent be completed by October 12th, 2024.

For the following reasons:

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

Motion: Eric Beauregard

Seconded: Gary Bruno

Carried: 5-0

iv) Application: B22-22-PC, B23-22-PC

Action: Consent (x2)
Agent: N/A
Owners: Brandon and Jennie Marlatt
Location: 700 Pleasant Beach Road

The Secretary-Treasurer read all the correspondence received for these applications.

No comments, questions, or delegations from members of the public and Committee of Adjustment.

That consent application B22-22-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the Owner submits a Stage 1 Archaeological Assessment (plus any subsequently recommended assessments) for the severed parcels (Part 1 and Part 3) prepared by a licensed archaeologist, to the City of Port Colborne and Niagara Region for review and approval. A copy of the Archaeological Assessment(s) shall also be provided to and accepted by the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI"), with a copy of the Ministry's Letter of Acknowledgement 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.

4. That the applicant(s) sign the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
5. That the applicant submit a lot grading plan that shows that the lots will drain independently of one another, to the satisfaction of City Staff. If it has been

determined that the lots do not drain independently, a mutual agreement drain may be required.

6. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
7. That all conditions of consent be completed by October 12th, 2024.

For the following reasons:

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

And, that consent application B23-22-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the Owner submits a Stage 1 Archaeological Assessment (plus any subsequently recommended assessments) for the severed parcels (Part 1 and Part 3) prepared by a licensed archaeologist, to the City of Port Colborne and Niagara Region for review and approval. A copy of the Archaeological Assessment(s) shall also be provided to and accepted by the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI"), with a copy of the Ministry's Letter of Acknowledgement 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.

4. That the applicant(s) sign the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day

before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.

5. That the applicant submit a lot grading plan that shows that the lots will drain independently of one another, to the satisfaction of City Staff. If it has been determined that the lots do not drain independently, a mutual agreement drain may be required.
6. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
7. That all conditions of consent be completed by October 12th, 2024.

For the following reasons:

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

Motion: Gary Bruno

Seconded: Angie Desmarais

Carried: 5-0

4. Other Business:

The Chairman asked if updates were given for the December 14th, 2022 Committee of Adjustment meeting due to the swearing of the new Council and the transition period for the new Committee.

Member Desmarais explained in the past, the new Council extending the existing Committee term to cover the transition period until the new Committee was appointed.

The Chairman would like to discuss this in case of a new hearing date in December to accommodate the changes.

The Planning department will follow up with the Clerks department and the Committee's terms of reference and update the public.

5. Approval of Minutes:

The Chairman asked to modify the wording in the “Other Business” section where it stated “The Chairman suggests making a motion” to “the Chairman made a motion”.

With the changes to the minutes from the September 14th, 2022, meeting, the minutes were approved.

Motioned: Angie Desmarais

Seconded: Gary Bruno

Carried: 5-0

6. Adjournment

There being no further business, the meeting was adjourned at approximately 6:43 pm.