



CORPORATION OF THE CITY OF  
PORT COLBORNE

**COMMITTEE OF ADJUSTMENT  
-MEETING AGENDA-**

**6:00 P.M., Wednesday, October 12th, 2022  
Council Chambers (Virtual & In-Person)**

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1. Call Meeting to Order
2. Reading of Meeting Protocol
3. Disclosures of Interest
4. Request for Any Deferrals or Withdrawals of Applications
5. New Business
  - i) Application: A27-22-PC  
Action: Minor Variance  
Agent: Dave Malloy  
Owners: Mark Ricard  
Location: 111 Killaly Street
  - ii) Application: A09-22-PC  
Action: Minor Variance  
Agent: Michael Sabelli  
Owners: Jennifer Rocha and Acacio Terceira  
Location: 111 Killaly Street
  - iii) Application: B19-22-PC, B20-22-PC, B21-22-PC  
Action: Consent  
Agent: N/A  
Owners: Robert Williams  
Location: Killaly Street
  - iv) Application: B22-22-PC, B23-22-PC  
Action: Consent  
Agent: N/A  
Owners: Brandon and Jennie Marlatt  
Location: 700 Pleasant Beach Road
6. Other Business
7. Approval of Minutes
  - i) September 14, 2022, Committee of Adjustment Meeting
8. Adjournment



## PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

### MINOR VARIANCE APPLICATION

APPLICATION NO. A27-22-PC

**IN THE MATTER OF** the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 22.3 (c) and (d) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

**AND IN THE MATTER OF** the lands legally known as Part lots 3 to 6, 8, 39 on Plan 18, in the City of Port Colborne, located in the Commercial Plaza (CP) zone, municipally known as 111 Killaly Street West.

**AND IN THE MATTER OF AN APPLICATION**

by the agent Marc Ricard on behalf of the owner Dave Malloy for relief from the provisions of Zoning By-law 6575/30/18, as amended, so as to permit an existing take-out restaurant, notwithstanding the following;



1. That a minimum front yard setback of 10.97m be permitted, whereas 23m is required.
2. That a minimum side yard setback of 1.85m be permitted, whereas 15m is required.

**Explanatory Relief from the Zoning By-law:** The applicant is seeking relief on an existing restaurant. Due to the location of the structure, a minor variance is required. A sketch of the proposal is shown on the reverse side of this notice.

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

**DATE:** October 12, 2022  
**TIME:** 6:00 P.M.  
**LOCATION:** 66 Charlotte Street – Third floor Council Chambers and  
Virtually via zoom

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

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, October 7, 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=b0wzBQkH5Ts&feature=youtu.be>.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on October 11, 2022** by emailing [Samantha.yeung@portcolborne.ca](mailto:Samantha.yeung@portcolborne.ca) or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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

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

By order of the Committee of Adjustment,

Samantha Yeung,  
Secretary-Treasurer  
Date of Mailing: September 28, 2022



**Development and Legislative Services**

Planning Division Report

October 7th, 2022

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

**Re: Application for Consent A27-22-PC  
Part Lots 3 to 6, 8 and 39 on Plan 18  
111 Killaly Street West  
Agent: Marc Ricard  
Owner(s): Dave Malloy**

**Proposal:**

The purpose and effect of this application is to permit a reduced front yard setback of 10.97m, where 23m is required and a reduced interior side yard setback of 1.85m whereas 15m is required to facilitate the conversion of an existing food vehicle to a take-out restaurant. The structure has already been erected and the applicant has been required to apply for the variance post-construction. The food truck was considered a legal non-conforming use, however, since it has been fully enclosed and no longer falls under the definition of a food vehicle, the zoning provisions of a take-out restaurant will apply.

**Surrounding Land Uses and Zoning:**

The parcels surrounding the subject lands are zoned Second Density Residential (R3) and Fourth Density Residential (R4) to the north, Commercial Plaza (CP) to the east and west, and Downtown Commercial (DC) to the south. The surrounding uses consist of an apartment building and detached dwellings to the north, townhouses to the east, and commercial uses to the west and south.





**Official Plan:**

The subject property is designated as Commercial Plaza in the City's Official Plan. Restaurants are a permitted use in this designation.

**Zoning:**

The subject property is zoned Commercial Plaza (CP) in accordance with Zoning By-Law 6575/30/18. Take-out restaurants are a permitted use in this zone.

**Environmentally Sensitive Areas:**

There are no environmentally sensitive areas on the subject lands.

**Public Comments:**

Notice was circulated on September 27<sup>th</sup>, 2022 to properties within 60m meters of the subject lands as per Section 45 (5) of the Planning Act. As of October 7<sup>th</sup>, 2022, no comments from the public have been received.

**Agency Comments:**

Notice of the application was circulated on September 20<sup>th</sup>, 2022 to internal City departments. As of October 7<sup>th</sup>, 2022, the following has been received.

Drainage Superintendent

There are no concerns regarding municipal drains for this application.

**Planning Act – Four Tests:**

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

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

Staff finds the requested variances to be minor in nature. The reductions in front yard and side yard setbacks are to accommodate the conversion of an existing food truck to a take-out restaurant. The existing food vehicle is considered a legal non-conforming use and there is no proposed change to the location and operation of the use. The front yard and side yard setbacks intend to ensure that parking can suitably be located on the property and that the commercial use is not located in close proximity to sensitive uses. Given that the food vehicle is existing and the primary function is not changing, and the property has ample parking to serve the use, staff find this application to be minor in nature.

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

The proposal is desirable and appropriate as the proposed parcel permits take-out restaurants. The proposed use of the property better conforms to the requirements of the Zoning By-law because it will remove the legal non-conforming status and provide for a permitted use. Furthermore, aside from the exterior paneling and roof that have been added to the use, no major changes have been proposed and the footprint of the structure is not increasing. Given that the use will conform with the By-law and there are no considerable changes to the use, Staff finds this application to be desirable for the appropriate development of the land.

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

The Zoning By-law permits take-out restaurants in the CP zone and the proposal removes the legal non-conforming status of the existing food vehicle, which results in the property conforming to the Zoning By-law. Staff is satisfied that the proposal is in keeping with the general intent and purpose of the Zoning By-law as it will result in a use that better conforms to the Zoning By-law.

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

The Official Plan permits restaurants in the Commercial Plaza 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 A27-22-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

PLEASE TYPE OR USE BLACK INK

Section 1

<b>1. Registered Owner (s):</b>	
Name: <u>DAVE MALLOY</u>	
Mailing Address: <u>111 KILLALY STREET WEST</u>	
City: <u>PORT COLBORNE</u>	Province: <u>ONTARIO</u>
Postal Code: <u>L3K 3L7</u>	Telephone: <u>905 834 9218</u>
Fax:	Email:

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

<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name: <u>MARC RICARD</u>	
Mailing Address: <u>465 BALSAM STREET</u>	
City: <u>WELLAND</u>	Province: <u>ONTARIO</u>
Postal Code:	Telephone: <u>289 686 5502</u>
Fax:	Email: <u>leafiest@gmail.com</u>

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

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

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

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

## Section 2: LOCATION

Former Municipality:	
Concession No.	Lot(s):
Registered Plan No.	
Reference Plan No.	Part(s):
Name of Street: <i>KILLALY ST.W</i>	Street No. <i>111</i>

## Section 3: DESCRIPTION

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

Frontage:	Depth:	Area:
Existing Use: <i>FOOD TRUCK</i>		
Proposed Use: <i>TAKE OUT FOOD TRUCK</i>		

## Section 4: OFFICIAL PLAN & ZONING

<b>4.1 What is the current designation of the land in the Official Plan and the Regional Plan?</b>
Port Colborne Official Plan: <i>DOWN TOWN COMMERCIAL</i>
Regional Policy Plan: <i>BUILT UP AREA</i>

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

## Section 5

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

## Section 6

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

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

## Section 7

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

## Section 8

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

## Section 9

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

## Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
<i>REQUESTING FRONT AND SIDE YARD RELIEF</i>

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



## Section 11

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

FOOD TRUCK PERMITTED UNDER PREVIOUS ZONING

## 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:

--

## Section 14

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

--

## Section 15: OTHER APPLICATIONS

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

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

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

File number of the application:

Name of the approval authority considering the application:

Lands affected by the application:

Purpose of the application:

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

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

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

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

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

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

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
COMMERCIAL ERIC TRACKER	40m						

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

16.5 ALL ADJACENT USE(S)				
	NORTH	SOUTH	EAST	WEST
Residential	<input type="checkbox"/>	<input 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 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
ERIE TRACKER OUTFITTERS

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 type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

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

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

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

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

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

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

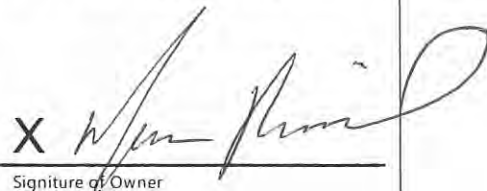
- Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and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

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

#### ACKNOWLEDGMENT CLAUSE

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

X Sept 7 2022  
Date

X   
Signature of Owner

Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY  
Pre-screening Criteria

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

- ☐ Yes  
☐ No  
☒ Unknown

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

- ☐ Yes  
☐ No  
☒ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☐ No  
☒ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown



X Sept 7 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 MARC RICARD  
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 7 day of SEPT.  
A.D. 20 2022

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

X [Signature] <sup>BH</sup>

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

X [Signature]

[Signature]

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.

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

## FOR OFFICE USE ONLY

(Not to be completed by the applicant)

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

Processing

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

Accepted by Manager of Planning and Development Services:
Circulated:

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

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

## AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

MARC RICARD

(name of agent)

of the CITY of Port Colborne

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

Dated at the city of Port Colborne  
in the REGION ~~municipality~~ of Niagara  
this 7 day of Sept 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*.

APPLICATION NO. A09-22-PC

**IN THE MATTER OF** the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 10.3 (d), (g) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

**AND IN THE MATTER OF** the lands legally known as Lot 17 on Plan 68 in the City of Port Colborne, located in the Rural Residential (RR) zone, on the north side of Mapleview Crescent.



**AND IN THE MATTER OF AN APPLICATION** by the agent, Michael Sabelli, on behalf of the owners Jennifer Rocha and Acacio Terceira, for relief from the provisions of Zoning By-law 6575/30/18, as amended, so as to permit a proposed single detached dwelling, notwithstanding the following;

1. That a 16.31% maximum lot coverage be permitted, whereas 15% is required.
2. That a minimum interior side yard setback of 1m be permitted, whereas 4m is required.

**Explanatory Relief from the Zoning By-law:** The applicant is requesting permission for a proposed detached dwelling on Mapleview Crescent. Due to the proposed side yard setback and lot coverage 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:** October 12, 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, October 7, 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=b0wzBQkH5Ts&feature=youtu.be>.

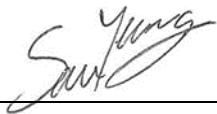
Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on October 11, 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.

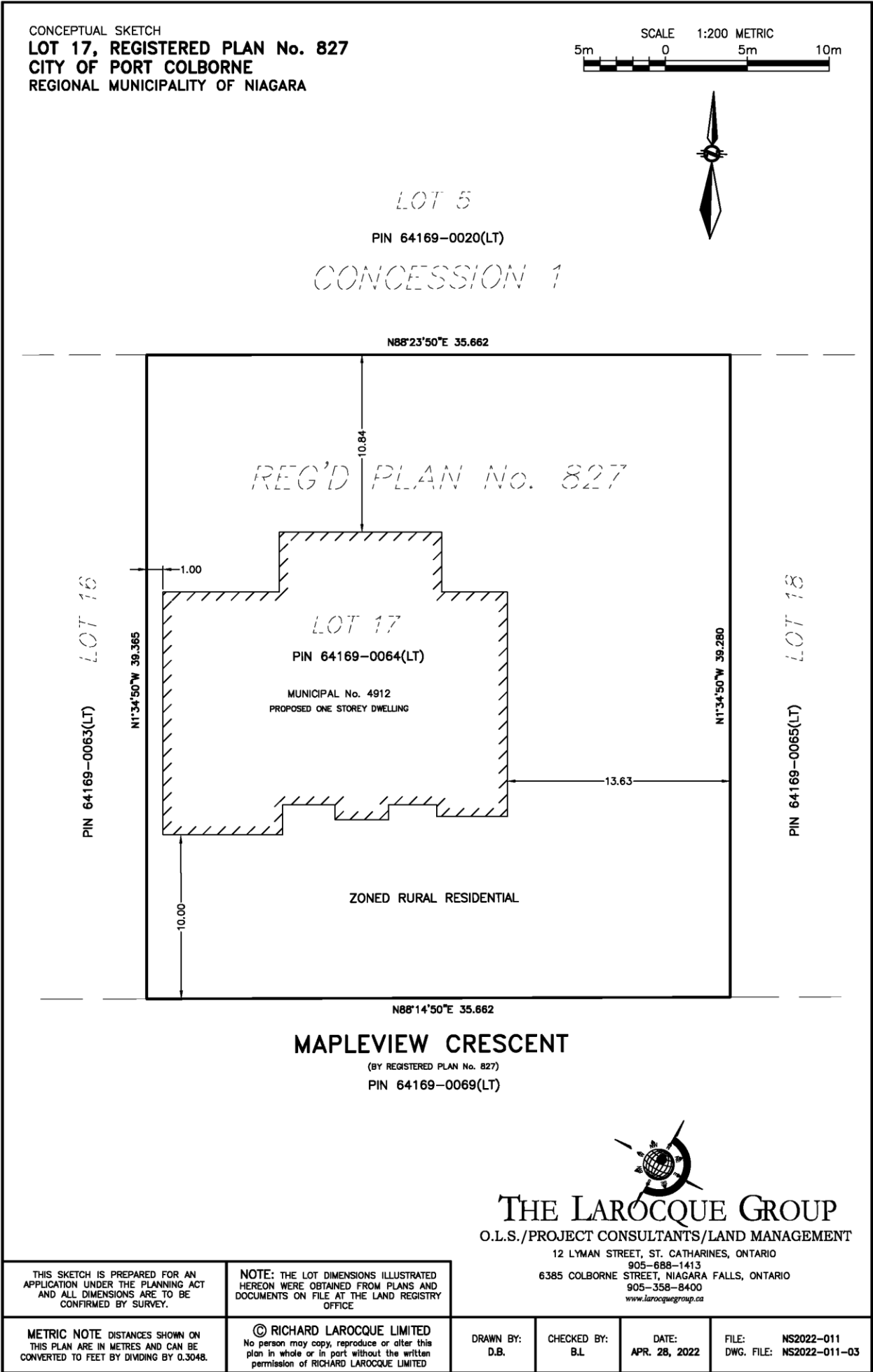
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

**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: September 26, 2022





**Development and Legislative Services**

Planning Division Report

October 7th, 2022

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

**Re: Application for Minor Variance A09-22-PC**  
**VL Mapleview Crescent**  
**Lot 17 on Plan 68**  
**Agent: Michael Sabelli**  
**Owner(s): Jennifer Rocha and Acacio Terceira**

**Proposal:**

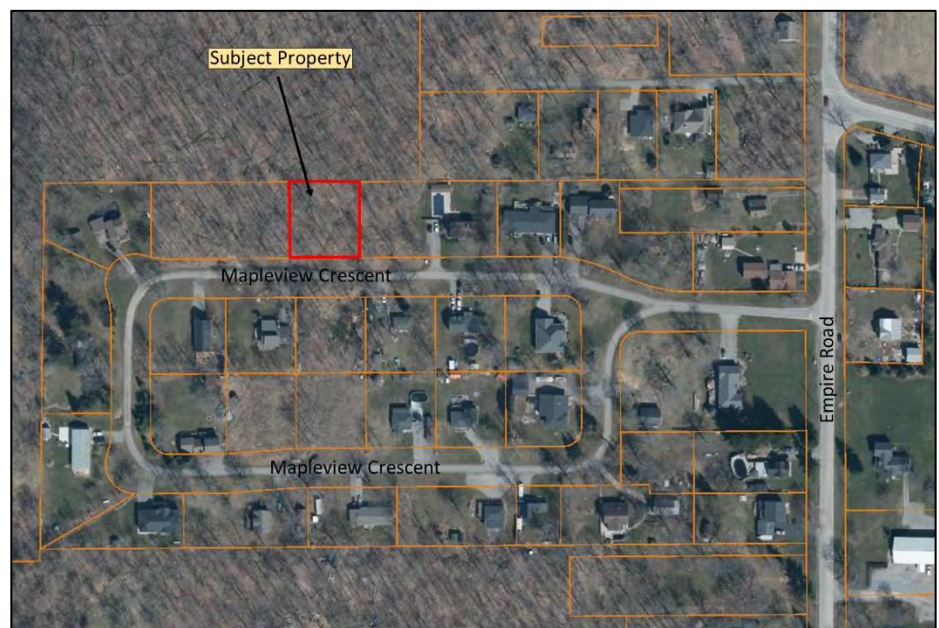
The purpose and effect of this application is to permit the construction of a proposed detached dwelling. Due to the proposed lot coverage and interior side yard setback, the minor variance is required. The applicant is requesting a lot coverage of 16.31% whereas 15% is the maximum permitted, and that, an interior side yard setback of 1m be permitted, whereas 4m is required.

**Surrounding Land Uses and Zoning:**

The parcels surrounding the subject lands are zoned Vacation Residential (VR) to the north and Rural Residential (RR) to the east, south and west. The surrounding land uses consist of vacant land to the north and detached dwellings to the south, east, 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 Rural Residential (RR) in accordance with Zoning By-Law 6575/30/18. Detached dwellings are permitted under this designation.

## **Environmentally Sensitive Areas:**

The subject property is impacted by the Regions Core Natural Heritage system, consisting of a Significant Woodland located on the property. The property is also mapped as part of the Growth Plan Provincial Natural Heritage System. The Region has been circulated on this application for comments.

## **Public Comments:**

Notice was circulated on September 28<sup>th</sup>, 2022 to properties within 60m meters of the subject lands as per Section 45 (5) of the Planning Act. As of October 7<sup>th</sup>, 2022, no comments from the public have been received.

## **Agency Comments:**

Notice was circulated on September 26<sup>th</sup>, 2022. As of October 7<sup>th</sup>, 2022, the following comments have been received.

### Drainage Superintendent

No concerns regarding municipal drains.

### Fire Department

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

### Niagara Region (Comments have been summarized, please see full copy in Agenda Package)

Regional Private Sewage Systems (PSS) staff has no objection to the application as the variances are required for a septic system to be able to fit on the site.

Regional staff acknowledges that the use in principle is permitted on an existing lot of record; however, there are environmental constraints impacting the property. City staff should be satisfied that the proposal meets the general intent of the City's Official Plan and Zoning By-law and that the requested variances are minor in nature. As such, Regional staff offers no objection to the proposed variance 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.

### Staff Response

Regional Staff has noted that the property is impacted by Significant Woodland but will not require the completion of a Natural Heritage Evaluation or Environmental Impact Study as the subject

lands are an existing lot of record and are bordered by existing development to the east. As such, the Region is satisfied that the lands can be developed consistently with the Regional Official Plan without significant negative impact on the Natural Heritage System. Planning Staff will add the requested conditions to the recommendation.

### **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 variances to be minor in nature. The lot coverage requirement intends to ensure that the property will have ample amenity space, parking and enough space for a septic system to be located on the property. Staff is satisfied that the property will have enough amenity space, will be able to accommodate the required number of parking spaces and it has been shown that a septic system can suitably be located on the site. The interior side yard setback intends to ensure that dwellings are located at a suitable distance from one another and that each can drain appropriately. Staff are satisfied that the proposed decrease in the interior side yard setback will not negatively impact adjacent dwellings as there is no dwelling currently located on the property to the west, and the lot is large enough that if a dwelling is proposed in the future, it can be located at a suitable distance from the proposed dwelling. Furthermore, the applicant has submitted a grading plan to Staff that has indicated that the property will be able to drain in accordance with municipal standards.

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

The application is desirable and appropriate as the proposed dwelling is permitted in the Official Plan and Zoning By-law. The proposed increase in lot coverage will not result in the over-development of the site and the decrease in side yard setback will not negatively impact the surrounding parcels or drainage of the subject parcel.

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

The Zoning By-law permits detached dwellings in the RR zone and the proposal meets the majority of the requirements of the by-law, with the exception of the requested variances. The purpose of minimum side yard setbacks and maximum lot coverage requirements is to ensure that residential dwellings have access to a suitable amount of amenity space, can locate private services and parking, and will be located in a suitable location on the site. Staff finds this application meets 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 A09-22-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 does meet the general intent and purpose of the Zoning**

**By-Law.**

**4. It is in compliance with the general intent and purpose of the Official Plan**

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.

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

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**Via Email Only – UPDATED**

October 4, 2022

Region File: D.16.07.MV-22-0053

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

Dear Ms. Yeung:

**Re: Regional and Provincial Comments  
Proposed Minor Variance Application  
City File: A09-22-PC  
Owner: Jennifer Rocha and Acacio Terceira  
Agent: Michael Sabelli  
Lot 17 on Plan 68, north side of Mapleview Crescent  
Port Colborne**

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Regional Planning and Development Services staff has reviewed the above-mentioned Minor Variance Application, which seeks two variances. The property is zoned “Rural Residential” in the Township’s Zoning By-law (No. 6575/30/18), as amended.

The applicant is proposing to construct a single detached dwelling, requesting relief from the Township’s Zoning By-law to permit a 16.31% maximum lot coverage and a minimum interior side yard setback of 1 m. The Township’s Zoning By-law identifies the maximum lot coverage to be 15% and the minimum interior side yard setback to be 4 m.

Staff note that 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”), identified as Rural Lands in the Provincial Agricultural System under *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 agriculture, but 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 only be permitted when the individual lot and soil conditions are suitable for the long term operation of a private waste disposal system. The PPS provides for uses on rural lands that relate to management or the use of resources, resource based recreational activities, limited residential development, and other rural uses. To ensure that agricultural uses are given priority, non-farm uses are permitted on a limited basis in the rural area.

Given that the proposal is for a single detached dwelling on an existing lot of record, the use, in principle is permitted. The Region offers the following comments:

### **Private Sewage System Review**

Regional Private Sewage System ("PSS") staff has reviewed the proposed Minor Variance application to permit a greater lot coverage than allowed. Regional PSS staff has no issues with the proposed grade plan as these changes were required in order for a septic system to be able to fit on this site.

### **Natural Heritage**

The subject property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of Significant Woodland. The property is also mapped as part of the Growth Plan Provincial Natural Heritage System ("NHS"). As such, this feature is considered a Key Natural Heritage Feature ("KNHF") and the natural heritage policies identified in the Provincial Growth Plan apply accordingly.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation ("NHE") when development and/or site alteration is proposed within 120 m of a KNHF. Regional policies similarly require the completion of an Environmental Impact Study ("EIS") when development and/or site alteration is proposed within 50 m of Significant Woodland. Further, Growth Plan policies also require that a minimum 30 m Vegetation Protection Zone ("VPZ") as measured from the outside boundary of a KNHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF or its VPZ.

Regional Policy 7.B.1.30 states that a *new residence and accessory uses may be permitted on an existing lot of record located in whole or in part within an Environmental Conservation Area, Fish Habitat or adjacent lands thereto as set out in Table 7.1 if they are located, designed and constructed to minimize negative impacts on the natural features and ecological functions of the Component and adjacent lands.*

Although Growth Plan Policies are more restrictive requiring a minimum 30 metre Vegetation Protection Zone (VPZ), Regional staff understand that the subject lands are considered an existing lot of record and are bordered by existing residential development to the east and west. As such the Region is satisfied that the lands can be developed consistent with Policy 7.B.1.30 without significant negative impact to the Natural Heritage System.

## Conclusion

In conclusion, Regional staff acknowledge that the use in principle is permitted on an existing lot of record; however, there are environmental constraints impacting the property. City staff should be satisfied that the proposal meets the general intent of the City's Official Plan and Zoning By-law and the requested variances are minor in nature.

As such, Regional staff offer no objection to the proposed variance subject to the following conditions:

- 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.
- That a Tree Preservation Plan is submitted to the satisfaction of the Region

Should you have any questions related to the above comments, please feel free to contact [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca), or Diana Morreale, Director of Development Approvals at [Diana.Morreale@niagararegion.ca](mailto:Diana.Morreale@niagararegion.ca).

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

Kind regards,



Diana Morreale, MCIP, RPP, Director Development Approvals

cc: Katie Young, Development Planner  
Matteo Ramundo, Private Sewage System Inspector  
Lori Karlewicz, Planning Ecologist

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

#### APPLICATION FORM AND SKETCH

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

#### NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

#### NOTICE REQUIREMENTS

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

#### APPLICATIONS REQUIRED

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

PLEASE TYPE OR USE BLACK INK

1. OWNER

1.1 Registered Owner(s): JENNIFER ROCHA AND ACACIO TERCEIRA

Mailing Address: 4912 MAPLEVIEW CRESCENT

City: SHERKSTON Province: ONTARIO

Postal Code: L0S 1R0 Telephone: 647-268-0062

Fax: \_\_\_\_\_ Email: bamconstruction3@yahoo.com

1.2 Owner's SOLICITOR (if any): \_\_\_\_\_

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

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

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

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

1.3 Owner's Authorized AGENT(if any): MICHAEL P. SABELLI

Mailing Address: 343 DELANCEY BLVD.

City: HAMILTON Province: ONTARIO

Postal Code: L9B 2B4 Telephone: 905-383-6792

Fax: 905-383-6792 Email: msabelli@rogers.com

1.4 MORTGAGES, Charges and other Encumbrances:

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

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

NOVEMBER 2021

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

Mailing Address: 12 LYMAN STREET

City: ST. CATHARINES

Province: ONTARIO

Postal Code: L2R 5M7

Telephone: 905-688-1413

Fax:

Email: www.larocquegroup.ca

1.7 All communications should be sent to the:

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

2. LOCATION:

Former Municipality PORT COLBORNE

Concession No. - Lot(s) - Registered Plan No. 827 Lot(s) 17

Reference Plan No. - Part(s) -

Name of Street MAPLEVIEW CRESCENT Street No.

3. DESCRIPTION:

Part No. on sketch -

Frontage 35.662 M Depth 39.230 M Area 1400.80 M<sup>2</sup>

Existing Use VACANT

Proposed Use SINGLE-FAMILY RESIDENTIAL DWELLING

4. OFFICIAL PLAN AND ZONING

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

Port Colborne Official Plan

RURAL

Regional Policy Plan

RURAL

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

RR RURAL RESIDENTIAL

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

Yes

No ☒

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

6. Type of ACCESS

Provincial Highway

Regional Road

Municipal Road maintained all year

Other Public Road

Municipal Road maintained seasonally



Right-of-Way \_\_\_\_\_

Water Access \_\_\_\_\_

Private Road \_\_\_\_\_

7. What type of WATER SUPPLY is proposed?

Publicly owned and operated piped water supply \_\_\_\_\_

Lake \_\_\_\_\_

Well (private or communal) \_\_\_\_\_

Other (specify) CISTERN

8. What type of SEWAGE DISPOSAL is proposed?

Publicly owned and operated sanitary sewage system \_\_\_\_\_

Septic system (private or communal) ✓

Other (specify) \_\_\_\_\_

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

Publicly owned and operated stormwater system \_\_\_\_\_

Other (specify) SWALE OVERLAND

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

1) MAXIMUM LOT COVERAGE PERMITTED - 210.12m<sup>2</sup>

PROPOSED LOT COVERAGE - 228.53m<sup>2</sup>

~~2) MINIMUM LOT FRONTAGE PERMITTED - 45m~~

~~EXISTING LOT FRONTAGE - 35.662m~~

2) Minimum Interior Side yard - 2m where 4m is required.

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

Yes \_\_\_\_\_

No ✓

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

1) VARIANCE FOR MAXIMUM LOT COVERAGE REQUESTED TO  
ACCOMMODATE OWNER'S ONE STOREY DESIGN

~~2) VARIANCE FOR MINIMUM LOT FRONTAGE REQUESTED~~  
~~IN ORDER TO PERMIT EXISTING LOT.~~

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

NOVEMBER 2021

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

VACANT

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

MORE THAN 50 YEARS

15. OTHER APPLICATIONS:

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

Official Plan Amendment \_\_\_\_\_

Zoning By-law Amendment\_\_\_\_\_

Minor Variance \_\_\_\_\_

Plan of Subdivision \_\_\_\_\_

Consent \_\_\_\_\_

Site Plan\_\_\_\_\_

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

File number of the application \_\_\_\_\_

Name of the approval authority considering the application \_\_\_\_\_

Lands affected by the application \_\_\_\_\_

Purpose of the application \_\_\_\_\_

Status of the application \_\_\_\_\_

Effect of the application on the proposed amendment \_\_\_\_\_

16 ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

## 16.1 ALL EXISTING USE

Residential \_\_\_\_\_

Industrial \_\_\_\_\_

Commercial \_\_\_\_\_

Institutional \_\_\_\_\_

Agricultural \_\_\_\_\_

Parkland \_\_\_\_\_

Vacant ✓

Other \_\_\_\_\_

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

MORE THAN 50 YEARS

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

Yes \_\_\_\_\_

No

✓

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

Type of building or structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres and number of storeys)	Dimensions or floor area (in metres)	Date of Construction

16.4 ALL PREVIOUS USE

Residential

Industrial

Commercial

Institutional

Agricultural

Parkland

Vacant

Other

16.5 ALL ADJACENT USE(S)

NORTH

SOUTH

EAST

WEST

Residential

Industrial

Commercial

Institutional

Agricultural

Parkland

Vacant

Other

16.7 If Industrial or Commercial, specify use

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

Yes

No

Unknown

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

Yes

No

Unknown



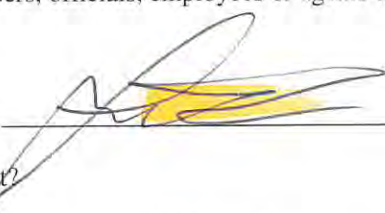
- 6.10 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
Yes \_\_\_\_\_ No ☒ \_\_\_\_\_ Unknown \_\_\_\_\_
- 16.11 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
Yes \_\_\_\_\_ No ☒ \_\_\_\_\_ Unknown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

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

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

#### ACKNOWLEDGMENT CLAUSE

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

Date March 01 22 Signature of Owner 

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

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

Yes \_\_\_\_\_ No ✓ \_\_\_\_\_ Unknown \_\_\_\_\_

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

Yes \_\_\_\_\_ No ✓ \_\_\_\_\_ Unknown \_\_\_\_\_

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

Yes \_\_\_\_\_ No ✓ \_\_\_\_\_ Unknown \_\_\_\_\_

17.4 Is there a valley slope on the property?

Yes \_\_\_\_\_ No ✓ \_\_\_\_\_ Unknown \_\_\_\_\_

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

Yes \_\_\_\_\_ No ✓ \_\_\_\_\_ Unknown \_\_\_\_\_

Date March 07 22 Signature of Applicant(s) [Signature]

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

I/We Acacio Terceira

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

Town of Oakville

in the Regional Municipality of Hamilton

This 7 day of MARCH

A.D. 20 2022

[Signature]  
A Commissioner, etc.  
**JAMES DEEP**  
Lawyer - Notary Public  
7-209 Speers Road  
Oakville, Ontario, L6K 0H5  
Tel: (905) 815-0895

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

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

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

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

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

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

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

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

PROCESSING

Date

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

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

Comments received;

Solicitor \_\_\_\_\_

Engineer \_\_\_\_\_

C.B.O. \_\_\_\_\_

Fire Chief \_\_\_\_\_

C. N. Power \_\_\_\_\_

Region \_\_\_\_\_

NPCA \_\_\_\_\_

MTO \_\_\_\_\_

MOE \_\_\_\_\_

Other \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Registration \_\_\_\_\_

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

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



AUTHORIZATION

LOCATION OF SUBJECT LANDS:

LOT 12, R.P. No. 827 MAPLEVIEW CRESCENT

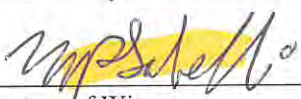
I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

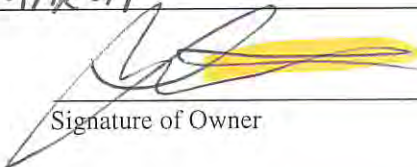
MICHAEL P. SABELLI  
(name of agent)

of the CITY of HAMILTON

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 PROPERTY of MICHAEL SABELLI  
in the CITY of HAMILTON  
this 7<sup>th</sup> day of MARCH 20027

  
Signature of Witness

  
Signature of Owner

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

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

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

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

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

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

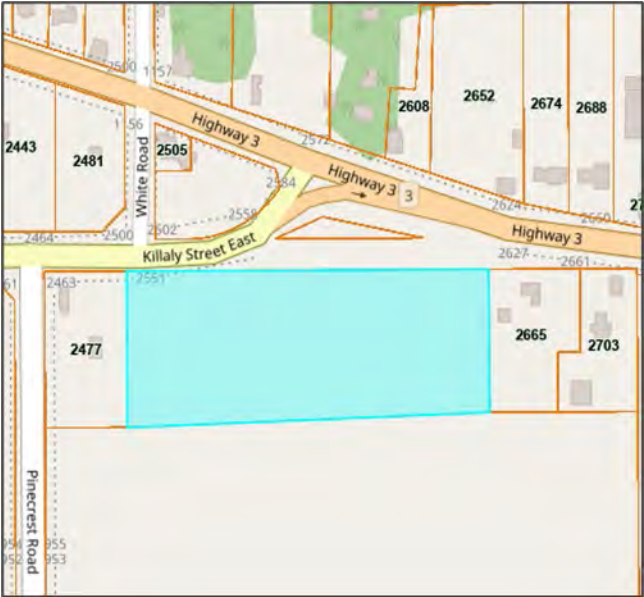
Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign only once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

APPLICATION NO. B19-22-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 1 Lot 14, in the City of Port Colborne, located in the Hamlet Residential (HR) zone, on the south side of Killaly Street East.

AND IN THE MATTER OF AN APPLICATION by the owner Robert and Margaret Williams for consent for the purpose of a perpetual easement agreement. The application is proposing to establish a right-of-way easement over Part 5, in favour of Parts 2, 3, and 4. The purpose of the easement is to permit ingress and egress to Parts 2, 3, and 4. A sketch of the subject lands is shown on the reverse side of this notice.



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

DATE:  
TIME:  
LOCATION:

October 12, 2022  
6:00 P.M.  
66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

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

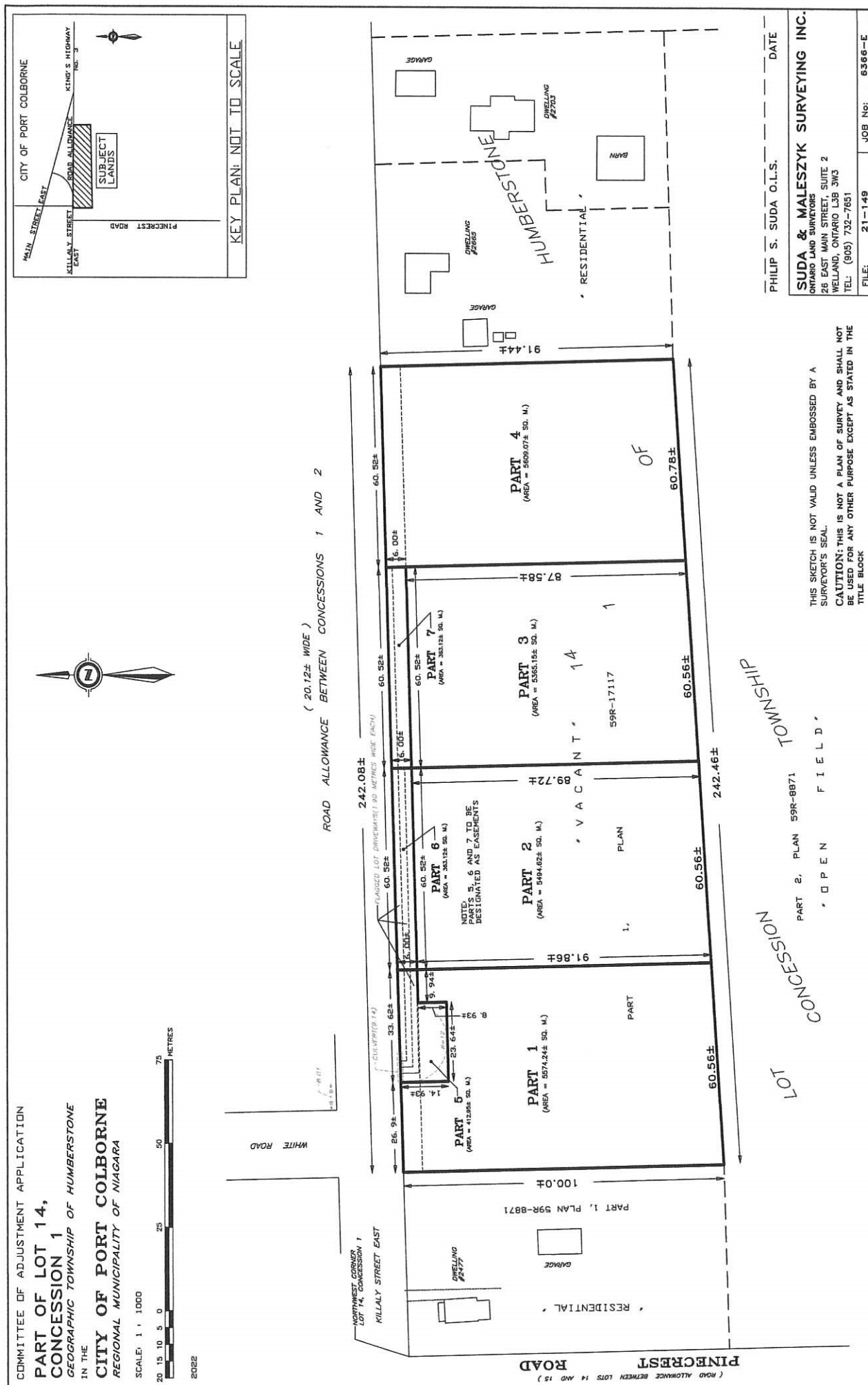
**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, October 7, 2022.**

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

Electronic Hearing Procedures How to get involved in the Virtual Hearing
<p>The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at <a href="https://www.youtube.com/watch?v=b0wzBQkH5Ts&amp;feature=youtu.be">https://www.youtube.com/watch?v=b0wzBQkH5Ts&amp;feature=youtu.be</a>.</p> <p>Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. <b>Written submissions and participation requests must be received by noon on Tuesday, October 11, 2022,</b> by emailing <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p> <p>If you have any questions about the submission process or would like to explore alternative submission methods, please email <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or call (905) 835-2900 ext. 204.</p> <p>The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.</p>

By order of the Committee of Adjustment,

*S. Young*







## City of Port Colborne

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

### Planning and Development Department Planning Division

October 7<sup>th</sup>, 2022

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

**Re: Application for Consent B19-22-PC**  
**VL Killaly Street East**  
**Concession 1 Lot 14**  
**Agent: N/A**  
**Owner(s): Robert Williams**

### Proposal:

The purpose and effect of this application is to permit the conveyance of Part 5, having a lot frontage of 33.62m and a lot area of 412.95m<sup>2</sup> for the purposes of a right-of-way easement in favour of Parts 2, 3 and 4. The purpose of the easement is to provide legal ingress and egress to the parcels created under consent applications B01-22-PC, B02-22-PC and B03-22-PC. The created parcels do have adequate frontage to meet the Zoning By-law requirements however, access to Killaly Street East is limited due to site constraints. To address these constraints, the applicant has installed a private laneway to facilitate access to each lot.

### Surrounding Land Uses and Zoning:

The subject lands are surrounded by the following zones:  
Hamlet Commercial,  
Hamlet Residential  
and Parks and Public



Key Map

Space to the north, Hamlet Residential to the east, and Agricultural to the south and west. The surrounding uses consist of a restaurant and detached dwelling to the north, with detached dwellings and agricultural uses to the east, south and, west.

### **Environmentally Sensitive Areas:**

The subject property does not contain any environmentally sensitive areas.

### **Public Comments:**

Notice was circulated on September 28<sup>th</sup>, 2022, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of October 7<sup>th</sup>, 2022, no comments from the public have been received.

### **Agency Comments:**

Notice was circulated on September 20<sup>th</sup>, 2022. As of October 7<sup>th</sup>, 2022, the following has been received.

#### Drainage Superintendant

The Parcel is within the watershed of the Oil Mill Creek Municipal Drain and should the severance be granted a drainage apportionment agreement will be required to reapportion the assessment as provided in the current by-law for the previously adopted drainage engineers report. This can either be completed by municipal staff or completed by an approved engineer. For additional information, this report is currently being revised and should the severance be completed prior to the completion of the report, this change will be reflected accordingly in the final report. However, should the report be completed prior to the severance, the agreement will be required. It is additionally recommended that if the parcels do not drain independently of one another a mutual agreement drain under section 2 of the Drainage Act, R.S.O. 1990 be executed. This agreement will ensure drainage for all parcels now and into the future if the agreement is executed properly.

#### Staff Response

Planning Staff followed up with the Drainage Superintendent regarding these comments and have established that a drainage apportionment agreement will not be required as a part of this application. This application is technical in nature and will not result in the creation of a new lot, therefore an apportionment agreement is not necessary. The lots that were created through consent applications B01-22-PC, B02-22-PC, and, B03-22-PC will be required to enter into an apportionment agreement as set out in the conditions of their consents.

#### Fire Department

The Port Colborne Fire Department has no objection to the proposed application.

### **Discussion:**

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

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses that efficiently use land and resources and are appropriate for/ efficiently use the infrastructure and public service facilities that are planned or available and avoid the need for their unjust and/or uneconomical expansion.

Staff is satisfied that the proposed consent for the purpose of an easement for access is consistent with the PPS. The application proposes a shared laneway that efficiently uses land and resources. Furthermore, the use of a private laneway that provides access to Parts 2, 3 and, 4 efficiently uses infrastructure that avoids the need for unjust or uneconomical expansion.

The Growth Plan designates the subject lands as within a Settlement Area. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. Furthermore, the Growth Plan policies speak to providing a different approach to managing growth that recognizes the diversity of communities in the Greater Golden Horseshoe.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application facilitates access to three lots that otherwise, would not have proper road access. The lots that have been created through consent applications B01-22-PC, B02-22-PC and B03-22-PC are permitted in within the Settlement Area and the proposed application provides a means of legal access to the lots. Furthermore, Staff recognizes that the created lots are a different approach to managing growth and is an example of diversity within the Greater Golden Horseshoe. This application helps to achieve this growth and diversity by providing proper function via legal ingress and egress. Due to the irregular shape of the lots, staff have identified the proposal as a different approach to managing growth as it makes efficient use of land that otherwise would not have been developed, and as such, find that it conforms to the Growth Plan

The Regional Official Plan (ROP), designates the subject lands as Hamlet. Policy 4.H.3.3 of the ROP states that development in Hamlets will be permitted by way of a plan of subdivision or consent and provisions shall be made to permit access at appropriate locations from the main road to the second or third tiers of lots behind the existing development, where proposed. Policy 4.H.3.4 also states that development will not interfere with the operation of the arterial road system.

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The application provides appropriate access to Killaly Street East, being an arterial road, via one primary access point, rather than four. This reduces the interference with the existing arterial road and the primary access point already has an existing entrance and culvert in place.

#### City of Port Colborne Official Plan

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

Section 3.2.4 provides the policies for lot creation within the hamlet designation Section 3.2.4 b) provides that lots created through a severance shall have frontage on a public road. This requirement has been met however, the amount of frontage provided abutting Killaly Street East

is not enough to facilitate proper ingress and egress of vehicles. Section 3.2.4 d) ii) provides for severances for technical reasons such as easements.

Planning Staff is satisfied that the proposal meets the requirements of the OP. The proposal is a technical application that is permitted under the Official Plan and is being sought to provide legal access to the created parcels that currently do not have proper access to each lot.

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

The subject lands are zoned Hamlet Residential under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 5: A lot frontage of 33.62m and a lot area of 412.95m<sup>2</sup>

Planning Staff is satisfied that the proposal meets the requirements of the Zoning By-law. Part 5 does not need to conform to the lot creation requirements as it is not intended to be a buildable lot.

#### **Recommendation:**

Given the information above, Planning Staff recommends 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 12<sup>th</sup>, 2024.

For the following reasons:

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

Prepared by,



Chris Roome, BURPI

Planner

Submitted by,

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

Denise Landry, MCIP, RPP  
Manager of Planning Services

## CONSENT

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

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

### SUBMISSION OF APPLICATION:

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

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



### COMPLETENESS OF APPLICATION:

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

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

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

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

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



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

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

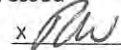
## PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

x 

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

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

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



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

## POLICIES

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

### THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

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

## SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

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

## NOTICE REQUIREMENTS

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

PLEASE TYPE OR USE BLACK INK

**Section 1**

**1. Registered Owner (s):**

Name: Robert and Margaret Williams

Mailing Address: 657 Clarence Street

City: Port Colborne

Province: Ontario

Postal Code: L3K6B8

Telephone: 905-932-1261

Fax:

Email: remmwilliams@gmail.com

**1.2 Owner's SOLICITOR (if applicable)**

Name:

Mailing Address:

City:

Province:

Postal Code:

Telephone:

Fax:

Email:

**1.3 Owner's Authorized AGENT (if applicable)**

Name:

Mailing Address:

City:

Province:

Postal Code:

Telephone:

Fax:

Email:

**1.4 MORTGAGES, Charges & Other Encumbrances:**

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


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

December 15, 2021

**1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)**

Suda & Maleszyk Surveying Inc.



Name: Dean Brown	
Mailing Address: 26 East Main Street	
City: Welland	Province: Ontario
Postal Code: L3B3W3	Telephone: 905-732-7651
Fax:	Email: dcb@cogeco.ca

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

- ☒ Owner  
☐ Solicitor  
☐ Agent

**Section 2: LOCATION**

Former Municipality: Humberstone	
Concession No. 1	Lot(s): 14
Registered Plan No. 59-R17117	Lot(s):
Reference Plan No.	Part(s): 5
Name of Street: Killaly Street East	Street No.

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

- ☐ Creation of New Lot  
☐ Addition to lot  
☐ Mortgage or Charge  
☐ Lease  
☐ Disposal of Surplus Farm Dwelling  
☐ Farm Retirement Lot  
☐ Partial Discharge or Mortgage  
☐ Right-of-Way  
☒ Easement  
Private laneway 6 M wide x 33.32 M - Circle head radius of 12 M - Part 5 of sketch

Reason for proposed transaction:

To provide access to 4 lots

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


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


### 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: Hamlet - HM

Regional Policy Plan:

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

Hamlet - HM

**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)

Cistern

### 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

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

## Section 9

Part No. On Sketch: 5

<b>DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)</b>		
Frontage: 33.62 M	Depth: 14.93 M with 12 M turning radius	Area: 457.37 square meters
Existing Use: vacant		
Proposed Use: easement		

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

Existing:
Proposed:

## Section 10

Part No. On Sketch: 1

<b>DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)</b>		
Frontage: 60.52 M	Depth: 100 M	Area: 5574.24 sq M
Existing Use:		
Proposed Use:		

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

Existing:
Proposed:

## Section 11

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

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

File Number: B01-22-PC
Decision: Granted



## Section 12

<b>HAS THE LAND BEEN SEVERED</b> from the parcel originally acquired by the owner of the land?
<input checked="" type="checkbox"/> Yes
<input 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:	Robert Williams
Land Use on severed parcel:	Residential
Date Parcel Transferred:	December 15, 2021
Consent file number (if known):	B01-22-PC

## Section 13: OTHER APPLICATIONS

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

<b>13.2 If the answer to the above is yes, and if known, provide the following for each application noted:</b>	
File number of the application:	A21-22-PC
Name of the approval authority considering the application:	City of Port Colborne
Lands affected by the application:	Cocession 1, Lot 14
Purpose of the application:	Residential Use
Status of the application:	Granted
Effect of the application on the proposed amendment:	Residential Use

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

<b>14.1 ALL EXISTING USE</b>
<input checked="" type="checkbox"/> Residential
<input type="checkbox"/> Industrial
<input type="checkbox"/> Commercial
<input type="checkbox"/> Institutional
<input checked="" type="checkbox"/> Agricultural
<input type="checkbox"/> Parkland
<input type="checkbox"/> Vacant
<input type="checkbox"/> Other
_____



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

over 19 years

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

☐ Yes

☒ No

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

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

**14.4 ALL PREVIOUS USE**

☒ Residential

☐ Industrial

☐ Commercial

☐ Institutional

☒ Agricultural

☐ Parkland

☐ Vacant

☐ Other

**14.5 ALL ADJACENT USE(S)**

	NORTH	SOUTH	EAST	WEST
Residential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Residential	<input type="checkbox"/> Residential
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"/> Agricultural	<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"/> Municipal Road	<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 Sept 6/22  
Date

X   
Signature of Owner

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

- ☐ Yes  
☒ No  
☐ Unknown

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

--

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

- ☐ Yes  
☒ No

## NIAGARA PENINSULA CONSERVATION AUTHORITY

### Pre-screening Criteria

**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 Sept 6/22  
Date

X [Signature]  
Signature of Applicant(s)

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

I/We Robert Williams  
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 6<sup>th</sup> 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

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

A Commissioner, etc.

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



## AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

\_\_\_\_\_

(name of agent)

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

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

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

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

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

X

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

X

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

X

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

X

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

X

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

X

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

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

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

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

## SUGGESTION TO THE APPLICANT

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

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

### Port Colborne Planning and Development Department

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

**FOR OFFICE USE ONLY**

(Not to be completed by the applicant)

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

**Processing**

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

Accepted by Manager of Planning and Development Services:
Circulated:

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

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

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 1 Lot 14, in the City of Port Colborne, located in the Hamlet Residential (HR) zone, on the south side of Killaly Street East.

AND IN THE MATTER OF AN APPLICATION by the owner Robert and Margaret Williams for consent for the purpose of a perpetual easement agreement. The application proposes to establish a right-of-way easement over Part 6, in favour of Parts 3 and 4. The purpose of the easement is to provide ingress and egress to Parts 3 and 4. 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:	October 12, 2022
TIME:	6:00 P.M.
LOCATION:	66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

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

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, October 7, 2022.**

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

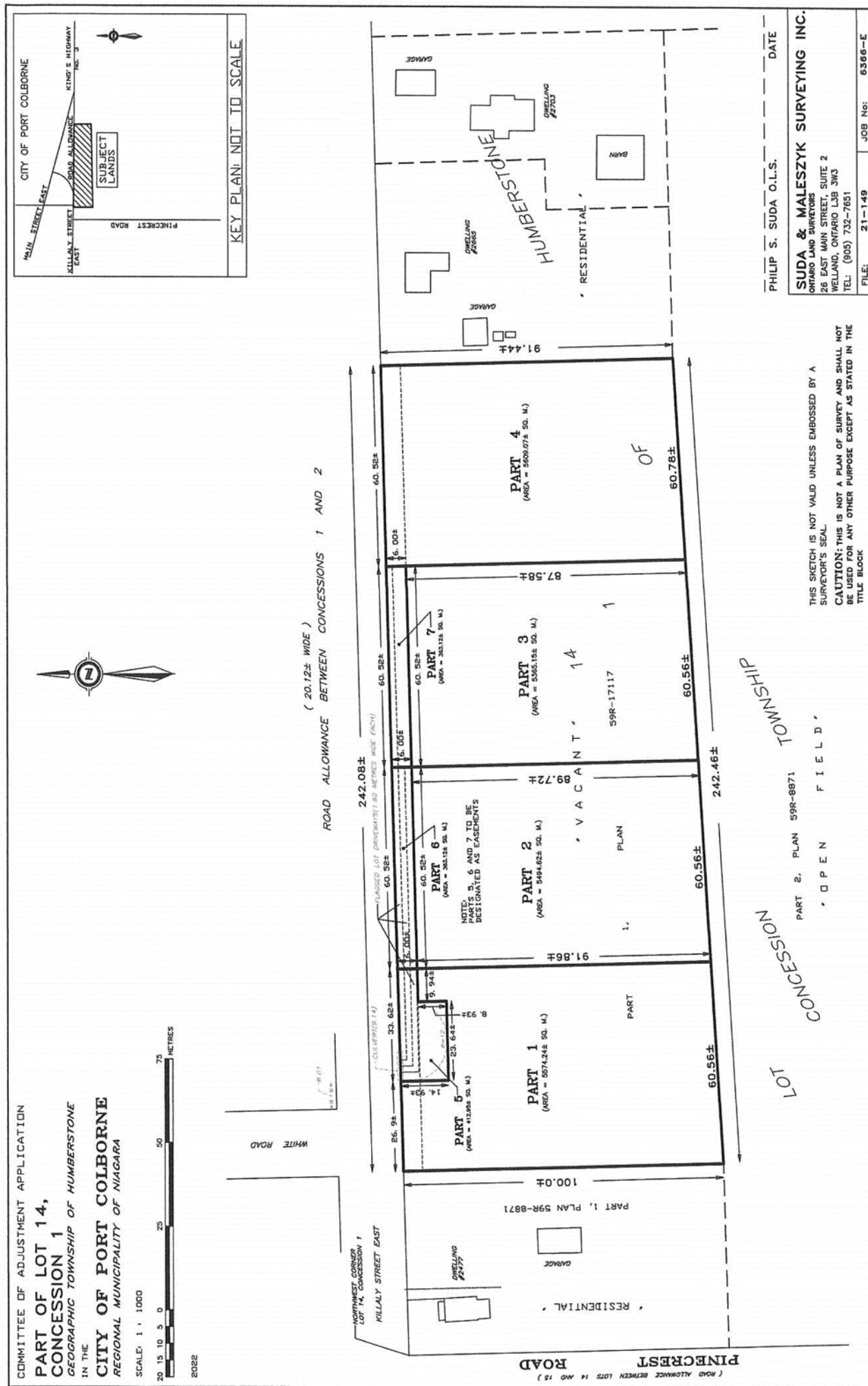
Electronic Hearing Procedures How to get involved in the Virtual Hearing
<p>The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at <a href="https://www.youtube.com/watch?v=b0wzBQkH5Ts&amp;feature=youtu.be">https://www.youtube.com/watch?v=b0wzBQkH5Ts&amp;feature=youtu.be</a>.</p> <p>Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. <b>Written submissions and participation requests must be received by noon on Tuesday, October 11, 2022,</b> by emailing <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p> <p>If you have any questions about the submission process or would like to explore alternative submission methods, please email <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or call (905) 835-2900 ext. 204.</p> <p>The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.</p>



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

By order of the Committee of Adjustment,

Samantha Yeung  
Secretary-Treasurer  
Date of Mailing: September 28, 2022





**Planning and Development Department**  
Planning Division

October 7<sup>th</sup>, 2022

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

**Re: Application for Consent B20-22-PC**  
**VL Killaly Street East**  
**Concession 1 Lot 14**  
**Agent: N/A**  
**Owner(s): Robert Williams**

**Proposal:**

The purpose and effect of this application is to permit the conveyance of Part 6, having a lot frontage of 60.52m and a lot area of 363.12m<sup>2</sup> for the purposes of a right-of-way easement in favour of Parts 3 and 4. The purpose of the easement is to provide legal ingress and egress to the parcels created under consent applications B02-22-PC and B03-22-PC. The created parcels do have adequate frontage to meet the Zoning By-law requirements however, access to Killaly Street East is limited due to site constraints. To address these constraints, the applicant has installed a private laneway to facilitate access to each lot.

**Surrounding Land Uses and Zoning:**

The subject lands are surrounded by Hamlet Commercial, Hamlet Residential and Parks and Public Space to the north, Hamlet Residential to the



east, and Agricultural zones to the south and west. The surrounding uses consist of a restaurant and detached dwelling to the north, with detached dwellings and agricultural uses to the east, south and, west.

### **Environmentally Sensitive Areas:**

The subject property does not contain any environmentally sensitive areas.

### **Public Comments:**

Notice was circulated on September 28<sup>th</sup>, 2022, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of October 7<sup>th</sup>, 2022, no comments from the public have been received.

### **Agency Comments:**

Notice was circulated on September 20<sup>th</sup>, 2022. As of October 7<sup>th</sup>, 2022, the following has been received.

#### Drainage Superintendant

The Parcel is within the watershed of the Oil Mill Creek Municipal Drain and should the severance be granted a drainage apportionment agreement will be required to reapportion the assessment as provided in the current by-law for the previously adopted drainage engineers report. This can either be completed by municipal staff or completed by an approved engineer. For additional information, this report is currently being revised and should the severance be completed prior to the completion of the report, this change will be reflected accordingly in the final report. However, should the report be completed prior to the severance, the agreement will be required. It is additionally recommended that if the parcels do not drain independently of one another a mutual agreement drain under section 2 of the Drainage Act, R.S.O. 1990 be executed. This agreement will ensure drainage for all parcels now and into the future if the agreement is executed properly.

#### Staff Response

Planning Staff followed up with the Drainage Superintendent regarding these comments and have established that a drainage apportionment agreement will not be required as a part of this application. This application is technical in nature and will not result in the creation of a new lot, therefore an apportionment agreement is not necessary. The lots that were created through consent applications B01-22-PC, B02-22-PC, and, B03-22-PC will be required to enter into an apportionment agreement as set out in the conditions of their consents.

#### Fire Department

The Port Colborne Fire Department has no objection to the proposed application.

### **Discussion:**

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

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses that efficiently use land and resources and are appropriate for/ efficiently use the infrastructure and public service facilities that are planned or available and avoid the need for their unjust and/or uneconomical expansion.

Staff is satisfied that the proposed consent is consistent with the PPS. The application proposes a shared laneway that efficiently uses land and resources. Furthermore, the use of a private laneway that provides access to Parts 3 and, 4 efficiently uses infrastructure that avoids the need for unjust or uneconomical expansion.

The Growth Plan designates the subject lands as within a Settlement Area. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. Furthermore, the Growth Plan policies speak to providing a different approach to managing growth that recognizes the diversity of communities in the Greater Golden Horseshoe.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application facilitates access to three lots that otherwise, would not have proper road access. The lots that have been created through consent applications B01-22-PC, B02-22-PC and B03-22-PC are permitted in within the Settlement Area and the proposed application provides a means of legal access to the lots. Furthermore, Staff recognizes that the created lots are a different approach to managing growth and is an example of diversity within the Greater Golden Horseshoe. This application helps to achieve this growth and diversity by providing proper function via legal ingress and egress. Due to the irregular shape of the lots, staff have identified the proposal as a different approach to managing growth as it makes efficient use of land that otherwise would not have been developed, and as such, find that it conforms to the Growth Plan

The Regional Official Plan (ROP), designates the subject lands as Hamlet. Policy 4.H.3.3 of the ROP states that development in Hamlets will be permitted by way of a plan of subdivision or consent and provisions shall be made to permit access at appropriate locations from the main road to the second or third tiers of lots behind the existing development, where proposed. Policy 4.H.3.4 also states that development will not interfere with the operation of the arterial road system.

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The application provides appropriate access to Killaly Street East, being an arterial road, via one primary access point, rather than four. This reduces the interference with the existing arterial road and the primary access point already has an existing entrance and culvert in place.

#### City of Port Colborne Official Plan

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

Section 3.2.4 provides the policies for lot creation within the hamlet zone. Section 3.2.4 b) provides that lots created through a severance shall have frontage on a public road. This requirement has been met however, the amount of frontage provided abutting Killaly Street East is not enough to

facilitate proper ingress and egress of vehicles. Section 3.2.4 d) ii) provides for severances for technical reasons such as easements.

Planning Staff is satisfied that the proposal meets the requirements of the OP. The proposal is a technical application that is permitted under the Official Plan and is being sought to provide legal access to the created parcels that currently do not have proper access to each lot.

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

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

Part 6: A lot frontage of 60.52m and a lot area of 363.12m<sup>2</sup>

Planning Staff is satisfied that the proposal meets the requirements. Part 6 does not need to conform to the lot creation requirements as it is not intended to be a buildable lot.

#### **Recommendation:**

Given the information above, Planning Staff recommends 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 B21-22PC be granted.
4. That all conditions of consent be completed by October 12<sup>th</sup>, 2024.

For the following reasons:

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

Prepared by,



Chris Roome, BURPI  
Planner

Submitted by,

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

Denise Landry, MCIP, RPP  
Manager of Planning Services



## CONSENT

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

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

### SUBMISSION OF APPLICATION:

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

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



### COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

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

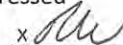
## PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

x 

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

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

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



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

## POLICIES

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

### THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

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

## SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

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

## NOTICE REQUIREMENTS

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

PLEASE TYPE OR USE BLACK INK

### Section 1

#### 1. Registered Owner (s):

Name: Robert and Margaret Williams

Mailing Address: 657 Clarence Street

City: Port Colborne

Province: Ontario

Postal Code: L3K6B8

Telephone: 905-932-1261

Fax:

Email: remmwilliams@gmail.com

#### 1.2 Owner's SOLICITOR (if applicable)

Name:

Mailing Address:

City:

Province:

Postal Code:

Telephone:

Fax:

Email:

#### 1.3 Owner's Authorized AGENT (if applicable)

Name:

Mailing Address:

City:

Province:

Postal Code:

Telephone:

Fax:

Email:

#### 1.4 MORTGAGES, Charges & Other Encumbrances:

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


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

December 15, 2021

#### 1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)

Suda & Maleszyk Surveying Inc.



Name: Dean Brown	
Mailing Address: 26 East Main Street	
City: Welland	Province: Ontario
Postal Code: L3B3W3	Telephone: 905-732-7651
Fax:	Email: dcb@cogeco.ca

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

- ☒ Owner  
☐ Solicitor  
☐ Agent

**Section 2: LOCATION**

Former Municipality: Humberstone	
Concession No. 1	Lot(s): 14
Registered Plan No. 59-R17117	Lot(s):
Reference Plan No.	Part(s): 6
Name of Street: Killaly Street East	Street No.

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

- ☐ Creation of New Lot  
☐ Addition to lot  
☐ Mortgage or Charge  
☐ Lease  
☐ Disposal of Surplus Farm Dwelling  
☐ Farm Retirement Lot  
☐ Partial Discharge or Mortgage  
☐ Right-of-Way  
☒ Easement  
Private laneway 6 M wide x 60.52 M - Part 6 of sketch

Reason for proposed transaction:

To provide access to 4 lots

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


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


### 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: Hamlet - HM

Regional Policy Plan:

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

Hamlet - HM

**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 EASEMENTS 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)

Cistern

### 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

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

## Section 9

Part No. On Sketch: 6

<b>DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)</b>		
Frontage: 60.52 M	Depth: 6 M	Area: 363.12 sq meters
Existing Use: <b>vacant</b>		
Proposed Use: <b>easement</b>		

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

Existing:
Proposed:

## Section 10

Part No. On Sketch: 2

<b>DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)</b>		
Frontage: 60.52 M	Depth: 91.86 M	Area: 5494.62 sq M
Existing Use:		
Proposed Use:		

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

Existing:
Proposed:

## Section 11

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

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

File Number: <b>B02-22-PC</b>
Decision: <b>Granted</b>



## Section 12

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

☒ Yes

☐ No

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

Grantee's (Purchaser's) name: **Robert Williams**

Land Use on severed parcel: **Residential**

Date Parcel Transferred: **December 15, 2021**

Consent file number (if known):  
**B02-22-PC**

## 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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Consent	<input checked="" type="checkbox"/> Yes	<input 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: **A21-22-PC**

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

Lands affected by the application: **Cocession 1, Lot 14**

Purpose of the application: **Residential Use**

Status of the application: **Granted**

Effect of the application on the proposed amendment: **Residential Use**

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

### 14.1 ALL EXISTING USE

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

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

over 19 years

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

☐ Yes

☒ No

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

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

**14.4 ALL PREVIOUS USE**

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

**14.5 ALL ADJACENT USE(S)**

	NORTH	SOUTH	EAST	WEST
Residential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Residential	<input type="checkbox"/> Residential
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"/> Agricultural	<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"/> Municipal Road	<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 Sept 6/22  
Date

X   
Signature of Owner

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

- ☐ Yes  
☒ No  
☐ Unknown

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

--

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

- ☐ Yes  
☒ No

## NIAGARA PENINSULA CONSERVATION AUTHORITY

### Pre-screening Criteria

**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 Sept 6/22  
Date

X [Signature]  
Signature of Applicant(s)

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

I/We Robert Williams  
Of the City/Town/Township of Port Colborne  
In the County/District/Regional Municipality of Niagara

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

DECLARED before me at the  
City of Port Colborne  
In the Region of Niagara  
This 6th day of 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

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

A Commissioner, etc.

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

## AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

\_\_\_\_\_

(name of agent)

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

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

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

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

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

X

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

X

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

X

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

X

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

X

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

X

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

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

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

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



## SUGGESTION TO THE APPLICANT

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

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

### Port Colborne Planning and Development Department

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

## FOR OFFICE USE ONLY

(Not to be completed by the applicant)

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

### Processing

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

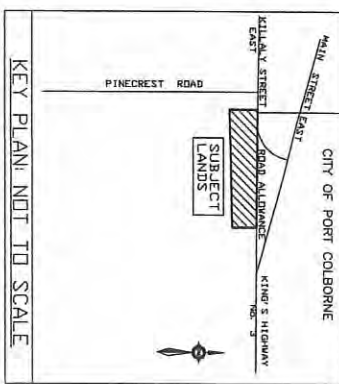
Accepted by Manager of Planning and Development Services:
Circulated:

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

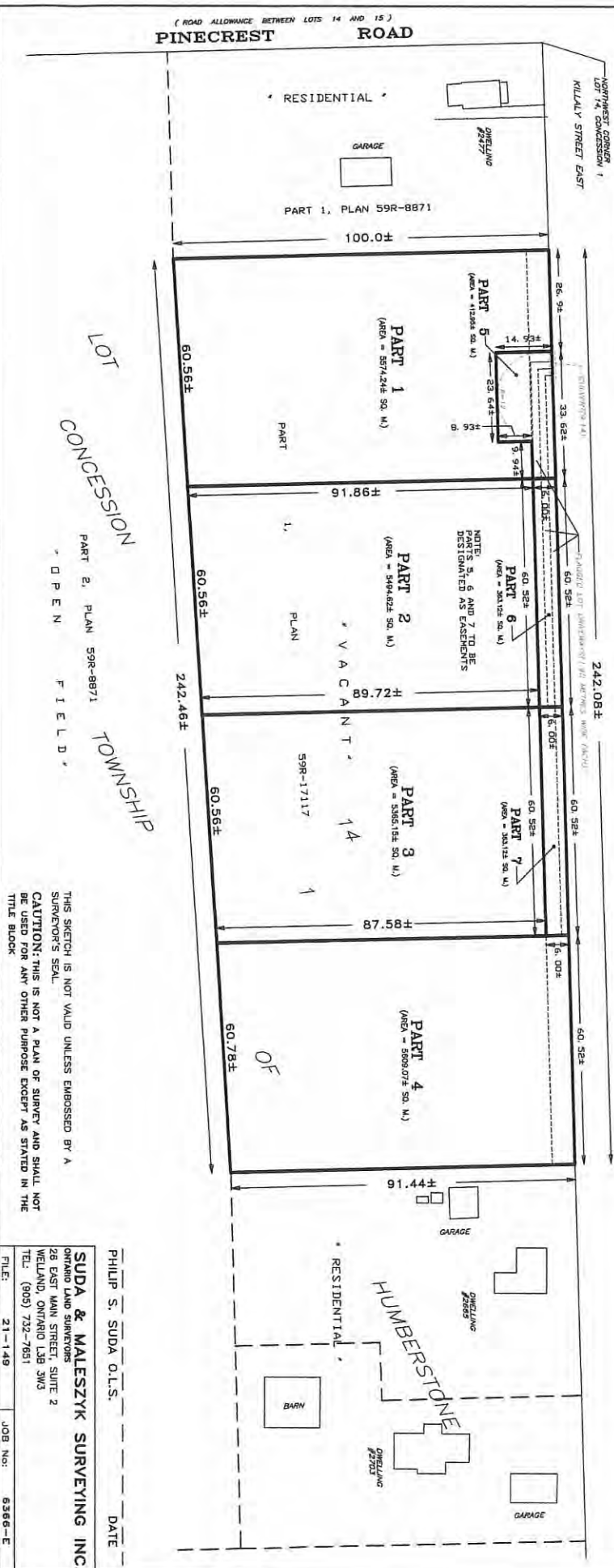
Notice of Public Meeting:
Public Meeting:
Committee Approval:
Notice Given:
Final Day for OMB Appeal:
OMB Appeal:
OMB Hearing:
OMB Decision:
Final Day to Satisfy Conditions:

COMMITTEE OF ADJUSTMENT APPLICATION  
**PART OF LOT 14,  
 CONCESSION 1**  
 GEOGRAPHIC TOWNSHIP OF HUMBERSTONE  
 IN THE  
**CITY OF PORT COLBORNE**  
 REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1" = 1000'



( 20.12± WIDE )  
 ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2



THIS SKETCH IS NOT VALID UNLESS EMBOSSED BY A SURVEYOR'S SEAL.  
 CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE EXCEPT AS STATED IN THE TITLE BLOCK

PHILIP S. SUDA O.L.S. DATE \_\_\_\_\_  
 SUDA & MALESZYK SURVEYING INC.  
 26 EAST MAIN STREET, SUITE 2  
 WELAND, ONTARIO L9B 3W3  
 TEL: (905) 732-7851  
 FILE: 21-149 JOB NO: 6366-E

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 1 Lot 14, in the City of Port Colborne, located in the Hamlet Residential (HR) zone, on the south side of Killaly Street East.

AND IN THE MATTER OF AN APPLICATION by the owner Robert and Margaret Williams for consent for the purpose of a perpetual easement agreement. The application is proposing to establish a right-of-way easement over Part 7, in favour of Part 4. The purpose of the easement is to permit ingress and egress to Part 4. A sketch of the subject lands is shown on the reverse side of this notice.



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

DATE:  
TIME:  
LOCATION:

October 12, 2022  
6:00 P.M.  
66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

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

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, October 7, 2022.**

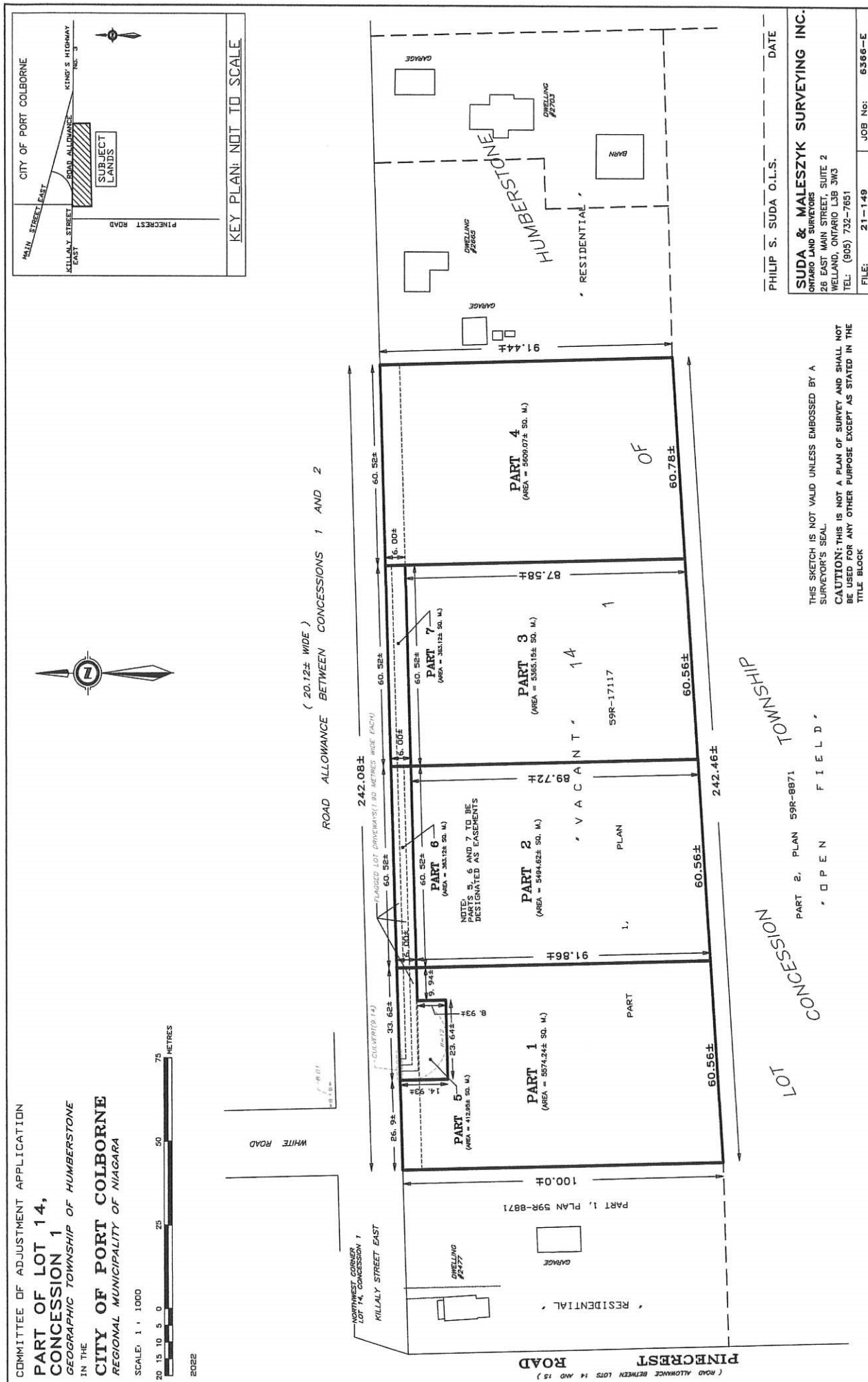
**NOTE:** If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures How to get involved in the Virtual Hearing
<p>The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at <a href="https://www.youtube.com/watch?v=b0wzBQkH5Ts&amp;feature=youtu.be">https://www.youtube.com/watch?v=b0wzBQkH5Ts&amp;feature=youtu.be</a>.</p> <p>Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. <b>Written submissions and participation requests must be received by noon on Tuesday, October 11, 2022,</b> by emailing <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p> <p>If you have any questions about the submission process or would like to explore alternative submission methods, please email <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or call (905) 835-2900 ext. 204.</p> <p>The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.</p>



By order of the Committee of Adjustment,

*Sam Young*







## City of Port Colborne

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

### Planning and Development Department Planning Division

October 7<sup>th</sup>, 2022

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

**Re: Application for Consent B21-22-PC**  
**VL Killaly Street East**  
**Concession 1 Lot 14**  
**Agent: N/A**  
**Owner(s): Robert Williams**

### Proposal:

The purpose and effect of this application is to permit the conveyance of Part 7, having a lot frontage of 60.52m and a lot area of 363.12m<sup>2</sup> for the purposes of a right-of-way easement in favour of Parts 4. The purpose of the easement is to provide legal ingress and egress to the parcel created under consent application B03-22-PC. The created parcels do have adequate frontage to meet the Zoning By-law requirements however, access to Killaly Street East is limited due to site constraints. To address these constraints, the applicant has installed a private laneway to facilitate access to each lot.

### Surrounding Land Uses and Zoning:

The subject lands are surrounded by Hamlet Commercial, Hamlet Residential and Parks and Public Space to the north, Hamlet Residential to the east, and Agricultural (A) zones to the south and west. The surrounding uses



Key Map

consist of a restaurant and detached dwelling to the north, with detached dwellings and agricultural uses to the east, south and, west.

### **Environmentally Sensitive Areas:**

The subject property does not contain any environmentally sensitive areas.

### **Public Comments:**

Notice was circulated on September 28<sup>th</sup>, 2022, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of October 7<sup>th</sup>, 2022, no comments from the public have been received.

### **Agency Comments:**

Notice was circulated on September 20<sup>th</sup>, 2022. As of October 7<sup>th</sup>, 2022, the following has been received.

#### Drainage Superintendant

The Parcel is within the watershed of the Oil Mill Creek Municipal Drain and should the severance be granted a drainage apportionment agreement will be required to reapportion the assessment as provided in the current by-law for the previously adopted drainage engineers report. This can either be completed by municipal staff or completed by an approved engineer. For additional information, this report is currently being revised and should the severance be completed prior to the completion of the report, this change will be reflected accordingly in the final report. However, should the report be completed prior to the severance, the agreement will be required. It is additionally recommended that if the parcels do not drain independently of one another a mutual agreement drain under section 2 of the Drainage Act, R.S.O. 1990 be executed. This agreement will ensure drainage for all parcels now and into the future if the agreement is executed properly.

#### Staff Response

Planning Staff followed up with the Drainage Superintendant regarding these comments and have established that a drainage apportionment agreement will not be required as a part of this application. This application is technical in nature and will not result in the creation of a new lot, therefore an apportionment agreement is not necessary. The lots that were created through consent applications B01-22-PC, B02-22-PC, and, B03-22-PC will be required to enter into an apportionment agreement as set out in the conditions of their consents.

#### Fire Department

The Port Colborne Fire Department has no objection to the proposed application.

### **Discussion:**

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

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses that efficiently use land and resources and are appropriate for/ efficiently use the infrastructure and public service facilities that are planned or available and avoid the need for their unjust and/or uneconomical expansion.

Staff is satisfied that the proposed consent is consistent with the PPS. The application proposes a shared laneway that efficiently uses land and resources. Furthermore, the use of a private laneway that provides access to Part 4 efficiently uses infrastructure that avoids the need for unjust or uneconomical expansion.

The Growth Plan designates the subject lands as within a Settlement Area. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. Furthermore, the Growth Plan policies speak to providing a different approach to managing growth that recognizes the diversity of communities in the Greater Golden Horseshoe.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application facilitates access to three lots that otherwise, would not have proper road access. The lots that have been created through consent applications B01-22-PC, B02-22-PC and B03-22-PC are permitted in within the Settlement Area and the proposed application provides a means of legal access to the lots. Furthermore, Staff recognizes that the created lots are a different approach to managing growth and is an example of diversity within the Greater Golden Horseshoe. This application helps to achieve this growth and diversity by providing proper function via legal ingress and egress. Due to the irregular shape of the lots, staff have identified the proposal as a different approach to managing growth as it makes efficient use of land that otherwise would not have been developed, and as such, find that it conforms to the Growth Plan

The Regional Official Plan (ROP), designates the subject lands as Hamlet. Policy 4.H.3.3 of the ROP states that development in Hamlets will be permitted by way of a plan of subdivision or consent and provisions shall be made to permit access at appropriate locations from the main road to the second or third tiers of lots behind the existing development, where proposed. Policy 4.H.3.4 also states that development will not interfere with the operation of the arterial road system.

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The application provides appropriate access to Killaly Street East, being an arterial road, via one primary access point, rather than four. This reduces the interference with the existing arterial road and the primary access point already has an existing entrance and culvert in place.

#### City of Port Colborne Official Plan

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

Section 3.2.4 provides the policies for lot creation within the hamlet zone. Section 3.2.4 b) provides that lots created through a severance shall have frontage on a public road. This requirement has been met however, the amount of frontage provided abutting Killaly Street East is not enough to facilitate proper ingress and egress of vehicles. Section 3.2.4 d) ii) provides for severances for technical reasons such as easements.

Planning Staff is satisfied that the proposal meets the requirements of the OP. The proposal is a technical application that is permitted under the Official Plan and is being sought to provide legal access to the created parcel that currently does not have proper access to the lot.

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

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

Part 7: A lot frontage of 60.52m and a lot area of 363.12m<sup>2</sup>

Planning Staff is satisfied that the proposal meets the requirements of the Zoning By-law. Part 7 does not need to conform to the lot creation requirements as it is not intended to be a buildable lot.

**Recommendation:**

Given the information above, Planning Staff recommends 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 B20-22PC be granted.
4. That all conditions of consent be completed by October 12<sup>th</sup>, 2024.

For the following reasons:

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

Prepared by,



Chris Roome, BURPI  
Planner

Submitted by,

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

Denise Landry, MCIP, RPP  
Manager of Planning Services



## CONSENT

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

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

### SUBMISSION OF APPLICATION:

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

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



### COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

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

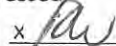
## PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

x 

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

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

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



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

## POLICIES

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

### THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

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

## SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

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

## NOTICE REQUIREMENTS

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



## PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

## APPLICATION FOR CONSENT

PLEASE TYPE OR USE BLACK INK

### Section 1

#### 1. Registered Owner (s):

Name: Robert and Margaret Williams

Mailing Address: 657 Clarence Street

City: Port Colborne

Province: Ontario

Postal Code: L3K6B8

Telephone: 905-932-1261

Fax:

Email: remmwilliams@gmail.com

#### 1.2 Owner's SOLICITOR (if applicable)

Name:

Mailing Address:

City:

Province:

Postal Code:

Telephone:

Fax:

Email:

#### 1.3 Owner's Authorized AGENT (if applicable)

Name:

Mailing Address:

City:

Province:

Postal Code:

Telephone:

Fax:

Email:

#### 1.4 MORTGAGES, Charges & Other Encumbrances:

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


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

December 15, 2021

#### 1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)

Suda & Maleszyk Surveying Inc.



Name: Dean Brown	
Mailing Address: 26 East Main Street	
City: Welland	Province: Ontario
Postal Code: L3B3W3	Telephone: 905-732-7651
Fax:	Email: dcb@cogeco.ca

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

- ☒ Owner  
☐ Solicitor  
☐ Agent

**Section 2: LOCATION**

Former Municipality: Humberstone	
Concession No. 1	Lot(s): 14
Registered Plan No. 59-R17117	Lot(s):
Reference Plan No.	Part(s): 7
Name of Street: Killaly Street East	Street No.

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

- ☐ Creation of New Lot  
☐ Addition to lot  
☐ Mortgage or Charge  
☐ Lease  
☐ Disposal of Surplus Farm Dwelling  
☐ Farm Retirement Lot  
☐ Partial Discharge or Mortgage  
☐ Right-of-Way  
☒ Easement  
Private laneway 6 M wide x 60.52 M - Part 7 of sketch

Reason for proposed transaction:

To provide access to 4 lots

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


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


### 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: Hamlet - HM

Regional Policy Plan:

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

Hamlet - HM

**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 EASEMENTS 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)

Cistern

### 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

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

## Section 9

Part No. On Sketch: 7

<b>DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)</b>		
Frontage: 60.52 M	Depth: 6 M	Area: 363.12 sq meters
Existing Use: <b>vacant</b>		
Proposed Use: <b>easement</b>		

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

Existing:
Proposed:

## Section 10

Part No. On Sketch: 3

<b>DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)</b>		
Frontage: 60.52 M	Depth: 89.72 M	Area: 5365.15 sq M
Existing Use:		
Proposed Use:		

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

Existing:
Proposed:

## Section 11

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

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

File Number: <b>B03-22-PC</b>
Decision: <b>Granted</b>



## Section 12

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

- ☒ Yes  
☐ No

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

Grantee's (Purchaser's) name: **Robert Williams**

Land Use on severed parcel: **Residential**

Date Parcel Transferred: **December 15, 2021**

Consent file number (if known):  
**B03-22-PC**

## 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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Consent	<input checked="" type="checkbox"/> Yes	<input 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: **A21-22-PC**

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

Lands affected by the application: **Cocession 1, Lot 14**

Purpose of the application: **Residential Use**

Status of the application: **Granted**

Effect of the application on the proposed amendment: **Residential Use**

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

### 14.1 ALL EXISTING USE

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

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

over 19 years

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

☐ Yes

☒ No

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

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

**14.4 ALL PREVIOUS USE**

☒ Residential

☐ Industrial

☐ Commercial

☐ Institutional

☒ Agricultural

☐ Parkland

☐ Vacant

☐ Other

**14.5 ALL ADJACENT USE(S)**

	NORTH	SOUTH	EAST	WEST
Residential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Residential	<input type="checkbox"/> Residential
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"/> Agricultural	<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"/> Municipal Road	<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 Sept 6/22  
Date

X [Signature]  
Signature of Owner

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

- ☐ Yes  
☒ No  
☐ Unknown

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

--

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

- ☐ Yes  
☒ No

## NIAGARA PENINSULA CONSERVATION AUTHORITY

### Pre-screening Criteria

**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 Sept 6/22  
Date

X [Signature]  
Signature of Applicant(s)

Please note:

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

I/We Robert Williams  
Of the City/Town/Township of Port Colborne  
In the County/District/Regional Municipality of Niagara

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

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

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

[Signature]

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

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

A Commissioner, etc.

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

## AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

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

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

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

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

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

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

X

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

X

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

X

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

X

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

X

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

X

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

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

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

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



## SUGGESTION TO THE APPLICANT

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

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

Port Colborne Planning and Development Department

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

## FOR OFFICE USE ONLY

(Not to be completed by the applicant)

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

### Processing

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

Accepted by Manager of Planning and Development Services:
Circulated:

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

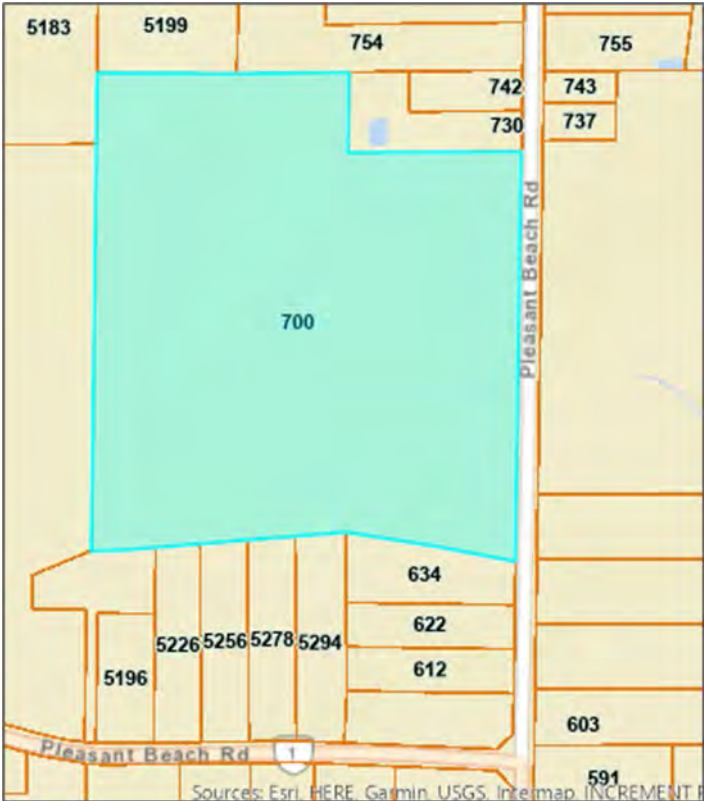
Notice of Public Meeting:
Public Meeting:
Committee Approval:
Notice Given:
Final Day for OMB Appeal:
OMB Appeal:
OMB Hearing:
OMB Decision:
Final Day to Satisfy Conditions:

APPLICATION NO. B22-22-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 1 Lot 3, in the City of  
Port Colborne, located in the Rural (RU)  
zone, municipally known as 700 Pleasant  
Beach Road.

AND IN THE MATTER OF AN  
APPLICATION by the owner Brandon and  
Jennie Marlatt for consent for the purpose  
of creating a new lot. The subject parcels  
are shown as Part 3 and Part 2 on the  
sketch submitted. Where Part 3 is to be  
severed for future residential development,  
and Part 2 is to be retained for existing  
agricultural and residential uses. A sketch  
of the subject lands is shown on the reverse  
side of this notice.



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

DATE:  
TIME:  
LOCATION:

October 12, 2022  
6:00 P.M.  
66 Charlotte Street - Third floor Council Chambers and  
Virtually via zoom

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

**PUBLIC HEARING:** You are entitled to participate and express your views about this  
application, or you may be represented by counsel for that purpose. The Planning Division's  
report may be available for public inspection by **Friday, October 7, 2022.**

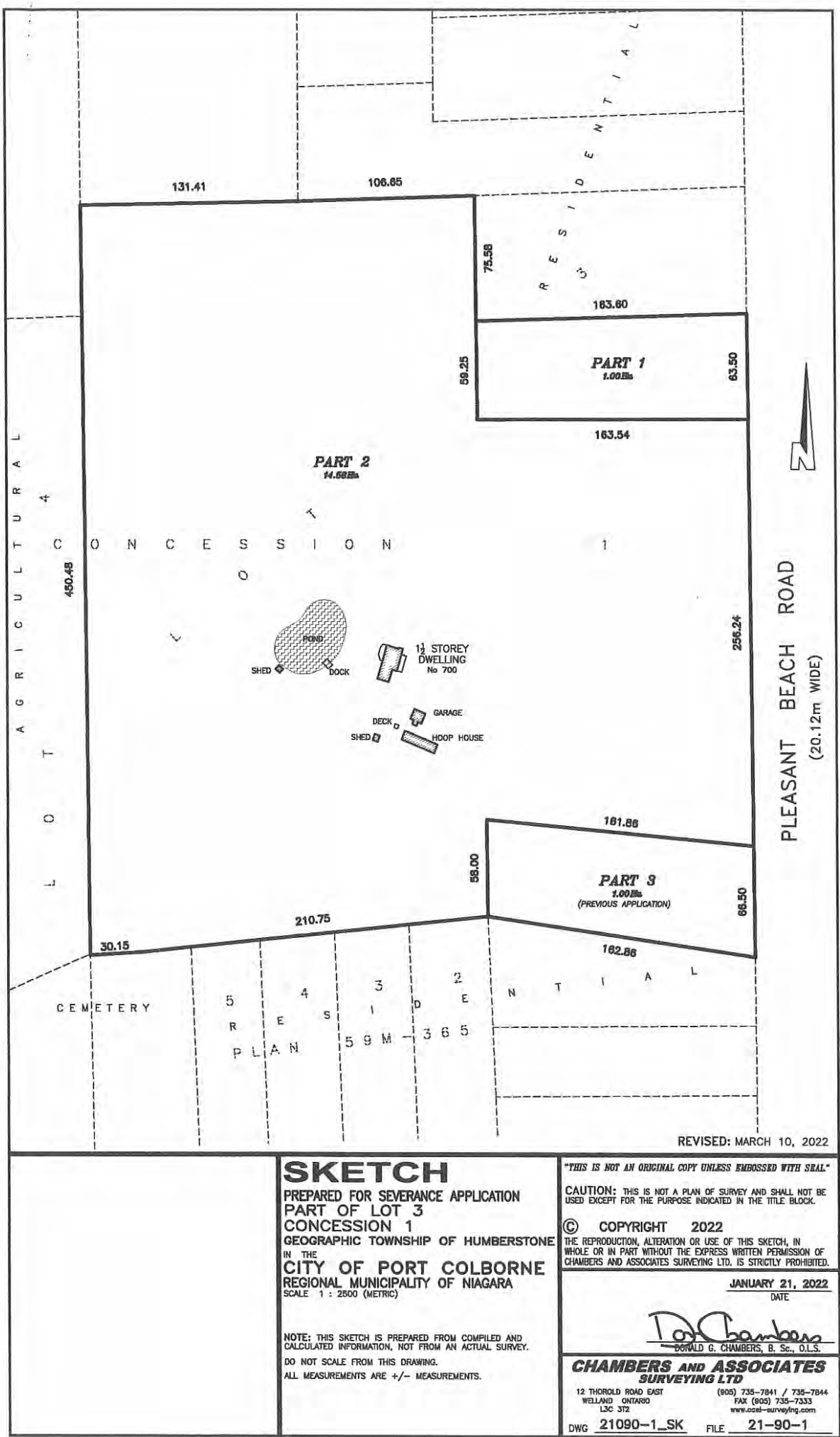
**NOTE:** If you are receiving this notice as the owner of land that contains multiple residential  
units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures How to get involved in the Virtual Hearing
<p>The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at <a href="https://www.youtube.com/watch?v=b0wzBQkH5Ts&amp;feature=youtu.be">https://www.youtube.com/watch?v=b0wzBQkH5Ts&amp;feature=youtu.be</a>.</p> <p>Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. <b>Written submissions and participation requests must be received by noon on Tuesday, October 11, 2022,</b> by emailing <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p> <p>If you have any questions about the submission process or would like to explore alternative submission methods, please email <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or call (905) 835-2900 ext. 204.</p> <p>The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.</p>

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

By order of the Committee of Adjustment,

Samantha Yeung  
Secretary-Treasurer  
Date of Mailing: September 28, 2022





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**Planning and Legislative Services**

Planning Division Report

October 7<sup>th</sup>, 2022

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

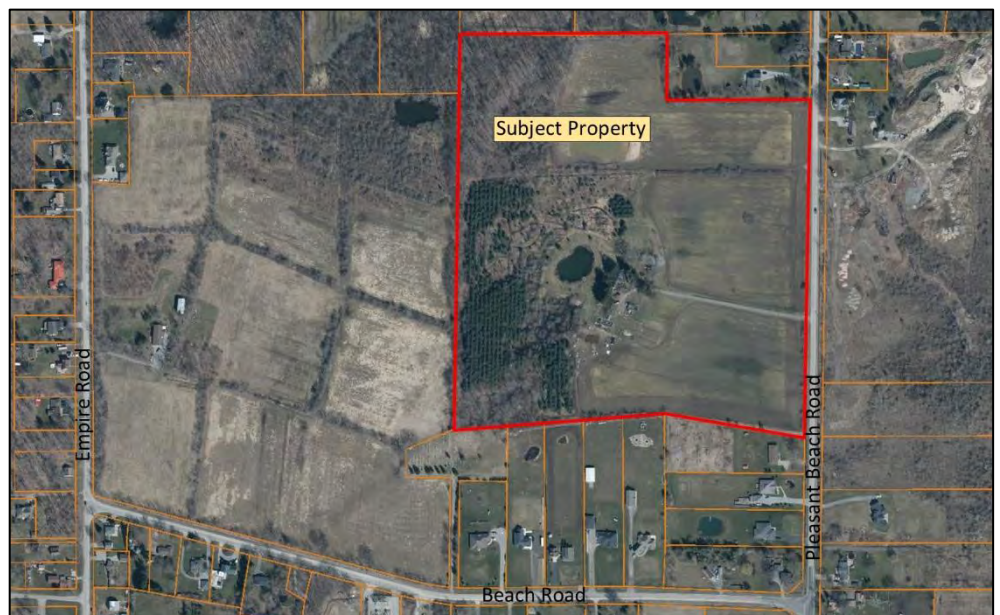
**Re: Application for Consent B22-22-PC  
Concession 1 Lot 3  
700 Pleasant Beach Road  
Agent: N/A  
Owner(s): Brandon and Jennie Marlatt**

**Proposal:**

The purpose and effect of this application is to permit the conveyance of Part 3 (as depicted on the attached sketch) having a lot frontage of 66.50m along Pleasant Beach Road and a lot area of 1.00ha for a future residential use. Part 2 (as depicted on the attached sketch) will retain a lot frontage of 256.24m on Pleasant Beach Road with a lot area of 14.58ha for an existing residential use.

**Surrounding Land Uses and Zoning:**

The parcels surrounding the subject lands are zoned Hamlet Residential (HR) to the north, Rural (RU) to the east and west, and Institutional (I) and Rural Residential (RR) to the south. The surrounding uses consist of detached dwellings to the north, agricultural land to the west, vacant rural land to the east, and detached dwellings, and a cemetery to the south.





## **Environmentally Sensitive Areas:**

The subject lands contain a Provincially Significant Wetland in the north-west corner of the property. During the pre-consultation meeting, the NPCA indicated that, because the proposed lots are outside of the regulated area, they have no objection. The Region also indicated that, because the proposed lot is outside of the Regions Core Natural Heritage System, staff had no objection.

## **Public Comments:**

Notice was circulated on September 27<sup>th</sup>, 2022 to properties within 60m meters of the subject lands as per Section 53 (5) of the Planning Act. As of October 7<sup>th</sup> 2022, no comments from the public have been received.

## **Agency Comments:**

Notice of the application was circulated on September 20<sup>th</sup>, 2022 to internal City departments. As of October 7<sup>th</sup>, 2022, the following has been received.

### Drainage Superintendent

The Parcel is within the watershed of the Zavitz Municipal Drain and should the severance be granted, a drainage apportionment agreement will be required to reapportion the assessment as provided in the current by-law for the previously adopted drainage engineers report. This can either be completed by municipal staff or completed by an approved engineer. It is additionally recommended that if the parcels do not drain independently of one another a mutual agreement drain under section 2 of the Drainage Act, R.S.O. 1990 be executed. This agreement will ensure drainage for all parcels now and into the future if the agreement is executed properly.

### Staff Response

The requested apportionment agreement will be added as a condition of the consent. A condition of the severance will also be added to require a mutual agreement drain in the event that the parcels do not drain independently of one another. The applicant will be required to submit a lot grading plan to City Staff's satisfaction, to determine if a mutual agreement drain is required.

### Fire Department

Port Colborne Fire has no objection to the proposed application.

### Niagara Region (Comments have been summarized, please see full comments in agenda package)

Regional Planning and Development Services staff does not object to the proposed Consent (Severance) Applications, provided that the Condition of Consent Approval as provided within the attached Appendix is addressed. City staff should also be satisfied that all applicable local requirements and provisions are met. The condition requested by the Region is as follows:

1. 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.

### Staff Response

The applicant has conducted a Stage One Archeological Assessment but is required to submit the Assessment to the MHSTCI and obtain a Letter of Acknowledgment and submit it to Regional Staff. Planning Staff have added this as a condition of the consent.

### **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 "rural area" according to the PPS, where growth and development may be directed to rural lands. Residential development, including lot creation, is permitted on rural lands, provided it can be sustained by rural service levels and are appropriate to the infrastructure that is planned or available and does not require unjust or uneconomical expansion of infrastructure. The proposed lot and the retained lot will both be serviced by private septic systems. Staff is satisfied that the proposed application is consistent with the PPS. Lot creation is permitted on rural lands and the proposed lot, and the retained lot are able to be serviced privately which does not result in an unjust or uneconomical expansion of infrastructure.

The subject lands are designated as Rural Lands within the Growth Plan. The Growth Plan states that residential development will be directed toward settlement areas, but may be permitted on rural lands in site-specific locations with approved zoning or designation in an Official Plan. Staff is satisfied that the proposed application conforms to the Growth Plan. The Zoning and Official Plan both permit lot creation for residential purposes on the subject lands.

The Regional Official Plan (ROP), designates the subject lands as within the "Rural Area". The Rural Area policies of the ROP allow for the creation of a lot for residential use provided the lot meets the requirements for the provisions of private water and sewage services. Regional Staff have been circulated on the application to provide comments on the private water and sewage services. Policies 5.C.1 and 5.C.2 both provide for non-farm related development to occur on rural lands, provided they meet the standards of Regional Staff.

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The proposed lot is permitted in the rural area and will be large enough to accommodate private servicing.

## City of Port Colborne Official Plan

The subject property is located in the Rural designation in the City's Official Plan. Residential uses are permitted in this designation and Section 3.4.2 outlines the requirements for intensification and infill in the Rural designation. This section states that up to three lots may be created between two existing residential buildings provided, the new lots can be adequately serviced by individual sanitary and water services, the size of each lot be a minimum of one hectare, the lot complies with the requirements of the Zoning By-law and that each new lot complies with the Minimum Distance Separation Formulae as required. The applicant is concurrently applying for a second consent application under application B23-22-PC, which also proposes a lot of similar size to be severed from the retained parcel. In total, only two new lots have been proposed that are one hectare in size and will accommodate private services. Staff conducted a site visit to determine if any existing agricultural activities were located in the surrounding area. Staff found no evidence of any agricultural activities, and as a result, have decided that a Minimum Distance Separation calculation is not required.

Section 11.5 of the Official Plan sets out requirements for Parkland Acquisition and Dedication. Section 11.5.1 d) ii) states that cash-in-lieu for all or part of the required parkland dedication may be considered where the required dedication of land would render the remainder of the site unsuitable or impractical for development. The proposed lot is not of sufficient size for the acquisition of parkland, and as such, cash-in-lieu is required. City of Port Colborne By-law 4748/130/05 enables Staff to require the applicant to sign the City's Memorandum of Understanding regarding the collection of cash-in-lieu as a condition of the consent application. Staff has added this as a condition of the consent.

Staff is satisfied that the proposed consent application conforms with the requirements of the Official Plan as in total only two lots have been proposed that are a minimum of one hectare in size and can support private services.

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

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

Part 2: A lot frontage of 256.24m and a lot area of 14.58ha

Part 3: A lot frontage of 66.50m and a lot area of 1.00ha.

The RU zone requires a lot frontage of 30m and a minimum lot area of 0.4ha. Both Part 2 and Part 3 have exceeded these requirements. Furthermore, detached dwellings are permitted in this zone. Staff is satisfied that all the requirements of the zoning by-law have been met.

## **Recommendation:**

Given the information above, Planning Staff recommends 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 12<sup>th</sup>, 2024.

For the following reasons:

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

Prepared by,



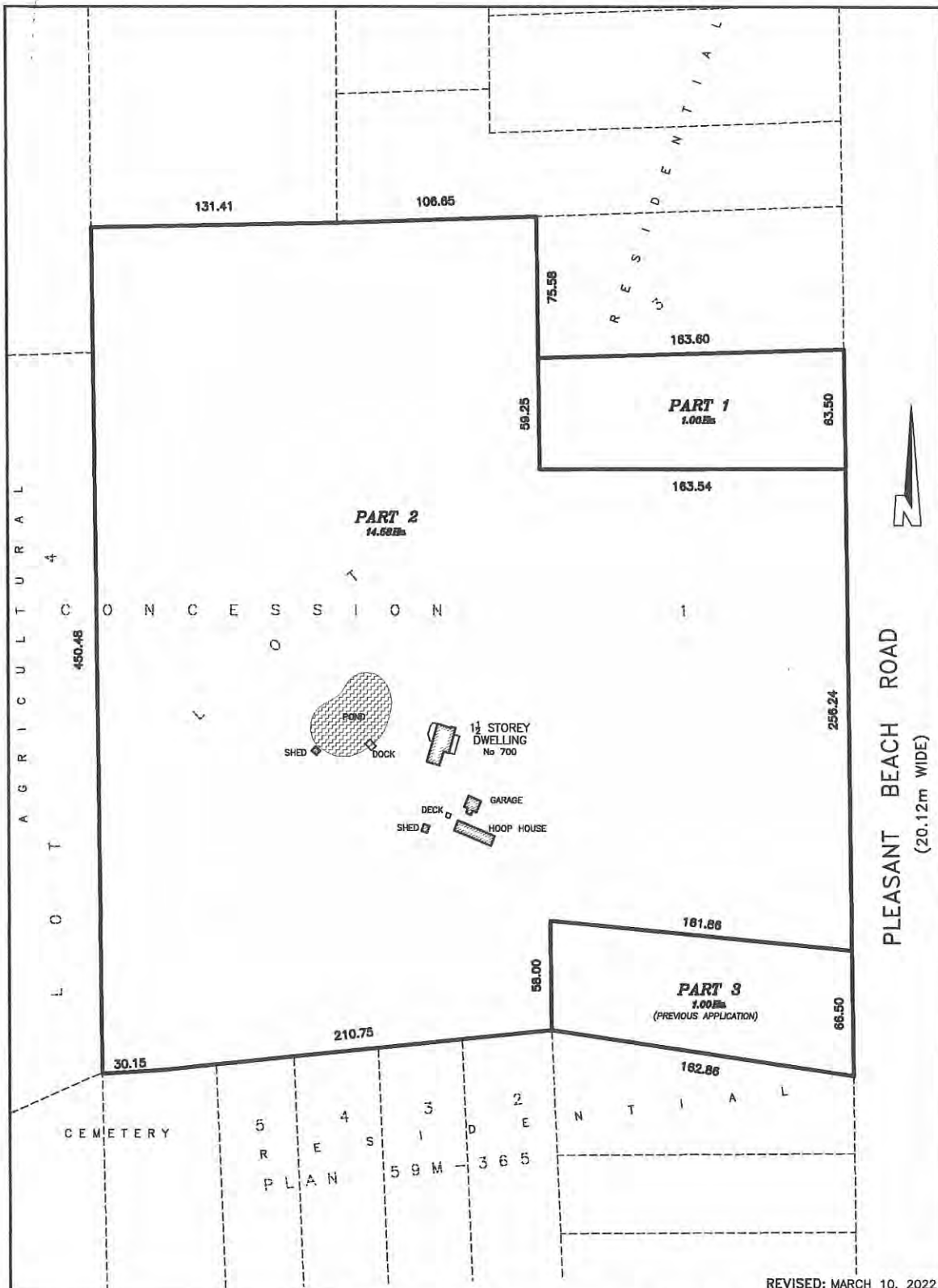
Chris Roome, BURPI  
Planner



Submitted by,

A handwritten signature in black ink, appearing to read 'D. Landry', with a horizontal line drawn through the middle of the signature.

Denise Landry, MCIP, RPP  
Manager of Planning Services



REVISÉ: MARCH 10, 2022

## SKETCH

PREPARED FOR SEVERANCE APPLICATION  
PART OF LOT 3  
CONCESSION 1  
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE  
IN THE  
CITY OF PORT COLBORNE  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 : 2500 (METRIC)

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

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

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

© COPYRIGHT 2022

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JANUARY 21, 2022  
DATE

Donald G. Chambers  
DONALD G. CHAMBERS, B. Sc., O.L.S.

**CHAMBERS AND ASSOCIATES  
SURVEYING LTD**

12 THOROLD ROAD EAST  
WELLAND ONTARIO  
L3C 3T2

DWG 21090-1\_SK FILE 21-90-1



## PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

## APPLICATION FOR CONSENT

PLEASE TYPE OR USE BLACK INK

### Section 1

<b>1. Registered Owner (s):</b>	
Name: Brandon and Jennie Marlatt	
Mailing Address: 100 Pleasant Beach Rd.	
City: Sherston	Province: ON
Postal Code: L0S 1R0	Telephone: 289-321-0388
Fax:	Email: marlatt.jennie@gmail.com

<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name: Peter R BonEnfant	
Mailing Address: 2-241 Ridge Rd.	
City: Ridgeway	Province: ON
Postal Code: L0S 1N0	Telephone: 905-894-3410
Fax:	Email:

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

<b>1.4 MORTGAGES, Charges &amp; Other Encumbrances:</b>
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
Scotia Bank Mortgage
444 Niagara St. Welland, ON

<b>1.5 Date and Subject Land was acquired by the Current Owner:</b>
November 30 <sup>th</sup> 2016

<b>1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>

Name: Brandon + Jennie Marlatt	
Mailing Address: 700 Pleasant Beach Rd	
City: Sheraton	Province: ON
Postal Code: L6S 1R0	Telephone: 289-321-0388
Fax:	Email: marlatt.jennie@gmail.com

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

- ☒ Owner  
☐ Solicitor  
☐ Agent

**Section 2: LOCATION**

Former Municipality:	
Concession No. 1	Lot(s): 3
Registered Plan No. 59M-365	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Pleasant Beach Rd.	Street No. 700

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

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

Reason for proposed transaction:

To sever lot to sell for a home to be built

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

N/A

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

N/A



### 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: *Agriculture*

Regional Policy Plan: *Rural Area*

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

*Rural*

**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)

*cistern*

### 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: 3

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)

Frontage: 66.50 Depth: 161.86 Area: 1.08 Ha

Existing Use: ~~Field~~ Farm Field not used

Proposed Use: Housing new build

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

Existing: Vacant

Proposed: Residential Future home build

## Section 10

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

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)

Frontage: 256.24 Depth: 401.46 Area: 14.58 Ha

Existing Use: Residence, Agricultural

Proposed Use: Same

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: Residence

Proposed:

## Section 11

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

- ☒ Yes  
☐ No  
☐ Unknown

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

File Number:

Decision:

## Section 12

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

- ☐ Yes  
☒ No

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

Grantee's (Purchaser's) name:

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**

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



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

20+ years farmland

**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

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

**14.6 If Industrial or Commercial, specify use**

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

- ☐ Yes  
☐ No  
☒ Unknown



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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

**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 Sept 8<sup>th</sup> /22  
Date

X [Signature]  
Signature of Owner

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

- ☐ Yes  
☒ No  
☐ Unknown

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

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

- ☐ Yes  
☒ No N/A

## 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 Sept 8<sup>th</sup> / 22  
Date

X [Signature]  
Signature of Applicant(s)

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

I/We Jennie Markait

Of the City/Town/Township of Sherkston

In the County/District/Regional Municipality of Region 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 8<sup>th</sup> day of September  
A.D. 20 22

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

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

X [Signature]

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

A Commissioner, etc.

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



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 1 Lot 3, in the City of  
Port Colborne, located in the Rural (RU)  
zone, municipally known as 700 Pleasant  
Beach Road.

AND IN THE MATTER OF AN  
APPLICATION by the owner Brandon and  
Jennie Marlatt for consent for the purpose  
of creating a new lot. The subject parcels  
are shown as Parts 1 and 2 on the sketch  
submitted. Where Part 1 is to be severed  
for future residential development, and  
Part 2 is to be retained for existing  
agricultural and 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:  
TIME:  
LOCATION:

October 12, 2022  
6:00 P.M.  
66 Charlotte Street - Third floor Council Chambers and  
Virtually via zoom

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


**PUBLIC HEARING:** You are entitled to participate and express your views about this  
application, or you may be represented by counsel for that purpose. The Planning Division's  
report may be available for public inspection by **Friday, October 7, 2022.**

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

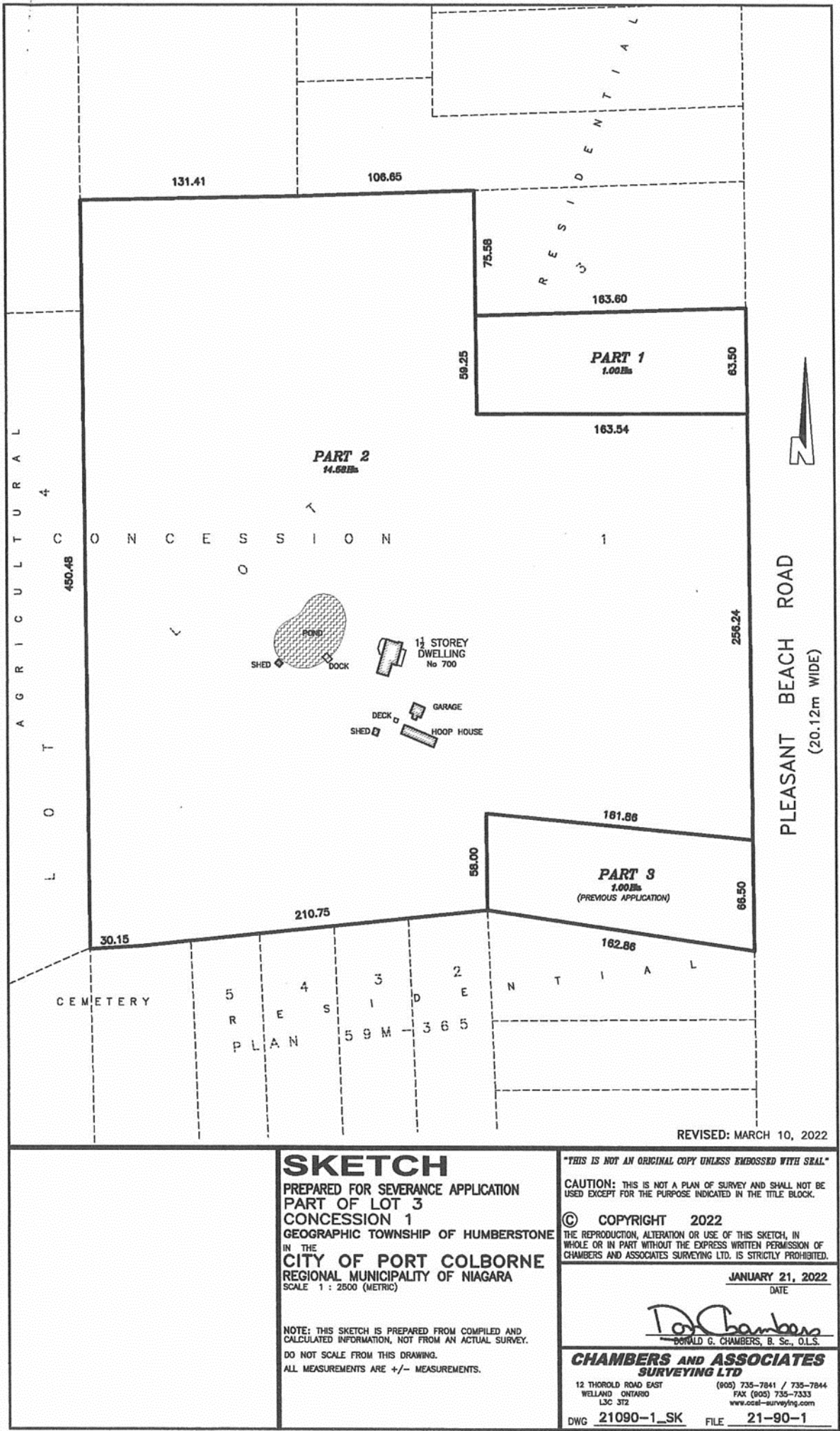
Electronic Hearing Procedures How to get involved in the Virtual Hearing
<p>The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at <a href="https://www.youtube.com/watch?v=b0wzBQkH5Ts&amp;feature=youtu.be">https://www.youtube.com/watch?v=b0wzBQkH5Ts&amp;feature=youtu.be</a>.</p> <p>Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. <b>Written submissions and participation requests must be received by noon on Tuesday, October 11, 2022,</b> by emailing <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.</p> <p>If you have any questions about the submission process or would like to explore alternative submission methods, please email <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a> or call (905) 835-2900 ext. 204.</p> <p>The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.</p>

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

By order of the Committee of Adjustment,



Samantha Yeung  
Secretary-Treasurer  
Date of Mailing: September 28, 2022



**Planning and Legislative Services**

Planning Division Report

October 7<sup>th</sup>, 2022

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

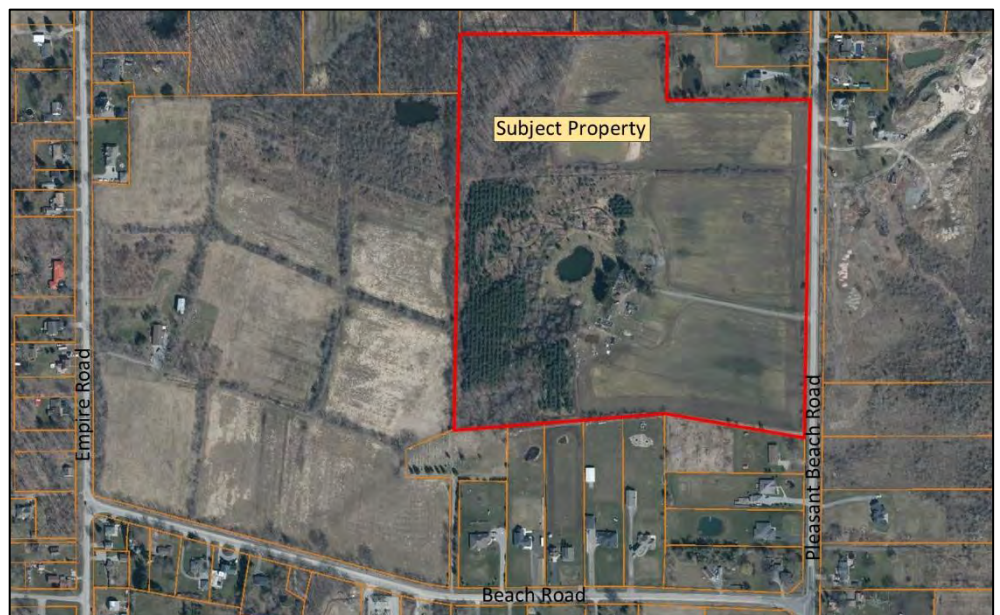
**Re: Application for Consent B23-22-PC  
Concession 1 Lot 3  
700 Pleasant Beach Road  
Agent: N/A  
Owner(s): Brandon and Jennie Marlatt**

**Proposal:**

The purpose and effect of this application is to permit the conveyance of Part 1 (as depicted on the attached sketch) having a lot frontage of 63.50m along Pleasant Beach Road and a lot area of 1.00ha for a future residential use. Part 2 (as depicted on the attached sketch) will retain a lot frontage of 256.24m on Pleasant Beach Road with a lot area of 14.58ha for an existing residential use.

**Surrounding Land Uses and Zoning:**

The parcels surrounding the subject lands are zoned Hamlet Residential (HR) to the north, Rural (RU) to the east and west, and Institutional (I) and Rural Residential (RR) to the south. The surrounding uses consist of detached dwellings to the north, agricultural land to the west, vacant rural land to the east, and detached dwellings, and a cemetery to the south.



## **Environmentally Sensitive Areas:**

The subject lands contain a Provincially Significant Wetland in the north-west corner of the property. During the pre-consultation meeting, the NPCA indicated that, because the proposed lots are outside of the regulated area, they have no objection. The Region also indicated that, because the proposed lot is outside of the Regions Core Natural Heritage System, staff had no objection.

## **Public Comments:**

Notice was circulated on September 28<sup>th</sup>, 2022 to properties within 60m meters of the subject lands as per Section 53 (5) of the Planning Act. As of October 7<sup>th</sup> 2022, no comments from the public have been received.

## **Agency Comments:**

Notice of the application was circulated on September 20<sup>th</sup>, 2022 to internal City departments. As of October 7<sup>th</sup>, 2022, the following has been received.

### Drainage Superintendent

The Parcel is within the watershed of the Zavitz Municipal Drain and should the severance be granted a drainage apportionment agreement will be required to reapportion the assessment as provided in the current by-law for the previously adopted drainage engineers report. This can either be completed by municipal staff or completed by an approved engineer. It is additionally recommended that if the parcels do not drain independently of one another a mutual agreement drain under section 2 of the Drainage Act, R.S.O. 1990 be executed. This agreement will ensure drainage for all parcels now and into the future if the agreement is executed properly. Should help with this be required, please contact the City Drainage Superintendent.

### Staff Response

The requested apportionment agreement will be added as a condition of the consent. A condition of the severance will also be added to require a mutual agreement drain in the event that the parcels do not drain independently of one another. The applicant will be required to submit a lot grading plan to City Staff's satisfaction, to determine if a mutual agreement drain is required.

### Fire Department

Port Colborne Fire has no objection to the proposed application.

### Niagara Region (Comments have been summarized, please see full comments in agenda package)

Regional Planning and Development Services staff does not object to the proposed Consent (Severance) Applications, provided that the Condition of Consent Approval as provided within the attached Appendix is addressed. City staff should also be satisfied that all applicable local requirements and provisions are met.

1. 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.

### Staff Response

The applicant has conducted a Stage One Archeological Assessment but is required to submit the Assessment to the MSTCI and obtain a Letter of Acknowledgment and submit it to Regional Staff. Planning Staff have added this as a condition of the consent.

### **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 "rural area" according to the PPS, where growth and development may be directed to rural lands. Residential development, including lot creation, is permitted on rural lands, provided it can be sustained by rural service levels and are appropriate to the infrastructure that is planned or available and does not require unjust or uneconomical expansion of infrastructure. The proposed lot and the retained lot will both be serviced by private septic systems. Staff is satisfied that the proposed application is consistent with the PPS. Lot creation is permitted on rural lands and the proposed lot, and the retained lot is able to be serviced privately land which does not result in an unjust or uneconomical expansion of infrastructure.

The subject lands are designated as Rural Lands within the Growth Plan. The Growth Plan states that residential development will be directed toward settlement areas, but may be permitted on rural lands in site-specific locations with approved zoning or designation in an Official Plan. Staff is satisfied that the proposed application conforms to the Growth Plan. The Zoning and Official Plan both permit lot creation for residential purposes on the subject lands.

The Regional Official Plan (ROP), designates the subject lands as within the "Rural Area". The Rural Area policies of the ROP allow for the creation of a lot for residential use provided the lot meets the requirements for the provisions of private water and sewage services. Regional Staff has been circulated on the application to provide comments on the private water and sewage services. Policies 5.C.1 and 5.C.2 both provide for non-farm related development to occur on rural lands, provided they meet the standards of Regional Staff.

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The proposed lot is permitted in the rural area and will be large enough to accommodate private servicing.

## City of Port Colborne Official Plan

The subject property is located in the Rural designation in the City's Official Plan. Residential uses are permitted in this designation and Section 3.4.2 outlines the requirements for intensification and infill in the Rural designation. This section states that up to three lots may be created between two existing residential buildings provided, the new lots can be adequately serviced by individual sanitary and water services, the size of each lot be a minimum of one hectare, the lot complies with the requirements of the Zoning By-law and that each new lot complies with the Minimum Distance Separation Formulae as required. The applicant is concurrently applying for a second consent application under application B22-22-PC, which also proposes a lot of similar size to be severed from the retained parcel. In total, only two new lots have been proposed that are one hectare in size and will accommodate private services. Staff conducted a site visit to determine if any existing agricultural activities were located in the surrounding area. Staff found no evidence of any agricultural activities, and as a result, have decided that a Minimum Distance Separation calculation is not required.

Section 11.5 of the Official Plan sets out requirements for Parkland Acquisition and Dedication. Section 11.5.1 d) ii) states that cash-in-lieu for all or part of the required parkland dedication may be considered where the required dedication of land would render the remainder of the site unsuitable or impractical for development. The proposed lot is not of sufficient size for the acquisition of parkland, and as such, cash-in-lieu is required. City of Port Colborne By-law 4748/130/05 enables Staff to require the applicant to sign the City's Memorandum of Understanding regarding the collection of cash-in-lieu as a condition of the consent application. Staff has added this as a condition of the consent.

Staff is satisfied that the proposed consent application conforms with the requirements of the Official Plan as in total only two lots have been proposed that are a minimum of one hectare in size and can support private services.

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

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

Part 1: A lot frontage of 63.50m and a lot area of 1.00ha

Part 3: A lot frontage of 256.24m and a lot area of 14.58ha.

The RU zone requires a lot frontage of 30m and a minimum lot area of 0.4ha. Both Part 1 and Part 2 have exceeded these requirements. Furthermore, detached dwellings are permitted in this zone. Staff is satisfied that all the requirements of the zoning by-law have been met.

## **Recommendation:**

Given the information above, Planning Staff recommends 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 12<sup>th</sup>, 2024.

For the following reasons:

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

Prepared by,



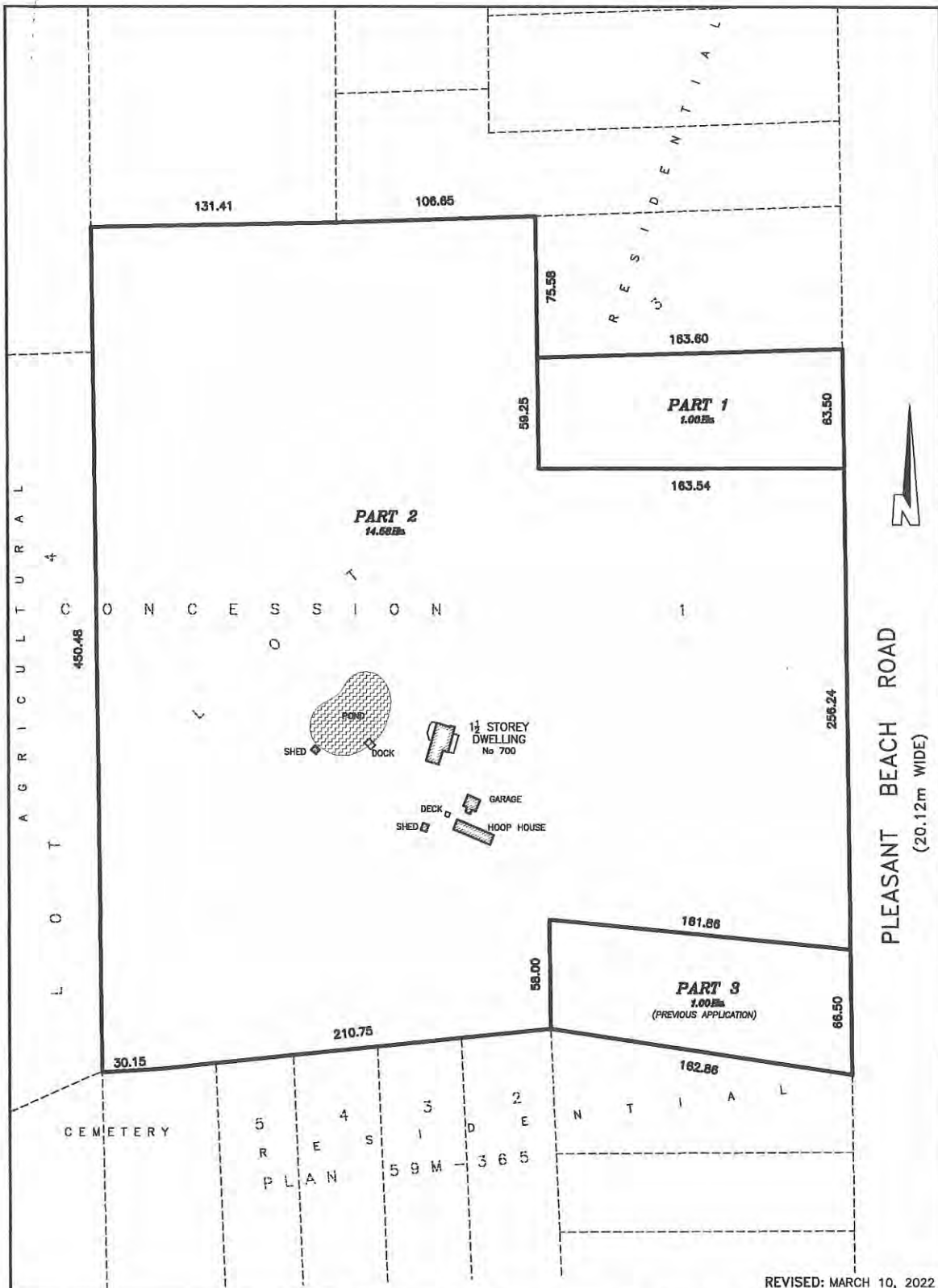
Chris Roome, BURPI  
Planner

Submitted by,

A handwritten signature in black ink, appearing to read 'D. Landry', with a horizontal line drawn through the middle of the signature.

Denise Landry, MCIP, RPP  
Manager of Planning Services





## SKETCH

PREPARED FOR SEVERANCE APPLICATION  
PART OF LOT 3  
CONCESSION 1  
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE  
IN THE  
CITY OF PORT COLBORNE  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 : 2500 (METRIC)

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

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

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

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JANUARY 21, 2022  
DATE

*Don Chambers*  
DONALD G. CHAMBERS, B. Sc., O.L.S.

**CHAMBERS AND ASSOCIATES  
SURVEYING LTD**

12 THOROLD ROAD EAST (805) 735-7841 / 735-7844  
WELLAND ONTARIO FAX (805) 735-7333  
L3C 3T2 www.local-surveying.com

DWG 21090-1\_SK FILE 21-90-1

## **Planning and Development Services**

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

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### **Email Only**

October 4, 2022

Region Files: D.06.07.CS-22-0088  
D.06.07.CS-22-0089

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

Dear Ms. Yeung:

**Re: Regional and Provincial Comments  
Proposed Consent Application  
City Files: B22-22-PC, B23-22-PC  
Owners: Jennie and Brandon Marlatt  
700 Pleasant Beach Road  
City of Port Colborne**

---

Regional staff has reviewed the above-mentioned Consent Applications for lands municipally known as 700 Pleasant Beach Road. The Region received its circulation of the Applications on September 20, 2022. The proposal contemplates the severance of Part 1 (1 ha) and Part 3 (1 ha), with Part 2 (14.68 ha) to be retained.

A pre-consultation meeting was held on September 23, 2021. The following comments are provided from a Provincial and Regional perspective to assist the Committee with their consideration of these Applications.

### **Provincial and Regional Policies**

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

The predominant use of lands in the Rural Area is intended for agriculture uses, but some non-farm development is permitted. Section 5.C of the ROP sets out the circumstances and permissions related to rural development and lot creation in the Rural Area. ROP policies in Section 5.C.6 state that development in the Rural Area is limited to 3 lots or less and specifies that impacts to existing agricultural uses and the

rural character of the area must be carefully considered before non-farm residential development in the Rural Area can be approved.

Policy 5.C.6.4(i) of the ROP states that new rural development consisting of 3 lots shall be a minimum of 1 ha in size, unless it is demonstrated that a smaller sized lot will adequately accommodate private water and sewage treatment facilities for long-term operation. Regional staff acknowledge that the proposal is to sever two lots of 1 ha, respectively. As such, Regional staff is satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional rural lot creation policies, subject to the below comments.

## **Natural Heritage**

The property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of the Empire Beach Backshore Basin Forest Provincially Significant Wetland Complex ("PSW") and Significant Woodland. The property is also mapped as part of the Growth Plan's Provincial Natural Heritage System ("NHS"). As such, these features are considered Key Natural Heritage Features ("KNHF") and Key Hydrologic Features ("KHF") and the natural heritage policies identified in the Growth Plan apply accordingly.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation ("NHE") when development and/or site alteration is proposed within 120 metres (m) of a KNHF / KHF. Regional policies similarly require the completion of an Environmental Impact Study ("EIS") when development and/or site alteration is proposed within 120 m of PSW and within 50 m of Significant Woodland. Regional Environmental Planning staff has determined that the proposed lots are located a distance greater than 120 m from these features. As such, staff does not offer any environmental requirements for the proposed Consent Applications.

## **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 property exhibits the potential for the discovery of archaeological resources due to the presence of a natural watercourse feature and multiple registered archaeological sites within 300 m.

In order to ensure that any potential archaeological resources that may be located on the property are protected, Regional staff requires the submission of a Stage 1 Archaeological Assessment, plus any subsequent recommended assessments, along with any applicable MHSTCI acknowledgement letter(s) as a condition of Consent Approval. An appropriate condition is provided within the attached Appendix.

## Private Servicing

Regional Private Sewage System ("PSS") Inspection staff has reviewed the proposal and completed a site visit of the property to ensure that the current septic system would be fully contained on the remnant parcel, that all building code setbacks would be met from the proposed property lines, and that the system is in good working order.

Regional staff also conducted a review of septic records to see if there was any previous information on the existing septic system for the property; however, no records were found. PSS staff visited the property on October 3, 2022 to ensure that the above noted requirements were being met. At the time of inspection, the septic tanks were located north of the dwelling. The outlet chamber was easily accessible and the levels appeared to be in good working order. The inlet (solids) chamber was not accessible during the time of inspection, but the Owner provided photos afterwards to confirm that there were no issues. The Owner was informed that due to the extended duration since the last pump out that it would be best to have the tanks pumped out soon. The tile bed for the system was also located north of the dwelling. During the inspection of the tile bed there was no evidence that would lead staff to believe that the system is not functioning properly. At the time of inspection it did not appear that the proposed property lines were staked out. Although this may be the case, due to the location of the septic system being a great distance away from the proposed severed parcel, PSS staff are confident that all required setbacks will be met.

As such, Regional PSS staff does not object to the proposed Consent Applications.

## Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed Consent (Severance) Applications, provided that the Condition of Consent Approval as provided within the attached Appendix is addressed. City staff should also be satisfied that all applicable local requirements and provisions are met.

If you have any questions related to the above comments, please contact the undersigned at [Alexander.Morrison@niagararegion.ca](mailto:Alexander.Morrison@niagararegion.ca).

Respectfully,



Alexander Morrison, MCIP, RPP  
Senior Development Planner

cc: Katie Young, Development Planner, Niagara Region  
Lori Karlewicz, Planning Ecologist, Niagara Region  
Matteo Ramundo, Private Sewage Systems Inspector, Niagara Region

Appendix: Regional Conditions of Consent Approval

## **Appendix**

### **Regional Conditions of Consent Approval**

#### **700 Pleasant Beach Road, Port Colborne**

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1. That the Owner submits a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments) for the severed parcels (Part 1 and Part 3) prepared by a licensed archaeologist, to the Township of West Lincoln 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.





## PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

## APPLICATION FOR CONSENT

PLEASE TYPE OR USE BLACK INK

### Section 1

<b>1. Registered Owner (s):</b>	
Name: Brandon and Jennie Marlatt	
Mailing Address: 700 Pleasant Beach Rd	
City: Sherkston	Province: ON
Postal Code: L0S 1R0	Telephone: 289-321-0388
Fax:	Email: marlatt.jennie@gmail.com

<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name: Peter R Bonenfant	
Mailing Address: 2-241 Ridge Rd	
City: Ridgeway	Province: ON
Postal Code: L0S 1N0	Telephone: 905-894-3410
Fax:	Email:

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

<b>1.4 MORTGAGES, Charges &amp; Other Encumbrances:</b>
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
Scotiabank Mortgage
444 Niagara St
Welland, ON

<b>1.5 Date and Subject Land was acquired by the Current Owner:</b>
November 30 <sup>th</sup> 2016

<b>1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>

Name: Brandon + Jennie Marlatt	
Mailing Address: 760 Pleasant Beach Rd.	
City: Sheikston	Province: ON
Postal Code: L0S1R0	Telephone: 289-321-0308
Fax:	Email: marlatt.od@gmail.com

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

## Section 2: LOCATION

Former Municipality:	
Concession No. 1	Lot(s): 3
Registered Plan No. 59M-365	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Pleasant Beach Rd.	Street No. 760

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

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

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

### Section 3: OFFICIAL PLAN & ZONING

<b>3.1 What is the current designation of the land in the Official Plan and the Regional Plan?</b>
Port Colborne Official Plan: <u>Agriculture</u>
Regional Policy Plan: <u>Rural Area</u>

<b>3.2 What is the Zoning of the land (By-law 6575/30/18)?</b>
<u>Rural</u>

<b>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?</b>
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No

### Section 4

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

### Section 5

<b>Type of ACCESS</b>
<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 <b>seasonally</b>
<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Water Access
<input type="checkbox"/> Private Road

### Section 6

<b>What type of WATER SUPPLY is proposed?</b>
<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) <u>Cistern + Septic</u>

### Section 7

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



## Section 8

What type of STORMWATER DISPOSAL is proposed?

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

## Section 9

Part No. On Sketch: 1

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)

Frontage: 63.50 Depth: 163.60 Area: 1.00 Ha

Existing Use: Not used Farm field

Proposed Use: Housing new built

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

Existing: Vacant

Proposed: Residence, Future home build.

## Section 10

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

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)

Frontage: 256.24 Depth: 401.66 Area: 14.58 Ha

Existing Use: Residence, agricultural

Proposed Use: Same

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: Residence

Proposed:

## Section 11

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

- ☐ Yes  
☒ No  
☐ Unknown

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

File Number:

Decision:

## Section 12

<b>HAS THE LAND BEEN SEVERED from the parcel originally acquired by the owner of the land?</b>	
<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

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

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

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

<b>14.1 ALL EXISTING USE</b>	
<input checked="" type="checkbox"/> Residential	
<input type="checkbox"/> Industrial	
<input type="checkbox"/> Commercial	
<input type="checkbox"/> Institutional	
<input checked="" type="checkbox"/> Agricultural	
<input type="checkbox"/> Parkland	
<input type="checkbox"/> Vacant	
<input type="checkbox"/> Other	
_____	



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

20+ years farmland

**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

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

**14.6 If Industrial or Commercial, specify use**

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

- ☐ Yes  
☐ No  
☒ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☐ No  
☒ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

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

- ☐ Yes  
☒ No  
☐ Unknown

**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 Sep 18<sup>th</sup> / 22  
Date

X [Signature]  
Signature of Owner

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

- ☐ Yes  
☒ No  
☐ Unknown

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

--

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

- ☐ Yes  
☐ No N/A

## 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 Sept 8<sup>th</sup> /22  
Date

X [Signature]  
Signature of Applicant(s)

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

I/We Jennie Marlatt

Of the City/Town/Township of Sherkston

In the County/District/Regional Municipality of Region 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 8<sup>th</sup> day of September  
A.D. 20 22

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

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

X [Signature]

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

A Commissioner, etc.

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



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

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

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: B13-22-PC**

Action: Consent  
Agent: N/A  
Owner: Bridge and Quarry Ltd.  
Location: 675 & 677 Stanley Street

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

The applicant, Jeff Colins, had no further comments on the application. Mr. Colins asked why the process of severing the semi-detached homes comes after the building permits and construction, and what would happen if the public objected to the severance.

Mr. Roome explained when these lots are draft plan approved, we ensure there is flexibility for future development that is permitted in the zoning. The zoning is R2 which permits a duplex, detached and semi-detached dwelling. In the future for severances of multiple units, part lot control will be used to sever the units. The own can retain both units and rent; they have no obligation to sever them.

That consent application B13-22-PC be **granted** subject to the conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That all conditions of consent be completed by September 14<sup>th</sup>, 2024.

For the following reasons:

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

Motion: Eric Beauregard    Seconded: Angie Desmarais

Carries: 5-0

ii)     **Application: B14-22-PC**

iii)    **Application: A23-22-PC & A24-22-PC**

Action:        Consent & Minor Variance

Agent:         N/A

Owner:         Brenton Lundy

Location:       134 Fares Street

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

The applicant, Brenton Lundy, has no further comments or questions at this time.

Member Beauregard asked what the future development would be on the severed property.

Mr. Lundy responded he plans to build a raised bungalow with an attached garage.

Member Desmarais asked if the engineering comments with respect to drainage have been addressed.

Mr. Roome explained the topographic survey was a recommendation by Engineering and not a condition of the consent. This is typically dealt with at the time of the building permit.

Member Beauregard shared in his experience that topographic surveys are a condition or conceptually to the satisfaction of engineering or public works. It would be beneficial for the applicant to know they can develop on their property. It is also common to have comments on potential laterals crossing property lines. This could be added as standard condition in the future.

That consent application B14-22-PC be **granted** subject to the 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 existing detached garage be removed.
4. That minor variance applications A23-22-PC and A24-22-PC be granted.
5. That a topographic survey is submitted demonstrating that the retained and the severed parcel will drain independently, to the satisfaction of Engineering Staff.
6. 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.
7. That all conditions of consent be completed by September 14<sup>th</sup>, 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.

Motion: Gary Bruno

Seconded: Eric Beauregard

Member Beauregard asked to make a motion to add a condition that a conceptual lot grading plan be submitted to the satisfaction of Public Works.

Carried: 5-0

That minor variance application A23-22-PC be granted for the following reasons:

1. **The application is minor in nature** as the requested variances are minor in nature and the dwelling can meet most of the zoning requirements.
2. **It is appropriate for development of the site** as the existing dwelling is located in a suitable location and detached dwellings are permitted use in the R3 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 detached dwellings in the R3 zone and the proposal meets the majority of the setback and lot coverage requirements.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as residential dwellings in the Medium Density Urban Neighbourhood designation of the East Waterfront Secondary Plan Area

And, that minor variance application A24-22-PC be granted for the following reasons:

1. **The application is minor in nature** as the reduction in lot frontage will not negatively impact the subject parcel.
2. **It is appropriate for development of the site** as the proposed lot frontage can accommodate a detached dwelling while meeting the requirements of the zoning by-law.
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 R3 zone and the proposal meets the majority of the lot creation requirements.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as residential dwellings in the Medium Density Urban Neighbourhood designation of the East Waterfront Secondary Plan Area

Motion: Angie Desmarais

Seconded: Eric Beauregard

Carried: 5-0

iv) **Application: B15-22-PC, B16-22-PC, B17-22-PC, B18-22-PC**

v) **Application: A25-22-PC, A26-22-PC**

Action: Consent (x4) & Minor Variance (x2)

Agent: Brian Miller

Owners: Wesley Visser

Location: 59 Omer Avenue

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

The agent, Brian Miller, provided additional comments that a stormwater management plan was provided for this property at the time of the building permit issuance. The townhouses were constructed prior to the severances which is in accordance with the zoning by-law.

Mr. Chair asked if there is a maximum allowable severance on a property.

Mr. Roome stated there is a provision in the Official Plan that refers to a plan of subdivision for creating three or more lots, however, it does not apply to townhouses.

The Chairman calls for delegates virtually and in person.

Colin Warner, a resident of 63 Omer Avenue, has concerns on this development. His concerns are as follows:

- Parking on availability and street congestion on narrow streets (Omer).
- The lots are not in the character of the neighbourhood and enlarging the lots that would meet the zoning requirements would not affect the aesthetics of the neighbourhood.
- Drainage concerns since the start of this development. Mr. Warner has concerns the development would flood or have other impacts on neighbouring properties.

Mr. Roome responded to Mr. Warner with respect to the lot area, the property meets all the required setbacks of the zoning by-law. A lot grading plan was submitted at the time of the building permit application and it was approved, but we would have to follow up with the engineering staff to see if further changes could be done.

Member Beauregard asked why the parkland dedication payment be made only for part 5.

Mr. Roome explained Parkland dedication is required at the time of building permits and if future development is proposed on part 5, the condition lets the applicant know a parkland dedication fee will be required.

Member Beauregard will ask further questions in "Other Business". He also asked if a Planning Justification Report was required.

Mr. Roome responded a Planning Justification Report is not required for a severance application.

Member Bruno asked if the drainage plan covers parts 1 through 5. He has concerns over drainage as future development occurs.



Mr. Roome responded yes, the entire parcel has been signed off for drainage. The engineering staff may be required to update the grading plan depending on the scale of the development.

Member Kalailieff expressed if the drainage plan was approved but there are issues with drainage, the City should be responsible to correct the issue.

Mr. Roome agreed and will have to follow up with the engineering staff.

Mr. Miller stated that the final grades have not yet been established and the grading plan not working may be premature. To further explain, the property is going to be developed through draft plan approval. An engineering firm and an independent planner are working on a planning justification report. It will be a complete plan of subdivision with a stormwater management plan.

Mr. Warner expressed further concerns regarding the impact of the development.

The Chairman stated the Committee is not the representation of the City or the City Council and matters have been addressed from the Committee's aspect at this point in time.

The Chairman asked if there needs to be a mutual agreement for access to the backyard for the two middle properties.

Mr. Miller stated in his knowledge and experience, it is not a requirement of the zoning by-law and plans of subdivision.

The Chairman requests there be a condition of the severance that access to the rear yard for the two middle properties be included.

Member Beauregard asked if a blanket easement could be placed without coming back to the Committee of Adjustment.

Mr. Roome explained an easement for up to 21 years could be placed through a lawyer, however the Committee of Adjustment could grant an easement in perpetuity.

Member Bruno asked if there is access to the backyard from the garage or internally for larger items.

Mr. Miller stated no, there is not. The application complies with the zoning by-law, the Planning Act, the building code and the fire code. It is not a requirement but a good practical idea.

That consent application B15-22-PC be **granted** subject to the 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 a Mutual Agreement Drain be registered on title that ensures the continued operation and maintenance of the rear yard swale.
4. That access to the rear yard be provided to Part 2 and Part 3, to the satisfaction of Planning Staff.
5. 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. This condition only applies to Part 5.
6. That all conditions of consent be completed by September 14<sup>th</sup>, 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: Dan O'Hara

Seconded: Eric Beauregard

Carried: 5-0

That consent application B18-22-PC be granted subject to the 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 a Mutual Agreement Drain be registered on title that ensures the continued operation and maintenance of the rear yard swale.
4. That access to the rear yard be provided to Part 2 and Part 3, to the satisfaction of Planning Staff.

5. 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.
6. That all conditions of consent be completed by September 14<sup>th</sup>, 2024.

For the following reasons:

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

Motion: Dan O'Hara

Seconded: Eric Beauregard

Carried: 5-0

That consent application B16-22-PC be granted subject to the 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 a Mutual Agreement Drain be registered on title that ensures the continued operation and maintenance of the rear yard swale.
4. That minor variance application A25-22-PC be granted.
5. 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. This condition only applies to Part 5.
6. That all conditions of consent be completed by September 14<sup>th</sup>, 2024.

For the following reasons:

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

Motion: Eric Beauregard

Seconded: Gary Bruno

Carried: 5-0

That consent application B17-22-PC be **granted** subject to the 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 a Mutual Agreement Drain be registered on title that ensures the continued operation and maintenance of the rear yard swale.
4. That minor variance application A26-22-PC be granted.
5. 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. This condition only applies to Part 5.
6. That all conditions of consent be completed by September 14<sup>th</sup>, 2024.

For the following reasons:

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

Motion: Eric Beauregard

Seconded: Gary Bruno

Carried: 5-0

That minor variance application A25-22-PC be granted for the following reasons:

1. **The application is minor in nature** as the reduction in lot area will not negatively impact the subject parcel.
2. **It is appropriate for development of the site** as the dwelling is currently existing and the severance is being sought to facilitate the sale of each townhouse unit.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the zoning by-law permits townhouse dwellings in the R4 zone. The proposal meets the majority of the lot creation requirements, and the existing dwelling will meet all the required setbacks
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as townhouse dwellings are permitted in the Urban Residential designation.

Motion: Donna Kalailieff

Seconded: Gary Bruno

Carried: 5-0

That minor variance application A26-22-PC be granted for the following reasons:

1. **The application is minor in nature** as the reduction in lot area will not negatively impact the subject parcel.
2. **It is appropriate for development of the site** as the dwelling is currently existing and the severance is being sought to facilitate the sale of each townhouse unit.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the zoning by-law permits townhouse dwellings in the R4 zone. The proposal meets the majority of the lot creation requirements, and the existing dwelling will meet all the required setbacks.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as townhouse dwellings are permitted in the Urban Residential designation.

Motion: Donna Kalailieff

Seconded: Gary Bruno

Carried: 5-0

4. Other Business:

Member Beauregard asked why Parkland Dedication fees are not required for any new parcel. He explained he is familiar with the process being dealt with the Planning Department rather the Building Department.



Mr. Roome stated this is a part of their update to the Parkland By-Law; is to bring it back to the Planning stage, however it is a work in progress.

Member Beauregard suggests having the Engineering staff comment on laterals crossing in these applications and have Committee consider these aspects.

Mr. Roome explained he will have to follow up with Engineering staff about their review.

The Chairman suggests making a motion to have public notice signs and mailouts be completed for the deferred applications A09-22-PC and A17-22-PC.

Carried: 5-0

5. Approval of Minutes:

Minutes from the August 10th, 2022, meetings were approved.

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

6. Adjournment

There being no further business, the meeting was adjourned at approximately 7:54 pm.