

# CORPORATION OF THE CITY OF PORT COLBORNE

## COMMITTEE OF ADJUSTMENT -MEETING AGENDA-

6:00 P.M., Wednesday, September 14th, 2022 Council Chambers (Virtual & In-Person)

- 1. Call Meeting to Order
- 2. Reading of Meeting Protocol
- 3. Disclosures of Interest
- 4. Request for Any Deferrals or Withdrawals of Applications
- 5. New Business

i) Application: B13-22-PC

Action: Consent Agent: N/A

Owners: Bridge and Quarry Ltd.

Location: 675 and 677 Stanley Street

ii) Application: B14-22-PC

Action: Consent Agent: N/A

Owners: Brenton Lundy
Location: 134 Fares Street

iii) Application: A23-22-PC & A24-22-PC

Action: Minor Variance

Agent: N/A

Owners: Brenton Lundy Location: 134 Fares Street

iv) Application: B15-22-PC, B16-22-PC, B17-22-PC, & B18-22-PC

Action: Consents
Agent: Brian Miller
Owners: Wesley Visser
Location: 59 Omer Avenue

v) Application: A25-22-PC & A26-22-PC

Action: Minor Variance
Agent: Brian Miller
Owners: Wesley Visser
Location: 59 Omer Avenue

6. Other Business

- 7. Approval of Minutes
  - i) August 10, 2022, Committee of Adjustment Meeting
- 8. Adjournment



### COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR CONSENT

APPLICATION NO. B13-22-PC

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

AND IN THE MATTER OF the lands legally known as Lot 71 on Plan 59M428, in the City of Port Colborne, located in the Second Density Residential (R2) zone, municipally known as 675 and 677 Stanley Street.

### AND IN THE MATTER OF AN

**APPLICATION** by the owner Bridge and Quarry Ltd. for consent for the purpose of creating a new lot. The subject parcels

273 64 271 269 62 Hickory 267 265 677 675 48 Lancaster Drive 263 Stanley Street 662 686 678 674 670 682

are shown as Part 1 and Part 2 on the sketch submitted. Part 1 is proposed to be the severed parcel and Part 2 is the retained parcel to accommodate a semi-detached dwelling on both parcels. 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: September 14, 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, September 9, 2022**.

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

# Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at <a href="https://www.youtube.com/watch?v=Pbu3KXL7Dq4">https://www.youtube.com/watch?v=Pbu3KXL7Dq4</a>.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. Written submissions and participation requests must be received by noon on Tuesday, September 13, 2022, by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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

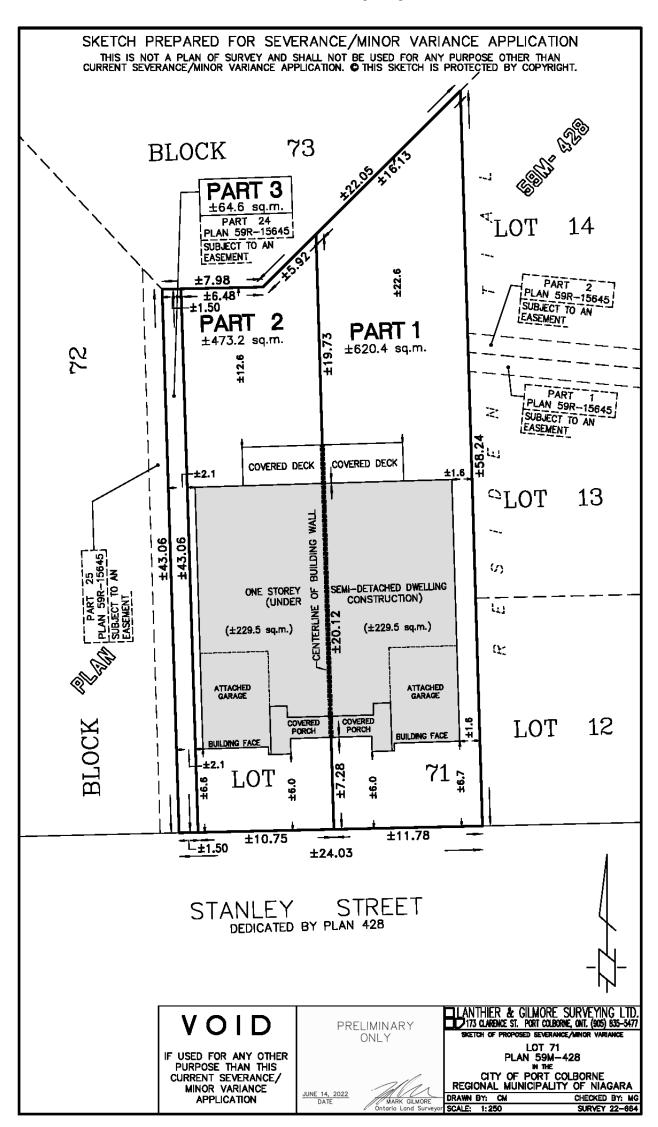
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

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

By order of the Committee of Adjustment,

Samantha Yeung Secretary-Treasurer

Date of Mailing: August 30, 2022



	PORT COLBORNE
0	PLANNING AND LEGISLATIVE SERVICES ·

A TRUM

File	No.	
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THE CITY OF PORT COLBORNE
THE PLANNING ACT – SECTION 53.
APPLICATION FOR:

### CONSENT

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

The Applicant is required to provide appropriate answers to <u>all</u> 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 Optario L2K 2C9

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  $1^{\rm st}$ , 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

(<u>www.mah.gov.on.ca</u>) 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.

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

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 <u>MUST</u> 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. <u>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</u>. If the notice is removed during this 14 day period, the public hearing date may be rescheduled.



# APPLICATION FOR CONSENT

### PLEASE TYPE OR USE BLACK INK

Se	cti	on	1
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1. Registered Owner (s):	
Name: Bridge & Ayarry	Ltd. (leff Collins & Dan Cook)
Mailing Address: (8 Cabot St.	
City: Welland	Province: DN
Postal Code: L3(5W4	Telephone: (905)788-7435
Fax: NA	Email: into bridge and quarry egmail.c
1.2 Owner's SOLICITOR (if applical	ble)
Name: John Ikola (F	let Beccario)
Mailing Address:   No Division	St.
City: Welland	Province:
Postal Code: L3B 4A2	Telephone: (905) 732-448/
Fax: (915)732-2020	Email: jikola @ Flett beccario. (on
1.3 Owner's Authorized AGENT (if	applicable)
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Eax:	Email:
1.4 MORTGAGES, Charges & Other	Encumbrances:
respect of the land.	iny mortgages, charges, or other encumbrances in
Anita Armenti-Nadon 9	1,100,000.00
Address: 720 Cedar Bay	Rd, Port Colborne, ON, L3KSV3
·	
1.5 Date and Subject Land was acqu	ired by the Current Owner:
June 30, 2021	
1.6 Owner's ONTARIO LAND SURVE	YOR (if applicable)
Lanthier & Gilmore Surv	eying L+1.
	· J

Name: Mark Gilmore				
Mailing Address: 173 Clarence St.				
City: Part Colborne	Province: ON			
Postal Code: L3K 3G4	Telephone: (9,5) \$25 - 5477			
Fax:	Telephone: (915) 835 - 5477 Email: lanthier, gilmore Chellnet, ca			
1 (1)	igniner, grimore everiver, ia			
1.7 All communications should be sent to	the:			
✓ Owner				
□ Solicitor				
☐ Agent				
Section 2: LOCATION				
Former Municipality: Port Colborne	9			
Concession No.	Lot(s): 7/			
Registered Plan No. SAM428	Lot(s):			
Reference Plan No.	Part(s):			
Name of Street: Stanley St.	Street No. 677 # 675			
,				
2.1 Type of proposed transaction: (Check a	appropriate space(s)			
✓ Creation of New Lot				
☐ Addition to lot				
☐ Mortgage or Charge				
Lease				
<ul><li>☐ Disposal of Surplus Farm Dwelling</li><li>☐ Farm Retirement Lot</li></ul>				
<ul><li>☐ Partial Discharge or Mortgage</li><li>☐ Right-of-Way</li></ul>				
☐ Easement				
Reason for proposed transaction:				
We have a single lot and t	wo semis built. Permit given.			
semis built and new we need to make one lot for pach semi.				
2.2 If a lot addition, identify the lands to w	hich the parcel will be added:			
2.2 If a lot addition, identify the lands to which the parcel will be added:				
<u>IV IT</u>				
	n land or interest in land is intended to be			
conveyed, leased, or mortgaged:				
TBU, triture bayers,				

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 Pla	n: 59M428			
Regional Policy Plan:				
3.2 What is the Zoning of the land (By-law 6575/30/18)?				
R2				
The second secon	istent with Provincial policy statements issued under anning Act, 1990, R.S.O., as amended?			
Yes				
□ No				
Section 4				
	SMENTS OR RESTRICTIVE COVENANTS affecting the land?			
Yes	If "Yes" describe the easement or covenant and its			
□ No	effect:			
	catch basins			
Section 5				
Type of ACCESS				
☐ Provincial Highway				
☐ Regional Road				
Municipal Road maint	tained all year			
☐ Other Public Road				
☐ Municipal Road maint	tained <b>seasonally</b>			
☐ Right-of-Way				
☐ Water Access				
☐ Private Road				
Section 6				
What type of WATER SUP	PLY is proposed?			
Publicly owned and or	perated piped water supply			
☐ Lake				
☐ Well (private or communal)				
□ Other (specify)				
Section 7				
What type of SEWAGE DIS				
7. A. C.	perated sanitary sewage system			
<ul><li>Septic system (private</li><li>Other (specify)</li></ul>	or communal)			
— Other (specify)				

What type of STORMWATER DISPOSAL is proposed?
Publicly owned and operated stormwater system
☐ Other (specify)
1
Section 9 Part No. On Sketch: _/
DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)
Frontage: 178 m Depth: 58,24 m Area: 624 4 sq.m.
Existing Use: Semi detached residential
Proposed Use: Semi detached residential
Existing and proposed buildings and structures on the subject land. For each existing and / or
proposed building or structure, the type of building or structure, the setback from the front lot
line, rear lot line and side lot lines, and the height of the building or structure and the
dimensions or floor area of the building or structure IN METRES. Please use additional sheets if
necessary:
Existing:  See grading plan
Proposed:
Proposed:  See Suitey
· · · · · · · · · · · · · · · · · · ·
Section 10 Part No. On Sketch: 2
DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)
Frontage: 10.75 m Depth: Warm 43.6 m Area: 473.2 Sq.m
Existing Use: Semi detached residential
Proposed Use:  Semi detached residentia  Proposed Use:  Semi detached residentia
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:
Proposed: See survey
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 parce	l originally acquired b	y the owner of the land?
Yes Phat's what we are t	iging to do.	
If the answer is "Yes", please indicate previous the following information for each lot severed:		uired sketch and supply
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 l	and or any land within	n 120 metres of the
subject land is the subject of an application m		
Official Plan Amendment	☐ Yes	No
Zoning By-Law Amendment	☐ Yes	□ No
Minor Variance	☐ Yes	☑ No
Plan of Subdivision	☐ Yes	Ø No
Consent	☐ Yes	₫ No
Site Plan	Yes	no No
13.2 If the answer to the above is yes, and if	known, provide the fo	ollowing for each
application noted:  File number of the application:		
Name of the approval authority considering the	e application:	
Lands affected by the application:		
Purpose of the application:		
Status of the application:		
Effect of the application on the proposed amen	dment:	
Section 14 ALL EXISTING, PREVIOUS  14.1 ALL EXISTING USE	AND ADJACENT	USE OF THE LAND
☑ Residential □ Industrial		
☐ Commercial		
☐ Institutional		
☐ Agricultural		
☐ Parkland		
☐ Vacant		

1.

	e there any	/ buildings o	or structure	s on the su	bject land?		
✓ Yes							
If Yes, fo	r each exi	isting build	ding or str	ucture, co	mplete the	following:	
ype of uilding or tructure	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
em)	See	acadina	plan				
Semi	11 See	grading	plan"				
☐ Indus							
☐ Comr☐ Instit☐ Agrice☐ Parkla☐ Vacar☐ Other☐	mercial utional ultural and nt	USE(S)					
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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
<ul><li>✓ No</li><li>☐ Unknown</li></ul>
LI OTIKTOWIT
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 No
☐ Unknown
14.14. If there are existing an averiously existing buildings on the subject lands are those
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
<ul> <li>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</li> </ul>
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 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. 14.16 Are there any buildings designated under the Ontario Heritage Act? ☐ Yes ☑ No Unknown If there are any existing buildings on the site, briefly describe them and indicate their proposed use detached x2 Clast need to sever to two lots)

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	July 18 2022	x (////-
Date	, ,	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.

Of the City/Town/Township of Velland W	
In the County/District/Regional Municipality of	agas a
solemnly declare that all the statements contained in this solemn declaration conscientiously believing it to force and effect as if made under oath and by virtue of	be true, and knowing that it is of the same
DECLARED before me at the  City Of Port Colhorne  In the Cegion of Niggra  This 22nd day of July	TO BE SIGNED IN THE PRESENCE OF A COMMISIONER FOR TAKING AFFIDAVITS
A.D 20	Signature of applicant(s), solicitor, or authorized agen

### A Commissioner, etc.

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

City of Port Colborne.

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.

(if needed) 7 (Iam owner of Bridge & aunity)

### **AUTHORIZATIONS**

LOCATION OF SUBJECT LANDS:	A / /
677 \$ 675 Stanley St.,	Port Colborne
1	
I/We, the undersigned, being the registered owner	r(s) of the above lands hereby authorize
Jeff Collins	
(name of agent)	
of the City of WP	lland
to make an application on my/our behalf to the Co City of Port Colborne for transaction concerning ar Zoning By-law Amendment / Consent to Sever / M Subdivision or Condominium / Site Plan Control Ap application) in accordance with the <i>Planning Act</i> .	application for Official Plan Amendment / inor Variance or Permission / Draft Plan of
Dated at the Find of My	/
in the City of Mil	+ Colhaine
this 22nd day of July	20_2)
X	X
Signature of Witness	Signature of Owner
V	V
<u>X</u>	<u>X</u>
Signature of Witness	Signature of Owner
X	X
Signature of Witness	Signature of Owner
	A PERFECT OF STREET AND STREET AN

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 preconsultation 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

- 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
- 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
- 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
- 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
- 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
- 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: <a href="http://www.mah.gov.on.ca">http://www.mah.gov.on.ca</a>
  Under "Your Ministry" Land Use Planning Provincial Policy Statement

### FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Data of Bossist of Computated Applications
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:



### City of Port Colborne

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

### Planning and Legislative Services

Planning Division Report

September 9th, 2022

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

Re: Application for Consent B13-22-PC

675 & 677 Stanley Street Lot 71 on Plan 59M428

Agent: N/A

Owner(s): Bridge and Quarry

### Proposal:

The purpose of this application is to permit the conveyance of Part 1 (as depicted on the attached sketch) having a lot frontage of 11.78m on Stanley Street and a lot area of 620.4m<sup>2</sup> for an existing semi-detached dwelling. Part 2 (as depicted on the attached sketch) will retain a lot frontage of 10.75m on Stanley Street and a lot area of 473.2m<sup>2</sup>.

# Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Third Density Residential (R3) to the north and west and First Density Residential (R1) to the east and south. The surrounding uses consist of townhouse dwellings currently under construction to the north and west and detached dwellings to the east and south.

# Environmentally Sensitive Areas:



Note: The aerial imagery is provided from 2020 and does no show the existing structure on the subject parcel, or surrounding parcels.

The subject lands do not contain any environmentally sensitive areas.

#### **Public Comments:**

Notice was circulated on August 30<sup>th</sup>, 2022, to adjacent landowners within 60m of the subject property as per Section 44 (5) of the Planning Act. As of September 9<sup>th</sup>, 2022, no comments from the public have been received.

### **Agency Comments:**

Notice was circulated on August 19<sup>th</sup>, 2022, to internal departments. As of September 9<sup>th</sup>, 2022, the following has been received.

### **Drainage Superintendent**

There are no concerns regarding municipal drains for this application.

#### Fire Department

Port Colborne Fire has no objection to the proposed application.

### **Engineering Technologist**

The driveway entrance must be a minimum of 3.0m and a maximum of 7.3m. The minimum driveway offset from the adjacent property line must be a minimum of 1m.

#### Staff Response

The driveways for the dwelling have already been constructed, as the dwelling is previously existing.

#### **Discussion:**

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

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

Staff are satisfied that the proposed consent is consistent with the PPS. The application efficiently uses land and resources as the existing dwelling has a compact form and adds to a mix of dwelling types in the area.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a "Delineated Built-up Area" where intensification is generally encouraged. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime. Furthermore, they support a range and mix of housing options, including additional residential units and affordable units, to serve all sizes, incomes, and ages of households.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application supports a range of housing types and encourages intensification in the delineated built-up area.

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

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

### City of Port Colborne Offical Plan

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

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP, which requires that severance applications must be submitted with an Ontario Land Surveyors Sketch and that each parcel has frontage on a public road. This section also provides for the collection of parkland dedication as a result of lot creation. Staff has established that parkland dedication fees were collected at the time of the building permit application, therefore no condition will be applied to this application requiring parkland dedication fees.

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

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

The subject lands are zoned Second Density Residential (R2) under Zoning By-law 6575/30/18. The property was rezoned in 2021 from First Density Residential (R1) to R2 as a result of the approval of Zoning By-law Amendment application D14-14-21. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 10.75m and a lot area of 473.2m<sup>2</sup>

Part 2: A lot frontage of 11.78m and a lot area of 620.4m<sup>2</sup>.

Section 6.5 (K) of the Zoning By-law states that nothing shall prevent the splitting of any lot on which a semi-detached dwelling is erected into 2 parts divided in part by the center line of the common or party wall separating the dwelling units, provided each lot have a minimum lot area of 0.02 hectares. There is no lot coverage requirement for splitting an existing semi-detached dwelling.

As shown on the sketch, the existing building envelope can meet all of the requirements of the zoning by-law. Planning staff is satisfied that the proposal meets the requirements of the zoning by-law.

#### Recommendation:

Given the information above, Planning Staff recommends application B13-22-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 all conditions of consent be completed by September 13<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, the City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

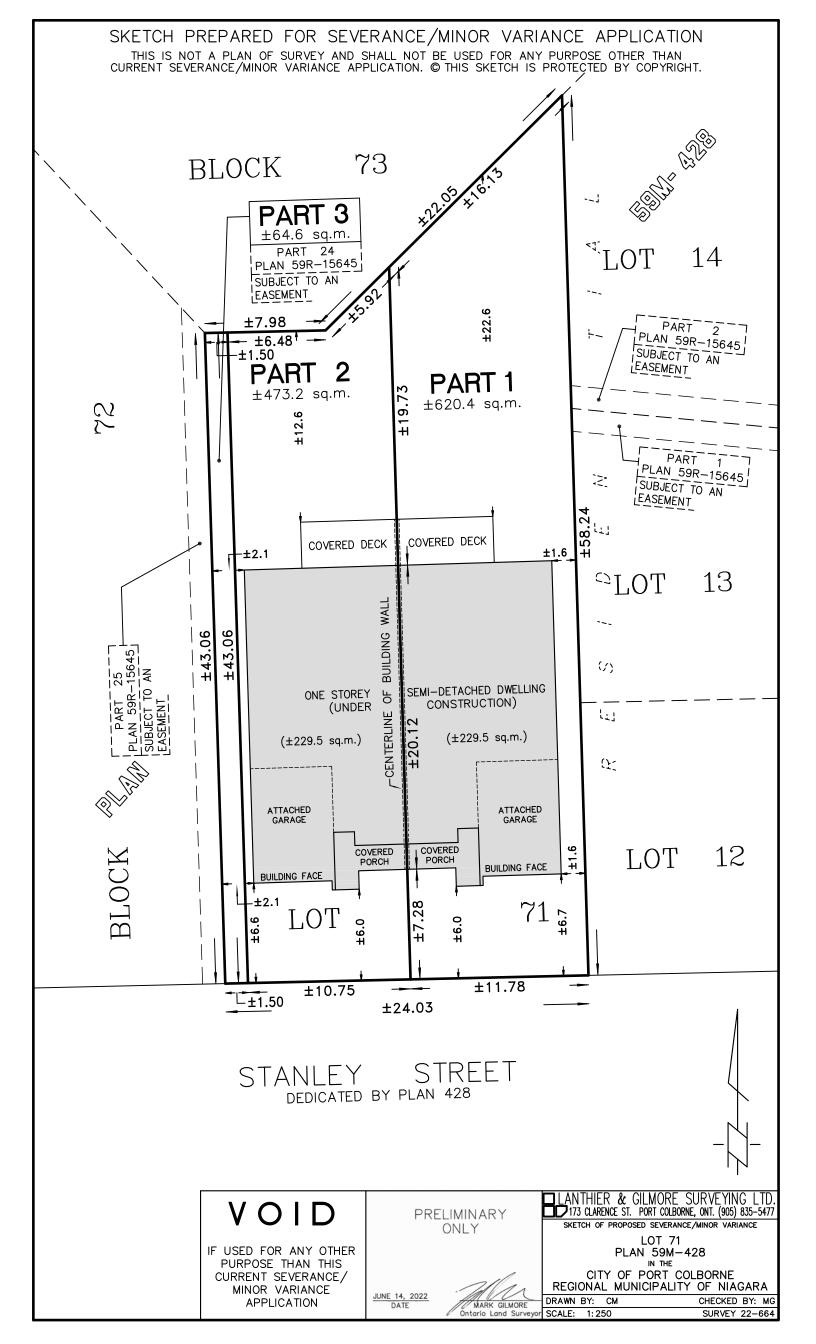
Prepared by,

Chris Roome, BURPI

Planner

Submitted by,

Denise Landry, MCIP, RPP Manager of Planning Services





# NOTICE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR CONSENT

APPLICATION NO. B14-22-PC

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

AND IN THE MATTER OF the lands legally known as Lot 7 on NP843, in the City of Port Colborne, located in the Third Density Residential (R3) zone, municipally known as 134 Fares Street.

# AND IN THE MATTER OF AN APPLICATION by the owner Brenton Lundy for consent for the purpose of creating a new lot. The subject parcels are shown as Part 1

and Part 2 on the sketch submitted.
Part 1 is proposed to be the severed



parcel for future residential use. Part 2 is the retained parcel to accommodate the existing dwelling. 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: September 14, 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, September 9, 2022**.

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

## Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at <a href="https://www.youtube.com/watch?v=Pbu3KXL7Dg4">https://www.youtube.com/watch?v=Pbu3KXL7Dg4</a>.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. Written submissions and participation requests must be received by noon on Tuesday, September 13, 2022, by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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

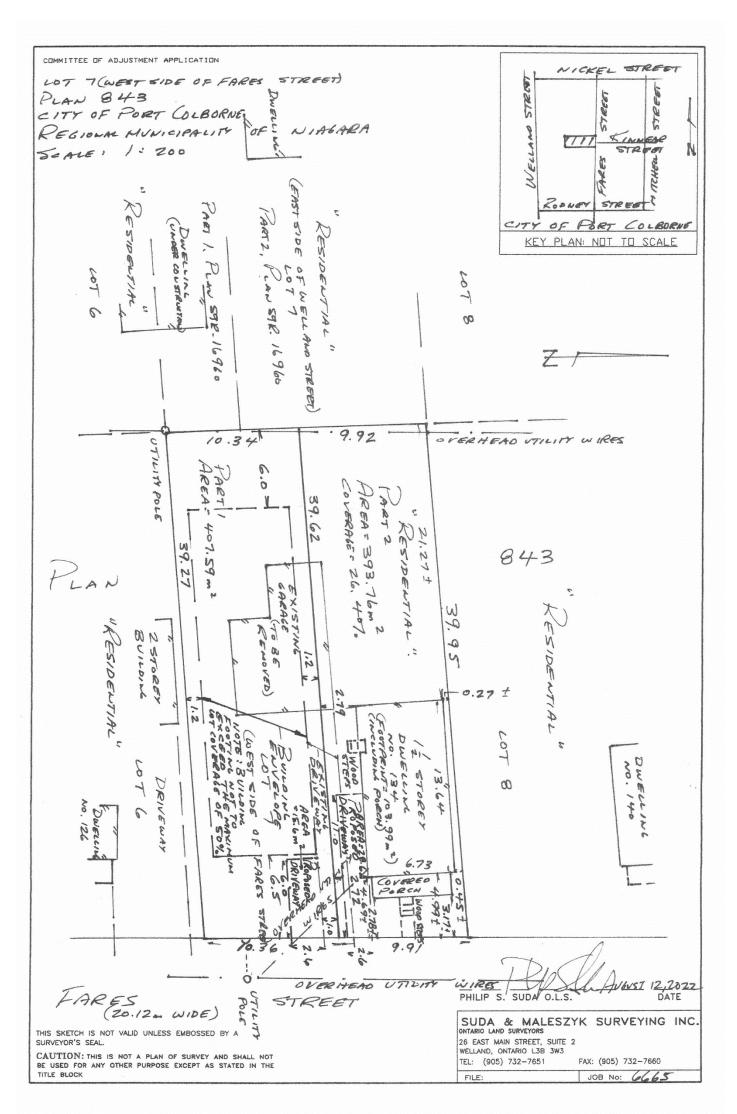
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

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

By order of the Committee of Adjustment,

Samantha Yeung Secretary-Treasurer

Date of Mailing: August 30, 2022





# APPLICATION FOR CONSENT

### PLEASE TYPE OR USE BLACK INK

1. Registered Owner (s):	
Name: Brenton Lindy	
	PL
City: Welland	Province: 0 N
Postal Code: L3C 6 J2	Telephone: 905-933-7619
Fax:	Email: brenton, lundy a idadeon
1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.3 Owner's Authorized AGENT (if applic	cable)
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 MORTGAGES, Charges & Other Encun	phyonoge
	ortgages, charges, or other encumbrances in
1.5 Date and Subject Land was acquired I	by the Current Owner:
1.6 Owner's ONTARIO LAND SURVEYOR (	if applicable)

Name: Phil Suda	e de la companya de l			
	AIN	STREET		
City: WELLAND	Province	ONTARIO		
Postal Code: 438 3 w 3	Telepho	ne: 90c-132-1651		
Fax:	Email:	ne: 905-132-1651 psuda@bellnet.co		
		ps ca accedentation		
1.7 All communications should be sent to	the:			
☑ Owner				
☐ Solicitor				
☐ Agent				
Section 2: LOCATION				
Former Municipality:				
Concession No.		Lot(s):		
Registered Plan No. 343		Lot(s): 7 (W S FARESSI)		
Reference Plan No.		Part(s):		
Name of Street: Fares		Street No. 134		
2.1 Type of proposed transaction: (Check	appropria	te 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 ( Dr. V cocy)				
☐ Easement				
Daniel Control of the				
Reason for proposed transaction:				
To server existing los	t int	o two residental lots		
	essenia sonarentarena			
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 who	m 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: Regional Policy Plan: 3.2 What is the Zoning of the land (By-law 6575/30/18)? THIRD DENSITY RESIDENTIAL ZONE (R3 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? If "Yes" describe the easement or covenant and its ☐ Yes effect: No 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 ☐ Well (private or communal) ☐ Other (specify)

Wha	at type of SEWAGE DISPOSAL is proposed?
	Publicly owned and operated sanitary sewage system
	Septic system (private or communal)
	Other (specify)

Section 8
What type of STORMWATER DISPOSAL is proposed?
Publicly owned and operated stormwater system  Other (specify)
Section 9 Part No. On Sketch: 1
DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)
Frontage: 10.36 Depth: 39.62 Area: 407.59m <sup>2</sup>
Existing Use: RESIDENTIAL
Proposed Use: RESIDENTIAL
Existing and proposed buildings and structures on the subject land. For each existing and / or proposed building or structure, the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, and the height of the building or structure and the dimensions or floor area of the building or structure IN METRES. Please use additional sheets if necessary:
Existing: GARAGE (TO BE REMOVED)
Proposed: PROPOSED BUILDING TO CONFORM WITHRE
Section 10 Part No. On Sketch: Z
DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)
Frontage: 9.91 Depth: 39.95 Area: 393.76m <sup>2</sup>
Existing Use: RESIDENTIAL
Proposed Use: RESIDENTIAL
Existing and proposed buildings and structures on the land to be retained. For each existing and / or proposed building or structure, the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, and the height of the building or structure and the dimensions or floor area of the building or structure IN METRES. Please use additional sheets if necessary:
Existing: 12 STOREY DWELLING NO. 134
Proposed: $\omega/A$
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		المسوا ماه عمد سيست ماه سالت		
HAS THE LAND BEEN SEVERED from the par	cei originally acquir	ed by the owner of the land?		
Yes				
No				
If the answer is "Yes", please indicate previou	us severances on the	required sketch and supply		
the following information for each lot severe				
Grantee's (Purchaser's) name:				
Land Use on severed parcel:				
Date Parcel Transferred:				
C				
Consent file number (if known):  B				
Section 13: OTHER APPLICATIONS				
13.1 If known, identify whether the subject	t land or any land w	ithin 120 metres of the		
subject land is the subject of an application	made by the applic	ant for approval of:		
Official Plan Amendment	☐ Yes	□ No		
Zoning By-Law Amendment	□ .Yes	□ No		
Minor Variance	☐ Yes	₽ No		
Plan of Subdivision	☐ Yes	₽ No		
Consent	☐ Yes	□ No		
Site Plan	☐ Yes	☑ No		
	A communication of the second			
13.2 If the answer to the above is yes, and	if known, provide t	he 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:	Link - Alexandra			
Status of the application:				
Effect of the application on the proposed am	iendment:			
Section 14 ALL EXISTING, PREVIO	US AND ADJAC	ENT USE OF THE LAND		
14.1 ALL EXISTING USE				
P Residential				
☐ Industrial				
□ Commercial				
☐ Institutional				
☐ Agricultural				
☐ Parkland				

□ Vacant□ Other

Yes No				ructure, co	mplete the	following:	
oe of ilding or ucture	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 constructi
1 570RC	4.69	21.27	2.12	0.27	H24,0		
RAGE	NA	NA	NA	NA	NA	N/A.	
	<u></u>					L	L
14.4 AL	L PREVIOUS	SUSE					
☐ Agric ☐ Park ☐ Vaca ☐ Othe	land nt						
☐ Park ☐ Vaca ☐ Othe	land nt er	T USE(S)					
☐ Park ☐ Vaca ☐ Othe	land nt			SOUTH	FAS	T	WEST
☐ Park ☐ Vaca ☐ Othe	land nt er L ADJACEN	T USE(S)  NORTH		SOUTH	EAS	T 4	WEST
Park Vaca Othe	land int  L ADJACEN	NORTH		SOUTH			WEST
Park Vaca Othe	land int  L ADJACEN  iial [ icial [	NORTH		SOUTH	1	4	WEST
Park Vaca Othe  14.5 AL  Resident Industria Commer Institutio	land int  L ADJACEN  ial  cial  cial  conal	NORTH		SOUTH		<u>4</u>	WEST
Park Vaca Othe  14.5 AL  Resident Industria Commer Institutio Agricultu	land int  L ADJACEN  ial [ cial [ conal [ cona	NORTH		SOUTH			WEST
Park Vaca Othe  14.5 AL  Resident Industria Commer Institutic Agricultu Parkland	L ADJACEN  ial [ cial [ onal [ onal [	NORTH		SOUTH			WEST
Park Vaca Othe  14.5 AL  Resident Industria Commer Institutic Agricultu Parkland Vacant	L ADJACEN  Lial [ cial	NORTH		SOUTH			WEST
Park Vaca Othe  14.5 AL  Resident Industria Commer Institutic Agricultu Parkland	L ADJACEN  Lial [ cial	NORTH		SOUTH			WEST

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 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

cknowledge that is my responsibility to ensure that I am in compliance with all

applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.
X 08(15/2022 X But 25)  Date Signiture of Owner
14.16 Are there any buildings designated under the Ontario Heritage Act?
☐ Yes ☐ No ☐ Unknown
- Olikilowii
14.17 If there are any existing buildings on the site, briefly describe them and indicate their proposed use
exsiting garage to be removed
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

X08/15/22

X But 3

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 Brenton Lundy
Of the City/Town/Township of Part Colborne
In the County/District/Regional Municipality of Nagara

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
Citu	of Port Colbons
in the Region	of Niagara
This 13	day of August

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

X Burt ly

Nicole Rubli, a Commissioner, etc., Regional Municipality of Niagara, while an Acting City Clerk, for the Corporation of the City of Port Colborne.

A.D 20 2

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

Aug (5/22 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 I	ANDS:	2	
I/We, the undersigned, b	eing the registered ow	ner(s) of the above lands he	reby authorize
(name of agent)			
of the	of		
City of Port Colborne for Zoning By-law Amendme	transaction concernin nt / Consent to Sever ium / Site Plan Contro	e Council or the Committee og g an application for Official P / Minor Variance or Permission I Approval (please circle the a ct.	lan Amendment / on / Draft Plan of
Dated at the	of	# <del>* * * * * * * * * * * * * * * * * * *</del>	
in the	of		
this da	y 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 preconsultation 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

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

# FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application:
Public hearing Date:
Adjourned Public Hearing Date:
Checked for completeness by:
Processing
Date:
Accepted by Manager of Planning and Development Services:
Circulated:
Comments Received:
Solicitor:
Engineer:
□ C.B.O         □ Fire Chief         □ C. N. Power         □ Region         □ NPCA         □ MTO         □ MOE         □ Other
Notice of Public Meeting:
Public Meeting:
Committee Approval:
Notice Given:
Final Day for OMB Appeal:
OMB Appeal:
OMB Hearing:
OMB Decision:
Final Day to Satisfy Conditions:



# **City of Port Colborne**

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

# Planning and Legislative Services

Planning Division Report

September 9th, 2022

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

Re: Application for Consent B14-22-PC

Lot 7 on Plan 843 134 Fares Street Agent: N/A

**Owner(s): Brenton Lundy** 

# 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 10.36m along Fares Street and a lot area of 407.59m² for a future residential use. Part 2 (as depicted on the attached sketch) will retain a lot frontage of 9.91m on Fares Street with a lot area of 393.76m² for an existing residential use. As a part of this application, the existing dwelling will remain on the property and the existing garage will be removed.

# Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Third Density Residential (R3) to the north, south, east, and west. The surrounding uses consist of detached dwellings to the north, south, east, and west.

# Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.



#### **Public Comments:**

Notice was circulated on August 30<sup>th</sup>, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9<sup>th</sup>, 2022, no comments from the public have been received.

### **Agency Comments:**

Notice of the application was circulated on August 19<sup>th</sup>, 2022 to internal City departments. As of September 9<sup>th</sup>, 2022, the following has been received.

### **Drainage Superintendent**

There are no concerns regarding municipal drains for this application.

#### Fire Department

Port Colborne Fire has no objection to the proposed application.

# **Engineering Technologist**

The minimum driveway width is 3m and the maximum width is 7.3m. Additionally, each driveway needs to be offset by 1m from the side property lines. It is also recommended that a topographic survey to establish the existing drainage patterns be submitted to ensure that each lot can drain independently of one another.

#### Staff Response

The submitted sketch indicates a driveway width of 2.6m for the retained and severed parcel. It appears that there is sufficient room on both lots to expand the width of the driveways to meet the entrance by-law requirements. Staff note that the driveways will need to be adjusted before a building permit can be approved. This will not be made a condition of the consent, as the width of the driveways has no bearing on the severance of the lot.

#### **Discussion:**

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

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

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

The Growth Plan also directs development to settlement areas. The subject parcel is located within a "Delineated Built-up Area" where intensification is generally encouraged. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime. Furthermore, the proposal supports a range and mix of housing options, including additional residential units, to serve all sizes, incomes, and ages of households.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application supports a range of housing types and encourages intensification in the delineated built-up area.

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

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The proposed lot adds to the intensification of the built-up area and makes efficient use of the existing services.

### City of Port Colborne Official Plan

The subject property is designated as Medium Density Urban Neighbourhood under the East Waterfront Secondary Plan in the City's Official Plan. The vision of the East Waterfront Secondary Plan Area calls for green streets and open spaces that will create the setting for neighbourhood renewal, infill development, and a variety of lakefront experiences. Furthermore, the Medium Density Urban Neighbourhood designation requires a net density of 35-70 units per net hectare and is also required to be developed in accordance with the applicable zoning by-law uses and regulations.

Staff is satisfied that the proposal conforms with the requirements of the Official Plan. The proposal meets the density requirements meets the minimum density of 35 units per net hectare and will be developed with regard to the relevant zoning regulations.

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

The subject lands are zoned Third Density Residential (R3) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 10.36m and a lot area of 407.59m<sup>2</sup>

Part 2: A lot frontage of 9.91m and a lot area of 393.76m<sup>2</sup>.

The R3 zone requires a lot frontage of 12m and a minimum lot area of 0.04ha. To address the lot frontage deficiency on Part 1 and lot frontage and lot area deficiencies on Part 2, the applicant has also submitted two minor variance applications requesting relief from those provisions of the by-law. The setback deficiencies for the existing dwelling will also be addressed as a part of the minor variance applications.

The existing building footprint on Part 2 demonstrates that a detached dwelling can be placed on the subject parcel and meet the majority of the requirements of the by-law. Staff note that the

applicant will be required to remove the existing garage and remove part of the existing driveway so that it is wholly contained on Part 2.

The existing dwelling located on Part 2 was built in 1924, according the MPAC's records. The construction of this dwelling pre-dates the provisions of the Zoning By-law, which came into effect in 1981. This has resulted in a front yard and interior side yard setback that does not meet the requirements of the current by-law. These deficiencies will be addressed under minor variance application A23-22-PC. Staff is satisfied that, regardless of these deficiencies, the existing dwelling is still located in a suitable location on the site. The proposed lot will provide plenty of amenity space in the rear of the property and the sketch demonstrates that the property will also be able to provide parking on site.

The survey sketch demonstrates that, on Part 1, a detached dwelling can be accommodated on the property and meet all the setback requirements of the Zoning By-law. Staff note that this building envelope is not proposed to be built, it is only for demonstration purposes to show that a future dwelling can be suitably located on the property.

Staff is satisfied that all the requirements of the zoning by-law will be met, subject to the approval of minor variance applications A23-22-PC and A24-22-PC.

#### Recommendation:

Given the information above, Planning Staff recommends application B14-22-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 existing detached garage be removed.
- 4. That minor variance applications A23-22-PC and A24-22-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.
- 6. That all conditions of consent be completed by September 13<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

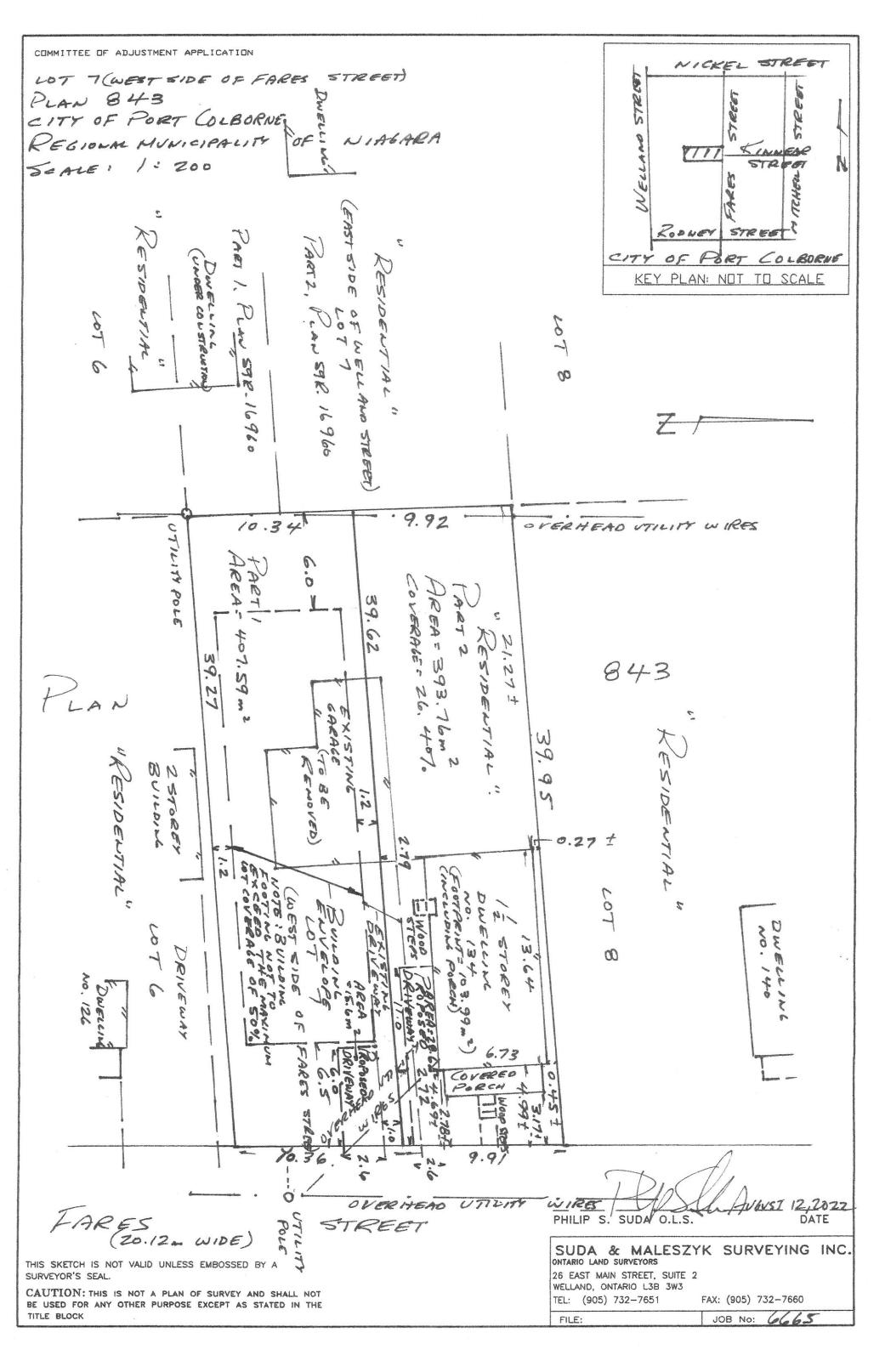
Planner

Submitted by,

Denise Landry, MCIP, RPP Manager of Planning Services

Telephone: 905-835-2900

Fax: 905-835-2939





# NOTICE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

DEVELOPMENT AND LEGISLATIVE SERVICES MINOR VARIANCE APPLICATION

APPLICATION NO. A23-22-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 6.3 (a), (c), (d), and (e) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Lot 7 on NP843, in the City of Port Colborne, located in the Third Density Residential (R3) zone, municipally known as 134 Fares Street.



# AND IN THE MATTER OF AN

**APPLICATION** by the owner Brenton Lundy for relief from the provisions of Zoning By-law 6575/30/18, as amended, so as to permit an existing residential use on Part 2, notwithstanding the following;

- 1. That a minimum lot frontage of 9.91m be permitted, whereas 12m is required.
- 2. That a minimum front yard setback of 4.69m be permitted, whereas 6.5m is required.
- 3. That a minimum side yard setback of 0.27m be permitted, whereas 1m is required.
- 4. That a minimum lot area of 393.76m<sup>2</sup> be permitted, whereas 400m<sup>2</sup> is required.

**Explanatory Relief from the Zoning By-law:** The applicant is seeking to sever the noted property. This minor variance is being sought to meet the conditions of consent in application B14-22-PC. Due to the proposed lot size, minor variances are 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: September 14, 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, September 9, 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 <a href="https://www.youtube.com/watch?v=Pbu3KXL7Dq4">https://www.youtube.com/watch?v=Pbu3KXL7Dq4</a>.

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 September 13, 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.

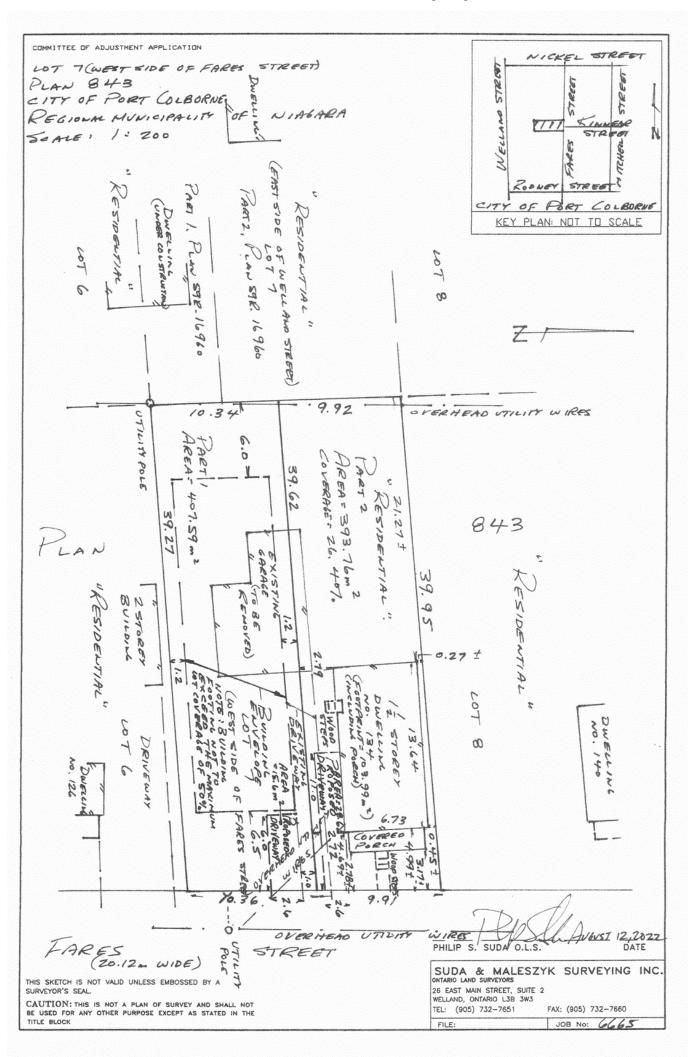
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

**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: August 30, 2022



	PORT COLBORNE
. DI	ANNING AND LEGISLATIVE SERVICES .

File No.	
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THE CITY OF PORT COLBORNE
THE PLANNING ACT – SECTION 45.
APPLICATION FOR:

# MINOR VARIANCE OR PERMISSION

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

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

# SUBMISSION OF APPLICATION:

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

City of Port Colborne
Samantha Yeung
Secretary/Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8

Telephone: 1-905-835-2900 ext. 204

FAX:

1-905-835-2939

Email:

samantha.yeung@portcolborne.ca

# COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

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

# PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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.

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

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

# **POLICIES**

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

# THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for minor variance or permission form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).
- Two (2) copies of a preliminary drawing showing all information referred to in SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY.
- Payment of the appropriate fee, submitted at the time of application as cash or as
  a certified cheque or a money order payable to the Treasurer of the City of Port
  Colborne.
- One complete application is required and shall be submitted for each parcel of land on which a variance is requested.

# SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

# NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

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

# **NOTICE REQUIREMENTS**

Notice of Public Hearing of Council <u>MUST</u> 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. <u>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</u>. If the notice is removed during this 10 day period, the public hearing date may be rescheduled.



# APPLICATION FOR MINOR VARIANCE

# PLEASE TYPE OR USE BLACK INK

# Section 1

1. Registered Owner (s):	
Name: Breaton Lundy	
Name: Breaton Lundy Mailing Address: 3 Surray P	lact,
City: Welland	Province: ON
Postal Code: L3C 652	Telephone: 905-933-7619
Fax:	Email: brenton, undy @icloud.com
1.2 Owner's SOLICITOR (if applicable	e)
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.3 Owner's Authorized AGENT (if ap	oplicable)
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
	,
1.4 MORTGAGES, Charges & Other En	ncumbrances:
List the name(s) and address(es) of any respect of the land.	y mortgages, charges, or other encumbrances in
-	
1.5 Date and Subject Land was acquir	ed by the Current Owner:

1.6 Owner's ONTARIO LAND SURVEYOR (	(if applicable)
Name: Phil Suda	
Mailing Address: 26 East Ma	ain Street
City: Welland	Province: Ontario
Postal Code: L3B 3W3	Telephone: 905-732-7651
Fax:	Eili
	Email: psuda Gellnet.ca
1.7 All communications should be sent to	o the:
⊡ Owner	
Solicitor	
Agent	
Section 2: LOCATION	
Former Municipality:	
Concession No.	Lot(s): 7(w) S Fares
Registered Plan No. 843	
Reference Plan No.	Part(s):
Name of Street: Fares	Street No. 134
( 24 62	13.1
Section 3: DESCRIPTION	Part No. On Sketch: 🙅 🔍
Frontage: 9,91 Depth: 44	May 39.95 Area: 393.76m2 (500 m2
Existing Use: Residental	
Proposed Use: Residental	
Section 4: OFFICIAL PLAN & ZON	IING
4.1 What is the current designation of the	he land in the Official Plan and the Regional
Plan?	
Port Colborne Official Plan: R3	
Regional Policy Plan:	<u>=</u>
4.2 What is the Zoning of the land (By-la	aw 1150/97/81)?
Section 5	
Are there any existing EASMENTS OR RES	STRICTIVE COVENANTS affecting the land?
	be the easement or covenant and its effect:
☑ No	
	· ·

# Section 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
Section 7
What type of WATER SUPPLY is proposed?
Publicly owned and operated piped water supply
□ Lake
☐ Well (private or communal)
☐ Other (specify)
Continue 0
Section 8
What type of SEWAGE DISPOSAL is proposed?
Publicly owned and operated sanitary sewage system
Septic system (private or communal)
U Other (specify)
Section 9
Section 5
What type of STORMWATER DISPOSAL is proposed?
Publicly owned and operated stormwater system
☐ Other (specify)
Section 10
NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
Anontes Com 199
Front yard set back 4.69m
Frontage 9.91m
Area 393, 76m ==
Side yard 0.27m2

10.1 Does the structure(s) pertaining to the		r Variance already
exist and has a building permit been issued	?	
☐ Yes		· 123
☑ No		
Section 11		
WHY IS IN NOT POSSIBLE TO COMPLY WITH	THE PROVISIONS OF	THE ZONING BY-
LAW:		
due to existing Frontage	and Severance	
		У.
Section 12		
DATE OF ACQUISITION of the land by the co	urrent owner:	
DATE OF ACQUISITION OF the falle by the co	dirent owner.	
Section 13		
DATE OF CONSTRUCTION of all existing bui	Idings and structures o	on the land:
Section 14		
LENGTH OF TIME of time that the existing	uso(s) of the land have	
LENGTH OF TIME of time that the existing t	use(s) of the land have	continuea:
Section 15: OTHER APPLICATIONS		
15.1 If known, identify whether the subjection	ct land or any land wit	hin 120 metres of
the subject land is the subject of an applica of:	ation made by the appl	icant for approval
Official Plan Amendment	☐ Yes	☑ No
Zoning By-Law Amendment	☐ Yes	Ŭ No
Minor Variance	☐ Yes	☑ No
Plan of Subdivision	☐ Yes	☑ No
Consent	☐ Yes	☑ No
Site Plan	☐ Yes	No

	If the answe		ove is yes	, and if kno	wn, provid	e the following	g for each
File	number of the	application	n:				
Nam	ne of the appro	oval author	ity conside	ering the ap	plication:	=	
Lanc	ds affected by	the applica	tion:				
Purp	oose of the app	olication:					
Stati	us of the appli	cation:				_	
Effe	ct of the applic	cation on th	ne propose	ed amendm	ent:		
		. EXISTIN	IG, PRE\	/IOUS AI	ND ADJA	CENT USE O	FTHE
AN	-	0.1165					
1	ALL EXISTING	G USE					
	Residential Industrial					*	
	Commercial						
	Institutional						
	Agricultural						
	Parkland						
	Vacant						
	Other						
**		-			-		
16.2	What is the	length of ti	me the ex	cisting use(	s) of the lar	nd have contin	ued?
16.3	Are there an	y buildings	or struct	ures on the	subject lar	nd?	
	Yes No						
Yes	s, for each ex	kisting bui	ilding or	structure,	complete	the followin	g:
e of	Setback	Setback	Setback	Setback	Height	Dimensions	Date of

Type of	Setback	Setback	Setback	Setback	Height	Dimensions	Date of
Building	from	from	from	from	(in	or floor	construction
or	the	the rear	the side	the side	metres &	area (in	
Structure	front lot	lot line	lot line	lot line	number	metres)	
	line (in	(in	(in	(in	of stories		
	metres)	metres)	metres)	metres)			
refer							
SINE				-			<u> </u>
	/ /A 1						

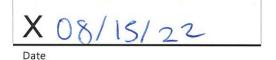
16.4 ALL PREVI	OUS USE			
☑ Residential			_	
☐ Industrial				
☐ Commercial				
☐ Institutional				
☐ Agricultural				
☐ Parkland				
□ Vacant				
☐ Vacant				
-				
. 7			-	
165 ALL ADIA	CENIT LICE(C)	17		
16.5 ALL ADJA	LENT USE(S)			
	NORTH	SOUTH	EAST	WEST
Residential	.□			
Industrial				
Commercial	-			
Institutional				
Agricultural				
Parkland		T <u> </u>	<u> </u>	
Vacant		<del>                                     </del>		
Other				
Other				
16.6 If Industri	al or Commercia	l, specify use		
16.7 Has the gr	ading of the subj	ect land been cha	anged by adding	earth or material?
Has filling occur	red on the subje	ct land?		
□ , Yes				
☑ No				
☐ Unknown				
5 100				
16.9. Has a gas	olino station and	/or automobile s	omico station ha	en located on the
	adjacent lands a		ervice station be	en located on the
Yes	adjacent lands a	carry crime:	10	
No No				
Unknown				
U Olikilowii				
		(1		
16.9 Has there lands?	been petroleum	or other fuel sto	red on the subje	ct land or adjacent
□ Yes				
No No				
☐ Unknown				
_				
16.10 Are the	re or have there	ever been underg	ground storage ta	anks or buried
	ıbject land or adj			automorphism (complete data) (complete des complete de
□, Yes		Annual Control of Cont		
No				
☐ Unknown				

16.11 Have the lands or adjacent lands ever been used as an agricultural operation
where pesticides have been applied to the lands?
☐ Yes
☑ No
☐ Unknown
16.12 Have the lands or adjacent lands ever been used as a weapons firing range?
□ Yes
☑ No
□ Unknown
16.13 Is the nearest boundary line of the application within 500 metres (1,640 feet)
of the boundary line of an operational / non-operational public or private landfill or
dump?
☐ Yes
√□/ No
Ŭ 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
<ul> <li>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.</li> </ul>
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 is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.
X 08/15/22 X But 27

# Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY Pre-screening Criteria

17.1 Is there land on the property identified in the C	Official Plan and / or Zo	oning By-
law as "hazard lands"?		
☐ Yes		
☑ No		
☐ Unknown		
17.2 Is there a watercourse or municipal drain on the	e property or within 1	5 metres
of the property?		
☐ Yes		
☑ No		
□ Unknown		
17.3 Is the property located on or within 30 metres	of the Lake Erie shore	line?
☐ Yes		
□ No		
☐ Unknown		17
17.4 Is there a valley slope on the property?		
☐ Yes		
□/No		
Unknown	1	
		11
17.5 Is there known localized flooding or a marsh /	bog area on or within	30 metres
of the property?	-	
□ ,Yes		
□ No		
□ Unknown		



X Book 200 Signature of Applicant(s)

Please note:

A Commissioner, etc.

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.

1/We Brenton Lundy	
Of the City/Town/Township of Port Colb.	orne
In the County/District/Regional Municipality of _	Niagara
solemnly declare that all the statements contained make this solemn declaration conscientiously be is of the same force and effect as if made under a Evidence Act.	lieving it to be true, and knowing that it
DECLARED before me at the	TO BE SIGNED IN THE PRESENCE OF A COMMISIONER FOR TAKING AFFIDAVITS
City Of Fort Colborne	
In the Region of Niagara	X Brus my
Thisday of August_	
A.D 20 22	Signature of applicant(s), solicitor, or authorized agent
Nicole Rubli, a Commissioner, etc. Regional Municipality of Niagara, v an Acting City Clerk, for the Corpo	while

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

# **AUTHORIZATIONS**

LOCATION OF SUBJECT LANDS:		_	a .	st T		
I/We, the undersigned, being the authorize	e registered (	owner	(s) of the a	ibove lar	ıds herel	by
(name of agent)			<b>1</b>			
of the	of					
to make an application on my/or for the City of Port Colborne for Amendment / Zoning By-law Am Permission / Draft Plan of Subdiv (please circle the appropriate ap	transaction on mendment / Convision or Con	concer Consen Idomin	ning an ap t to Sever ium / Site	plication / Minor \ Plan Con	for Offic Variance otrol App	cial Plan e or proval
Dated at the	of			-		
in the	of					
this day of	<del></del>				¥	20
X Signature of Witness			X Signature of	f Owner	,	
X Signature of Witness	V		X Signature o	f Owner		-
V			V			
Signature of Witness			Signature o	f Owner		
Signature of Withess			Signature 0	OWITE		

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. A preconsultation 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 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
- 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
- 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
- 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
- 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
- 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: <a href="http://www.mah.gov.on.ca">http://www.mah.gov.on.ca</a>
  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
<u>Date</u> :
Accepted by Manager of Planning and Development Services:
Circulated:
Community Descripted:
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:



# **City of Port Colborne**

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

# **Development and Legislative Services**

Planning Division Report

September 9th, 2022

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

Re: Application for Consent A23-22-PC

Lot 7 on Plan 843 134 Fares Street Agent: N/A

Owner(s): Brenton Lundy

# Proposal:

The purpose and effect of this application is to permit a reduced lot area of 393.76m<sup>2</sup>, where 400m<sup>2</sup> is required, a reduced lot frontage 9.91m, where 12m is required, a reduced front yard setback of 4.69m, where 6.5m is required and a reduced side yard setback of 0.27m, where 1m is required, to facilitate the proposed severance application B14-22-PC. The proposed lot contains an existing detached dwelling.

# Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Third Density Residential (R3) to the north, south, east, and west. The surrounding uses consist of detached dwellings to the north, south, east, and west.

#### Official Plan:

The subject property is

Kinnear Street

Subject Property

designated as Medium Density Urban Neighbourhood under the East Waterfront Secondary Plan in the City's Official Plan. The long-term vision of the East Waterfront Secondary Plan calls for infill development. Detached dwellings are a permitted use in this designation.

# Zoning:

The subject property is zoned Third Density Residential (R3) zone in accordance with Zoning By-Law 6575/30/18. Detached dwellings 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 August 30<sup>th</sup>, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9<sup>th</sup>, 2022, no comments from the public have been received.

# **Agency Comments:**

Notice of the application was circulated on August 19<sup>th</sup>, 2022 to internal City departments. As of September 9<sup>th</sup>, 2022, the following has been received.

#### **Drainage Superintendent**

There are no concerns regarding municipal drains for this application.

#### Fire Department

Port Colborne Fire has no objection to the proposed application.

#### **Engineering Technologist**

The minimum driveway width is 3m and the maximum width is 7.3m. Additionally, each driveway needs to be offset by 1m from the side property lines. It is also recommended that a topographic survey to establish the existing drainage patterns be submitted to ensure that each lot can drain independently of one another.

### Staff Response

The submitted sketch indicates a driveway width of 2.6m for the retained and severed parcel. It appears that there is sufficient room on both lots to expand the width of the driveways to meet the entrance by-law requirements. Staff note that the driveways will need to be adjusted before a building permit can be approved.

# 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 decrease in front yard setback and interior side yard setback has been requested to rectify the existing legal non-conforming status and the parcel can still accommodate parking. The reduction in lot frontage and lot area

will not negatively impact the subject parcel. The lot area and lot frontage intend to ensure that a dwelling can suitably fit on the subject parcel and the sketch has shown that the dwelling can meet most of the requirements of the zone.

Is it desirable for the appropriate development or use of the land, building, or structure? The proposal is desirable and appropriate as the existing dwelling is located in a suitable location on the site and will have ample amenity space. Detached dwellings are a permitted use in the R3 zone so the proposal is compatible with the requirements of the zoning by-law.

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

The Zoning By-law permits detached dwellings in the R3 zone and the proposal meets the majority of the setback and lot coverage requirements. Lot frontage and lot area intend to ensure that created lots have sufficient size to locate a dwelling. Staff is satisfied that the location of the dwelling is suitable and will provide ample amenity space. The front yard setback is required to provide a suitable distance for the dwelling from the road and also ensures that parking can still be located in front of the dwelling. Staff is satisfied that the existing dwelling is a suitable distance from the road and that parking could be located on the southern side of the parcel. Staff finds this application to be in keeping with the general intent and purpose of the Zoning By-law.

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

The Official Plan permits residential dwellings in the Medium Density Urban Neighbourhood designation of the East Waterfront Secondary Plan Area. As such, Staff finds this variance application meets the general intent and purpose of the Official Plan.

#### Recommendation:

Given the information above, Planning Staff recommends application A23-22-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

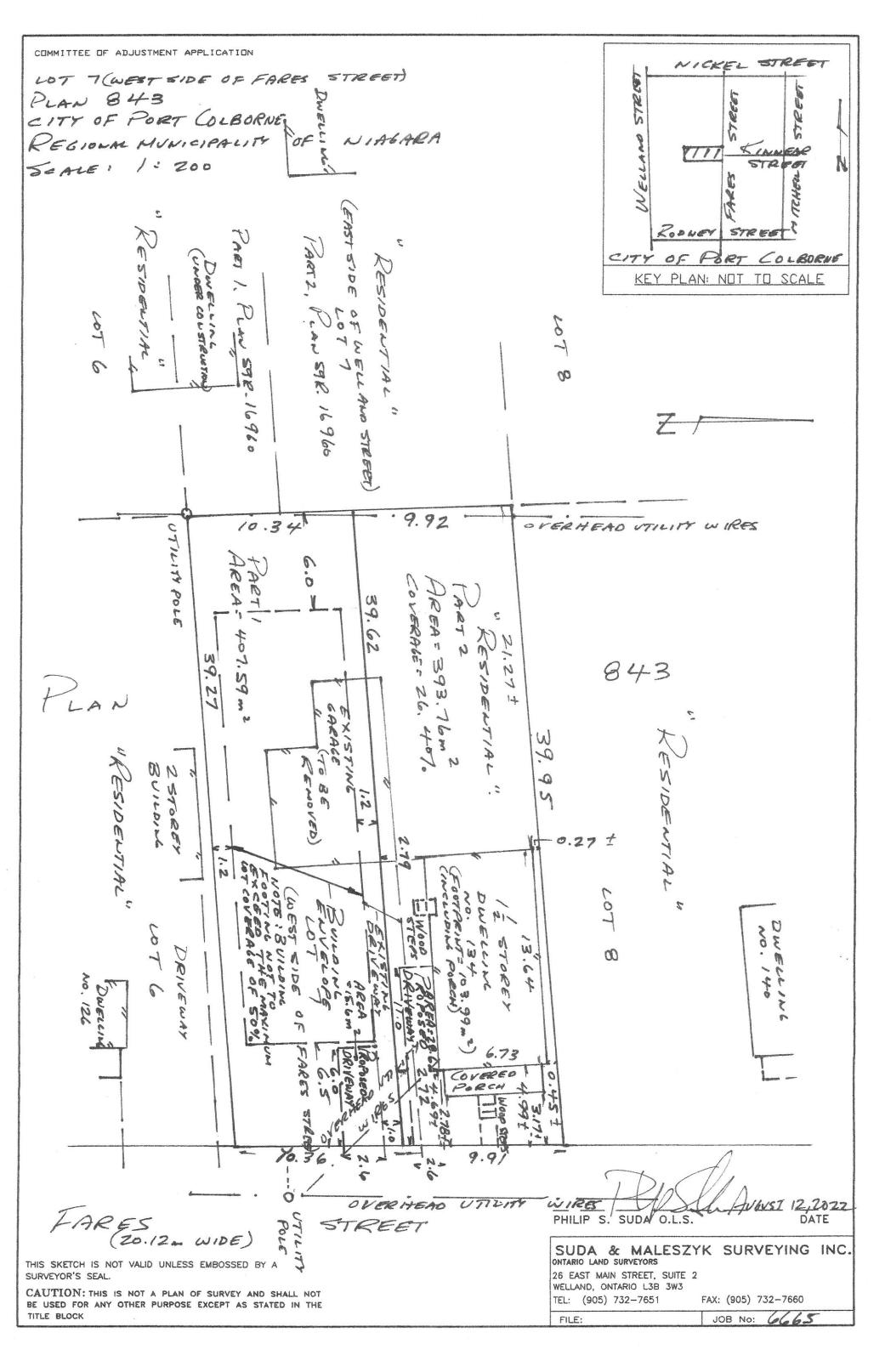
Planner

Submitted by,

Denise Landry, MCIP, RPP Manager of Planning Services

Telephone: 905-835-2900 Fax: 905-835-2939 Email: Chris.Roome@portcolborne.ca

Page 4





# NOTICE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

DEVELOPMENT AND LEGISLATIVE SERVICES MINOR VARIANCE APPLICATION

APPLICATION NO. A24-22-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 6.3 (a) 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 7 on NP843, in the City of Port Colborne, located in the Third Density Residential (R3) zone, municipally known as 134 Fares Street.



# AND IN THE MATTER OF AN

**APPLICATION** by the owner Brenton Lundy for relief from the provisions of Zoning By-law 6575/30/18, as amended, so as to permit future residential development on Part 1, notwithstanding the following;

1. That a minimum lot frontage of 10.36m be permitted, whereas 12m is required.

**Explanatory Relief from the Zoning By-law:** The applicant is seeking to sever the noted property. This minor variance is being sought to meet the conditions of consent in application B14-22-PC. Due to the proposed lot frontage, 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: September 14, 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, September 9, 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=Pbu3KXL7Dq4.

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 September 13, 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.

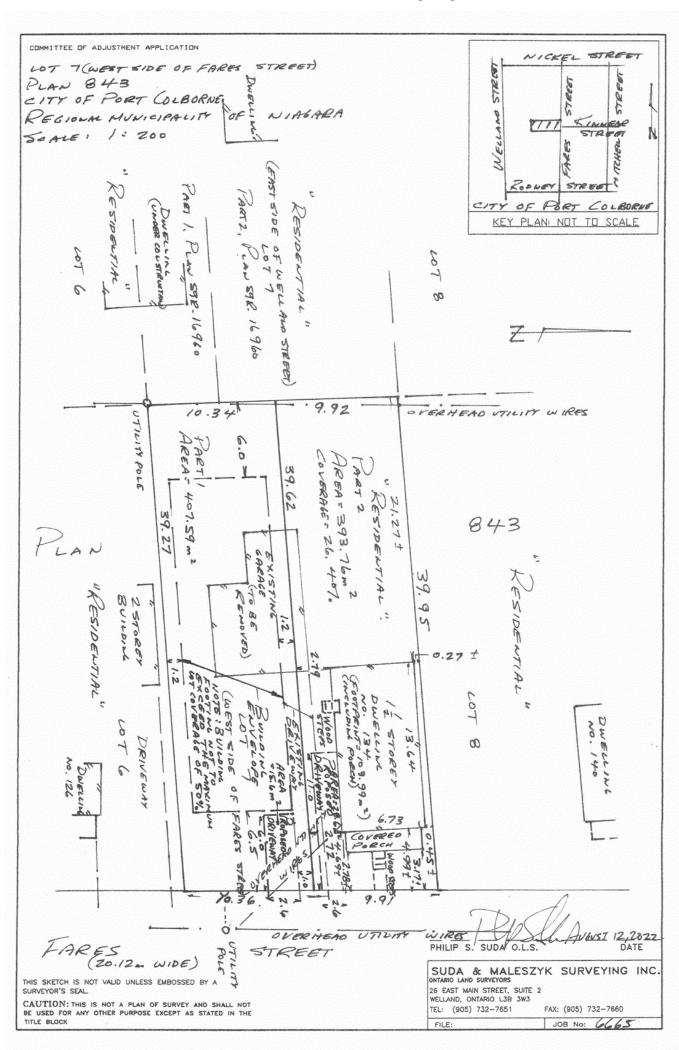
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

**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: August 30, 2022





# APPLICATION FOR MINOR VARIANCE

## PLEASE TYPE OR USE BLACK INK

## Section 1

1. Registered Owner (s):	
Name: Browton Lwndy	
Mailing Address: 3 Surrey	PI
City: (re((and).	Province: ON
Postal Code: L3C 652	Telephone: 905-533-7615
Fax:	Email: breaton, lund Oiclous
1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.3 Owner's Authorized AGENT (if appli	icable)
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 MORTGAGES, Charges & Other Encu	mbrances:
List the name(s) and address(es) of any m respect of the land.	ortgages, charges, or other encumbrances in
1.5 Date and Subject Land was acquired	by the Current Owner:

1.6 Owner's ONTARIO LA	AND SURVEYOR (	if applicat	ole)	
Name: PHI	LIP	501	DA	
Mailing Address: 26	C-AST			STREET
City: WELLA	": WELLAND Province: ONTARIO			ONTARIO
Postal Code: 2 3 8	3 W3	Telepho	one: 9	105-132-7651
Fax: ~ /A		Email:	P5	uda@bellneta
1.7 All communications s	hould be sent to	the:		
Owner				
☐ Solicitor				
☐ Agent				المستند والمستند والمستند والمستند
Section 2: LOCATION Former Municipality:	[			
Concession No.			Lot(s	3):
Registered Plan No.	343			
Reference Plan No.			Part(	
Name of Street:	RES ST	ROET	Stree	et No. /34
Section 3: DESCRIPTI	ON	Р	art N	o. On Sketch: _/
Frontage: 10.36	Depth: 3	9.62		Area: 407, 59m
Existing Use:	ESIDER			
Proposed Use:	ESIDEN			
Section 4: OFFICIAL  4.1 What is the current of Plan?			he Offi	icial Plan and the Regional
Port Colborne Official Plan	1:			
Regional Policy Plan:	C W			
4.2 What is the Zoning o	f the land (By-lav	w 1150/97	/81)?	
R3				
Section 5				,
Are there any existing EAS				
☐ Yes ☐ No	If "Yes" describe	the ease	ment o	r covenant and its effect:

## Section 6

PARTI

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 7
What type of WATER SUPPLY is proposed?
☑ Publicly owned and operated piped water supply
□ Lake
☐ Well (private or communal)
☐ Other (specify)
Section 8
What type of SEWAGE DISPOSAL is proposed?
Publicly owned and operated sanitary sewage system
☐ Septic system (private or communal)
☐ Other (specify)
Section 9
What type of STORMWATER DISPOSAL is proposed?
Publicly owned and operated stormwater system
☐ Other (specify)
Section 10
NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
FRONTAGE 10.36 (18m) AREA 407.59m2 (500m2)
AREA 407.59m2 (500m2)
FRONTAGE 9.91m (18m)
AREA 393.76m2 (500 m2)

10.1 Does the structure(s) pertaining to the exist and has a building permit been issued		or Variance already
Yes	4	3.1.1.2 (1.1.2 (1.1.1.1.2 (1.1.1.2 (1.1.1.2 (1.1.1.1 (1.1.1.2 (1.1.1.1 (1.1.1.1 (1.1
□ No		
□ NO		
Section 11		
WHY IS IN NOT POSSIBLE TO COMPLY WITH LAW:	H THE PROVISIONS OF	THE ZONING BY-
MINIMAL DIME	2510259	AREA
Section 12		
DATE OF ACQUISITION of the land by the c	urrent owner:	
Section 13		
DATE OF CONSTRUCTION of all existing bui	ldings and structures o	on the land:
Section 14		
LENGTH OF TIME of time that the existing t	use(s) of the land have	continued:
		3
Section 15: OTHER APPLICATIONS		
15.1 If known, identify whether the subject	ct land or any land wit	hin 120 metres of
the subject land is the subject of an applica of:	ition made by the appl	icant for approval
Official Plan Amendment	☐ Yes	☑ No
Zoning By-Law Amendment	☐ Yes	☑ No
Minor Variance	☐ Yes	□ No
Plan of Subdivision	☐ Yes	I No
Consent	☐ Yes	□ No
Site Plan	☐ Yes	☑ No

	the answe		ove is yes	, and if kno	own, provid	e the following	g for each
	nber of the		n:				
Name o	f the appro	oval author	rity conside	ering the ap	oplication:		
Lands a	ffected by	the applica	tion:			NAVARAMANIA I I I I I I I I I I I I I I I I I I	
Purpose	of the app	olication:					
Status o	f the appli	cation:					
Effect o	f the applic	cation on th	ne propose	ed amendm	nent:		
				· · · · · · · · · · · · · · · · · · ·	5.		
Section	16: ALL	. EXISTIN	IG, PRE\	/IOUS AI	ND ADJAC	ENT USE O	FTHE
LAND							
16,1 A	LL EXISTING	G USE					
Res	idential		Cascada Report de Cascador - 111		***************************************		
	ustrial						
	nmercial						
	itutional						
1.77	cultural						
☐ Parl							
☐ Vac							
Otti	ei						
			***************************************				
16.2 W	hat is the	length of t	ime the ex	isting usel	s) of the lan	d have continu	ued?
			···				
16,3 A	e there an	y building	s or structi	ures on the	subject lan	id?	
Yes							
□ No							
If Yes, fo	or each ex	cisting bu	ilding or	structure,	complete	the following	g:
oe of	Setback	Setback	Setback	Setback	Height	Dimensions	Date of
ilding	from	from	from	from	(in	or floor	construction
	the	the rear	the side	the side	metres &	area (in	
ucture	front lot	lot line	lot line	lot line	number	metres)	
	line (in	(in	(in	(in	of stories		
le N	metres)	metres)	metres)	metres)			
<b>C</b>							
De				1			

16.4 ALL PREVIO	DUS USE			
□ Residential		4		
☐ Industrial				
☐ Commercial				
☐ Institutional				
☐ Agricultural				
☐ Parkland				
☐ Vacant				
☐ Other				
16.5 ALL ADJAC	ENT USE(S)			
	NORTH	SOUTH	EAST	WEST
Residential	Y	B		
Industrial -				
Commercial			П	П
Institutional			П	
Agricultural				П
Parkland	T T			
Vacant	ī I			
Other	_			
16.6 If Industria	l or Commercial,	cnocify uso		
10.0 II IIIuustiia	TOT COMMITTEE CIAI,	specify use		
16.7 Has the grad	ding of the subjec	t land been chan	ged by adding ear	th or material?
The same of the sa	ed on the subject		, ,	
Yes				
No				
☐ Unknown				
16.9 Has a gasol	line station and/o	r automobile sen	vice station been	ocated on the
and the second s	djacent lands at a		vice station been	ocated on the
☐ Yes	ajacent lanus at a	ny time.		
□ No				
☐ Unknown				
OHKHOWH				
	een petroleum o	r other fuel store	d on the subject la	and or adjacent
lands?				
Yes				
☑ No				
Unknown				
				enterente de la messa de la compansión de la compa
		- 18-0 10, j. j 18-18. j. 19. j. j. 10 10 10 10 1 <del>0</del> 10 10	und storage tanks	or buried
	ject land or adjac	ent lands?		
☐ Yes				
No				
☐ Unknown				

16.11 Have the lands or adjacent lands ever been used as an agricultural operation
where pesticides have been applied to the lands?
□ <sub>/</sub> Yes
□⁄ No
□ Unknown
16.12 Have the lands or adjacent lands ever been used as a weapons firing range?
Yes
☑ No
☐ Unknown
16.13 Is the nearest boundary line of the application within 500 metres (1,640 feet)
of the boundary line of an operational / non-operational public or private landfill or
dump?
Yes
B 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
<ul> <li>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.</li> </ul>
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 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 About 08/15/22 X Broth Ray  Date Signiture 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 08/13/22

X Bus no

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 Brenton Lundy
Of the City/Town/Township of Port Colborne
In the County/District/Regional Municipality of Nagara

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 befo	re me at the
City	of Port Colbana
In the Region	of Niagara
This15 <sup>3</sup>	day of Augus F
A.D 20 22	U

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

X June 2

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

A Commissioner, etc.

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

Nicole Rubli, a Commissioner, etc., Regional Municipality of Niagara, while an Acting City Clerk, for the Corporation of the City of Port Colborne.

#### **AUTHORIZATIONS**

LOCATION OF SUBJECT	LANDS:		
I/We, the undersigned, authorize	being the registered	owner(s) of the above lands he	ereby
(name of agent)		aya ya ya ga kata anna aya aya dakkan ayan sanata ana sarayan dan baya nadata anna mad	
of the	of		
for the City of Port Colb Amendment / Zoning B Permission / Draft Plan	orne for transaction y-law Amendment / O of Subdivision or Con	the Council or the Committee of concerning an application for C Consent to Sever / Minor Varia adominium / Site Plan Control A accordance with the Planning	Official Plan nce or Approval
Dated at the	of		
in the	of		erene i managaria
this da	y of		20
Signature of Witness		Signature of Owner	
X Signature of Witness	· · · · · · · · · · · · · · · · · · ·	Signature of Owner	
X Signature of Witness		Signature of Owner	

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

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

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

#### SUGGESTION TO THE APPLICANT

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

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below before submitting an application. A preconsultation 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 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
- 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
- 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
- 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
- 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
- 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
- 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: <a href="http://www.mah.gov.on.ca">http://www.mah.gov.on.ca</a>
  Under "Your Ministry" Land Use Planning Provincial Policy Statement

## FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application:
Public hearing Date:
Adjourned Public Hearing Date:
Checked for completeness by:
Processing
Date:
Accepted by Manager of Planning and Development Services:
Circulated:
Comments Received:
Solicitor:
Engineer:
□ C.B.O □ Fire Chief
☐ C. N. Power
□ Region
□ NPCA
□ MTO
□ MOE
□ Other
Notice of Public Meeting:
Public Meeting:
Committee Approval:
Notice Given:
Final Day for OMB Appeal:
OMB Appeal:
OMB Hearing:
OMB Decision:
Final Day to Satisfy Conditions:



## **City of Port Colborne**

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

## **Development and Legislative Services**

Planning Division Report

September 9<sup>th</sup>, 2022

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

Re: Application for Consent A24-22-PC

Lot 7 on Plan 843 134 Fares Street Agent: N/A

Owner(s): Brenton Lundy

## Proposal:

The purpose and effect of this application is to permit a reduced lot frontage of 10.36m, where 12m is required to facilitate the proposed severance application B14-22-PC. The proposed lot will contain a future detached dwelling.

# Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Third Density Residential (R3) to the north, south, east, and west. The surrounding uses consist of detached dwellings to the north, south, east, and west.

## Official Plan:

The subject property is

Kinnear Street

Subject Property

designated as Medium Density Urban Neighbourhood under the East Waterfront Secondary Plan in the City's Official Plan. The long-term vision of the East Waterfront Secondary Plan calls for infill development. Detached dwellings are a permitted use in this designation.

## Zoning:

The subject property is zoned Third Density Residential (R3) zone in accordance with Zoning By-Law 6575/30/18. Detached dwellings 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 August 30<sup>th</sup>, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9<sup>th</sup>, 2022, no comments from the public have been received.

## **Agency Comments:**

Notice of the application was circulated on August 19<sup>th</sup>, 2022 to internal City departments. As of September 9<sup>th</sup>, 2022, the following has been received.

## **Drainage Superintendent**

There are no concerns regarding municipal drains for this application.

#### Fire Department

Port Colborne Fire has no objection to the proposed application.

#### **Engineering Technologist**

The minimum driveway width is 3m and the maximum width is 7.3m. Additionally, each driveway needs to be offset by 1m from the side property lines. It is also recommended that a topographic survey to establish the existing drainage patterns be submitted to ensure that each lot can drain independently of one another.

## Staff Response

The submitted sketch indicates a driveway width of 2.6m for the retained and severed parcel. It appears that there is sufficient room on both lots to expand the width of the driveways to meet the entrance by-law requirements. Staff note that the driveways will need to be adjusted before a building permit can be approved.

## Planning Act – Four Tests:

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

## Is the application minor in nature?

Staff finds the requested variance to be minor in nature. The reduction in lot frontage will not negatively impact the subject parcel. The lot frontage requirement intends to ensure that lots are a sufficient size, can suitably locate a dwelling, and ensure compatibility with surrounding lots.

The building envelope illustrated on Part 1 of the sketch shows that a building could be located on the property and meet all the requirements of the Zoning By-law. Furthermore, similar lot frontages exist on Fares Street, which results in the severed lot being compatible with the surrounding area.

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 is of sufficient lot frontage to accommodate a future detached dwelling while meeting the requirements of the Zoning By-law. Detached dwellings are also a permitted use in the R3 zone so the proposal is compatible with the requirements of the zoning by-law.

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

The Zoning By-law permits detached dwellings in the R3 zone and the proposal meets the majority of the lot creation requirements and a future dwelling can be able to accommodated on the lot. The lot frontage requirement intends to ensure that created lots have sufficient size to locate a dwelling and to ensure compatibility with surrounding properties. Staff is satisfied that a future dwelling can suitably be located on the site and is compatible with surrounding properties. Staff finds this application to be in keeping with the general intent and purpose of the Zoning Bylaw.

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

The Official Plan permits residential dwellings in the Medium Density Urban Neighbourhood designation of the East Waterfront Secondary Plan Area. Staff finds this variance application meets the general intent and purpose of the Official Plan.

#### **Recommendation:**

Given the information above, Planning Staff recommends application A24-22-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

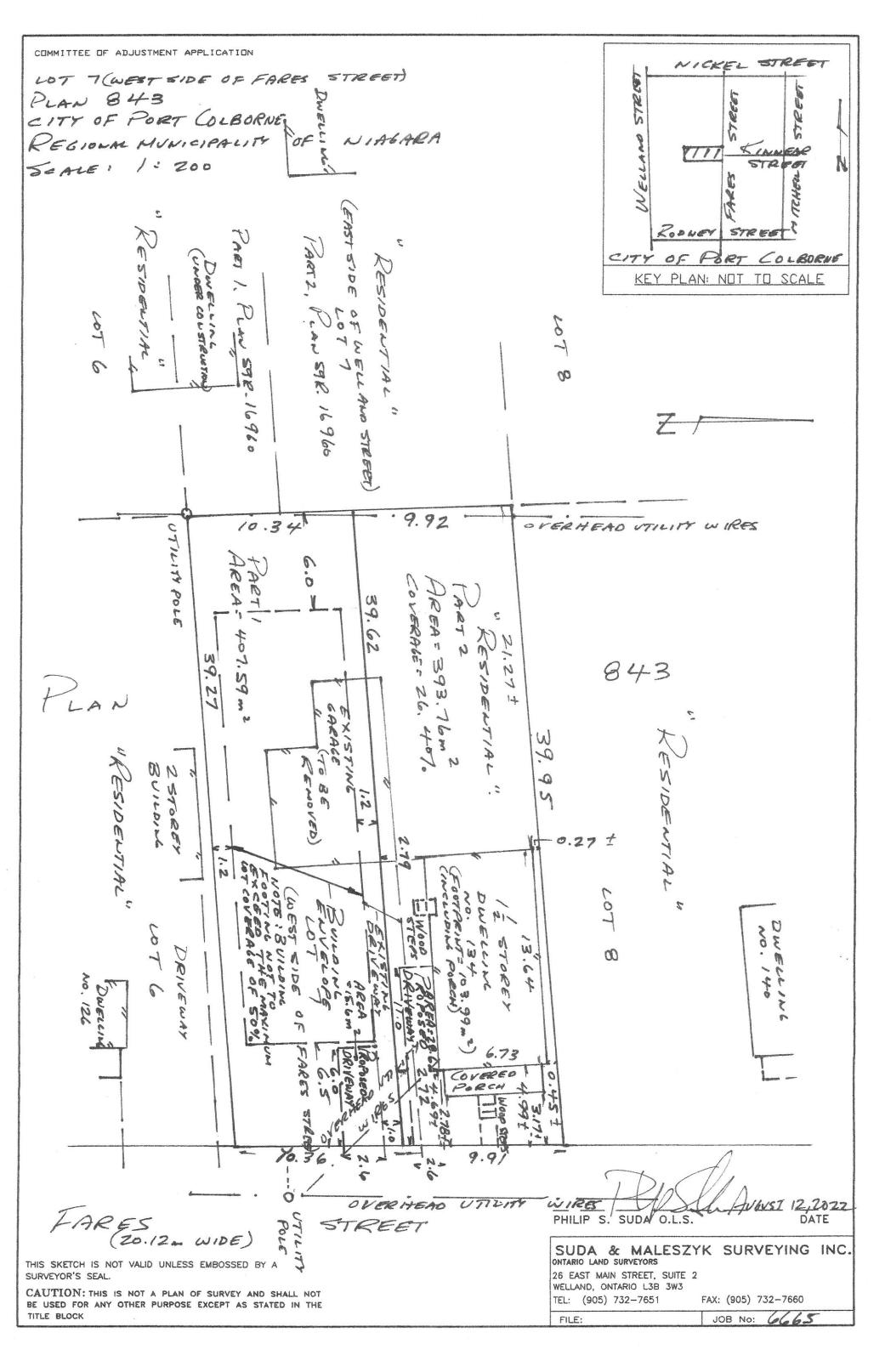
Planner

Submitted by,

Denise Landry, MCIP, RPP Manager of Planning Services

Telephone: 905-835-2900 Fax: 905-835-2939 Email: Chris.Roome@portcolborne.ca

Page 4





# NOTICE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR CONSENT

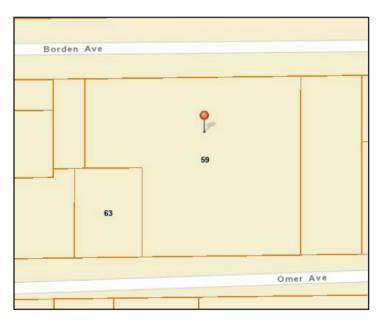
APPLICATION NO. B15-22-PC

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 Plan 3 Lots 17, 18, 21 to 31, in the City of Port Colborne, located in the Fourth Density Residential (R4) zone, municipally known as 59 Omer Avenue.

## AND IN THE MATTER OF AN

APPLICATION by the agent Brian Miller on behalf of the owner Wesley Visser for consent for the purpose of creating a new lot. The subject parcels are shown as Part 1 and Part 5 on the sketch submitted. Part 1 is proposed to be the severed parcel to accommodate one unit of the proposed townhouse. Part 5 will be retained for



future development. 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: September 14, 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 <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a>

**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, September 9, 2022**.

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

## Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at <a href="https://www.youtube.com/watch?v=Pbu3KXL7Dq4">https://www.youtube.com/watch?v=Pbu3KXL7Dq4</a>.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. Written submissions and participation requests must be received by noon on Tuesday, September 13, 2022, by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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

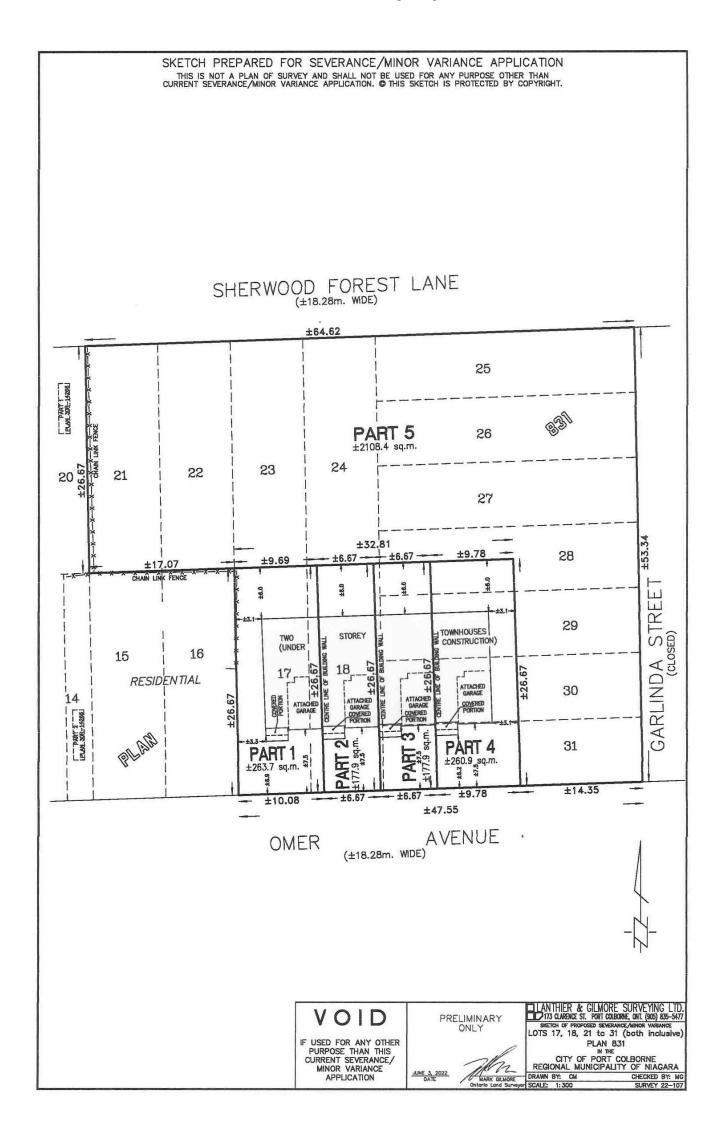
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

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

By order of the Committee of Adjustment,

Samantha Yeung Secretary-Treasurer

Date of Mailing: August 30, 2022



PORT COLBORNE

File No.		
A 110 1 101		

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

## Consent

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

The Applicant is required to provide appropriate answers to <u>all</u> questions on the application form. If all <u>prescribed</u> 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
Heather Mahon
Secretary - Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8

Telephone: 1-905-835-2900 FAX: 1-905-835-2939

Email: planning@portcolborne.ca

#### COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

## PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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

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

#### POLICIES

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

#### THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

Decisions of the Committee are made in public.

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

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

#### APPLICATION FEES

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

## REGIONAL REVIEW AND APPROVAL FEES

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

## SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

#### APPLICATION FORM AND SKETCH

3.

It is required that <u>ONE</u> 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 <u>per application (By-law 5718/149/11)</u>, 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 (<a href="https://www.regional.niagara.on.ca">www.regional.niagara.on.ca</a>).

## NOTICE REQUIREMENTS

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

## APPLICATIONS REQUIRED

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

## PLEASE TYPE OR USE BLACK INK

Wasley Visses	, and the second
Registered Owner(s):Wesley Visser	The state of the s
Mailing Address: 2999 Hwy #3	
City:Port Colborne	Province: Ontario
Postal Code: L3K 5V3	Telephone: 905-835-8484
Fax:	Email: wwwisser@hotmail.com
Owner's SOLICITOR (if any): R. Brian Miller	
Mailing Address: 1415 Pound Aenue	
City: Fort Erie	Province: Ontario
Postal Code: L2A 5P9	Telephone: 905-658-0057
Fax:	Email: bmiller@rbmillerlaw.com
Owner's Authorized AGENT (if any):	
Mailing Address: e Province:	
Postal Code:	Telephone:
Fax:	5,110.
MORTGAGES, Charges and other Encumbrances:	
	charges or other encumbrances in respect of
List the name(s) and address(es) of any mortgages, of	
List the name(s) and address(es) of any mortgages, of the date the Subject Land was acquired by the Curr	rent Owner:
List the name(s) and address(es) of any mortgages, of the date the Subject Land was acquired by the Curr  Owner's ONTARIO LAND SURVEYOR (if any):  Mailing Address:  173 Clarence Street	Lanthier & Gilmore Surveying Ltd.
List the name(s) and address(es) of any mortgages, of the date the Subject Land was acquired by the Curr  Owner's ONTARIO LAND SURVEYOR (if any):  Mailing Address:  173 Clarence Street  City:  Port Colborne	Lanthier & Gilmore Surveying Ltd.  Province: Ontario
List the name(s) and address(es) of any mortgages, of the Curre of the	rent Owner:  Lanthier & Gilmore Surveying Ltd.
List the name(s) and address(es) of any mortgages, of the date the Subject Land was acquired by the Curr  Owner's ONTARIO LAND SURVEYOR (if any):  Mailing Address:  173 Clarence Street  City:  Port Colborne  Postal Code:  L3K 3G4  Fax:	Lanthier & Gilmore Surveying Ltd.  Province: Ontario  Telephone: 905-835-5477
List the name(s) and address(es) of any mortgages, of the date the Subject Land was acquired by the Curr  Owner's ONTARIO LAND SURVEYOR (if any):  Mailing Address:  173 Clarence Street  City:  Port Colborne  Postal Code:  L3K 3G4  Fax:  All communications should be sent to the:	Lanthier & Gilmore Surveying Ltd.  Province: Ontario  Telephone: 905-835-5477  Email: lanthier.gilmore@bellnet.ca
List the name(s) and address(es) of any mortgages, of the date the Subject Land was acquired by the Curr  Owner's ONTARIO LAND SURVEYOR (if any): _  Mailing Address:	Lanthier & Gilmore Surveying Ltd.  Province: Ontario  Telephone: 905-835-5477  Email: lanthier.gilmore@bellnet.ca
List the name(s) and address(es) of any mortgages, of the date the Subject Land was acquired by the Currowner's ONTARIO LAND SURVEYOR (if any):  Mailing Address:  173 Clarence Street  City:  Port Colborne  Postal Code:  L3K 3G4  Fax:  All communications should be sent to the:  Owner  Solicitor  LOCATION:	Lanthier & Gilmore Surveying Ltd.  Province: Ontario  Telephone: 905-835-5477  Email: lanthier.gilmore@bellnet.ca
List the name(s) and address(es) of any mortgages, of the date the Subject Land was acquired by the Curr  Owner's ONTARIO LAND SURVEYOR (if any):  Mailing Address:  173 Clarence Street  City:  Port Colborne  Postal Code:  L3K 3G4  Fax:  All communications should be sent to the:  Owner  Solicitor  LOCATION:  Humberstone	Lanthier & Gilmore Surveying Ltd.  Province: Ontario  Telephone: 905-835-5477  Email: lanthier.gilmore@bellnet.ca
List the name(s) and address(es) of any mortgages, of the date the Subject Land was acquired by the Currowner's ONTARIO LAND SURVEYOR (if any):  Mailing Address:  Port Colborne  Postal Code:  L3K 3G4  Fax:  All communications should be sent to the:  Owner  Solicitor  LOCATION:	Lanthier & Gilmore Surveying Ltd.  Province: Ontario  Telephone: 905-835-5477  Email: lanthier.gilmore@bellnet.ca
List the name(s) and address(es) of any mortgages, of the date the Subject Land was acquired by the Curr  Owner's ONTARIO LAND SURVEYOR (if any):  Mailing Address:  173 Clarence Street  City:  Port Colborne  Postal Code:  L3K 3G4  Fax:  All communications should be sent to the:  Owner  Solicitor  LOCATION:  Humberstone	Lanthier & Gilmore Surveying Ltd.  Province: Ontario  Telephone: 905-835-5477  Email: lanthier.gilmore@bellnet.ca  X Agent  tered Plan No. 831 Lot(s)

Name and the second second		( ) D: 1 CG 1 E D III	
	tion of New Lot	( ) Disposal of Surplus Farm Dwelling	
30 3	ition to Lot	( ) Farm Retirement Lot	
( ) Mor	tgage or Charge	( ) Partial Discharge of Mortgage	
( ) Leas	se	( ) Right-of-way	
( ) Ease	ement		
Reason f	for proposed transaction:		
Cre	eate 1 of 4 Freehold Town	rnhouses	
	Delega de la constanta de la c	List the arrest will be added.	
2.2 If a lot add N/A	lition, identify the lands to whi	nich the parcel will be added:	
2.3 Name of po		land or interest in land is intended to be conveyed, leased or mortga	aged:
3. OFFICE	AL PLAN AND ZONING		
	1.75	e land in the Official Plan and the Regional Plan	
Port Co	lborne Official Plan_ Urban R	Residential	
Regiona	l Policy Plan Built-up Are	ea	
3.2 What is	the Zoning of the land (By-lav	aw 1150/97/81)?	
F	Fourth Density Residential Zor	one (R4)	
	oposal consistent with Province.S.O., as amended?	ncial policy statements issued under Subsection 3(1) of the Planning	g Act,
Yes	X	No	
4. Are ther	e any existing EASEMENTS	OR RESTRICTIVE COVENANTS affecting the land?	
Yes		No X	
If "Yes"	describe the easement or cove	venant and its effect:	
5. Type of	ACCESS		
Provinci	al Highway		
Regiona	l Road		
Municip	al Road maintained all year	X	
Other Pt	ıblic Road		
Municip			
	al Road maintained seasonally	ly	
Right-of	,	ly	
Right-of Water A	-Way	ly	

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

what type	of WATER SUPPI	Li is proposed?			
Publicly ov	vned and operated	piped water supp	ply X	_	
Lake					
Well (priva	te or communal)			_	
Other (spec	eify)			_	
What type	of SEWAGE DISP	OSAL is propos	ed?		
Publicly ov	vned and operated s	sanitary sewage	system>	<u> </u>	
Septic syste	em (private or com	munal)	at	_	
Other (spec	ify)				
What type	of STORMWATE	R DISPOSAL is	s proposed? (Cl	heck appropriate	space)
Publicly ov	ned and operated s	storm water syste	emX	=	
Other (spec	ify)		THE PART OF THE PA	_	
	ON OF PARCEL T				Part No. on sketch 1
Frontage	10.08 m	Depth	26.67 m	Area_	263.7 sq m
Existing Us	e_Vacant Resident	tial Land		_ Proposed Use_	Townhouses (4)
	One (1) of our (4				
Proposed:_		4) Townhouses	A TOTAL PROPERTY.		
		1,1,001	NED (in metric	units):	
DESCRIPT	One (1) of our (4	TO BE RETAIN	NED (in metric 53.34 m		
DESCRIPT	One (1) of our (4	TO BE RETAINDepth	53.34 m	Area_	Part No. on sketch 5 2108.04 sq m
DESCRIPT: Frontage Existing Use Existing an building or slot lines, and IN METRE	One (1) of our (4)  ION OF PARCEL  14.46 m  Vacant Reside d proposed building structure, the type of the height of the length of	TO BE RETAIN Depth ential Land  gs and structures of building or structures building or structures	53.34 m s on the land to ucture, the setb ture and the din	AreaProposed Use_ be retained. For ack from the from	Part No. on sketch 5 2108.04 sq m
DESCRIPT: Frontage Existing Use Existing an building or slot lines, and IN METRE. Existing:	One (1) of our (4)  ION OF PARCEL  14.46 m  Vacant Reside d proposed building structure, the type of the height of the 18. Please use adding None	TO BE RETAIN Depth ential Land  gs and structures of building or structures building or structional sheets if n	s on the land to ucture, the setb ture and the dinecessary:	Area_ _Proposed Use_ be retained. For ack from the from nensions or floor	Part No. on sketch 5 2108.04 sq m  Same each existing and / or propert lot line, rear lot line an
DESCRIPT: Frontage Existing Use Existing an building or slot lines, and IN METRE	One (1) of our (4)  ION OF PARCEL  14.46 m  Vacant Reside d proposed building structure, the type of the height of the 18. Please use adding None	TO BE RETAIN Depth ential Land  gs and structures of building or structures building or structional sheets if n	s on the land to ucture, the setb ture and the din	Area_ _Proposed Use_ be retained. For ack from the from nensions or floor	Part No. on sketch 5 2108.04 sq m  Same  each existing and / or protect lot line, rear lot line and area of the building or st
DESCRIPT: Frontage Existing Use Existing an building or a lot lines, and IN METRE. Existing: Proposed:	One (1) of our (4)  ION OF PARCEL  14.46 m  Parameter Vacant Reside  d proposed building structure, the type of the height of the length of th	TO BE RETAIN Depth ential Land  gs and structures of building or structures building or structional sheets if n	s on the land to nucture, the setb ture and the din necessary:	Area_ _Proposed Use_ be retained. For ack from the from nensions or floor	Part No. on sketch 5 2108.04 sq m  Same  each existing and / or protect lot line, rear lot line and area of the building or st
DESCRIPT: Frontage Existing Us Existing an building or slot lines, and IN METRE Existing: Proposed: Has the land CONSENT?	One (1) of our (4)  ION OF PARCEL  14.46 m  Parameter Vacant Reside  d proposed building structure, the type of the height of the length of th	Depth	s on the land to nucture, the setb ture and the din necessary:	AreaProposed Use_ be retained. For ack from the from the from the from the from the from the second	Part No. on sketch 5 2108.04 sq m  Same  each existing and / or prototol line, rear lot line and area of the building or st
DESCRIPT Frontage Existing Us Existing an building or slot lines, and IN METRE Existing: Proposed: Has the land CONSENT? Yes	One (1) of our (4)  ION OF PARCEL 14.46 m  Parameter Vacant Reside d proposed building structure, the type of the height of the length of the	TO BE RETAIN Depth ential Land  gs and structures of building or structional sheets if notes are second an applicated.	s on the land to ucture, the setb ture and the din eccessary:	Area Proposed Use_ be retained. For ack from the from the from the from the from the second properties or floor all of a PLAN Of	Part No. on sketch_5 2108.04 sq m  Same  each existing and / or protect lot line, rear lot line and area of the building or st
DESCRIPT Frontage Existing Us Existing an building or slot lines, and IN METRE Existing: Proposed: Has the land CONSENT? Yes	One (1) of our (4)  ION OF PARCEL  14.46 m  e Vacant Reside d proposed building structure, the type of the height of the l S. Please use addi  None  None  ever been the subj  No_  r is "Yes", please p	Depth	s on the land to nucture, the setb ture and the dinaccessary:	Area Proposed Use_ be retained. For ack from the from the from the from the from the second properties or floor all of a PLAN Of	Part No. on sketch 5 2108.04 sq m  Same  each existing and / or prototol line, rear lot line and area of the building or start area.
DESCRIPT: Frontage Existing Us Existing an building or slot lines, and IN METRE Existing: Proposed: Has the land CONSENT? Yes If the answer	One (1) of our (4)  ION OF PARCEL  14.46 m  Part Vacant Reside  d proposed building structure, the type of the leight of the lei	TO BE RETAIN Depth ential Land  gs and structures of building or structures of building or structional sheets if note that the structure of the struct	s on the land to nucture, the setb ture and the din necessary:	AreaProposed Use_ be retained. For ack from the from the from the from the from the from the side of a PLAN Of the side of a	Part No. on sketch 5 2108.04 sq m  Same  each existing and / or pront lot line, rear lot line and area of the building or steep stee
DESCRIPT: Frontage Existing Us Existing an building or slot lines, and IN METRE: Existing: Proposed: Has the land CONSENT? Yes If the answer File Number Decision	One (1) of our (4)  ION OF PARCEL  14.46 m  e Vacant Reside d proposed building structure, the type of the height of the l S. Please use addi  None  None  ever been the subj  No_  r is "Yes", please p	Depth	53.34 m s on the land to ructure, the setb ture and the dinaccessary:	AreaProposed Use_ be retained. For ack from the fr	Part No. on sketch_5 2108.04 sq m  Same  reach existing and / or prost lot line, rear lot line and rarea of the building or st  F SUBDIVISION or a  Unknown
DESCRIPT: Frontage Existing Us Existing an building or slot lines, and IN METRE. Existing: Proposed: Has the land CONSENT? Yes If the answe File Number Decision HAS ANY I	One (1) of our (4)  ION OF PARCEL  14.46 m  Part Vacant Reside  d proposed building structure, the type of the height of the last of the l	Depth	s on the land to ructure, the setb ture and the din recessary:	AreaProposed Use_ be retained. For ack from the f	Part No. on sketch 5 2108.04 sq m  Same  reach existing and / or protot lot line, rear lot line and rarea of the building or start area of the building or start lot line and reach existing and / or protot lot line, rear lot line and rarea of the building or start lot line and rarea of the building or start lot line and rarea of the building or start lot line and rarea of the building or start lot line and rarea of the land?
DESCRIPT Frontage Existing Us Existing an building or slot lines, and IN METRE Existing: Proposed: Has the land CONSENT? Yes If the answe File Number Decision HAS ANY I	One (1) of our (4)  ION OF PARCEL  14.46 m  e Vacant Reside d proposed building structure, the type of the height of the leght of the leght None  None  None  r is "Yes", please p  N/A  AND BEEN SEV	Depth	s on the land to ucture, the setb ture and the din eccessary:	AreaProposed Use_ be retained. For ack from the from the from the from the from the from the second of a PLAN Of the	Part No. on sketch_5 2108.04 sq m  Same  reach existing and / or prost lot line, rear lot line and rarea of the building or st  F SUBDIVISION or a  Unknown
DESCRIPT Frontage Existing Us Existing an building or slot lines, and IN METRE Existing: Proposed: Has the land CONSENT? Yes If the answer File Number Decision HAS ANY IN Yes If the answer information	One (1) of our (4)  ION OF PARCEL  14.46 m  e Vacant Reside d proposed building structure, the type of the height of the leght of the leght None  None  None  None  No r is "Yes", please proposed building ris "Yes", please proposed building None  None	Depth	s on the land to ucture, the setb ture and the din eccessary:  ation for approve wing information parcel originally severances on the severances of the seve	AreaProposed Use_ be retained. For ack from the from the from the from the from the second of a PLAN Of the required by the second of a PLAN of the required sketch.	Part No. on sketch 5 2108.04 sq m  Same  reach existing and / or protot lot line, rear lot line and rarea of the building or start area of the building or start lot line and reach existing and / or protot lot line, rear lot line and rarea of the building or start lot line and rarea of the building or start lot line and rarea of the building or start lot line and rarea of the building or start lot line and rarea of the land?

13.	ОТН	ER APPLICAT	IONS: No	one				
13.1			hether the subjetthe applicant for		and within 120	metres of the s	ubject land is t	he subject of an
	Offic	ial Plan Amend	ment	V				
	Zonir	g By-law Ame	ndment	S <del></del>				
	Mino	r Variance		1				
	Plan o	of Subdivision		-	<del></del>			
	Conse	ent			_			
	Site P	lan			_			
13.2	If the	answer to the a	bove is yes, an	d if known, pro	vide the follow	ing for each ap	plication noted:	
	File n	umber of the ap	plication	N/A				<del></del>
	Name	of the approva	l authority con	sidering the app	lication			<del></del>
	Lands	affected by the	e application					
	Purpo	se of the applic	ation					
	Status	of the applicat	ion					
	Effect	of the applicat	ion on the prop	osed amendme	nt			<del>(                                    </del>
14	ALL	EXISTING, PR	EVIOUS AND	ADJACENT I	JSE OF THE L	AND		
14.1	ALL	EXISTING US	E					
	Resid	ential						
	Indust	rial						
	Comn	nercial	<del></del>					
	Institu	ntional						
	Agric	ultural						
	Parkla	and						
	Vacar	it	X					
	Other			-2				
14.2	What	is the length of	time the existing	ng use(s) of the	land have cont	inued?		
14.3	Are t	X#X	ngs or structure	s on the subject				
	Yes_	X		No	X			
50m (s. 50 m				structure, comp				
Type of building	g or	Setback from the	Setback from the	Setback from the	Setback from the	Height (in metres and	Dimensions or floor	Date of Construction
structu	re	front lot line (in metres)	rear lot line (in metres)	side lot line (in metres)	side lot line (in metres)	number of storeys)	area (in metres)	
Townh	ouse	6.9 m	6.0 m	3.3 m	0.0	9.0 m	145 sq m	Under Const.
						2 Storeys		

Residentia	1			
Industrial				
Commerci	al			
Institution	al			
Agricultur	al			
Parkland				
Vacant	x			
Other				
	T USE(S)			
	NORTH	SOUTH	EAST	WEST
Residentia	v	X	x	x
Industrial			-	
Commerci			<del></del>	
	······································	-		
Institution	-		<del>Vertical de la constanti</del>	<u> 266-01</u>
Agricultur	al	-	·	<del></del>
Parkland				
Vacant				<del>iia</del>
Other				
	l or Commercial, specify	use		
N/A				
Has the grant subject lan		been changed by adding ea	orth or material? Has fi	lling occurred on the
Yes	No	X	Unk	nown
Has a gaso any time?	line station and/or autom	obile service station been l	ocated on the subject la	and or adjacent lands at
Yes	No	X	Unk	nown
		fuel stored on the subject la		
	erinanti ile 10 000 🗫 erinati ile eni 16 eni 10 militari - escretti il eni 16 militari - eni 16 militari - eni	x		nown
		nderground storage tanks o		
	No	x	Unk	nown
	ands or adjacent lands eve	er been used as an agricultu		
Yes	No	X	Unk	nown
		er been used as a weapons		
Yes	No _	Х	Unk	nown
Is the near	est boundary line of the a	pplication within 500 metro or private landfill or dump	es (1,640 feet) of the bo	
Yes	No	X	** 1	nown

14.4 ALL PREVIOUS USE

14.14	If there remain	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	X	<del>n yawa a a a a a a a a a a a a a a a a a </del>	Unknown		
14.15		e reason to nt sites?*	believe	e the subject la	ands may hav	e been contaminat	ed by existing or former uses on the site or		
	Yes _			No	X	<u> </u>	Unknown		
	*	disposal and spil cleaning longer a Also, a	of was ls. Som g plants proper series o	te minerals, ra e commercial have similar p ty is under ind	w material st properties suc potential. Any lustrial or sim	orage, and residue th as gasoline stat industrial use car ilar use, the greate	n of electrical transformer stations, as left in containers, maintenance activities ions, automotive repair garages, and dry a result in potential contamination. The er the potential for site contamination. the could potentially increase the number of		
	If prevattach a	ious use o a previous	f proper use inv	ty is industria entory showir	l or commerc ng all former	ial or if the answerses of the land, or	er was YES to any of the above, please r if applicable, the land(s) adjacent to the		
	ACKN	OWLEDO	3MENT	CLAUSE					
	regulat is not r a result make c	tions and steeponsible tof) any action what	tandard for the ction or soever	s pertaining to identification proceeding for	contaminate and / or remore or environment by of Port Col	d sites. I further ac ediation of contam ntal clean-up of an	compliance with all applicable laws, eknowledge that the City of Port Colborne ninated sites, and I agree, whether in (or as y damage or otherwise, I will not sue or officials, employees or agents for or in		
	Date_	July	12	2022		Signature of C	wner		
14.16	Are the	ere any bui	ildings	designated und	ler the Ontari	o Heritage Act?			
	Yes_				No	X	Unknown		
14.17	If there	If there are any existing buildings on the site, briefly describe them and indicate their proposed use							
	Fo	our (4) Tov	vnhouse	es under const	ruction as in s	surveyor's sketch.			
14.18		has been us use inve			cial uses on th	ne property, a prev	rious use inventory is needed. Is a		
	Yes		,	<del></del>	No	X			

## NIAGARA PENINSULA CONSERVATION AUTHORITY

## PRESCREENING CRITERIA

1.	Is there land o	on the pro	perty id	lentified in the	Official Plan and/or Zoning by-law as "hazard lands"?
	Yes		No _	Х	Unknown
2.					the property or within 15 metres of the property?
	Yes		No	Х	Unknown
3.					s of the Lake Erie shoreline?
	Yes		No	Х	Unknown
4.	Is there a valle	ey slope o	n the p	roperty?	
	Yes		No	Х	Unknown
5.	Is there known	n localized	d floodir	ng or a marsh	/bog area on or within 30 metres of the property?
	Yes	No		X	Unknown
Date	July 12	2022		Sign	nature of Applicant(s)
	Please note:		plicant	is not the owne	r of the subject land or there is more than one owner, written
				the owner(s) is ake application	s required (Complete Form 1) indicating that the applicant is
I/ <del>W</del> e	Wesley Viss	er			
of the C	ity/ <del>Town/Towns</del>				
	ounty/District/Re				
solemnly	y declare that all	the statem	ents con ue, and	ntained in this a knowing that it	pplication are true, and I/we make this solemn declaration is of the same force and effect as if made under oath and by
DECLA	RED before me	at the			) TO BE SIGNED IN THE PRESENCE OF A
City	of	Port Colbe	orne		) COMMISSIONER FOR TAKING AFFIDAVITS )
in the R	leg. Mun.	of_Niag	ara		
This 1	2th day	y of	July		
A.D. 20	22				}
					(Signature of applicant(s), solicitor or authorized agent)
					/-
		$\overline{}$			
1	X	1			
S	$\angle X$	_			

A Commissioner, etc.

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

## FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Compl	leted Application		
Public Hearing Date	-		
Adjourned Public Hearing	g Date		
Checked for Completenes	ss by		
		PROCESSING	
		Date	
Accepted by Manager of	Planning and Develo	opment Services:	
Circulated:			
Comments received;			
	Solicitor		
	Engineer		
	C.B.O.		
	Fire Chief		
	C. N. Power		
	Region		
	NPCA		
	МТО		
	MOE		<u></u>
	Other		
Notice of Public Meeting			
Public Meeting			
Committee Approval			
Notice Given			
Final Day for OMB Appea	a1		

OMB Appeal		
OMB Hearing		
OMB Decision		
Final Day to Satisfy Conditions		
Condition	_ Satisfied	
Condition	_Satisfied	
Condition	Satisfied	
Condition	Satisfied	
Condition	_Satisfied	
Condition	Satisfied	
Development Agreement Signed by Owner		
Development Agreement Signed by Mayor and Clerk		
Development Agreement sent to City Solicitor		
Registration	-	
Instrument No		
Final Approval		

Application Revised August 2016

## **AUTHORIZATION**

LOCA'	TION OF SUBJECT LA	<u>'S:</u>
I/ <del>We</del> , t	he undersigned, being the R. Brian Miller	gistered owner(s) of the above lands hereby authorize
of the_	Town	of Fort Erie
to make	e an application on my/or	behalf to the Council or the Committee of Adjustment for the City of Port Colborne
for tran	saction concerning an ap	cation for Official Plan Amendment / Zoning By-law Amendment / Consent to Seve
Minor '	Variance or Permission /	aft Plan of Subdivision or Condominium / Site Plan Control Approval (please circle
the app	ropriate application) in a	ordance with the Planning Act.
Dated a	at the City	ofPort Colborne
in the_	Reginal Municipal	of Niagara
this	12th day	July 200 <u>-</u> 22
1	2	
Signatu	re of Witness	Signature of Owner Wesley Visser
Signatu	re of Witness	Signature of Owner
Signatu	re of Witness	Signature of Owner

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

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

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

## SUGGESTION TO THE APPLICANT

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

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

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

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

Information on the Port Colborne Official Plan and Zoning Bylaw

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

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

Information on Servicing, Lot Grading and Drainage

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

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

Information about the Building Code

Region of Niagara Public Works Department
 Development Services Division
 1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold,
 L2V 4T7

Commissioner (905) 685-1571 1-800-263-7215

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

For Concerns regarding Provincial Policy and Ministry responsibilities

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 bylaw, lands adjacent to watercourses, Lake Erie or flood plains

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

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

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



## **City of Port Colborne**

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

## **Planning and Legislative Services**

Planning Division Report

September 9th, 2022

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

Re: Application for Consent B15-22-PC

Lot 17, 18, 21 to 31 on Plan 831

59 Omer Avenue Agent: Brian Miller

Owner(s): Wesley Visser

## 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 10.08m along Omer Avenue and a lot area of 263.7m² for an existing residential use. Part 5 (as depicted on the attached sketch) will retain a lot frontage of 14.35m on Omer Avenue with a lot area of 2108m² for future residential development.

# Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Fourth Density Residential (R4) to the south, east, and west and Light Industrial (LI) to the north. The surrounding uses consist of detached dwellings to the south, east, and west and light industrial use to the north.

## **Environmentally Sensitive Areas:**



The subject lands do not contain any environmentally sensitive areas.

#### **Public Comments:**

Notice was circulated on August 30<sup>th</sup>, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9<sup>th</sup>, 2022, the following has been received.

### Colin Warner

How was the development allowed to begin without a public hearing originally being that the complex is on property that is not big enough according to city guidelines? Should this have not been discussed in the original plans? Will the developer continue to do more things like this as development continues? Why can the developer not make the lot sizes bigger as there is room to do so at the back of the units? As a resident of this street, I am concerned about it becoming rather congested. Most families have two vehicles and being that these houses are undersized, at least one of them will end up being parked on the street. I do understand the complex has a garage and a driveway for two vehicles, but due to the inconvenience of having to move two vehicles around, I believe one will end up on the street instead of the garage, I myself use it for storage rather than vehicles. Omer Ave. is not wide enough to support this. It also complicates snow removal. How is this potential problem going to be dealt with? I am not positive for sure, but I believe the complex is less than 10 ft. away from the property line. I would like to know this information. Regarding further development of Part 5 on Sherwood Forest Ln., this street sees a high amount of truck traffic for the old Robin Hood plant. Being such a narrow street, it would raise a hazard for the residents living there if this development is allowed to go through. Are there any plans to remedy issues such as this?

### Staff Response

The current dwellings were permitted to be built as they were proposed on one property. The zoning by-law permits multiple townhouses on one lot provided they meet the requirements of the zone, which it does. Not all townhouse developments require severances so ensuring that each unit has  $200m^2$  of lot area is not an initial requirement. Making the lots bigger at the back would result in a less consistent lot fabric throughout the neighborhood. If the application is approved the rear lot lines of each lot will match throughout the street. The parking requirement for townhouse dwellings is 1 parking space per unit. The applicant has exceeded this requirement by providing two, one in the driveway and one in the garage. Snow removal is not a concern for the creation of these lots as the structures already exist. The existing townhouses are 3.1m (10ft) from the property line. The zoning requirement is 3m. The truck traffic on Sherwood Forest Lane is not a concern for this application. When the applicant comes forward with a proposal for Part 5 those issues will be dealt with at that time if staff deem it necessary.

### **Agency Comments:**

Notice of the application was circulated on August 19<sup>th</sup>, 2022 to internal City departments. As of September 9<sup>th</sup>, 2022, the following has been received.

### **Drainage Superintendent**

There are no concerns regarding municipal drains for this application.

### Fire Department

Port Colborne Fire has no objection to the proposed application.

### **Engineering Technologist**

A Mutual Agreement Drain must be registered on title to ensure the continued operation and maintenance of the rear yard swale.

### Staff Response

Staff will require a condition of this application that a Mutual Agreement Drain is registered on title to ensure the continued operation and maintenance of the rear yard swale.

### **Discussion:**

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

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

Staff is satisfied that the proposed application is consistent with the PPS. The proposal efficiently uses land and resources as the existing dwelling has a compact form and adds to a mix of dwelling types in the area.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a "Delineated Built-up Area" where intensification is generally encouraged. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime. Furthermore, the proposal supports a range and mix of housing options, including additional residential units, to serve all sizes, incomes, and ages of households.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application supports a range of housing types and encourages intensification in the delineated built-up area.

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

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The proposed lot adds to the intensification of the built-up area and makes efficient use of the existing services.

### City of Port Colborne Official Plan

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

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP. An Ontario Land Surveyor sketch is required and the parcel must have frontage on a public road. Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the lots created will have frontage on a public road.

Section 3.2.4 also provides for the conditions for the collection of Cash-in-Lie of Parkland Dedication. Staff will be adding a condition that the applicant is aware of the requirements of Parkland Dedication for the future development of Part 5. Parkland dedication is not required for Part 1 as the dwelling is existing.

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

The subject lands are zoned Fourth Density Residential (R4) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 10.08m and a lot area of 263.7m<sup>2</sup>

Part 5: A lot frontage of 14.35m and a lot area of 2108m<sup>2</sup>.

The R4 zone requires a lot frontage of 6m and a minimum lot area of 0.02ha for townhouse dwellings. Part 1 has met these requirements and will also comply with the setback requirements for the zone.

Part 5 currently meets the lot frontage and lot area requirements of the zoning bylaw. 12m of frontage is required, where 14m has been provided, and 400m<sup>2</sup> of lot area is required where 2108m<sup>2</sup> has been provided.

Staff is satisfied that all the requirements of the zoning by-law will be met as a result of the proposed severance, provided that minor variance application A25-22-PC is granted. The proposed severance will not result in any setback deficiencies to the proposed boundaries.

### **Recommendation:**

Given the information above, Planning Staff recommends application B15-22-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 a Mutual Agreement Drain be registered on title that ensures the continued operation and maintenance of the rear yard swale.
- 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. This condition only applies to Part 5.
- 5. That all conditions of consent be completed by July 13<sup>th</sup>, 2024.

## For the following reasons:

 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

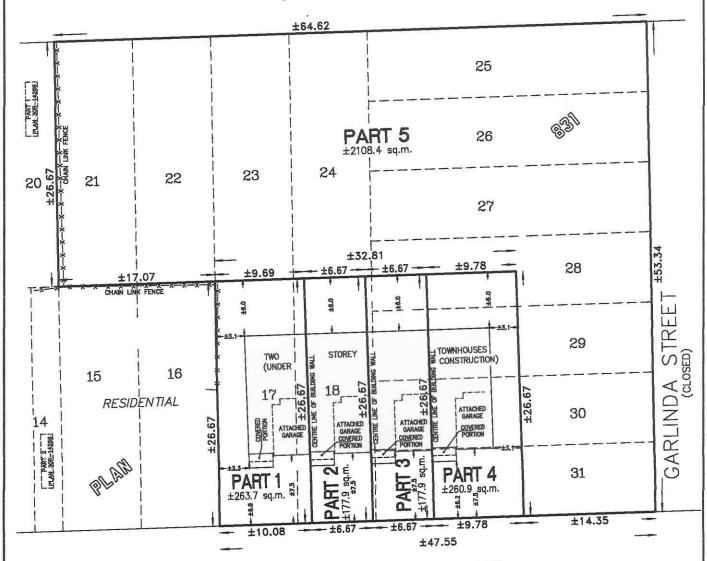
Planner

Submitted by,

Denise Landry, MCIP, RPP Manager of Planning Services

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

# SHERWOOD FOREST LANE (±18.28m. WIDE)



OMER

AVENUE (±18.28m. WIDE)



VOID

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

PRELIMINARY ONLY

RE DRAY

LANTHIER & GILMORE SURVEYING LTD.

173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477

SIGETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
LOTS 17, 18, 21 to 31 (both inclusive)

SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
OTS 17, 18, 21 to 31 (both inclusive
PLAN 831
N THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

DRAWN BY: CM

CHECKED BY: MG SURVEY 22-107



# NOTICE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR CONSENT

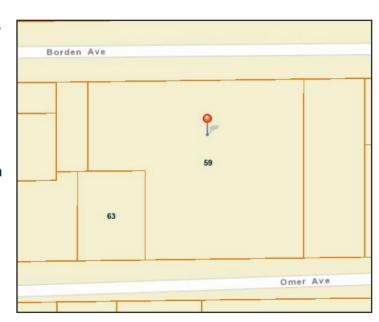
APPLICATION NO. B16-22-PC

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 Plan 3 Lots 17, 18, 21 to 31, in the City of Port Colborne, located in the Fourth Density Residential (R4) zone, municipally known as 59 Omer Avenue.

### AND IN THE MATTER OF AN

APPLICATION by the agent Brian Miller on behalf of the owner Wesley Visser for consent for the purpose of creating a new lot. The subject parcels are shown as Part 2 and Part 5 on the sketch submitted. Part 2 is proposed to be the severed parcel to accommodate one unit of the proposed townhouse. Part 5 will be retained for



future development. 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: September 14, 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 <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a>

**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, September 9, 2022**.

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

# Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at <a href="https://www.youtube.com/watch?v=Pbu3KXL7Dq4">https://www.youtube.com/watch?v=Pbu3KXL7Dq4</a>.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. Written submissions and participation requests must be received by noon on Tuesday, September 13, 2022, by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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

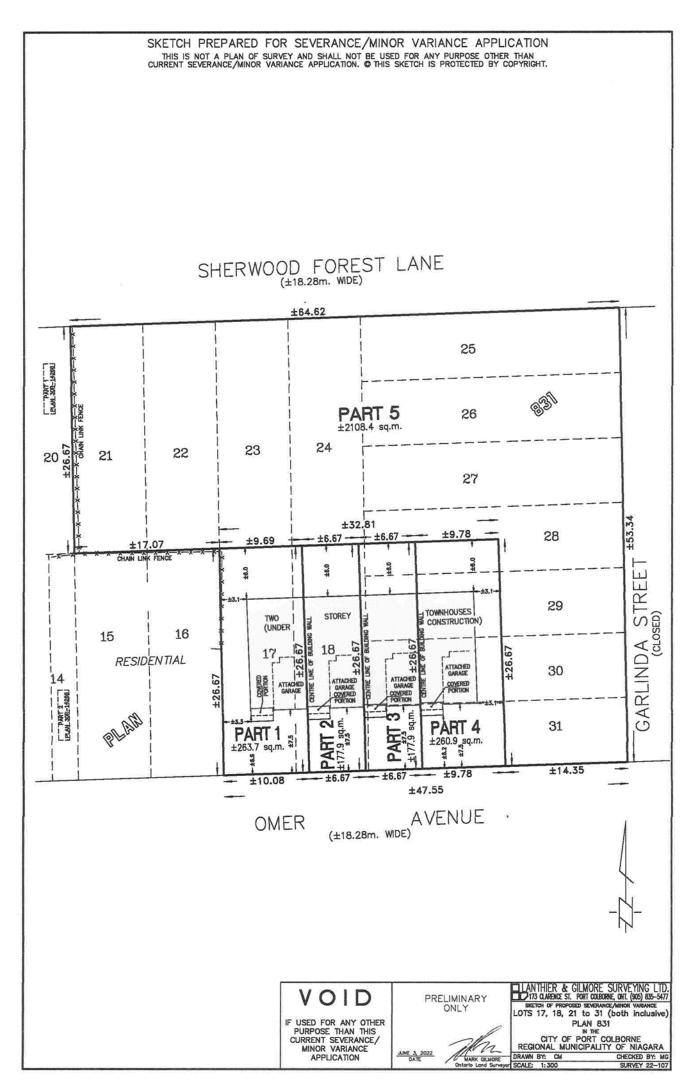
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

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

By order of the Committee of Adjustment,

Samantha Yeung Secretary-Treasurer

Date of Mailing: August 30, 2022



File No
The City of Po The Planning

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

# Consent

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

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

### SUBMISSION OF APPLICATION:

PORT COLBORNE

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

City of Port Colborne
Heather Mahon
Secretary - Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8

Telephone:

1-905-835-2900

FAX:

1-905-835-2939

Email:

planning@portcolborne.ca

### COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

### PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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

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

### **POLICIES**

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

### THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

Decisions of the Committee are made in public.

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

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

### APPLICATION FEES

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

### REGIONAL REVIEW AND APPROVAL FEES

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

### SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

### APPLICATION FORM AND SKETCH

It is required that <u>ONE</u> 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 <u>per application (By-law 5718/149/11)</u>, 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 (<a href="https://www.regional.niagara.on.ca">www.regional.niagara.on.ca</a>).

### NOTICE REQUIREMENTS

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

### APPLICATIONS REQUIRED

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

# PLEASE TYPE OR USE BLACK INK

OWNER	
Registered Owner(s): Wesley Visser	
Mailing Address: 2999 Hwy #3	
City:Port Colborne	Province: Ontario
Postal Code: L3K 5V3	Telephone: 905-835-8484
Fax:	Email: wwwisser@hotmail.com
Owner's SOLICITOR (if any): R. Brian Miller	
Mailing Address: 1415 Pound Aenue	
City: Fort Erie	
	Telephone: 905-658-0057
Postal Code: L2A 5P9	
Fax:	Dilan.
Owner's Authorized AGENT (if any):	
Mailing Address: e	
Province:	
Postal Code:	Telephone:
Fax:	Email:
MORTGAGES, Charges and other Encumbrances	p*
The date the Subject Land was acquired by the Cu	rrent Owner:
Owner's ONTARIO LAND SURVEYOR (if any)  Mailing Address: 173 Clarence Street	Lanthier & Gilmore Surveying Ltd.
F. Mary.	
City: Port Colborne  L3K 3G4	Province: Ontario
Postal Code: L3K 3G4	Province: Ontario  Telephone: 905-835-5477
Postal Code: L3K 3G4  Fax:	Province: Ontario  Telephone: 905-835-5477
Postal Code: L3K 3G4  Fax:  All communications should be sent to the:	Province: Ontario  Telephone: 905-835-5477  Email: lanthier.gilmore@bellnet.ca
Postal Code: L3K 3G4  Fax:  All communications should be sent to the:	Province: Ontario  Telephone: 905-835-5477
Postal Code: L3K 3G4  Fax:  All communications should be sent to the:	Province: Ontario  Telephone: 905-835-5477  Email: lanthier.gilmore@bellnet.ca
Postal Code: L3K 3G4  Fax:	Province: Ontario  Telephone: 905-835-5477  Email: lanthier.gilmore@bellnet.ca
Postal Code: L3K 3G4  Fax:	Province: Ontario  Telephone: 905-835-5477  Email: lanthier.gilmore@bellnet.ca
Postal Code: L3K 3G4  Fax:	Province: Ontario  Telephone: 905-835-5477  Email: lanthier.gilmore@bellnet.ca  X Agent  istered Plan No. 831 Lot(s)
Postal Code:L3K 3G4  Fax: All communications should be sent to the:  OwnerSolicitor  LOCATION:  Former MunicipalityHumberstone  Concession NoLot(s) 17, PT 18 Reg  Reference Plan No	Province: Ontario  Telephone: 905-835-5477  Email: lanthier.gilmore@bellnet.ca  X Agent  istered Plan No. 831 Lot(s)

	propriate space/s)	
(X) Creation of New Lot	( ) Disposal of Surplus Farm Dwelling	
( ) Addition to Lot	( ) Farm Retirement Lot	
( ) Mortgage or Charge	( ) Partial Discharge of Mortgage	
( ) Lease	( ) Right-of-way	
( ) Easement		_
Reason for proposed transaction:		
Create 1 of 4 Freehold Townh	nouses	
		_
If a lot addition, identify the lands to which N/A	h the parcel will be added:	_
Name of person(s), if known, to whom lan Owner Built	d or interest in land is intended to be conveyed, leased or me	ortgaged
OFFICIAL PLAN AND ZONING		
What is the current designation of the la	nd in the Official Plan and the Regional Plan	
Port Colborne Official Plan Urban Re	sidential	
Port Colborne Official Plan Urban Re  Regional Policy Plan Built-up Area	sidential	
Puilt up Area		
Regional Policy PlanBuilt-up Area	1150/97/81)?	
Regional Policy PlanBuilt-up Area What is the Zoning of the land (By-law Fourth Density Residential Zone	1150/97/81)?	uning Act
Regional Policy Plan  What is the Zoning of the land (By-law Fourth Density Residential Zone  Is the proposal consistent with Provincia	1150/97/81)? (R4)	ning Act
Regional Policy PlanBuilt-up Area  What is the Zoning of the land (By-law Fourth Density Residential Zone  Is the proposal consistent with Provincial 1990, R.S.O., as amended?  YesX	1150/97/81)? (R4) al policy statements issued under Subsection 3(1) of the Plan	ning Act
Regional Policy PlanBuilt-up Area  What is the Zoning of the land (By-law Fourth Density Residential Zone  Is the proposal consistent with Provincial 1990, R.S.O., as amended?  YesX	1150/97/81)? (R4) al policy statements issued under Subsection 3(1) of the Plan	ning Act
Regional Policy PlanBuilt-up Area  What is the Zoning of the land (By-law Fourth Density Residential Zone  Is the proposal consistent with Provincial 1990, R.S.O., as amended?  YesX  Are there any existing EASEMENTS O	1150/97/81)? (R4) al policy statements issued under Subsection 3(1) of the Plan No R RESTRICTIVE COVENANTS affecting the land?	
Regional Policy PlanBuilt-up Area  What is the Zoning of the land (By-law Fourth Density Residential Zone  Is the proposal consistent with Provincial 1990, R.S.O., as amended?  YesX  Are there any existing EASEMENTS O	1150/97/81)?  (R4)  al policy statements issued under Subsection 3(1) of the Plan  No  R RESTRICTIVE COVENANTS affecting the land?  NoX	
Regional Policy PlanBuilt-up Area  What is the Zoning of the land (By-law Fourth Density Residential Zone  Is the proposal consistent with Provincial 1990, R.S.O., as amended?  YesX  Are there any existing EASEMENTS O  Yes  If "Yes" describe the easement or coven	1150/97/81)?  (R4)  al policy statements issued under Subsection 3(1) of the Plan  No  R RESTRICTIVE COVENANTS affecting the land?  NoX	
Regional Policy Plan	1150/97/81)?  (R4)  al policy statements issued under Subsection 3(1) of the Plan  No  R RESTRICTIVE COVENANTS affecting the land?  NoX	
Regional Policy Plan	1150/97/81)?  (R4)  al policy statements issued under Subsection 3(1) of the Plan  No  R RESTRICTIVE COVENANTS affecting the land?  NoX	
Regional Policy Plan	1150/97/81)?  (R4)  al policy statements issued under Subsection 3(1) of the Plan  No  R RESTRICTIVE COVENANTS affecting the land?  NoX  ant and its effect:	
Regional Policy PlanBuilt-up Area  What is the Zoning of the land (By-law Fourth Density Residential Zone  Is the proposal consistent with Provincial 1990, R.S.O., as amended?  YesX  Are there any existing EASEMENTS Of Yes  If "Yes" describe the easement or covern Type of ACCESS  Provincial Highway  Regional Road  Municipal Road maintained all year	1150/97/81)?  (R4)  al policy statements issued under Subsection 3(1) of the Plan  No  R RESTRICTIVE COVENANTS affecting the land?  NoX  ant and its effect:	
Regional Policy Plan	1150/97/81)?  (R4)  al policy statements issued under Subsection 3(1) of the Plan  No  R RESTRICTIVE COVENANTS affecting the land?  NoX  ant and its effect:	
Regional Policy Plan	1150/97/81)?  (R4)  al policy statements issued under Subsection 3(1) of the Plan  No  R RESTRICTIVE COVENANTS affecting the land?  NoX  ant and its effect:	

What type of WATER SUPPLY is propos	sea?				
Publicly owned and operated piped water	supply	X	•		
Lake			÷		
Well (private or communal)			\$		
Other (specify)					
What type of SEWAGE DISPOSAL is pr	oposed?				
Publicly owned and operated sanitary sew	age syster	X			
Septic system (private or communal)					
Other (specify)					
What type of STORMWATER DISPOSA					
Publicly owned and operated storm water			7.7	space)	
Other (specify)					
DESCRIPTION OF PARCEL TO BE SEVE					_2
Frontage 6.67m Depth					
Existing Use_Vacant Residential Land			Proposed Use_	Townhouses (4)	
METRES. Please use additional sheets if  Existing: One (1) of our (4) Townhou	ses under		n		
Proposed: One (1) of our (4) Townhou	ises				
				On Page 1	
DESCRIPTION OF PARCEL TO BE RE	TAINED (				
DESCRIPTION OF PARCEL TO BE REF	TAINED (	(in metric u 3.34 m	nits): Area	Part No. on sketch_ 2108.04 sq m	
DESCRIPTION OF PARCEL TO BE RE	TAINED ( 5.  ctures on the constructure and structure and	(in metric u 3.34 m he land to be re, the setba	nits):Area_ Proposed Use_ se retained. For ck from the from	Part No. on sketch_ 2108.04 sq m  Same  each existing and / on the lot line, rear lot line.	5 propose and side
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DESCRIPTION OF PARCEL TO BE REFORM 14.46 m Depth Existing Use Vacant Residential Land Existing and proposed buildings and structure, the type of building or structure, the type of building or IN METRES. Please use additional sheet Existing: None  Proposed: None  Has the land ever been the subject of an arc CONSENT?  Yes No  If the answer is "Yes", please provide the File NumberNA  Decision  HAS ANY LAND BEEN SEVERED from	ctures on toor structure attracture attractu	(in metric u 3.34 m  he land to be, the setba and the dim sary:  for approva a information el originally brances on the	nits): Area Proposed Use_ pe retained. For ck from the sensions or floor the from the	Part No. on sketch_2108.04 sq m  Same  each existing and / or ont lot line, rear lot line, rarea of the building of area of the building of the building of the building of the land?  Unknown  e owner of the land?	propose and side or structure

13.	OTH	ER APPLICA	HONS: NO	ne				
13.1			whether the subject the applicant for		land within 120	metres of the s	ubject land is t	he subject of an
	Offici	al Plan Amen	dment	8 <del>7</del>				
	Zonin	g By-law Am	endment	9	<del></del>			
	Minor	Variance		9				
	Plan o	of Subdivision		15 <del></del>				
	Conse	ent		q <del>.</del>	_			
	Site P	lan		X <del></del>				
13.2	If the	answer to the	above is yes, an	d if known, pro	vide the follow	ing for each ap	plication noted:	î.
	File n	umber of the	application	N/A				
	Name	of the approv	al authority cons					
	Lands	affected by the	ne application					
	Purpo	se of the appli	ication					
	Status	of the applica	ation					
	Effect	of the applica	ation on the prop	osed amendme	nt			
14	ALL I	EXISTING, P	REVIOUS AND	ADJACENT I	USE OF THE L	AND		
14.1	ALL 1	EXISTING U	SE					
	Resid	ential _						
	Indust	rial _						
	Comn	nercial _	<del></del>					
	Institu	itional _						
	Agric	ultural _	<del></del>					
	Parkla	and _						
	Vacan	t _	X					
	Other	2 <del></del>						
14.2	What	is the length o	f time the existing	ng use(s) of the	land have cont	inued?		
14.3	Are t	here any build	ings or structure	s on the subject	t land?			<del></del>
		x		No	x			
			ting building or s	structure, comp	lete the followi	ng for each buil	ding or structur	re:
Type of building structu	of ig or	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
Townh	ouse	6.2 m	6.0 m	0.0 m	0.0 m	9.0 m	145 sq m	Under Const.
						2 Storeys		

Residential				
Industrial				
Commercial	·			
Institutional				
Agricultural				
Parkland				
Vacant	X			
Other				
ADJACENT U	JSE(S)			
	NORTH	SOUTH	EAST	WEST
Residential	X	x	x	x
Industrial	°	·		
Commercial		-	· · · · · · · · · · · · · · · · · · ·	
Institutional			₹ <del></del>	(Harris Santane)
			· ·	:
Agricultural	The state of the s	*	s <del></del>	ti ti
Parkland				
Vacant	*		Х	\$ <del></del>
Other	-			
If Industrial or	Commercial, specify	use		
N/A				
	g of the subject land	been changed by adding ea	rth or material? Has fi	lling occurred on the
subject land?		v		
Yes	No	X	Unk	nown
Has a gasoline any time?	station and/or autom	obile service station been l	ocated on the subject la	and or adjacent lands at
rest.	No	X	Unk	nown
		fuel stored on the subject la		
		X		noum
Are there or ha lands?	ve there ever been u	nderground storage tanks of	r buried waste on the si	ibject land or adjacent
Yes	No	X	Unk	nown
Have the lands to the lands?	or adjacent lands ev	er been used as an agricultu	ıral operation where pe	sticides have been applied
Yes	No	X	Unk	nown
Have the lands	or adjacent lands ev	er been used as a weapons	firing range?	
Yes	No	x	Unk	nown
Is the nearest b	oundary line of the a	pplication within 500 metro or private landfill or dump	es (1,640 feet) of the bo	oundary line of an
Yes	No	X	Sow 12	nown

14.4 ALL PREVIOUS USE

108 -		No	X	Unknown			
	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	X	Unknown			
*	disposal of and spills cleaning longer a p Also, a se	of waste minerals, r s. Some commercia plants have similar property is under in	aw material storage, and l properties such as gasol potential. Any industrial dustrial or similar use, th lustrial or similar uses up	peration of electrical transformer stations, residues left in containers, maintenance activition stations, automotive repair garages, and dry use can result in potential contamination. The e greater the potential for site contamination. Soon a site could potentially increase the number			
				e answer was YES to any of the above, please land, or if applicable, the land(s) adjacent to the			
ACK	NOWLEDG	MENT CLAUSE					
	tions and sta	indards pertaining t	o contaminated sites. I fu	am in compliance with all applicable laws, rther acknowledge that the City of Port Colborn contaminated sites, and I agree, whether in (or a			
is not a resu make	lt of) any act claim whatse	tion or proceeding f	ity of Port Colborne, its o	up of any damage or otherwise, I will not sue or officers, officials, employees or agents for or in			
is not a resu make respec	lt of) any act claim whatse	tion or proceeding for the control of the control o	ity of Port Colborne, its c costs.				
is not a resu make respec	It of) any act claim whatso t of any loss July	tion or proceeding for the Control of the Control o	ity of Port Colborne, its c costs.	officers, officials, employees or agents for or in			
is not a result make respect Date_Are the	lt of) any act claim whatse t of any loss July ere any buile	tion or proceeding for the Control of the Control o	ity of Port Colborne, its costs.  Signate	officers, officials, employees or agents for or in the recommendate of Owner			
is not a result make respect Date_ Are the Yes	lt of) any act claim whatso it of any loss July ere any build	tion or proceeding for the Control of the Control o	ity of Port Colborne, its ocosts.  Signature der the Ontario Heritage  NoX	officers, officials, employees or agents for or in the recommendate of Owner			
is not a result make respect Date_ Are the Yes If there	It of) any act claim whatse t of any loss  July ere any build e are any exi	tion or proceeding for the Carlot against the Carlo	ity of Port Colborne, its ocosts.  Signature der the Ontario Heritage  NoX	Act?  Unknown  hem and indicate their proposed use			
is not a result make respect Date_ Are the Yes_ If there If there	It of) any act claim whatso t of any loss  July ere any build e are any exi our (4) Town e has been in	tion or proceeding for the Carlot against the Carlo	ity of Port Colborne, its of costs.  Signature der the Ontario Heritage X  The site, briefly describe the truction as in surveyor's second costs.	Act?  Unknown  hem and indicate their proposed use			

# NIAGARA PENINSULA CONSERVATION AUTHORITY

### PRESCREENING CRITERIA

1.	is there land o	n the property ide	entified in the	Official Plan and/or Zoning by-law as "hazard lands"?
	Yes	No	Х	Unknown
2.	Is there a water	ercourse or munic	ipal drain on	the property or within 15 metres of the property?
	Yes	No	Х	Unknown
3.	Is the property	located on or wit	thin 30 metre	s of the Lake Erie shoreline?
	Yes	No	Х	Unknown
4.	Is there a valle	ey slope on the pr	operty?	
	Yes	No	Х	Unknown
5.	Is there known	localized floodin	g or a marsh	bog area on or within 30 metres of the property?
	Yes	No	X	Unknown
Date	July 12	2022	Sign	nature of Applicant(s)
	Please note:			r of the subject land or there is more than one owner, written
		authorization of t authorized to ma		required (Complete Form 1) indicating that the applicant is
I/₩e	Wesley Visse	er		of converse in the Station of States and Converse of the State of States and
of the C	ity/ <del>Town/Towns</del> l	hip of Port Colb	orne	
in the G	<del>ounty/District/</del> Re	gional Municipalit	y of Niaga	ura
solemnly	y declare that all ntiously believing	the statements cont	tained in this a	pplication are true, and I/we make this solemn declaration is of the same force and effect as if made under oath and by
	RED before me a			) TO BE SIGNED IN THE PRESENCE OF A
City	of	Port Colborne		) COMMISSIONER FOR TAKING AFFIDAVITS
in the R	leg. Mun.	of Niagara		
		of July		3
A.D. 20		. 3 <u> </u>		
		<del></del>		(Signature of applicant(s), solicitor or authorized agent)
شنسده		$\overline{}$		
	1/-	X		
/				

A Commissioner, etc.

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

# FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Compl	leted Application _		
Public Hearing Date			
Adjourned Public Hearing	g Date		
Checked for Completenes	ss by _		
		PROCESSING	
		<u>Date</u>	
Accepted by Manager of	Planning and Develop	ment Services:	·
Circulated:			
Comments received;			
	Solicitor		
	Engineer		
	C.B.O.		
	Fire Chief		
	C. N. Power		
	Region		
	NPCA		
	МТО		
	МОЕ		
	Other		
Notice of Public Meeting			
Public Meeting			
Committee Approval			
Notice Given			
Final Day for OMB Appe	al		

OMB Appeal		<del>(************************************</del>
OMB Hearing		
OMB Decision		
Final Day to Satisfy Conditions		
Condition	Satisfied	
Condition	Satisfied	
Condition	Satisfied	<del>-</del>
Condition	Satisfied	
Condition	Satisfied	
Condition	Satisfied	<del></del>
Development Agreement Signed by Owner		
Development Agreement Signed by Mayor and Clerk		
Development Agreement sent to City Solicitor		
Registration		
Instrument No		
Final Approval		Application Revised August 201

### **AUTHORIZATION**

### **LOCATION OF SUBJECT LANDS:**

I/We, the undersigned, being the register	red owner(s) of the above lands here	by authorize
of theTown	ofFort Erie	·
to make an application on my/our behalf	to the Council or the Committee of	Adjustment for the City of Port Colborne
for transaction concerning an application	n for Official Plan Amendment / Zon	ning By-law Amendment / Consent to Sever
Minor Variance or Permission / Draft Pl	an of Subdivision or Condominium	/ Site Plan Control Approval (please circle
the appropriate application) in accordance	ce with the Planning Act.	
Dated at the City	of Port Colborne	
in the Reginal Municipality	of Niagara	
this 12th day of	July	200_22
		1
Signature of Witness	Signature of Owner	Wesley Visser
Signature of Witness	Signature of Owner	
Signature of Witness	Signature of Owner	

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

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

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

#### SUGGESTION TO THE APPLICANT

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

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

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

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

Information on the Port Colborne Official Plan and Zoning Bylaw

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

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

Information on Servicing, Lot Grading and Drainage

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

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

Information about the Building Code

Region of Niagara Public Works Department
 Development Services Division
 1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold,
 L2V 4T7

Commissioner (905) 685-1571 1-800-263-7215

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

For Concerns regarding Provincial Policy and Ministry responsibilities

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 bylaw, lands adjacent to watercourses, Lake Erie or flood plains

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

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

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



# **City of Port Colborne**

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

## **Planning and Legislative Services**

Planning Division Report

September 9th, 2022

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

Re: Application for Consent B16-22-PC

Lot 17, 18, 21 to 31 on Plan 831

59 Omer Avenue Agent: Brian Miller

Owner(s): Wesley Visser

### Proposal:

The purpose and effect of this application is to permit the conveyance of Part 2 (as depicted on the attached sketch) having a lot frontage of 6.67m along Omer Avenue and a lot area of 177.9m² for an existing residential use. Part 5 (as depicted on the attached sketch) will retain a lot frontage of 14.35m on Omer Avenue with a lot area of 2108m² for future residential development.

# Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Fourth Density Residential (R4) to the south, east, and west and Light Industrial (LI) to the north. The surrounding uses consist of detached dwellings to the south, east, and west and light industrial use to the north.

# **Environmentally Sensitive Areas:**



The subject lands do not contain any environmentally sensitive areas.

### **Public Comments:**

Notice was circulated on August 30<sup>th</sup>, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9<sup>th</sup>, 2022, no comments from the public have been received.

### **Agency Comments:**

Notice was circulated on August 30<sup>th</sup>, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9<sup>th</sup>, 2022, the following has been received.

### Colin Warner

How was the development allowed to begin without a public hearing originally being that the complex is on property that is not big enough according to city guidelines? Should this have not been discussed in the original plans? Will the developer continue to do more things like this as development continues? Why can the developer not make the lot sizes bigger as there is room to do so at the back of the units? As a resident of this street, I am concerned about it becoming rather congested. Most families have two vehicles and being that these houses are undersized, at least one of them will end up being parked on the street. I do understand the complex has a garage and a driveway for two vehicles, but due to the inconvenience of having to move two vehicles around, I believe one will end up on the street instead of the garage, I myself use it for storage rather than vehicles. Omer Ave. is not wide enough to support this. It also complicates snow removal. How is this potential problem going to be dealt with? I am not positive for sure, but I believe the complex is less than 10 ft. away from the property line. I would like to know this information. Regarding further development of Part 5 on Sherwood Forest Ln., this street sees a high amount of truck traffic for the old Robin Hood plant. Being such a narrow street, it would raise a hazard for the residents living there if this development is allowed to go through. Are there any plans to remedy issues such as this?

### Staff Response

The current dwellings were permitted to be built as they were proposed on one property. The zoning by-law permits multiple townhouses on one lot provided they meet the requirements of the zone, which it does. Not all townhouse developments require severances so ensuring that each unit has  $200m^2$  of lot area is not an initial requirement. Making the lots bigger at the back would result in a less consistent lot fabric throughout the neighborhood. If the application is approved the rear lot lines of each lot will match throughout the street. The parking requirement for townhouse dwellings is 1 parking space per unit. The applicant has exceeded this requirement by providing two, one in the driveway and one in the garage. Snow removal is not a concern for the creation of these lots as the structures already exist. The existing townhouses are 3.1m (10ft) from the property line. The zoning requirement is 3m. The truck traffic on Sherwood Forest Lane is not a concern for this application. When the applicant comes forward with a proposal for Part 5 those issues will be dealt with at that time if staff deem it necessary.

### **Drainage Superintendent**

There are no concerns regarding municipal drains for this application.

### Fire Department

Port Colborne Fire has no objection to the proposed application.

# **Engineering Technologist**

A Mutual Agreement Drain must be registered on title to ensure the continued operation and maintenance of the rear yard swale.

### Staff Response

Staff will require a condition of this application that a Mutual Agreement Drain is registered on title to ensure the continued operation and maintenance of the rear yard swale.

### Discussion:

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

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

Staff is satisfied that the proposed application is consistent with the PPS. The proposal efficiently uses land and resources as the existing dwelling has a compact form and adds to a mix of dwelling types in the area.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a "Delineated Built-up Area" where intensification is generally encouraged. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime. Furthermore, the proposal supports a range and mix of housing options, including additional residential units, to serve all sizes, incomes, and ages of households.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application supports a range of housing types and encourages intensification in the delineated built-up area.

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

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The proposed lot adds to the intensification of the built-up area and makes efficient use of the existing services.

### City of Port Colborne Official Plan

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

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP. An Ontario Land Surveyor sketch is required and the parcel must have frontage on a public road. Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the lots created will have frontage on a public road.

Section 3.2.4 also provides for the conditions for the collection of Cash-in-Lie of Parkland Dedication. Staff will be adding a condition that the applicant is aware of the requirements of Parkland Dedication for the future development of Part 5. Parkland dedication is not required for Part 2 as the dwelling is existing.

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

The subject lands are zoned Fourth Density Residential (R4) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 2: A lot frontage of 6.67m and a lot area of 177.9m<sup>2</sup>

Part 5: A lot frontage of 14.35m and a lot area of 2108m<sup>2</sup>.

The R4 zone requires a lot frontage of 6m and a minimum lot area of 0.02ha for townhouse dwellings. The applicant has concurrently applied for a minor variance to request relief from the lot area requirement as 177.9m² is proposed, where 200m² is required. The existing dwelling meets all the setback requirements of the zone.

Part 5 currently meets the lot frontage and lot area requirements of the zoning bylaw. 12m of frontage is required, where 14m has been provided, and 400m<sup>2</sup> of lot area is required where 2108m<sup>2</sup> has been provided.

Staff is satisfied that all the requirements of the zoning by-law will be met as a result of the proposed severance, provided that minor variance application A25-22-PC is granted. The proposed severance will not result in any setback deficiencies to the proposed boundaries.

### **Recommendation:**

Given the information above, Planning Staff recommends application B15-22-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 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 July 13<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

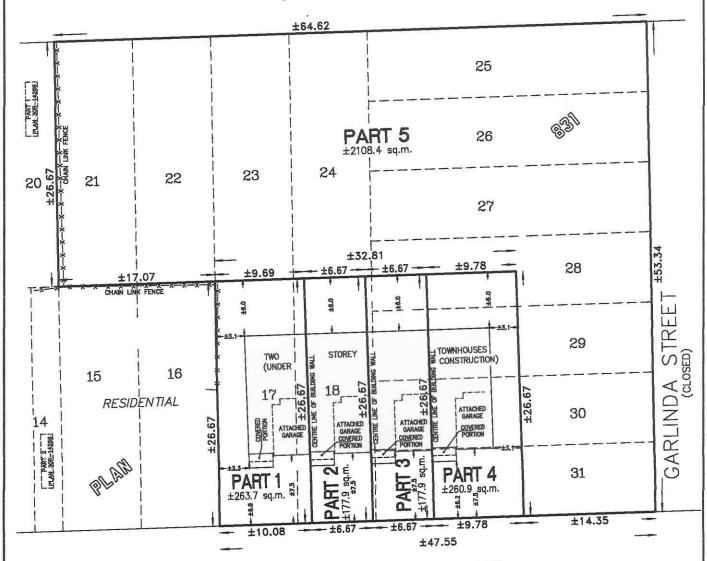
Planner

Submitted by,

Denise Landry, MCIP, RPP Manager of Planning Services

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

# SHERWOOD FOREST LANE (±18.28m. WIDE)



OMER

AVENUE (±18.28m. WIDE)



VOID

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

PRELIMINARY ONLY

RE DRAY

LANTHIER & GILMORE SURVEYING LTD.

173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477

SIGETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
LOTS 17, 18, 21 to 31 (both inclusive)

SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
OTS 17, 18, 21 to 31 (both inclusive
PLAN 831
N THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

DRAWN BY: CM

CHECKED BY: MG SURVEY 22-107



# NOTICE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR CONSENT

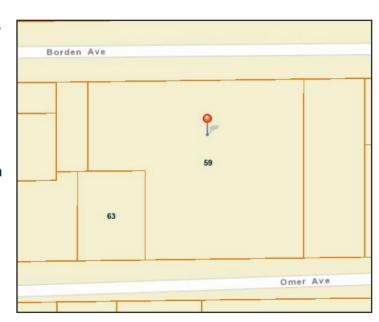
APPLICATION NO. B17-22-PC

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 Plan 3 Lots 17, 18, 21 to 31, in the City of Port Colborne, located in the Fourth Density Residential (R4) zone, municipally known as 59 Omer Avenue.

### AND IN THE MATTER OF AN

APPLICATION by the agent Brian Miller on behalf of the owner Wesley Visser for consent for the purpose of creating a new lot. The subject parcels are shown as Part 3 and Part 5 on the sketch submitted. Part 3 is proposed to be the severed parcel to accommodate one unit of the proposed townhouse. Part 5 will be retained for



future development. 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: September 14, 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 <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a>

**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, September 9, 2022**.

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

# Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at <a href="https://www.youtube.com/watch?v=Pbu3KXL7Dq4">https://www.youtube.com/watch?v=Pbu3KXL7Dq4</a>.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. Written submissions and participation requests must be received by noon on Tuesday, September 13, 2022, by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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

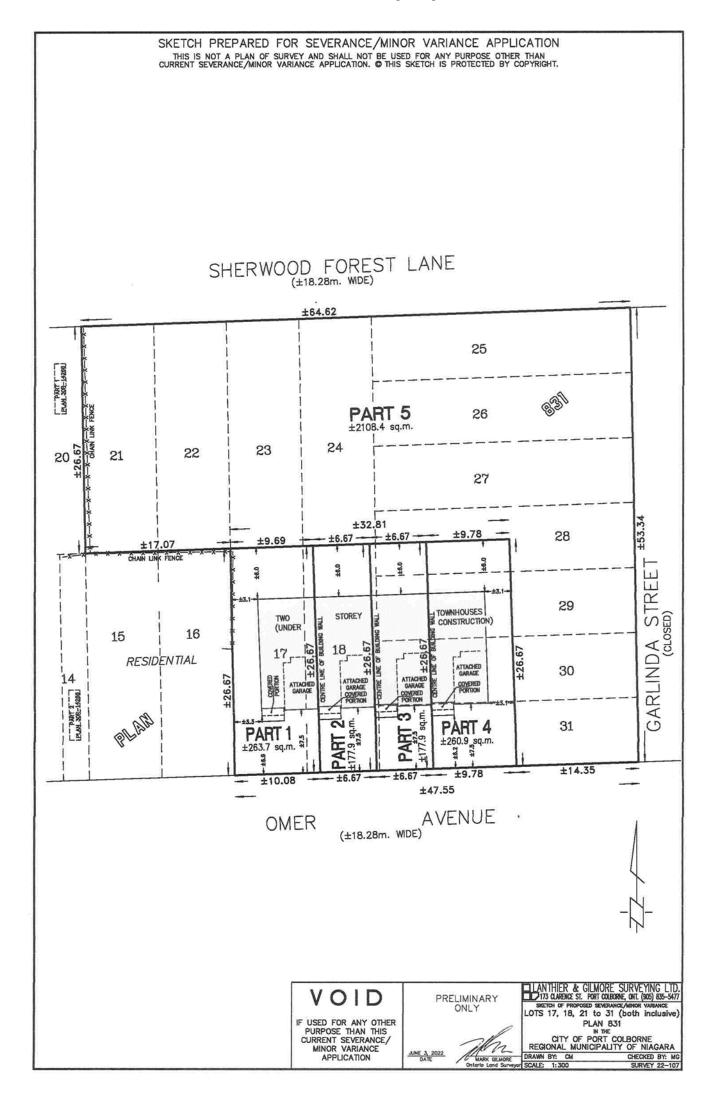
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

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

By order of the Committee of Adjustment,

Samantha Yeung Secretary-Treasurer

Date of Mailing: August 30, 2022



PORT COL BORNE

File	No.		
rile	INO.		

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

# Consent

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

The Applicant is required to provide appropriate answers to <u>all</u> questions on the application form. If all <u>prescribed</u> 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 Heather Mahon Secretary - Treasurer of the Committee of Adjustment City Hall 66 Charlotte Street Port Colborne, Ontario L3K 3C8 1-905-835-2900

Telephone: FAX: 1-905-835-2939

planning@portcolborne.ca Email:

### COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

# PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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

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

#### POLICIES

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

### THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

Decisions of the Committee are made in public.

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

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

### APPLICATION FEES

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

### REGIONAL REVIEW AND APPROVAL FEES

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

# SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

### APPLICATION FORM AND SKETCH

It is required that <u>ONE</u> 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 <u>per application (By-law 5718/149/11)</u>, 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 (<a href="https://www.regional.niagara.on.ca">www.regional.niagara.on.ca</a>).

### NOTICE REQUIREMENTS

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

### APPLICATIONS REQUIRED

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

# PLEASE TYPE OR USE BLACK INK

1.	OWNER	
1.1	Registered Owner(s): Wesley Visser	
	Mailing Address: 2999 Hwy #3	
	City:Port Colborne	Province: Ontario
	Postal Code: L3K 5V3	Telephone: 905-835-8484
	Fax:	Email: wwwisser@hotmail.com
1.2	Owner's SOLICITOR (if any): R. Brian Miller	
	Mailing Address: 1415 Pound Aenue	
	City: Fort Erie	Province: Ontario
	Postal Code: L2A 5P9	Telephone: 905-658-0057
	Fax:	Email: bmiller@rbmillerlaw.com
1.3	Owner's Authorized AGENT (if any):	
	Mailing Address: e Province:	
	Postal Code:	Telephone:
		Email:
1.4	MORTGAGES, Charges and other Encumbrances:	
1.5	The date the Subject Land was acquired by the Curr	charges or other encumbrances in respect of the land.
1.3	The date the Subject Land was acquired by the Curr	ent Owner.
1.6	Owner's ONTARIO LAND SURVEYOR (if any):	Lanthier & Gilmore Surveying Ltd.
	173 Clarence Street	
	City: Port Colborne	Province: Ontario
	Postal Code: L3K 3G4	Telephone: 905-835-5477
	Fax:	Email: lanthier.gilmore@bellnet.ca
1.7	All communications should be sent to the:	
		XAgent
2.	LOCATION:	
	Former MunicipalityHumberstone	
	Concession NoLot(s) 17, PT 18 Regist	zered Plan NoLot(s)
	Reference Plan No	Part(s)
	Name of Street Omer Avenue	Street No

	(X) Creation of New Lot	( ) Disposal of Surplus Farm Dwelling
	( ) Addition to Lot	( ) Farm Retirement Lot
	( ) Mortgage or Charge	( ) Partial Discharge of Mortgage
	( ) Lease	( ) Right-of-way
	( ) Easement	
	Reason for proposed transaction:	
	Create 1 of 4 Freehold Tow	nhouses
2.2	If a lot addition, identify the lands to wh	ich the parcel will be added:
	N/A	
2.3		and or interest in land is intended to be conveyed, leased or mortgaged:
	Owner Built	
	L <del>y</del>	
3.	OFFICIAL PLAN AND ZONING	
3.1	What is the current designation of the	land in the Official Plan and the Regional Plan
	Port Colborne Official Plan_Urban l	Residential
	Regional Policy PlanBuilt-up Are	a
3.2	What is the Zoning of the land (By-la	w 1150/97/81)?
	Fourth Density Residential Zo	ne (R4)
3.3	Is the proposal consistent with Provin 1990, R.S.O., as amended?	cial policy statements issued under Subsection 3(1) of the Planning Act
	YesX	No
4.	Are there any existing EASEMENTS	OR RESTRICTIVE COVENANTS affecting the land?
	Yes	No X
	If "Yes" describe the easement or cov	enant and its effect:
5.	Type of ACCESS	
5.	Provincial Highway	
	Regional Road	
	Municipal Road maintained all year	X
	Other Public Road	
	Municipal Road maintained seasonall	or.
		· · · · · · · · · · · · · · · · · · ·
	Right-of-Way Water Access	
		: <del></del>
	Private Road	

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

What type	of WATER SUPI	rLi is proposeu:				
Publicly ov	ned and operated	d piped water supp	oly X			
Lake			-			
Well (priva	te or communal)		.,			
Other (spec	ify)			<u> </u>		
What type	of SEWAGE DIS	SPOSAL is propos	ed?			
Publicly ov	ned and operated	d sanitary sewage s	system	х		
		mmunal)				
Other (spec	ify)		42			
What type	of STORMWAT	ER DISPOSAL is	proposed? (C	Check appropriate	space)	
Publicly ow	ned and operated	d storm water syste	emX			
Other (spec	ify)					
DESCRIPTION	N OF PARCEL	TO BE SEVEREI	O (in metric ur	nits):	Part No. on sketch	3
Frontage	6.67m	Depth	25.17 m	Area	177.9 sq m	
					Townhouses (4)	
		2.45 mm				
Proposed:_	One (1) of our	(4) Townhouses				
DESCRIPT		L TO BE RETAIN	NED (in metric	units):		
DESCRIPT Frontage	ION OF PARCE 14.46 m	L TO BE RETAIN	NED (in metric 53.34 m	units):Area_	Part No. on sketch_ 2108.04 sq m	
DESCRIPT Frontage Existing Us Existing an building or lot lines, an	ION OF PARCE 14.46 m  e Vacant Reside proposed build structure, the typed the height of the S. Please use ad	L TO BE RETAIN Depth  dential Land  lings and structures e of building or structures building or structures building or structures building or structures	53.34 m  s on the land to tucture, the set ture and the direcessary:	e units): AreaProposed Use be retained. For back from the from	Part No. on sketch_ 2108.04 sq m	5 propos and sic
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13.	ОТНІ	ER APPLICAT	IONS: No	one				
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:							
	Offici	al Plan Amend	ment					
	Zonin	g By-law Ame	ndment	-	_			
	Minor	Variance		N 133				
	Plan c	of Subdivision		-	_			
	Conse	ent		<del>)</del>	_			
	Site P	lan		*********				
13.2	If the	answer to the a	bove is yes, an	d if known, pro	vide the follow	ing for each ap	plication noted:	
	File n	umber of the ap	oplication	N/A				
	Name	of the approva	l authority cons	sidering the app	lication			
	Lands	affected by the	e application					
	Purpo	se of the applic	cation				-	
	Status	of the applicat	ion					
	Effect	of the applicat	ion on the prop	osed amendme	nt			
14	ALL I	EXISTING, PR	EVIOUS AND	ADJACENT I	JSE OF THE L	AND		
14.1	ALL I	EXISTING US	Е					
	Reside	ential						
	Indust	rial						
	Comn	nercial						
	Institutional							
	Agricultural							
	Parkland							
	Vacant X							
	Other							
14.2	What is the length of time the existing use(s) of the land have continued?							
14.3	Are t	here any buildi	ngs or structure	s on the subject	t land?			
	Yes_	X	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	No	X_			
				structure, comp			- Ar	
Type of buildir structu	ng or	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
Townh	ouse	6.2 m	7.5 m	0.0 m	0.0	9.0 m	145 sq m	Under Const.

	Residential				
	Industrial				
	Commercial				
	Institutional	33 <del>411 </del>			
	Agricultural	3 <del></del>			
	Parkland	2 <del></del>			
	Vacant	X			
	Other				3
14.5	ADJACENT U	SE(S)			
		NORTH	SOUTH	EAST	WEST
	Residential	X	X	x	X
	Industrial			-	
	Commercial	:			-
	Institutional			<u> </u>	
	Agricultural	:		<del>4</del>	
	Parkland				
	Vacant				
	Other				
14.6	If Industrial or	Commercial, specify t	ıse		
	N/A				4
	( <del></del>				· ·
14.7	Has the grading subject land?	g of the subject land be	een changed by adding ear	rth or material? Has fil	ling occurred on the
	Yes	No	X	Unkı	nown
14.8	Has a gasoline any time?	station and/or automo	bile service station been lo	ocated on the subject la	nd or adjacent lands at
	Yes	No	X	Unkr	nown
14.9	Has there been	petroleum or other fu	el stored on the subject la	nd or adjacent lands?	
	Yes	No	X	Unkı	nown
14.10	Are there or har lands?	ve there ever been und	lerground storage tanks or	buried waste on the su	bject land or adjacent
	Yes	No	X	Unkr	nown
14.11	Have the lands to the lands?	or adjacent lands ever	been used as an agricultu	ral operation where per	sticides have been applied
	Yes	No	X	Unkr	nown
14.12	Have the lands	or adjacent lands ever	been used as a weapons f	iring range?	
	Yes	No	Х	Unkr	own
14.13			plication within 500 metre or private landfill or dump		undary line of an
	Yes	No	X	Unkr	own

14.4 ALL PREVIOUS USE

Yes	No	X	Unknown
Is there reasonadjacent sites		t lands may have been con	staminated by existing or former uses on the site
Yes	No	X	Unknown
disp and clea long Alse	spills. Some commerci spills. Some commerci uning plants have similager a property is under it	, raw material storage, and ial properties such as gasolar potential. Any industrial industrial or similar use, the ndustrial or similar uses up	operation of electrical transformer stations, residues left in containers, maintenance activities stations, automotive repair garages, and druse can result in potential contamination. The greater the potential for site contamination. pon a site could potentially increase the number
If previous u attach a prev land	se of property is industrious use inventory show	rial or commercial or if the wing all former uses of the	te answer was YES to any of the above, please land, or if applicable, the land(s) adjacent to the
ACKNOWL	EDGMENT CLAUSE		
regulations a is not respon a result of) at make claim v	nd standards pertaining sible for the identificati ny action or proceeding	g to contaminated sites. I full ion and / or remediation of g for environmental clean-to City of Port Colborne, its of	contaminated sites, and I agree, whether in (or our of any damage or otherwise, I will not sue of
regulations a is not respon a result of) at make claim v respect of an	nd standards pertaining sible for the identificati ny action or proceeding whatsoever against the y loss, damage, injury o	to contaminated sites. I full ion and / or remediation of a for environmental clean- City of Port Colborne, its of or costs.	orther acknowledge that the City of Port Colbor f contaminated sites, and I agree, whether in (or up of any damage or otherwise, I will not sue or
regulations a is not respon a result of) at make claim we respect of an Date	nd standards pertaining sible for the identification or proceeding whatsoever against the cy loss, damage, injury of the cy loss and the cy loss and the cy loss are the cy loss.	to contaminated sites. I full ion and / or remediation of a for environmental clean- City of Port Colborne, its of or costs.	arther acknowledge that the City of Port Colbor Contaminated sites, and I agree, whether in (or up of any damage or otherwise, I will not sue officers, officials, employees or agents for or in ure of Owner
regulations a is not respon a result of) at make claim verspect of an Date J	nd standards pertaining sible for the identification or proceeding whatsoever against the cy loss, damage, injury of the cy loss and the cy loss and the cy loss are the cy loss and the cy loss are the cy loss and the cy loss are the cy lo	to contaminated sites. I filter ion and / or remediation of fig. for environmental clean-city of Port Colborne, its cor costs.  Signat	arther acknowledge that the City of Port Colbor Contaminated sites, and I agree, whether in (or up of any damage or otherwise, I will not sue officers, officials, employees or agents for or in ure of Owner
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regulations a is not respon a result of) at make claim verspect of an Date	nd standards pertaining sible for the identification or proceeding whatsoever against the cy loss, damage, injury of the cy loss and the cy loss and the cy loss are the cy lo	to contaminated sites. I full ion and / or remediation of g for environmental clean-to City of Port Colborne, its cor costs.  Signature and the Ontario Heritage	arther acknowledge that the City of Port Colbo. Contaminated sites, and I agree, whether in (or up of any damage or otherwise, I will not sue of officers, officials, employees or agents for or in ture of Owner  Act?  Unknown  them and indicate their proposed use
regulations a is not respon a result of) at make claim we respect of an Date	nd standards pertaining sible for the identification or proceeding whatsoever against the cy loss, damage, injury of the following designated when the follo	to contaminated sites. I full from and / or remediation of growth for environmental cleanary of Port Colborne, its corrects.  Signature of Colborne of Colborne, its corrects.  Signature of Colborne of Colborne of Colborne, its corrects.  Signature of Colborne of Colborn	arther acknowledge that the City of Port Colbo. Contaminated sites, and I agree, whether in (or up of any damage or otherwise, I will not sue of officers, officials, employees or agents for or in ture of Owner  Act?  Unknown  them and indicate their proposed use

#### NIAGARA PENINSULA CONSERVATION AUTHORITY

#### PRESCREENING CRITERIA

1.	Is there land	on the property id	entified in the	Official Plan and/or Zoning by-law as "hazard lands"?
	Yes	No	Х	Unknown
2.				the property or within 15 metres of the property?
	Yes	No	Х	Unknown
3.	Is the propert	y located on or wi	thin 30 metre	s of the Lake Erie shoreline?
	Yes	No	X	Unknown
4.	Is there a vall	ey slope on the p	roperty?	
	Yes	No	Х	Unknown
5.	Is there know	n localized floodir	ng or a marsh	/bog area on or within 30 metres of the property?
	Yes	No	Х	Unknown
Date	July 12	2022	Sig	nature of Applicant(s)
	Please note:			er of the subject land or there is more than one owner, written
		authorization of authorized to ma		s required (Complete Form 1) indicating that the applicant is
I/₩e	Wesley Viss	ser		
of the C	ity/ <del>Town/Towns</del>	ship of Port Coll	borne	
in the G	ounty/District/R	egional Municipali	ty of Niag	ara
conscien	ntiously believin	g it to be true, and l	knowing that it	application are true, and I/we make this solemn declaration is of the same force and effect as if made under oath and by
DECLA	RED before me	at the		) TO BE SIGNED IN THE PRESENCE OF A
City	of	Port Colborne		) COMMISSIONER FOR TAKING AFFIDAVITS )
in the R	leg. Mun.	of_ Niagara		
This1	2th da	y ofJuly		
A.D. 20_	22			}
				(Signature of applicant(s), solicitor or authorized agent)
	χ.			
	)			<b>7</b>
	1	$\prec$		
		$\Delta$	=	_

A Commissioner, etc.

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

#### FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Comp	leted Application		
Public Hearing Date	-	= ;	
Adjourned Public Hearing	g Date		
Checked for Completenes	ss by		
		PROCESSING	
		<u>Date</u>	
Accepted by Manager of	Planning and Develo	opment Services:	
Circulated:			
Comments received;	Solicitor		ш
	Engineer		
	C.B.O.		
	Fire Chief		
	C. N. Power		
	Region		<del></del>
	NPCA		
	МТО		
	MOE		
	Other		
Notice of Public Meeting			Control of the Contro
Public Meeting			
Committee Approval			
Notice Given			1
Final Day for OMB Appe	al		

OMB Appeal	-	
OMB Hearing		
OMB Decision		
Final Day to Satisfy Conditions	<del></del>	
Condition	_ Satisfied	
Condition	_Satisfied	
Condition	Satisfied	
Condition	Satisfied	
Condition	_ Satisfied	
Condition	_ Satisfied	
Development Agreement Signed by Owner		
Development Agreement Signed by Mayor and Clerk		
Development Agreement sent to City Solicitor		
Registration		
Instrument No		
Final Approval		

Application Revised August 2016

#### **AUTHORIZATION**

LOCAT	LOCATION OF SUBJECT LANDS:						
I/ <del>We</del> , the	e undersigned, being the register R. Brian Miller	red owne	r(s) of the above lands hereby authorize				
of the	Town	of _	Fort Erie				
to make	an application on my/our behalf	to the C	ouncil or the Committee of Adjustment for the	he City of Port Colborne			
for trans	action concerning an application	for Offi	cial Plan Amendment / Zoning By-law Ame	endment / Consent to Sever /			
Minor V	ariance or Permission / Draft Pla	an of Sub	odivision or Condominium / Site Plan Contro	ol Approval (please circle			
the appro	opriate application) in accordance	ce with th	ne Planning Act.				
Dated at	the City	of_	Port Colborne				
in the	Reginal Municipality	of_	Niagara				
this	12th day of	Jı	ıly	200_22			
9			~//				
Signatur	e of Witness		Signature of Owner Wesley Visser				
Signatur	e of Witness		Signature of Owner				
Signatur	e of Witness		Signature of Owner				

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

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

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

#### SUGGESTION TO THE APPLICANT

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

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

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

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

Information on the Port Colborne Official Plan and Zoning Bylaw

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

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

Information on Servicing, Lot Grading and Drainage

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

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

Information about the Building Code

Region of Niagara Public Works Department
 Development Services Division
 1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold,
 L2V 4T7

Commissioner (905) 685-1571 1-800-263-7215

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

For Concerns regarding Provincial Policy and Ministry responsibilities

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 bylaw, lands adjacent to watercourses, Lake Erie or flood plains

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

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

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



#### **City of Port Colborne**

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

#### **Planning and Legislative Services**

Planning Division Report

September 9th, 2022

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

Re: Application for Consent B17-22-PC

Lot 17, 18, 21 to 31 on Plan 831

59 Omer Avenue Agent: Brian Miller

Owner(s): Wesley Visser

#### 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 6.67m along Omer Avenue and a lot area of 177.9m² for an existing residential use. Part 5 (as depicted on the attached sketch) will retain a lot frontage of 14.35m on Omer Avenue with a lot area of 2108m² for future residential development.

## Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Fourth Density Residential (R4) to the south, east, and west and Light Industrial (LI) to the north. The surrounding uses consist of detached dwellings to the south, east, and west and light industrial use to the north.

### **Environmentally Sensitive Areas:**



The subject lands do not contain any environmentally sensitive areas.

#### **Public Comments:**

Notice was circulated on August 30<sup>th</sup>, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9<sup>th</sup>, 2022, the following has been received.

#### Colin Warner

How was the development allowed to begin without a public hearing originally being that the complex is on property that is not big enough according to city guidelines? Should this have not been discussed in the original plans? Will the developer continue to do more things like this as development continues? Why can the developer not make the lot sizes bigger as there is room to do so at the back of the units? As a resident of this street, I am concerned about it becoming rather congested. Most families have two vehicles and being that these houses are undersized, at least one of them will end up being parked on the street. I do understand the complex has a garage and a driveway for two vehicles, but due to the inconvenience of having to move two vehicles around. I believe one will end up on the street instead of the garage. I myself use it for storage rather than vehicles. Omer Ave. is not wide enough to support this. It also complicates snow removal. How is this potential problem going to be dealt with? I am not positive for sure, but I believe the complex is less than 10 ft. away from the property line. I would like to know this information. Regarding further development of Part 5 on Sherwood Forest Ln., this street sees a high amount of truck traffic for the old Robin Hood plant. Being such a narrow street, it would raise a hazard for the residents living there if this development is allowed to go through. Are there any plans to remedy issues such as this?

#### Staff Response

The current dwellings were permitted to be built as they were proposed on one property. The zoning by-law permits multiple townhouses on one lot provided they meet the requirements of the zone, which it does. Not all townhouse developments require severances so ensuring that each unit has  $200m^2$  of lot area is not an initial requirement. Making the lots bigger at the back would result in a less consistent lot fabric throughout the neighborhood. If the application is approved the rear lot lines of each lot will match throughout the street. The parking requirement for townhouse dwellings is 1 parking space per unit. The applicant has exceeded this requirement by providing two, one in the driveway and one in the garage. Snow removal is not a concern for the creation of these lots as the structures already exist. The existing townhouses are 3.1m (10ft) from the property line. The zoning requirement is 3m. The truck traffic on Sherwood Forest Lane is not a concern for this application. When the applicant comes forward with a proposal for Part 5 those issues will be dealt with at that time if staff deem it necessary.

#### **Agency Comments:**

Notice of the application was circulated on August 19<sup>th</sup>, 2022 to internal City departments. As of September 9<sup>th</sup>, 2022, the following has been received.

#### **Drainage Superintendent**

There are no concerns regarding municipal drains for this application.

#### Fire Department

Port Colborne Fire has no objection to the proposed application.

#### **Engineering Technologist**

A Mutual Agreement Drain must be registered on title to ensure the continued operation and maintenance of the rear yard swale.

#### Staff Response

Staff will require a condition of this application that a Mutual Agreement Drain is registered on title to ensure the continued operation and maintenance of the rear yard swale.

#### Discussion:

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

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

Staff is satisfied that the proposed application is consistent with the PPS. The proposal efficiently uses land and resources as the existing dwelling has a compact form and adds to a mix of dwelling types in the area.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a "Delineated Built-up Area" where intensification is generally encouraged. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime. Furthermore, the proposal supports a range and mix of housing options, including additional residential units, to serve all sizes, incomes, and ages of households.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application supports a range of housing types and encourages intensification in the delineated built-up area.

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

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The proposed lot adds to the intensification of the built-up area and makes efficient use of the existing services.

#### City of Port Colborne Official Plan

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

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP. An Ontario Land Surveyor sketch is required and the parcel must have frontage on a public road. Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the lots created will have frontage on a public road.

Section 3.2.4 also provides for the conditions for the collection of Cash-in-Lie of Parkland Dedication. Staff will be adding a condition that the applicant is aware of the requirements of Parkland Dedication for the future development of Part 5. Parkland dedication is not required for Part 3 as the dwelling is existing.

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

The subject lands are zoned Fourth Density Residential (R4) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 3: A lot frontage of 6.67m and a lot area of 177.9m<sup>2</sup>

Part 5: A lot frontage of 14.35m and a lot area of 2108m<sup>2</sup>.

The R4 zone requires a lot frontage of 6m and a minimum lot area of 0.02ha for townhouse dwellings. The applicant has concurrently applied for a minor variance to request relief from the lot area requirement as 177.9m<sup>2</sup> is proposed, where 200m<sup>2</sup> is required. The existing dwelling is able to meet all the setback requirements of the zone.

Part 5 currently meets the lot frontage and lot area requirements of the zoning bylaw. 12m of frontage is required, where 14m has been provided, and 400m<sup>2</sup> of lot area is required where 2108m<sup>2</sup> has been provided.

Staff is satisfied that all the requirements of the zoning by-law will be met as a result of the proposed severance, provided that minor variance application A25-22-PC is granted. The proposed severance will not result in any setback deficiencies to the proposed boundaries.

#### **Recommendation:**

Given the information above, Planning Staff recommends application B15-22-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 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 July 13<sup>th</sup>, 2024.

#### For the following reasons:

 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

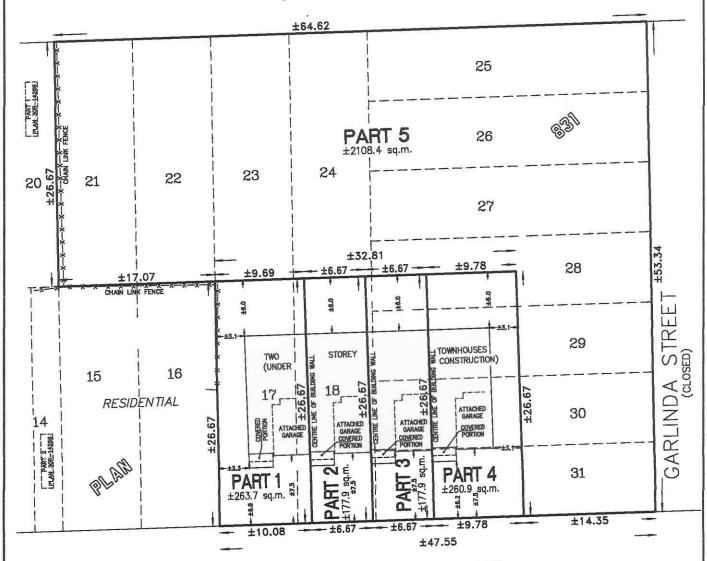
Planner

Submitted by,

Denise Landry, MCIP, RPP Manager of Planning Services

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

## SHERWOOD FOREST LANE (±18.28m. WIDE)



OMER

AVENUE (±18.28m. WIDE)



VOID

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

PRELIMINARY ONLY

RE DRAY

LANTHIER & GILMORE SURVEYING LTD.

173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477

SIGETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
LOTS 17, 18, 21 to 31 (both inclusive)

SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
OTS 17, 18, 21 to 31 (both inclusive
PLAN 831
N THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

DRAWN BY: CM

CHECKED BY: MG SURVEY 22-107



# NOTICE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR CONSENT

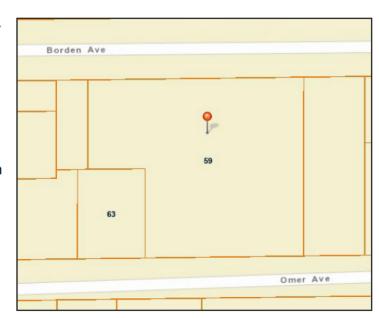
APPLICATION NO. B18-22-PC

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 Plan 3 Lots 17, 18, 21 to 31, in the City of Port Colborne, located in the Fourth Density Residential (R4) zone, municipally known as 59 Omer Avenue.

#### AND IN THE MATTER OF AN

APPLICATION by the agent Brian Miller on behalf of the owner Wesley Visser for consent for the purpose of creating a new lot. The subject parcels are shown as Part 4 and Part 5 on the sketch submitted. Part 4 is proposed to be the severed parcel to accommodate one unit of the proposed townhouse. Part 5 will be retained for



future development. 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: September 14, 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 <a href="mailto:Samantha.yeung@portcolborne.ca">Samantha.yeung@portcolborne.ca</a>

**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, September 9, 2022**.

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

### Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at <a href="https://www.youtube.com/watch?v=Pbu3KXL7Dq4">https://www.youtube.com/watch?v=Pbu3KXL7Dq4</a>.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. Written submissions and participation requests must be received by noon on Tuesday, September 13, 2022, by emailing Samantha.yeung@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

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

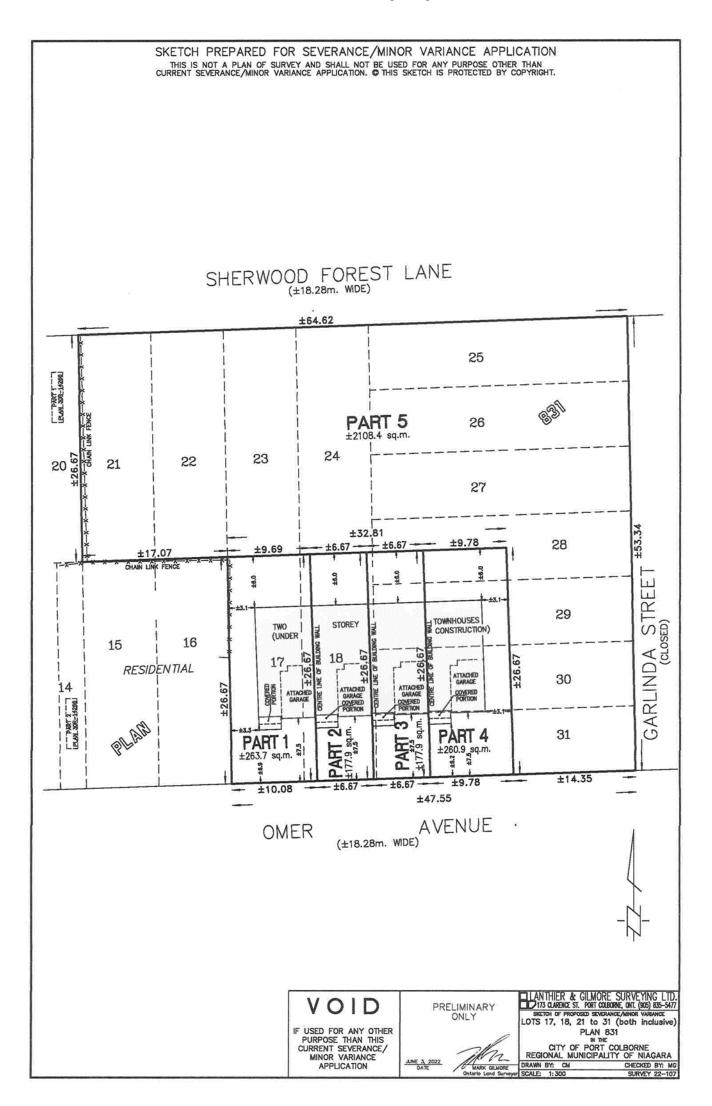
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

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

By order of the Committee of Adjustment,

Samantha Yeung Secretary-Treasurer

Date of Mailing: August 30, 2022



PORT COLBORNE

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

#### Consent

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

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

#### SUBMISSION OF APPLICATION:

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

City of Port Colborne Heather Mahon Secretary - Treasurer of the Committee of Adjustment City Hall 66 Charlotte Street Port Colborne, Ontario L3K 3C8 Telephone:

1-905-835-2900

FAX:

1-905-835-2939

Email:

planning@portcolborne.ca

#### COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

#### PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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

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

#### POLICIES

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

#### THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

Decisions of the Committee are made in public.

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

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

#### APPLICATION FEES

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

#### REGIONAL REVIEW AND APPROVAL FEES

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

#### SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

#### APPLICATION FORM AND SKETCH

It is required that <u>ONE</u> 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 <u>per application (By-law 5718/149/11)</u>, 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 (<a href="https://www.regional.niagara.on.ca">www.regional.niagara.on.ca</a>).

#### NOTICE REQUIREMENTS

Notice of Public Hearing of Council <u>MUST</u> 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. <u>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</u>. If the notice is removed during this 14 day period, the public hearing date may be rescheduled.

#### APPLICATIONS REQUIRED

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

#### PLEASE TYPE OR USE BLACK INK

OWNER	
Registered Owner(s): Wesley Visser	
Mailing Address: 2999 Hwy #3	
City:Port Colborne	Province: Ontario
Postal Code: L3K 5V3	Telephone: 905-835-8484
Fax:	Email: wwwisser@hotmail.com
Owner's SOLICITOR (if any): R. Brian Miller	
Mailing Address: 1415 Pound Aenue	
City: Fort Erie	Province: Ontario
Postal Code: L2A 5P9	Telephone: 905-658-0057
Fax:	Email: bmiller@rbmillerlaw.com
Mailing Address: e Province:	
Postal Code:	Telephone:
	Email:
MORTGAGES, Charges and other Encumbrances:	
· -	
· ·	, charges or other encumbrances in respect of the land.
List the name(s) and address(es) of any mortgages,	, charges or other encumbrances in respect of the land.
List the name(s) and address(es) of any mortgages.  The date the Subject Land was acquired by the Cur	, charges or other encumbrances in respect of the land.
List the name(s) and address(es) of any mortgages.  The date the Subject Land was acquired by the Cur  Owner's ONTARIO LAND SURVEYOR (if any):	, charges or other encumbrances in respect of the land.
List the name(s) and address(es) of any mortgages.  The date the Subject Land was acquired by the Cur  Owner's ONTARIO LAND SURVEYOR (if any):  Mailing Address:  173 Clarence Street	rrent Owner:  Lanthier & Gilmore Surveying Ltd.
List the name(s) and address(es) of any mortgages.  The date the Subject Land was acquired by the Cur  Owner's ONTARIO LAND SURVEYOR (if any):  Mailing Address:	rrent Owner:  Lanthier & Gilmore Surveying Ltd.  Province: Ontario
List the name(s) and address(es) of any mortgages.  The date the Subject Land was acquired by the Cur  Owner's ONTARIO LAND SURVEYOR (if any):  Mailing Address:  173 Clarence Street  City:  Port Colborne  Postal Code:  L3K 3G4	rrent Owner:  Lanthier & Gilmore Surveying Ltd.  Province: Ontario  Telephone: 905-835-5477
List the name(s) and address(es) of any mortgages.  The date the Subject Land was acquired by the Cur  Owner's ONTARIO LAND SURVEYOR (if any):  Mailing Address: 173 Clarence Street  City: Port Colborne  Postal Code: L3K 3G4  Fax:	rrent Owner:  Lanthier & Gilmore Surveying Ltd.  Province: Ontario  Telephone: 905-835-5477
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List the name(s) and address(es) of any mortgages.  The date the Subject Land was acquired by the Cur  Owner's ONTARIO LAND SURVEYOR (if any):  Mailing Address:	charges or other encumbrances in respect of the land.  Telephone: 905-835-5477
List the name(s) and address(es) of any mortgages.  The date the Subject Land was acquired by the Cur  Owner's ONTARIO LAND SURVEYOR (if any):  Mailing Address: 173 Clarence Street  City: Port Colborne  Postal Code: L3K 3G4  Fax: All communications should be sent to the:  Owner Solicitor  LOCATION: Humberstone  Concession No. Lot(s) 17, PT 18 Region	rrent Owner:  Lanthier & Gilmore Surveying Ltd.  Province: Ontario  Telephone: 905-835-5477  Email: lanthier.gilmore@bellnet.ca  X Agent

	(X) Creation of New Lot	( ) Disposal of Surplus Farm Dwelling	
	( ) Addition to Lot	( ) Farm Retirement Lot	
	( ) Mortgage or Charge	( ) Partial Discharge of Mortgage	
	( ) Lease	( ) Right-of-way	
	( ) Easement	· · · · · · · · · · · · · · · · · · ·	
	Reason for proposed transaction:		
	Create 1 of 4 Freehold Townh	houses	
2.2	If a lot addition, identify the lands to whice	ch the parcel will be added:	
	N/A		
2.3	Name of person(s), if known, to whom lan	nd or interest in land is intended to be conveyed, leased or mortgage	.d:
3.	OFFICIAL PLAN AND ZONING		
3.1	What is the current designation of the la	land in the Official Plan and the Regional Plan	
	Port Colborne Official Plan_ Urban Re	esidential	_
	Regional Policy PlanBuilt-up Area	1	_
3.2	What is the Zoning of the land (By-law	v 1150/97/81)?	
	Fourth Density Residential Zone	e (R4)	_
3.3	Is the proposal consistent with Provincia 1990, R.S.O., as amended?	ial policy statements issued under Subsection 3(1) of the Planning A	LCI
	YesX	No	
4.	Are there any existing EASEMENTS O	OR RESTRICTIVE COVENANTS affecting the land?	
	Yes	No X	
	If "Yes" describe the easement or coven	nant and its effect:	_
5.	Type of ACCESS		
	Provincial Highway		
	Regional Road		
	Municipal Road maintained all year	X	
	Other Public Road		
	Municipal Road maintained seasonally		
	Right-of-Way		
	Water Access		
	Private Road		

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

What type of WATER SUPPLY is proposed?
Publicly owned and operated piped water supply X
Lake
Well (private or communal)
Other (specify)
What type of SEWAGE DISPOSAL is proposed?
Publicly owned and operated sanitary sewage systemX
Septic system (private or communal)
Other (specify)
What type of STORMWATER DISPOSAL is proposed? (Check appropriate space)
Publicly owned and operated storm water systemX
Other (specify)
DESCRIPTION OF PARCEL TO BE SEVERED (in metric units):  Part No. on sketch 4
Frontage 9.78 m Depth 26.67 m Area 260.9 sq m
Existing Use Vacant Residential Land Proposed Use Townhouses (4)
Existing: One (1) of our (4) Townhouses under construction One (1) of our (4) Townhouses
Proposed: One (1) of our (4) Townhouses
DESCRIPTION OF PARCEL TO BE RETAINED (in metric units):  Part No. on sketch 5  14.46 m  Description 53.34 m  2108.04 sq m
FrontageDepthArea
Existing Use Vacant Residential Land 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: None
Proposed: None
Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?
YesNoX Unknown
YesNoX Unknown  If the answer is "Yes", please provide the following information:
If the answer is "Yes", please provide the following information:
If the answer is "Yes", please provide the following information:  File Number  N/A
If the answer is "Yes", please provide the following information:
If the answer is "Yes", please provide the following information:  File Number
If the answer is "Yes", please provide the following information:  File Number  N/A  Decision  HAS ANY LAND BEEN SEVERED from the parcel originally acquired by the owner of the land?

13.	OTH	ER APPLICA	ATIONS: No	one				
13.1			whether the subject the subject the applicant for		land within 120	metres of the s	ubject land is t	he subject of an
	Offici	al Plan Amer	ndment	· <del></del>				
	Zonin	g By-law An	nendment	-				
	Minor	Variance						
	Plan o	of Subdivision	n	-				
	Conse	ent		<del> </del>				
	Site P	lan		19-				
13.2	If the	answer to the	above is yes, an	d if known, pro	vide the follow	ing for each app	plication noted:	
	File n	umber of the	application	N/A				
	Name	of the appro	val authority con	sidering the app	olication			<del></del> :
	Lands	affected by	the application_					
	Purpo	se of the app	lication					
	Status	of the applic	eation					
	Effect	of the applic	ation on the prop	osed amendme	nt			
14	ALL	EXISTING, I	PREVIOUS AND	ADJACENT I	USE OF THE L	AND		
14.1	ALL I	EXISTING U	JSE					
	Resid	ential .						
	Indust	rial .	<del></del>					
	Comn	nercial						
	Institu	itional _						
	Agric	ultural						
	Parkla	and .						
	Vacan	t .	X					
	Other	:=-						:
14.2	What	is the length	of time the existi	ng use(s) of the	land have cont	inued?		
								•
14.3			dings or structure	1000 1000				
		X	THE STATE OF THE S	No	X			
Туре с		for each exis	Setback	Setback	lete the following	ng for each buil Height (in	ding or structur	re: Date of
buildir structu	g or	from the	from the	from the	from the	metres and number of	or floor area (in	Construction
Structu	ie	line (in	(in metres)	(in metres)	(in metres)	storeys)	metres)	
Townh	Olica	metres)	6.0 m	3.1 m	0.0	9.0m	145 sq m	Under Const.
1 OWIII	ouse	0.2 III	0.0 m	J.1 III	0.0	2 Storeys	143 84 III	Olider Const.
		<u> </u>						
		L						

	Residential				
	Industrial				
	Commercial				
	Institutional				
	Agricultural				
	Parkland				
	Vacant	x			
	Other				
14.5	ADJACENT U	ISE(S)			
14.3	ADJACENT	NORTH	SOUTH	EAST	WEST
	Residential	X	X	X	X
				-	
	Industrial		-		***************************************
	Commercial	(======================================	(		
	Institutional				
	Agricultural		=	^	
	Parkland		-		-
	Vacant				
	Other	-			
14.6		Commercial, specify	use		
	N/A				
14.7	Has the grading subject land?	g of the subject land b	een changed by adding ear	rth or material? Has fi	lling occurred on the
	Yes	No	X	Unk	nown
14.8	Has a gasoline any time?	station and/or automo	bile service station been lo	ocated on the subject la	and or adjacent lands at
	Yes	No	X	Unk	nown
14.9	Has there beer	petroleum or other fu	nel stored on the subject la	nd or adjacent lands?	
	Yes	No	X	Unk	nown
14.10	Are there or ha lands?	ve there ever been und	derground storage tanks or	buried waste on the st	ubject land or adjacent
	Yes	No	X	Unk	nown
14.11	Have the lands to the lands?	or adjacent lands ever	been used as an agricultu	ral operation where pe	sticides have been applie
	Yes	No	X	Unk	nown
14.12	Have the lands	or adjacent lands ever	been used as a weapons f	iring range?	
	Yes	No	X	Unk	nown
14.13			plication within 500 metre or private landfill or dump		oundary line of an
	Yes	No	X	Unk	nown

14.4 ALL PREVIOUS USE

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	х		Unknown		
14.15		Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site of adjacent sites?*							
	Yes _			No	X		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								
	regulat is not r a resul- make o	I hereby acknowledge that 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_	July	12	2022		Signature of	f Owner	_	
14.16	Are there any buildings designated under the Ontario Heritage Act?								
	Yes_				No	X	Unknown		
14.17	If there	If there are any existing buildings on the site, briefly describe them and indicate their proposed use							
	Fc	Four (4) Townhouses under construction as in surveyor's sketch.							
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		ees valu		No	X			

#### NIAGARA PENINSULA CONSERVATION AUTHORITY

#### PRESCREENING CRITERIA

1.	Official Plan and/or Zoning by-law as "hazard lands"?				
	Yes		No _	Х	Unknown
2.	Is there a wate	rcourse	or muni	cipal drain on	the property or within 15 metres of the property?
	Yes		No	X	Unknown
3.	Is the property	located	on or w	ithin 30 metres	s of the Lake Erie shoreline?
	Yes		No _	X	Unknown
4.	Is there a valle	y slope o	on the p	roperty?	
	Yes		No	Х	Unknown
5.	Is there known	localize	d floodi	ng or a marsh/	bog area on or within 30 metres of the property?
	Yes	No	8	Х	Unknown
	Tules 12	2022			
Date	July 12 2022 Signature of Applicant(s)				
	Please note:	authoriz	zation of		of the subject land or there is more than one owner, written required (Complete Form 1) indicating that the applicant is
I/₩e	Wesley Visse				
100.73.00.00	ity/ <del>Town/Townsl</del>	n <del>ip</del> of	Port Col	borne	
					га
solemnly conscier	y declare that all t	he staten	nents cor	ntained in this ap knowing that it	oplication are true, and I/we make this solemn declaration is of the same force and effect as if made under oath and by
DECLA	RED before me a	t the			) TO BE SIGNED IN THE PRESENCE OF A
City	ofI	Port Colb	orne		) COMMISSIONER FOR TAKING AFFIDAVITS )
in the R	teg. Mun.	of Niag	gara		)
This1	2thday	of	July		
A.D. 20	22				}_//-
					(Signature of applicant(s), solicitor or authorized agent)
					•
	RI	2			

A Commissioner, etc.

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

#### FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Compl	eted Application		
Public Hearing Date	<del></del>		
Adjourned Public Hearing	g Date		
Checked for Completenes	ss by		
		PROCESSING	
		<u>Date</u>	
Accepted by Manager of	Planning and Developmen	nt Services:	
Circulated:			
Comments received;			
	Solicitor		
	Engineer		
	C.B.O.		
	Fire Chief		
	C. N. Power		
	Region		
	NPCA		
	МТО		
	МОЕ		
	Other		
Notice of Public Meeting			
Public Meeting			
Committee Approval			
Notice Given			
Final Day for OMB Appea	al		

OMB Appeal	-	
OMB Hearing	_	
OMB Decision	_	
Final Day to Satisfy Conditions	_	
Condition	Satisfied	
Condition	Satisfied	
Condition	Satisfied	
Condition	_ Satisfied	
Condition	Satisfied	
Condition	Satisfied	
Development Agreement Signed by Owner		
Development Agreement Signed by Mayor and Clerk		
Development Agreement sent to City Solicitor		
Registration		
Instrument No		
Final Approval		And Francisco Description 1 Access 200

Application Revised August 2016

#### **AUTHORIZATION**


**LOCATION OF SUBJECT LANDS:** 

I/We, the undersigned, being the register	ered owner(s) of the above	ve lands hereby authorize	
R. Brian Willer		<u> </u>	
of the Town	of Fort Erie		
to make an application on my/our behal	If to the Council or the C	ommittee of Adjustment f	or the City of Port Colborne
for transaction concerning an application	n for Official Plan Amer	ndment / Zoning By-law A	Amendment / Consent to Sever /
Minor Variance or Permission / Draft P			
the appropriate application) in accordar			
the appropriate approximately an account			
Dated at the City	of Port Colbo	rne	
in the Reginal Municipality	of Niagara		
this 12th day of	July	,	200-22
dity or			
		.//	
Signature of Witness	Signature	of Owner Wesley Visser	•
		/ Wesley Visses	
Signature of Witness	Signature	of Owner	X
Digitate of Without	Signature	,	
Ci-matives of With an	Signature	of Owner	
Signature of Witness	Signature	OI OWIICI	

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

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

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

#### SUGGESTION TO THE APPLICANT

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

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

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

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

Information on the Port Colborne Official Plan and Zoning Bylaw

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

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

Information on Servicing, Lot Grading and Drainage

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

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

Information about the Building Code

Region of Niagara Public Works Department
 Development Services Division
 1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold,
 L2V 4T7

Commissioner (905) 685-1571 1-800-263-7215

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

For Concerns regarding Provincial Policy and Ministry responsibilities

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 bylaw, lands adjacent to watercourses, Lake Erie or flood plains

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

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

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



#### **City of Port Colborne**

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

#### **Planning and Legislative Services**

Planning Division Report

September 9th, 2022

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

Re: Application for Consent B18-22-PC

Lot 17, 18, 21 to 31 on Plan 831

59 Omer Avenue Agent: Brian Miller

Owner(s): Wesley Visser

#### Proposal:

The purpose and effect of this application is to permit the conveyance of Part 4 (as depicted on the attached sketch) having a lot frontage of 9.78m along Omer Avenue and a lot area of 260.9m² for an existing residential use. Part 5 (as depicted on the attached sketch) will retain a lot frontage of 14.35m on Omer Avenue with a lot area of 2108m² for future residential development.

## Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Fourth Density Residential (R4) to the south, east, and west and Light Industrial (LI) to the north. The surrounding uses consist of detached dwellings to the south, east, and west and light industrial use to the north.

### **Environmentally Sensitive Areas:**



The subject lands do not contain any environmentally sensitive areas.

#### **Public Comments:**

Notice was circulated on August 30<sup>th</sup>, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9<sup>th</sup>, 2022, the following has been received.

#### Colin Warner

How was the development allowed to begin without a public hearing originally being that the complex is on property that is not big enough according to city guidelines? Should this have not been discussed in the original plans? Will the developer continue to do more things like this as development continues? Why can the developer not make the lot sizes bigger as there is room to do so at the back of the units? As a resident of this street, I am concerned about it becoming rather congested. Most families have two vehicles and being that these houses are undersized, at least one of them will end up being parked on the street. I do understand the complex has a garage and a driveway for two vehicles, but due to the inconvenience of having to move two vehicles around. I believe one will end up on the street instead of the garage. I myself use it for storage rather than vehicles. Omer Ave. is not wide enough to support this. It also complicates snow removal. How is this potential problem going to be dealt with? I am not positive for sure, but I believe the complex is less than 10 ft. away from the property line. I would like to know this information. Regarding further development of Part 5 on Sherwood Forest Ln., this street sees a high amount of truck traffic for the old Robin Hood plant. Being such a narrow street, it would raise a hazard for the residents living there if this development is allowed to go through. Are there any plans to remedy issues such as this?

#### Staff Response

The current dwellings were permitted to be built as they were proposed on one property. The zoning by-law permits multiple townhouses on one lot provided they meet the requirements of the zone, which it does. Not all townhouse developments require severances so ensuring that each unit has  $200m^2$  of lot area is not an initial requirement. Making the lots bigger at the back would result in a less consistent lot fabric throughout the neighborhood. If the application is approved the rear lot lines of each lot will match throughout the street. The parking requirement for townhouse dwellings is 1 parking space per unit. The applicant has exceeded this requirement by providing two, one in the driveway and one in the garage. Snow removal is not a concern for the creation of these lots as the structures already exist. The existing townhouses are 3.1m (10ft) from the property line. The zoning requirement is 3m. The truck traffic on Sherwood Forest Lane is not a concern for this application. When the applicant comes forward with a proposal for Part 5 those issues will be dealt with at that time if staff deem it necessary.

#### **Agency Comments:**

Notice of the application was circulated on August 19<sup>th</sup>, 2022 to internal City departments. As of September 9<sup>th</sup>, 2022, the following has been received.

#### **Drainage Superintendent**

There are no concerns regarding municipal drains for this application.

#### Fire Department

Port Colborne Fire has no objection to the proposed application.

#### **Engineering Technologist**

A Mutual Agreement Drain must be registered on title to ensure the continued operation and maintenance of the rear yard swale.

#### Staff Response

Staff will require a condition of this application that a Mutual Agreement Drain is registered on title to ensure the continued operation and maintenance of the rear yard swale.

#### Discussion:

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

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

Staff is satisfied that the proposed application is consistent with the PPS. The proposal efficiently uses land and resources as the existing dwelling has a compact form and adds to a mix of dwelling types in the area.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a "Delineated Built-up Area" where intensification is generally encouraged. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime. Furthermore, the proposal supports a range and mix of housing options, including additional residential units, to serve all sizes, incomes, and ages of households.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application supports a range of housing types and encourages intensification in the delineated built-up area.

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

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The proposed lot adds to the intensification of the built-up area and makes efficient use of the existing services.

#### City of Port Colborne Official Plan

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

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP. An Ontario Land Surveyor sketch is required and the parcel must have frontage on a public road. Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the lots created will have frontage on a public road.

Section 3.2.4 also provides for the conditions for the collection of Cash-in-Lie of Parkland Dedication. Staff will be adding a condition that the applicant is aware of the requirements of Parkland Dedication for the future development of Part 5. Parkland dedication is not required for Part 4 as the dwelling is existing.

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

The subject lands are zoned Fourth Density Residential (R4) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 4: A lot frontage of 9.78m and a lot area of 260.9m<sup>2</sup>

Part 5: A lot frontage of 14.35m and a lot area of 2108m<sup>2</sup>.

The R4 zone requires a lot frontage of 6m and a minimum lot area of 0.02ha for townhouse dwellings. Part 4 has met these requirements and will also comply with the setback requirements for the zone.

Part 5 currently meets the lot frontage and lot area requirements of the zoning bylaw. 12m of frontage is required, where 14m has been provided, and 400m<sup>2</sup> of lot area is required where 2108m<sup>2</sup> has been provided.

Staff is satisfied that all the requirements of the zoning by-law will be met as a result of the proposed severance, provided that minor variance application A25-22-PC is granted. The proposed severance will not result in any setback deficiencies to the proposed boundaries.

#### Recommendation:

Given the information above, Planning Staff recommends application B18-22-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 a Mutual Agreement Drain be registered on title that ensures the continued operation and maintenance of the rear yard swale.

- 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. This condition only applies to Part 5.
- 5. That all conditions of consent be completed by July 13<sup>th</sup>, 2024.

#### For the following reasons:

 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,

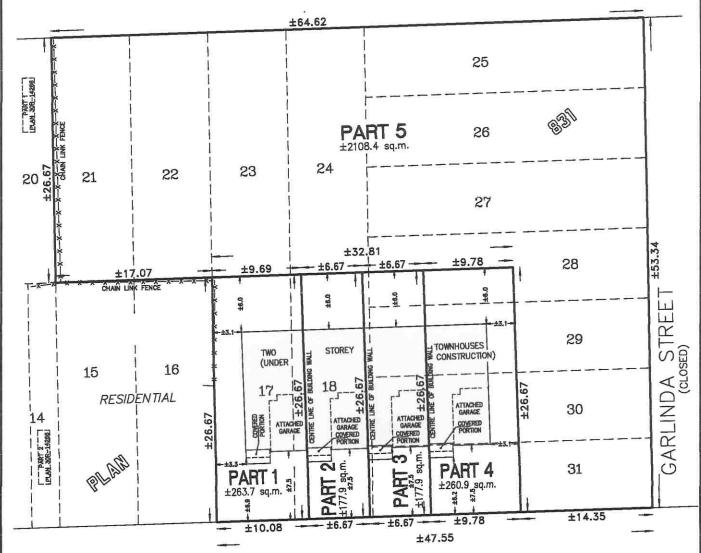
Chris Roome, BURPI Planner

Submitted by,

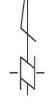
Denise Landry, MCIP, RPP Manager of Planning Services

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

## SHERWOOD FOREST LANE (±18.28m. WIDE)



AVENUE **OMER** (±18.28m. WIDE)



VOID

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

PRELIMINARY ONLY

SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
OTS 17, 18, 21 to 31 (both inclusive
PLAN 831
N THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

CHECKED BY: MG SURVEY 22-107



## NOTICE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

DEVELOPMENT AND LEGISLATIVE SERVICES MINOR VARIANCE APPLICATION

APPLICATION NO. A25-22-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 8.6 (b) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Plan 3 Lots 17, 18, 21 to 31, in the City of Port Colborne, located in the Fourth Density Residential (R4) zone, municipally known as 59 Omer Avenue.

#### AND IN THE MATTER OF AN

APPLICATION by the agent Brian Miller on behalf of the owner Wesley Visser for relief from the provisions of Zoning By-law 6575/30/18, as amended, so as to permit

residential use on Part 2, notwithstanding the following;

1. That a minimum lot area of 177.9m² be permitted, whereas 200m² is required.

**Explanatory Relief from the Zoning By-law:** The applicant is seeking to sever the townhouse on the noted property. This minor variance is being sought to meet the conditions of consent in application B16-22-PC. Due to the proposed lot size, 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: September 14, 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, September 9, 2022.** 

#### **Electronic Hearing Procedures**

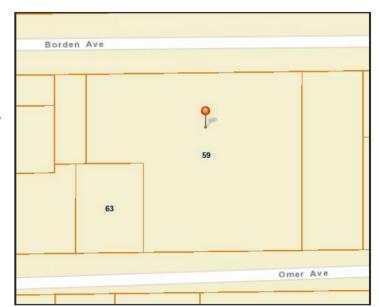
#### How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, with the meeting live-streamed on the City's YouTube channel at <a href="https://www.youtube.com/watch?v=Pbu3KXL7Dq4">https://www.youtube.com/watch?v=Pbu3KXL7Dq4</a>.

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 September 13, 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.

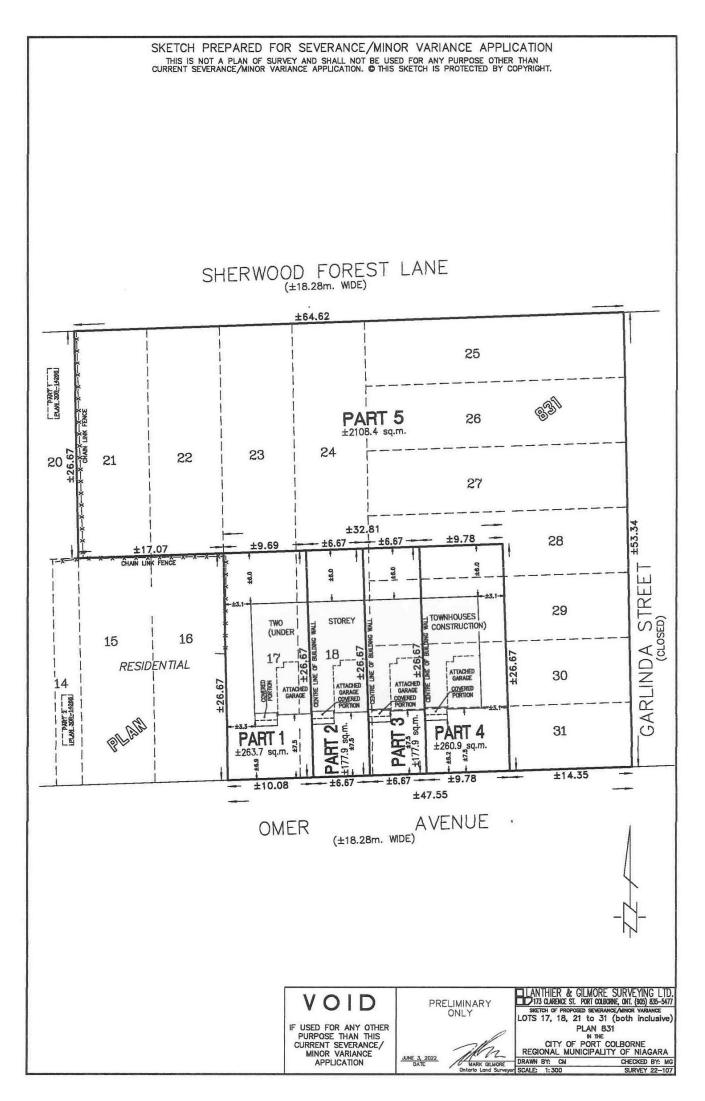


**NOTE:** If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal hearing if the decision of the Committee is appealed.

By order of the Committee of Adjustment,

Samantha Yeung, Secretary-Treasurer

Date of Mailing: August 30, 2022





# APPLICATION FOR MINOR VARIANCE

### PLEASE TYPE OR USE BLACK INK

Section 1				
Registered Owner (s):				
Name: Wesley Visser				
Mailing Address: 2999 Hwy # 3				
City: Port Colborne	Province: Ontario			
Postal Code: L3K 5V3	Telephone: 905-835-8484			
Fax:	Email: wwvisser@hotmail.com			
1.2 Owner's SOLICITOR (if applicable)				
Name: R. Brian Miller				
Mailing Address: 1415 Pound Avenue				
City: Fort Erie	Province: Ontario			
Postal Code: L2A 5P9	Telephone: 905-658-0057			
Fax:	Email: bmiller@rbmillerlaw.com			
1.3 Owner's Authorized AGENT (if appli	cable)			
Name:				
Mailing Address:				
City:	Province:			
Postal Code:	Telephone:			
Fax:	Email:			
1.4 MORTGAGES, Charges & Other Encu	ımbrances:			
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.				
None				
1.5 Date and Subject Land was acquired by the Current Owner:				
July 2	5, 2017			

1.6 Owner's ONTARIO L	AND SURVEYO	R (if appli	cable)	
Name: Mark Gilmore OLS				
Mailing Address: 173 Cla	rence Street			
City: Port Colborne			Province: Ontario	
Postal Code: L3K 3G4		Telephor	ne: 905-835-5477	
Fax:		Email: la	nthier.gilmore @bellnet.ca	
		b		
1.7 All communications	should be sent to	o the:		
☐ Owner ☐ Solicitor				
☐ Agent				
Section 2: LOCATIO	N			
Former Municipality: Hum	haretone			
Concession No.	iberstone		Lot(s): PT LT 18	
Registered Plan No. 831			7 FILI IO	
			Double).	
Reference Plan No.			Part(s):	
Name of Street: Omer Av	enue		Street No. 59	
			20	
Section 3: DESCRIP			Part No. On Sketch:	
Frontage: 9.75 m	Depth: 26.67	m	Area: 177.9 sq m	
Existing Use: Townhouse		on		
Proposed Use: Freehold	Townhouse			
Section 4: OFFICIAL	PLAN & ZO	NING		
4.1 What is the current Regional Plan?	designation of t	ne land in	the Official Plan and the	
Port Colborne Official Pla	n: Urban Reside	ential		
Regional Policy Plan: Built-up Area				
4.2 What is the Zoning	of the land (Bv-l	aw 1150/	97/81)?	
Fourth Density Residential Zone (R4)				
	- 2 2 5 Holly 110	SISTERIAL S		
Section 5				
Are there any existing EA land?	SMENTS OR RE	STRICTIV	E COVENANTS affecting the	
☐ Yes ■ No	If "Yes" describe	e the ease	ement or covenant and its effect:	
Section 6				
Type of ACCESS		11		

	Municipal Road maintained all year
	Other Public Road
	Municipal Road maintained seasonally Right-of-Way
	Water Access
	Private Road
,	
Se	ction 7
W	hat type of WATER SUPPLY is proposed?
	Publicly owned and operated piped water supply
	Lake
	Well (private or communal) Other (specify)
	Other (specify)
Se	ction 8
W	hat type of SEWAGE DISPOSAL is proposed?
	Publicly owned and operated sanitary sewage system
	Septic system (private or communal)
	Other (specify)
Sec	ction 9
W	hat type of STORMWATER DISPOSAL is proposed?
	Publicly owned and operated stormwater system
	Other (specify)
L	
^	
Sec	ction 10
NA	TURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
_	
Red	duction of lot area from 200 sq m to 177.9 m.
-	
40	
	.1 Does the structure(s) pertaining to the application for Minor Variance already st and has a building permit been issued?
CX	Yes
	A
	No

### Section 11

WHY IS IN NOT POSSIBLE TO COMPLY V	VITH THE PROVISION	IS OF THE ZONING			
As noted on the attached sketch the area for the end units complies with the minimum area requirements of the bylaw. The two (2) internal units are slightly undersized as the depth of the lots at 26. 67 m. was necessary to accommodate the development of the retained lands to the north.					
Section 12					
DATE OF ACQUISITION of the land by the	current owner:				
July 25	5, 2017				
Section 13					
DATE OF CONSTRUCTION of all existing		res on the land:			
Currently under	er construction				
Section 14					
LENGTH OF TIME of time that the existing	use(s) of the land ha	ve continued:			
From the start of co	onstruction in 2021.				
Section 15: OTHER APPLICATION	NS				
15.1 If known, identify whether the subject the subject land is the subject of an applic of:					
Official Plan Amendment	□ Yes	□ No			
Zoning By-Law Amendment	☐ Yes	□ No			
Minor Variance	☐ Yes	□ No			
Plan of Subdivision	☐ Yes	□ No			
Consent	■ Yes	□ No			
Site Plan	□ Yes	□ No			
L.,	I	1			
15.2 If the answer to the above is yes, an each application noted:		ne following for			
File number of the application: Not yet assigned					
Name of the approval authority considering the application: City of Port Colborne					
Lands affected by the application: Parts 1 - 4 on the attached sketch.					
Purpose of the application: Sever 4 Freehold Townhouses					

Status of the application: Pending	
Effect of the application on the proposed amendment:	
The minor variances are necessary for severance approval.	

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

THE EARLY
16.1 ALL EXISTING USE
□ Residential
□ Parkland
■ Vacant
□ Other
16.2 What is the length of time the existing use(s) of the land have continued?
Since acquired by the current owner in 2017.
16.3 Are there any buildings or structures on the subject land?
■ Yes
□ No

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

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories	Dimensions or floor area (in metres)	Date of construction
Townhouse	.6.2 m	6.0 m	0.00 m	0.0 m	9 m	145 sq m	Under Const.
					2 Storeys		

L6.4 ALL PREVIOUS USE
□ Residential
Vacant
□ Other

16.5 ALL AD	JACENT USE(S)			
	NORTH	SOUTH	EAST	WEST
Residential	Z	Z	V	V
Industrial			Ī	Ī
Commercial	1 <u> </u>	15	T	一一
Institutional	<b>┼┼</b>		一片	一片
Agricultural Parkland		<del>      -   -   -   -   -   -   -   -   -</del>		
THE CHARLES AND A SECTION OF THE SEC	<b>-   -   -  </b>	<del>     </del>		
Vacant	_	<del>-   -  </del>		
Other				
16.6 If Indust	rial or Commerci	al, specify use		
		N/A		
		bject land been c		ng earth or
	filling occurred o	n the subject land	d?	
□ Yes				
■ No				
□ Unknown				
168 Has a ac	rsoline station ar	nd/or automobile	service station b	een located on the
	adjacent lands		Sel vice station is	
☐ Yes	adjacent lanas	acuty differ		
■ No				
□ Unknown				
- OTIKTOWIT				
	e been petroleur	n or other fuel sto	ored on the subje	ect land or adjacent
lands?				
□ Yes				
■ No				
□ Unknown				
16.10 Are the	ere or have there	ever been under	ground storage	tanks or buried
waste on the s	ubject land or ac	ljacent lands?		
☐ Yes				
■ No				
☐ Unknown				
16.11 Have th	e lands or adiace	ent lands ever be	en used as an ac	aricultural
		e been applied to		g11001101101
☐ Yes				
□ No				
■ Unknown				
1612 11		and law do a see to	an manda	amana fisis s
	ne ianas or aajac	ent lands ever be	en usea as a we	eapons tiring
range?		<del></del>		
□ Yes				
■ No				
□ Unknown				

Iandfill or dump?  □ Yes ■ No □ Unknown
□ Unknown
- CHRIOWIT
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?*
I V
☐ 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 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 August 16, 2022  Date  Signiture 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

Date		Signature of Applicant(s)
Please note:	there is more than on owner(s) is required (	the owner of the subject land or e owner, written authorization of the Complete Form 1) indicating that the d to make application.
I/We Was in		
Of the City/Town/Towns		
In the County/District/Re	gional Municipality of _	VI AGARA
I/we make this solemn d	eclaration conscientious same force and effect o	ned in this application are true, and saly believing it to be true, and as if made under oath and by virtue of
DECLARED before me at	t the	TO BE SIGNED IN THE PRESENCE OF A
<u>Gry</u> of	PORT COLBORNE	COMMISIONER FOR TAKING AFFIDAVITS
In the <u>REGION</u> This	of WIAGIARA day of August	x /
A.D 20 22	27	
		Signature of applicant(s), solicitor, or authorized agent

August 16, 2022

A Commissioner, etc

Saima Tufail, a Commissioner, etc., ----Regional Municipality of Niagara, while a Deputy Clerk, for the Corporation of the City of Port Colborne. 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
<u>Date</u> :
Accepted by Manager of Planning and Development Services:
Circulated:
Comments Received:
Solicitor:
Engineer:
□ C.B.O         □ Fire Chief         □ C. N. Power         □ Region         □ NPCA         □ MTO         □ MOE         □ Other
Notice of Public Meeting:
Public Meeting:
Committee Approval:
Notice Given:
Final Day for OMB Appeal:
OMB Appeal:
OMB Hearing:
OMB Decision:
Final Day to Satisfy Conditions:

### **AUTHORIZATIONS**

LOCATION OF SUBJECT LANDS	i:	
I/We, the undersigned, being the authorize R. Brian Miller	registered owner	(s) of the above lands hereby
(name of agent) of the Town	of Fort Erie	
to make an application on my/our Adjustment for the City of Port Coffor Official Plan Amendment / Zor Variance or Permission / Draft Place Control Approval (please circle the Planning Act.	olborne for transo ning By-law Ame an of Subdivision	ction concerning an application ndment / Consent to Sever / Minor or Condominium / Site Plan
Dated at the City	of Port Colborne	
	of_Niagara	
this_16th day of Augus		20_22
X Heirly Musply Signature of Witness		X Signature of Owner
X Signature of Witness		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.



### **City of Port Colborne**

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

### **Development and Legislative Services**

Planning Division Report

September 9th, 2022

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

Re: Application for Minor Variance A25-22-PC

Lot 17, 18, 21 to 31 on Plan 831

59 Omer Avenue Agent: Brian Miller

Owner(s): Wesley Visser

### Proposal:

The purpose and effect of this application is to permit a reduced lot area for Part 2 of 177.9m<sup>2</sup>, where 200m2 is required to facilitate the proposed severance application B16-22-PC. The proposed lot contains an existing townhouse dwelling. A sketch of the proposed fot area is attached to this report.

## Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Fourth Density Residential (R4) to the south, east, and west and Light Industrial (LI) to the north. The surrounding uses consist of detached dwellings to the south, east, and west and light industrial use to the north.

### Official Plan:

The subject property is

designated as Urban Residential in the City's Official Plan. Townhouse dwellings are a permitted use in this designation.



### Zoning:

The subject property is zoned Fourth Density Residential (R4) zone in accordance with Zoning By-Law 6575/30/18. Townhouse dwellings 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 August 30<sup>th</sup>, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9<sup>th</sup>, 2022, no comments from the public have been received.

### **Agency Comments:**

Notice of the application was circulated on August 19<sup>th</sup>, 2022 to internal City departments. As of September 9<sup>th</sup>, 2022, the following has been received.

### **Drainage Superintendent**

There are no concerns regarding municipal drains for this application.

### Fire Department

Port Colborne Fire has no objection to the proposed application.

### **Engineering Technologist**

A Mutual Agreement Drain must be registered on title to ensure the continued operation and maintenance of the rear yard swale.

#### Staff Response

This will be added as a condition of the concurrent severance applications.

### **Planning Act – Four Tests:**

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

### Is the application minor in nature?

Staff finds the requested variance to be minor in nature. The reduction in lot area will not negatively impact the subject parcel. The lot area requirement intends to ensure that lots are a sufficient size, can suitably locate a dwelling, and be compatible with surrounding parcels. The dwelling is currently existing, meets all the setback requirements of the zone, and can accomodate a suitable amount of amenity space and parking. The concurrent severance applications will create lots that have a similar lot area which will result in compatibility with the surrounding parcels.

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

The proposal is desirable and appropriate as the dwelling is currently existing and the severance is being sought to facilitate the sale of each townhouse unit. The proposed lot lines will result in the existing dwelling being located in a suitable location on the property, and the dwelling will be able to meet all the setback requirements of the R4 zone.

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

The Zoning By-law permits townhouse dwellings in the R4 zone, the proposal meets the majority of the lot creation requirements and the existing dwelling will meet all the required setbacks. The lot area requirement intends to ensure that created lots have sufficient size to locate a dwelling and compatibility with surrounding parcels. Staff is satisfied that the existing dwelling is suitably located on the site and the created lots will provide compatibility with the surrounding area. Staff finds this application to be in keeping with the general intent and purpose of the Zoning By-law.

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

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

#### Recommendation:

Given the information above, Planning Staff recommends application A25-22-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

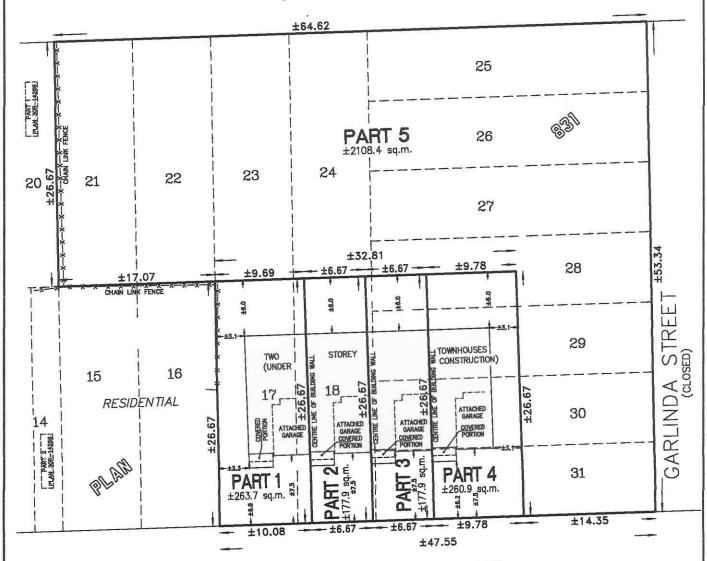
Planner

Submitted by,

Denise Landry, MCIP, RPP Manager of Planning Services

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

## SHERWOOD FOREST LANE (±18.28m. WIDE)



OMER

AVENUE (±18.28m. WIDE)



VOID

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

PRELIMINARY ONLY

RE DRAY

LANTHIER & GILMORE SURVEYING LTD.

173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477

SIGETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
LOTS 17, 18, 21 to 31 (both inclusive)

SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
OTS 17, 18, 21 to 31 (both inclusive
PLAN 831
N THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

DRAWN BY: CM

CHECKED BY: MG SURVEY 22-107



### COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

DEVELOPMENT AND LEGISLATIVE SERVICES MINOR VARIANCE APPLICATION

APPLICATION NO. A26-22-PC

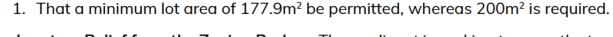
IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 8.6 (b) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Plan 3 Lots 17, 18, 21 to 31, in the City of Port Colborne, located in the Fourth Density Residential (R4) zone, municipally known as 59 Omer Avenue.

### AND IN THE MATTER OF AN

**APPLICATION** by the agent Brian Miller on behalf of the owner Wesley Visser for relief from the provisions of Zoning By-law 6575/30/18, as amended, so as to permit

residential use on Part 3, notwithstanding the following;



Explanatory Relief from the Zoning By-law: The applicant is seeking to sever the townhouse on the noted property. This minor variance is being sought to meet the conditions of consent in applications B17-22-PC. Due to the proposed lot size, 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: September 14, 2022

6:00 P.M. TIME:

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, September 9, 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=Pbu3KXL7Dg4.

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 September 13, 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.

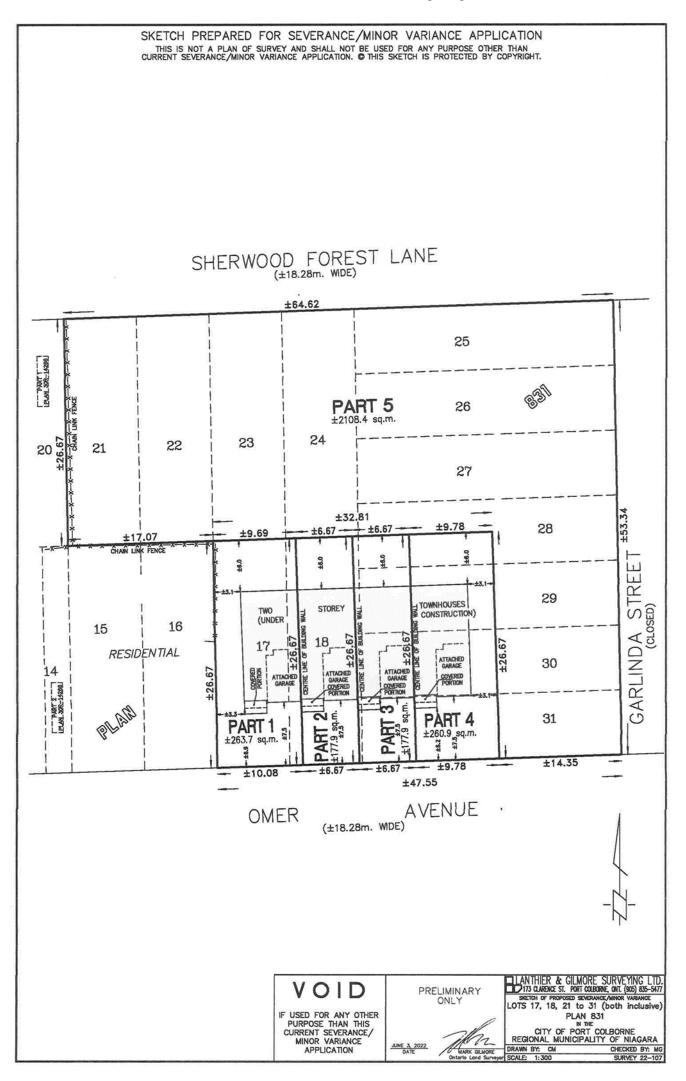


**NOTE:** If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal hearing if the decision of the Committee is appealed.

By order of the Committee of Adjustment,

Samantha Yeung, Secretary-Treasurer

Date of Mailing: August 30, 2022





# APPLICATION FOR MINOR VARIANCE

### PLEASE TYPE OR USE BLACK INK

### Section 1

Section 1	
Registered Owner (s):	
Name: Wesley Visser	
Mailing Address: 2999 Hwy # 3	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5V3	Telephone: 905-835-8484
Fax:	Email: wwvisser@hotmail.com
1.2 Owner's SOLICITOR (if appl	icable)
Name: R. Brian Miller	
Mailing Address: 1415 Pound Ave	
City: Fort Erie	Province: Ontario
Postal Code: L2A 5P9	Telephone: 905-658-0057
Fax:	Email: bmiller@rbmillerlaw.com
1.3 Owner's Authorized AGENT	(if applicable)
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 MORTGAGES, Charges & Oth	ner Encumbrances:
List the name(s) and address(es) encumbrances in respect of the la	of any mortgages, charges, or other and.
None	
1.5 Date and Subject Land was	acquired by the Current Owner:
	July 25, 2017

1.6 Owner's ONTARIO L	AND SURVEYO	R (if appli	cable)		
Name: Mark Gilmore OLS	<b>3</b>				
Mailing Address: 173 Cla	rence Street				
City: Port Colborne Province: Ontario					
Postal Code: L3K 3G4					
Fax:		Email: la	nthier.gil	more @bellnet.ca	
1.7 All communications	should be cont t	a that			
	snould be sent t	o trie:			
□ Owner Solicitor					
□ Agent					
Section 2: LOCATIO	N				
	100 05				
Former Municipality: Hun	nberstone		1 47.5		
Concession No.			Lot(s):	PT 18, 29 - 31inclusive	
Registered Plan No. 831					
Reference Plan No.			Part(s):		
Name of Street: Omer Av	enue		Street N	No. <sub>59</sub>	
Frontage: 9.78 m Depth: 26.67 m Area: 177.9 sq m  Existing Use: Townhouse under construction  Proposed Use: Freehold Townhouse					
Section 4: OFFICIAL  4.1 What is the current Regional Plan?	PLAN & ZO	he land in	the Offic	cial Plan and the	
Port Colborne Official Plan: Urban Residential					
Regional Policy Plan: Buil	t-up Area				
4.2 What is the Zoning of the land (By-law 1150/97/81)?					
Fourth Density Residential Zone (R4)					
Section 5  Are there any existing EA	ASMENTS OR RE	STRICTIV	E COVE	NANTS affecting the	
☐ Yes No	If "Yes" describe	e the ease	ement or	covenant and its effect:	
Section 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
Section 7
What type of WATER SUPPLY is proposed?
Publicly owned and operated piped water supply
☐ Lake ☐ Well (private or communal)
☐ Other (specify)
Section 8
What type of SEWAGE DISPOSAL is proposed?
<ul><li>Publicly owned and operated sanitary sewage system</li><li>Septic system (private or communal)</li></ul>
☐ Other (specify)
Section 9
What type of STORMWATER DISPOSAL is proposed?
Publicly owned and operated stormwater system
☐ Other (specify)
Section 10
NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
Reduction of minimum area requirement from 200 sq m to 177.9 sq m.
10.1 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?
Yes
□ No

### Section 11

WHY IS IN NOT POSSIBLE TO COMPLY V BY-LAW:	VITH THE PROVISION	NS OF THE ZONING		
As noted on the attached sketch the area for area requirements of the bylaw. The two (2) the deoth of the lots at 26. 67 m was necess the retained lands to the north.	) internal units are slig	htly undersized as		
Section 12				
DATE OF ACQUISITION of the land by the				
July 25	5, 2017			
Section 13				
DATE OF CONSTRUCTION of all existing	buildings and structu	res on the land:		
Currently under	er construction			
Section 14				
LENGTH OF TIME of time that the existing	g use(s) of the land ha	ve continued:		
From the start of construction in 2021.				
Section 15: OTHER APPLICATION	NS			
15.1 If known, identify whether the subject the subject land is the subject of an applic of:				
Official Plan Amendment	□ Yes	□ No		
Zoning By-Law Amendment	☐ Yes	□ No		
Minor Variance	□ Yes	□ No		
Plan of Subdivision	☐ Yes	□ No		
Consent	■ Yes	□ No		
Site Plan	☐ Yes	□ No		
15.2 If the answer to the above is yes, ar each application noted:		ne following for		
File number of the application: Not yet ass	signed			
Name of the approval authority considering City of Port Colborne	ng the application:			
Lands affected by the application: Parts 1	- 4 on the attached ske	etch.		
Purpose of the application: Sever 4 Freeho	old Townhouses			

Status of the application: Pending	
Effect of the application on the proposed amendment:	
The minor variances are necessary for severance approval.	

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

THE LAND
16.1 ALL EXISTING USE
☐ Residential
□ Parkland
■ Vacant
□ Other
16.2 What is the length of time the existing use(s) of the land have continued?
Since acquired by the current owner in 2017.
16.3 Are there any buildings or structures on the subject land?
■ Yes
□ No
If Vac for each existing building or structure, complete the following:

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
Townhouse	6.2 m	6.0 m	0.00 m	0.0 m	9 m	145 sq m	Under Const.
					2 Storeys		

16.	ALL PREVIOUS USE
	Residential
	Industrial
	Commercial
	Institutional
	Agricultural
	Parkland
	Vacant
	Other

16.5 ALL ADJ	ACENT USE(S)					
	NORTH	SOUTH	EAST	WEST		
Residential	Z	Z	Z	V		
Industrial						
Commercial	18	i i i i i i i i i i i i i i i i i i i		一一		
Institutional	1 <del>1</del>	1 <del>1</del>				
Agricultural			18	一百		
Parkland	Ī		T T			
Vacant	in .		THE STATE OF THE S	Ħ		
Other			- I become			
O LITC.		E				
166 Kindustr	ial ar Caramaraia	l enecificace				
10.0 II industr	ial or Commercia					
		N/A				
	rading of the sub illing occurred or			ng earth or		
☐ Yes	ming occurred or	i die subject idit	4 :	in the second se		
□ Yes						
☐ Unknown						
U UNKNOWN	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1					
			service station b	peen located on the		
	adjacent lands a	t any time?				
☐ Yes						
■ No						
☐ Unknown						
16.9 Has there	e been petroleum	or other fuel sto	red on the subje	ect land or adjacent		
□ Yes						
■ No						
☐ Unknown						
_						
	re or have there ubject land or adj		ground storage	tanks or buried		
☐ Yes	abject faile of dej	accir idildə:				
■ No						
☐ Unknown						
OTINIOWIT				NO.		
16.11 Have the	e lands or adjace	nt lands ever be	en used as an a	gricultural		
	e pesticides have					
☐ Yes						
□ No						
Unknown			+ 76 H/27 11 10 1 1 1			
16.12 Have th	e lands or adjace	ent lands ever be	en used as a we	eapons firing		
range?		4 4 5 5 7				
☐ Yes						
■ No						
□ Unknown						

16.13 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?
□ Yes
■ No □ Unknown
16.14 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
□ Yes
■ No
□ Unknown
16.15 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*
<ul><li>☐ Yes</li><li>■ No</li><li>☐ Unknown</li></ul>
<ul> <li>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.</li> </ul>
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 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 August 16, 2022 X Signiture 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

there is more than one owner(s) is required (	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.		
Of the City/Town/Township of			
DECLARED before me at the  CITY OF PORT COLBORNE	TO BE SIGNED IN THE PRESENCE OF A COMMISIONER FOR TAKING AFFIDAVITS		
In the REGION of UTA CARRA  This	Signature of applicant(s), solicitor, or authorized agent		

### A Commissioner, etc.

August 16, 2022

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

### FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application:
Public hearing Date:
Adjourned Public Hearing Date:
Checked for completeness by:
Processing
<u>Date</u> :
Accepted by Manager of Planning and Development Services:
Circulated:
Comments Received:
Solicitor:
Engineer:
□ C.B.O         □ Fire Chief         □ C. N. Power         □ Region         □ NPCA         □ MTO         □ MOE         □ Other
Notice of Public Meeting:
Public Meeting:
Committee Approval:
Notice Given:
Final Day for OMB Appeal:
OMB Appeal:
OMB Hearing:
OMB Decision:
Final Day to Satisfy Conditions:

### AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:	
/We, the undersigned, being the registered owns authorize R. Brian Miller	er(s) of the above lands hereby
(name of agent) of the Town of Fort Erie	
to make an application on my/our behalf to the C Adjustment for the City of Port Colborne for trans for Official Plan Amendment / Zoning By-law Am Variance or Permission / Draft Plan of Subdivision Control Approval (please circle the appropriate a Planning Act.	saction concerning an application endment / Consent to Sever / Minor n or Condominium / Site Plan
Dated at the <u>City</u> of Port Colborn	9
n the Regional Municipality of Niagara	
his16th day of August	20_22
X Much Mupley Signature of Witness	Signature of Owner
Signature of Witness	X 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.



### **City of Port Colborne**

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

### **Development and Legislative Services**

Planning Division Report

September 9th, 2022

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

Re: Application for Minor Variance A26-22-PC

Lot 17, 18, 21 to 31 on Plan 831

59 Omer Avenue Agent: Brian Miller

Owner(s): Wesley Visser

### Proposal:

The purpose and effect of this application is to permit a reduced lot area for Part 3 of 177.9m<sup>2</sup>, where 200m2 is required to facilitate the proposed severance application B17-22-PC. The proposed lot contains an existing townhouse dwelling. A sketch of the proposed lot area is attached to this report.

## Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Fourth Density Residential (R4) to the south, east, and west and Light Industrial (LI) to the north. The surrounding uses consist of detached dwellings to the south, east, and west and light industrial use to the north.

### Official Plan:

The subject property is

designated as Urban Residential in the City's Official Plan. Townhouse dwellings are a permitted use in this designation.



### Zoning:

The subject property is zoned Fourth Density Residential (R4) zone in accordance with Zoning By-Law 6575/30/18. Townhouse dwellings 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 August 30<sup>th</sup>, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9<sup>th</sup>, 2022, no comments from the public have been received.

### **Agency Comments:**

Notice of the application was circulated on August 19<sup>th</sup>, 2022 to internal City departments. As of September 9<sup>th</sup>, 2022, the following has been received.

### **Drainage Superintendent**

There are no concerns regarding municipal drains for this application.

### Fire Department

Port Colborne Fire has no objection to the proposed application.

### **Engineering Technologist**

A Mutual Agreement Drain must be registered on title to ensure the continued operation and maintenance of the rear yard swale.

### **Planning Act – Four Tests:**

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

### Is the application minor in nature?

Staff finds the requested variance to be minor in nature. The reduction in lot area will not negatively impact the subject parcel. The lot area requirement intends to ensure that lots are a sufficient size, can suitably locate a dwelling, and be compatible with surrounding parcels. The dwelling is currently existing, meets all the setback requirements of the zone, and can accomodate a suitable amount of amenity space and parking. The concurrent severance applications will create lots that have a similar lot area which will result in compatibility with the surrounding parcels.

Is it desirable for the appropriate development or use of the land, building, or structure? The proposal is desirable and appropriate as the dwelling is currently existing and the severance is being sought to facilitate the sale of each townhouse unit. The proposed lot lines will result in

the existing dwelling being located in a suitable location on the property, and the dwelling will be able to meet all the setback requirements of the R4 zone.

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

The Zoning By-law permits townhouse dwellings in the R4 zone, the proposal meets the majority of the lot creation requirements and the existing dwelling can meet all the required setbacks. The lot area requirement intends to ensure that created lots have sufficient size to locate a dwelling and compatibility with surrounding parcels. Staff is satisfied that the existing dwelling is suitably located on the site and the created lots will provide compatibility with the surrounding area. Staff finds this application to be in keeping with the general intent and purpose of the Zoning By-law.

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

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

### **Recommendation:**

Given the information above, Planning Staff recommends application A26-22-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

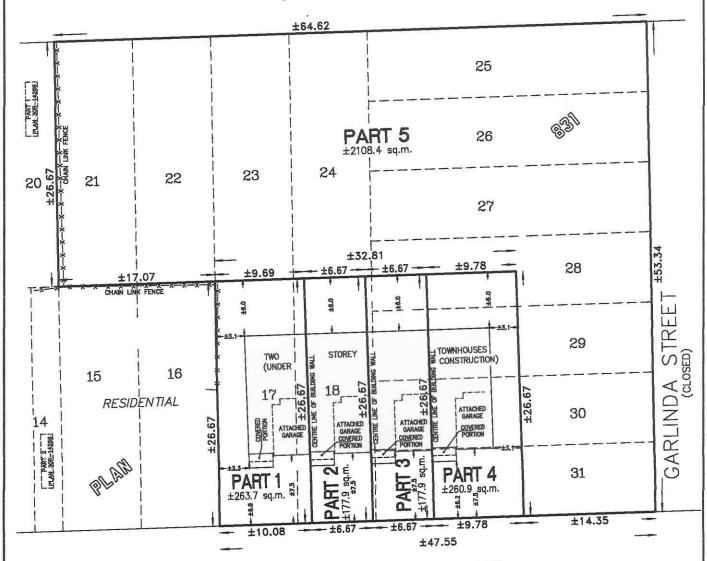
Planner

Submitted by,

Denise Landry, MCIP, RPP Manager of Planning Services

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

## SHERWOOD FOREST LANE (±18.28m. WIDE)



OMER

AVENUE (±18.28m. WIDE)



VOID

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

PRELIMINARY ONLY

RE DRAY

LANTHIER & GILMORE SURVEYING LTD.

173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477

SIGETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
LOTS 17, 18, 21 to 31 (both inclusive)

SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
OTS 17, 18, 21 to 31 (both inclusive
PLAN 831
N THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

DRAWN BY: CM

CHECKED BY: MG SURVEY 22-107

### Samantha Yeung

From: Colin Warner

**Sent:** September 7, 2022 6:39 PM

To: Samantha Yeung

**Subject:** Public Hearing 59 Omer Avenue

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

#### Question 1

How was the development allowed to begin without a public hearing originally being that the complex is on property that is not big enough according to city guidelines? Should this have not been discussed in the original plans? Will the developer continue to do more things like this as development continues?

### Question 2

Why can the developer not make the lot sizes bigger as there is room to do so at the back of the units?

#### Question 3

As a resident of this street, I am concerned about it becoming rather congested. Most families have two vehicles and being that these houses are undersized, at least one of them will end up being parked on the street. I do understand the complex has a garage and a driveway for two vehicles, but do to the inconvenience of having to move two vehicles around, I believe one will end up on the street instead as owning a garage myself I use it for storage rather than vehicles. Omer Ave. is not wide enough to support this. It also complicates snow removal. How is this potential problem going to be dealt with?

#### Question 4

I am not positive for sure, but I believe the complex is less than 10 ft. away from the property line. I would like to know this information.

### Question 5

Regarding further development of Part 5 on Sherwood Forest Ln., this street sees a high amount of truck traffic for the old Robin Hood plant. Being such a narrow street, it would raise a hazard for the residents living there if this development is allowed to go through. Are there any plans to remedy issues such as this?



# COMMITTEE OF ADJUSTMENT -MEETING MINUTES6:00 PM, Wednesday, August 10<sup>th</sup>, 2022

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

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

Chris Roome, Planner

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

1. Disclosures of Pecuniary Interest:

Nil.

2. Requests for Deferrals or Withdrawals of Applications:

Nil.

3. New Business

i) Application: B09-22-PC

Action: Consent

Agent: Christopher Wilson
Owner: Andy Veenstra
Location: 1498 Wilhelm Road

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

The applicant did not defer nor provide any further comments.

The Chair asked if the applicant was given new signs for this meeting.

The Applicant responded that the signs for the first meeting were posted until this meeting date however he was not given new signs for this meeting.

The Chair stated that he is of the opinion that since a new meeting date was not set when the application was deferred, and no new signs were posted, proper notice was not given. He stated that he would like proper signage to be put up and notice be sent out in regard to this application.

Member Bruno stated that he agrees with the Chair's comments, but he does not believe this matter to be the fault of the applicant. He stated that he would like to proceed with this application and deal with the matter internally.

Member Desmarais stated that she is of the same opinion as Member Bruno and suggested that this matter be added into the Other Business section of the agenda.

Member Beauregard asked if the applicant's agent would be in attendance today.

The applicant said that the agent is online.

Member Beauregard stated that since new signs were not put up for this meeting, it could give grounds to appeal this application. He asked if there is a timeframe within which a decision must be made.

The applicant explained that they wish for the application to be expediated as much as possible as they have future plans to build.

Member Beauregard stated that he understands the applicants concerns however there are legislative matters that must also be considered.

The Planner responded that as per the Planning Act, once an application is made there is a 30 day period in which a meeting must be scheduled. He explained that once a deferral has been voted on, the Planning Act does not have any requirements on renotifying for the next date. He explained that new meeting dates for deferred items are posted on the City's website.

Member Beauregard asked if the time period for making a decision works the same way for Committee of Adjustment as it does for a zoning by-law amendment.

The Planner responded yes but for Committee of Adjustment the time period is 30 days.

Member Beauregard asked when the 30 day time period would have started for this application.

The Planner responded that the applicant initially applied 2-3 months ago now.

Member Beauregard asked if the initial deferral was at the request of Staff or the Applicant.

The Planner responded that the request for deferral was at the request of the Region, as they were not able to complete the septic inspection as there was no run exposed at the time of inspection. It later became apparent that the NPCA needed additional time to review due to an unmapped floodplain.

The Agent stated he believes adequate notice was given, and there were no other persons in attendance regarding the application at the initial meeting and that no other comments have been received. He requested that the committee proceed with a decision for this application. He explained that this is a straightforward severance of a surplus farm dwelling, that this application complies to the Provincial Policy, and that the Region and NPCA are satisfied.

The Chair asked the agent if there is a difference between a deferral and adjournment.

The agent responded no, there is no absolute difference. He explained that the merits of this application have not been considered until this meeting and there has been plenty of notice for any party who may be interested, and the relevant agencies have already commented.

The Chair explained that he disagrees.

Member Desmarais explained that she does not believe the applicant should be held responsible, and that this matter should be dealt with internally with staff.

Member Bruno explained that he would like to proceed as the applicant's agent/lawyer recognizes the Committee's concerns and still believes they should proceed.

That consent application B09-22-PC be **granted** subject to the following conditions:

- 1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- 2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
- 3. Approval of a Zoning By-law Amendment for Part 1 to Agricultural Residential zone and for Part 2 to an Agricultural Purposes Only zone.
- 4. That the owner dedicates a 3.05-meter road widening to the Regional Municipality of Niagara across the Regional Road 98 (Wilhelm Road) frontage of the severed parcel (Part 1), prior to the satisfaction of the Regional Municipality of Niagara. All costs for providing the necessary survey plan and related documents are the responsibility of the applicant.
- 5. 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.

6. That all conditions of consent be completed by August 10th, 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

Carries: 3-1

ii) Application: B12-22-PCiii) Application: A22-22-PC

Action: Consent & Minor Variance

Agent: Leigh Whyte
Owner: Bryan Keenan
Location: 624 Elm Street

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

The Agent explained that they will have a deficient lot area however all other setbacks will be satisfied. He also explained that there are provisions within the Zoning By-law allowing for a lot area requirement is 200 sq. meters should the proposed semi be divided in the future, which the proposal would be able to comply with. He stated that they will provide grading plans at the time of applying for a building permit, to ensure that all aspects of the property would drain independently, and to ensure that the grading plan for the semis would keep both halves draining independently so as to avoid needing a mutual consent agreement should a severance be proposed in the future.

There were no further questions or comments from the Committee or members of the public.

That minor variance application A22-22-PC be **granted** for the following reasons:

- 1. **The application is minor in nature** as the decrease in lot area will not negatively impact the subject parcel and can accommodate future development with amenity space.
- 2. **It is appropriate for development of the site** as the reduction in lot area will not restrict the location of a future dwelling on the property.
- 3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law as the zoning by-law permits semi-detached

dwellings in the R2 zone and will have enough amenity space for future dwellings.

4. It is desirable and in compliance with the general intent and purpose of the Official Plan as detached dwellings are permitted in the Urban Residential designation.

Member Beauregard asked if the concrete walkway that crosses the parcels as shown on the severance sketch is still existing.

The applicant responded yes and that it would be removed.

Member Beauregard asked if the removal of the walkway could be added as a condition of consent.

That consent application B12-22-PC be **granted** subject to the following outlined in the staff report dated August 5<sup>th</sup>, 2022:

- 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 minor variance application A21-22-PC be granted
- 4. That the existing concrete walkway that crosses the two parcels be removed.
- 5. That all conditions of consent be completed by August 10<sup>th</sup>, 2024.

Motion: Angie Desmarais Seconded: Eric Beauregard

Carried: 4-0

iv) Application: B01-22-PCv) Application: B02-22-PCvi) Application: B03-22-PCvii) Application: A21-22-PC

Action: Consent (x3) & Minor Variance

Agent: Eldon Dyson
Owners: Robert Williams
Location: Killalv St. East

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

The Owner, Robert Williams, approached the stand and invited his agent Eldon Dyson to speak on his behalf.

The Agent spoke to the discrepancy regarding the notice sign, by explaining that the intent and purpose of the severance is clear had been made clear and no public comments have been received.

The Agent also explained that the minor variance is based on a severance sketch that states 28.82m of frontage and explained that that number may change when the surveyor goes to confirm the property lines. He requested that the committee grant 28.5m to provide some lenience.

Member Bruno asked if planning staff would agree with the agent's statement that it's standard practice for the dimensions of the lot may change after the surveyor completes the pinning process.

The Planner explained that the measurements of the lot are not technically exact until the surveyor does the stakes, and that it would not be out of practice for the committee to grant some leniency for the consent.

Member Beauregard agreed with the Planner's comments that it is common to leave some flexibility for the lot dimensions to change.

The Chair agreed with leaving some flexibility for the consent application however stated that they can only request the amount of variance that was displayed on the notice. He explained that the minor variance application could be adjourned if the applicant desired.

Karen Hartery of 2665 Highway 3 expressed concerns of water drainage and water supply. She questioned if the new homes would be supplied with well water and if the existing well would be sufficient to support another four houses.

The applicant explained that the hydrogeologist recommended cisterns be used for supplying water to the new homes. He also explained that a drainage plan has been prepared and that the ditch has been improved. He explained the particulars of the drainage plan.

The Chair suggested the Committee approve the consents first then discuss the potential alterations of the minor variance after.

Member Beauregard asked if the minor variance was a condition of the consents, requiring it to be passed first.

The Chair stated that Part 1 has a condition that the minor variance be granted.

Member Beauregard asked what would happen with the consent for Part 1 if the variance was not granted.

The Chair responded that they would have two years to obtain that variance.

The Chair asked if the lots were uniquely designed so that they all front onto a municipally serviced road.

The Planner responded yes, the applicant wanted to give each lot their own private lane, however following a later review it was determined that it would not be possible to police that, therefore the easement has been requested as a condition to the consents. He explained that the design of the lots was initially for access however it also serves the requirement that all lots must have frontage onto a municipal road.

The Chair asked if there is a minimal amount that has to front onto a municipal road.

The Planner responded that he does not believe there is a minimal amount.

The Chair explained that it was initially thought that frontage is measured 10 meters from the front lot line however it was later found to be 6 meters. Based on this information, he provided a suggest as to how the lot lines could be adjusted so that the lot frontage complies, meaning a variance would no longer be required.

The Planner responded that his suggestion would work however the application has to be processed the way it was proposed.

The Chair presented various options to the application regarding adjourning or proceeding with the application.

Member Beauregard asked the granting of the minor variance should be left as a condition if the application becomes adjourned.

The Chair responded that it could be left, and if the new lot designs complied and the variance would no longer be required, the applicant could come back to the committee and ask for the condition to be removed.

Member Beauregard asked if conditions could be passed to the municipality's satisfaction.

The Planner responded yes, the condition could be worded so that it states "in the event a minor variance is required..."

The Chair asked if the right of way would be considered an easement in perpetuity and if it would also be a part of this consent.

The Planner responded that there are different ways to go about registering easements and that it would be up to the applicant. An easement in perpetuity would have to be done through the Committee of Adjustment, and an easement for 21 years less a day could be done through a lawyer.

The Chair asked if the easement could be added to this consent application or if it would have to be a separate application.

The Planner responded that the applicant would have to submit a separate application.

The Chair asked the applicant if they would like to proceed or adjourn the minor variance application.

The Applicant stated that he would like to proceed with the application.

Member Bruno expressed concerns over the level of advice that has been given by the committee.

The Agent stated that the application for the variance was for 28.82m plus or minus and asked that the committee recognize the plus or minus.

The Chair explained that the notice says a minimum lot frontage of 28.82 m, and "plus or minus" is not included. He explained that "plus or minus" is too vague of a term and the definition can vary.

The Agent agreed to the Chairs comments.

The Applicant agreed as well and asked what would happen if the combined widths of the driveway became less than 6 meters.

The Chair responded that as long as it is less than six the frontages would be defined per the by-law.

That minor variance application A21-22-PC be **granted** for the following reasons:

- 1. **The application is minor in nature** as the decrease in lot frontage from 45m to 28.82m will not negatively impact the subject parcel.
- 2. **It is appropriate for development of the site** as the reduction in lot frontage will not restrict the location of a future dwelling on the property.
- 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 HR zone and a future dwelling will be able to meet the setback requirements of the zone.
- 4. It is desirable and in compliance with the general intent and purpose of the Official Plan as detached dwellings are permitted in the Hamlet designation.

Motion: Gary Bruno Seconded: Eric Beauregard

Carried: 4-0

That consent application B01-22-PC be **granted** subject to the conditions outlined in the staff report dated August 5<sup>th</sup>, 2022:

- That a drainage apportionment agreement is completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant to the satisfaction of the City's Drainage Superintendent. A deposited plan is required for the apportionment agreement to be completed.
- 2. 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.
- 3. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
- 4. That the applicant registers an easement on the title over Part 1, on the submitted sketch to permit access to Part 2.
- 5. That the constructed laneway be a minimum of 6m in width, a 12m center line turning radius be provided from Killaly Street, and that the surface is suitable for fire trucks.
- 6. That the Owner enters into a Development Agreement with the City of Port Colborne to require and implement the recommendations of the "Hydrogeological Technical Memorandum", prepared by Landtek Limited (dated July 26, 2022) for Part 1-4 before any construction or site alteration, to the Region's satisfaction and to and implement standard noise mitigation measures of the "Planning Justification Report" prepared by G. Douglas Vallee Limited (dated June 30, 2022) for any future residential dwellings, including exterior brick façade, triple pane façade windows, and central air conditioning.

- 7. That minor variance application A21-22-PC be granted.
- 8. That all conditions of consent be completed by August 10th, 2024.

## For the following reasons:

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

Motion: Gary Bruno Seconded: Eric Beauregard

Carried: 4-0

That consent application B02-22-PC be **granted** subject to the conditions outlined in the staff report dated August 5<sup>th</sup>, 2022:

- That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
- 2. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- 3. That a final certification fee of \$216 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.
- 4. That the applicant registers an easement on the title over Part 1 and Part 2 on the submitted sketch, providing access to Part 3.
- That the constructed laneway be a minimum of 6m in width, a 12m centre line turning radius be provided from Killaly Street, and that the surface is suitable for fire trucks.
- 6. That the Owner enters into a Development Agreement with the City of Port Colborne to require and implement the recommendations of the "Hydrogeological Technical Memorandum", prepared by Landtek Limited (dated July 26, 2022) for Part 1-4 before any construction or site alteration, to the Region's satisfaction and to and implement standard noise mitigation measures of the "Planning Justification Report" prepared by G. Douglas Vallee Limited (dated June 30, 2022) for any future residential dwellings, including exterior brick façade, triple pane façade windows, and central air conditioning.
- 7. That minor variance application A21-22-PC be granted.
- 8. That all conditions of consent be completed by August 10th, 2024.

For the following reasons:

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

Motion: Gary Bruno Seconded: Angie Desmarais

Carried: 4-0

That consent application B03-22-PC be **granted** subject to the conditions outlined in the staff report dated August 5<sup>th</sup>, 2022:

- 1. That a drainage apportionment agreement is completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant to the satisfaction of the City's Drainage Superintendent. A deposited plan is required for the apportionment agreement to be completed.
- 2. 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.
- 3. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
- 4. That the applicant registers an easement on the title over Part 1, Part 2, and Part 3 on the submitted sketch to permit access to Part 4.
- That the constructed laneway be a minimum of 6m in width, a 12m center line turning radius be provided from Killaly Street, and that the surface is suitable for fire trucks.
- 6. That the Owner enters into a Development Agreement with the City of Port Colborne to require and implement the recommendations of the "Hydrogeological Technical Memorandum", prepared by Landtek Limited (dated July 26, 2022) for Part 1-4 before any construction or site alteration, to the Region's satisfaction and to and implement standard noise mitigation measures of the "Planning Justification Report" prepared by G. Douglas Vallee Limited (dated June 30, 2022) for any future residential dwellings, including exterior brick façade, triple pane façade windows, and central air conditioning.
- 7. That minor variance application A21-22-PC be granted.
- 8. That all conditions of consent be completed by August 10th, 2024.

### For the following reasons:

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

Motion: Gary Bruno Seconded: Angie Desmarais

Carried: 4-0

#### 4. Other Business:

Member Desmarais asked for planning staff's opinion on signage and notification for deferred or adjourned applications.

The Planner explained that staff decided re-notification will not be sent out when an application is deferred. He explained that moving forward, when a deferral is made, a new meeting date would be set at the time and would also be posted on the City's website.

Member Desmarais asked if staff could find a defensible argument from the act to back that decision.

The Planner explained that staff could look into that and also stated that the act does not state that re-notification is necessary when a deferral is made.

Member Desmarais requested that this decision be confirmed in a legal sense.

Member Bruno suggested the Committee of Adjustment Association be referred to so as to see how other municipalities have handled similar issues.

The Planner responded that staff could do more research into the matter.

Member Beauregard suggested going to the city's solicitor for a legal opinion on the matter.

Member Desmarais agreed with Member Beauregard's suggestion to seek advice from the City's solicitor, and that the Committee of Adjustment Association's website did not have much relevant information on the matter.

The Chair explained that he had already contacted OACA and received a response from the manager of development services and secretary treasurer of Committee of Adjustment from Vaughan, and her opinion was to always give notice. He expressed his opinion that notice does not need to be recirculated if the meeting was adjourned, however if the meeting was deferred, notice should be recirculated.

Member Beauregard explained that through his experience with other municipalities, notice was required to be recirculated if there were errors in the original notice.

The Chair agreed that notice must be recirculated if there was a change in information.

Member Desmarais asked why staff has decided not to recirculate notice for deferrals.

The Planner responded that recirculating the notice of hearing requires staff to make a new sign and create and mail new notices, so the decision to not recirculate was made due to the amount of staff time it takes to recirculate notice. He also explained that he believes the deferral fee is to cover the Committee Members' wages, not staffs. He said that staff can look into seeking a legal opinion. He explained that should an application be appealed, it is the planner's responsibility to defend the decision based on their interpretation of the *Planning Act*.

The Chair stated that the *Planning Act* says that "the Committee shall give notice."

Member Desmarais agreed and stated that everyone needs to be on the same page.

Member Bruno explained that recirculating notice would be a good idea in order to remain transparent to the public, and suggested the fee be adjusted in order to cover the cost of staff time.

Member Beauregard suggested other methods of giving notice such as newspaper.

Member Desmarais stated the only effective method of giving notice is by posting a sign on the property.

# 5. Approval of Minutes:

Minutes from the July 13<sup>th</sup>, 2022, meetings were approved.

Motioned: Angie Desmarais Seconded: Gary Bruno

Carried: 4-0

### 6. Adjournment

There being no further business, the meeting was adjourned at approximately 7:30 pm.