



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



DEVELOPMENT AND LEGISLATIVE SERVICES

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
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
<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 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.

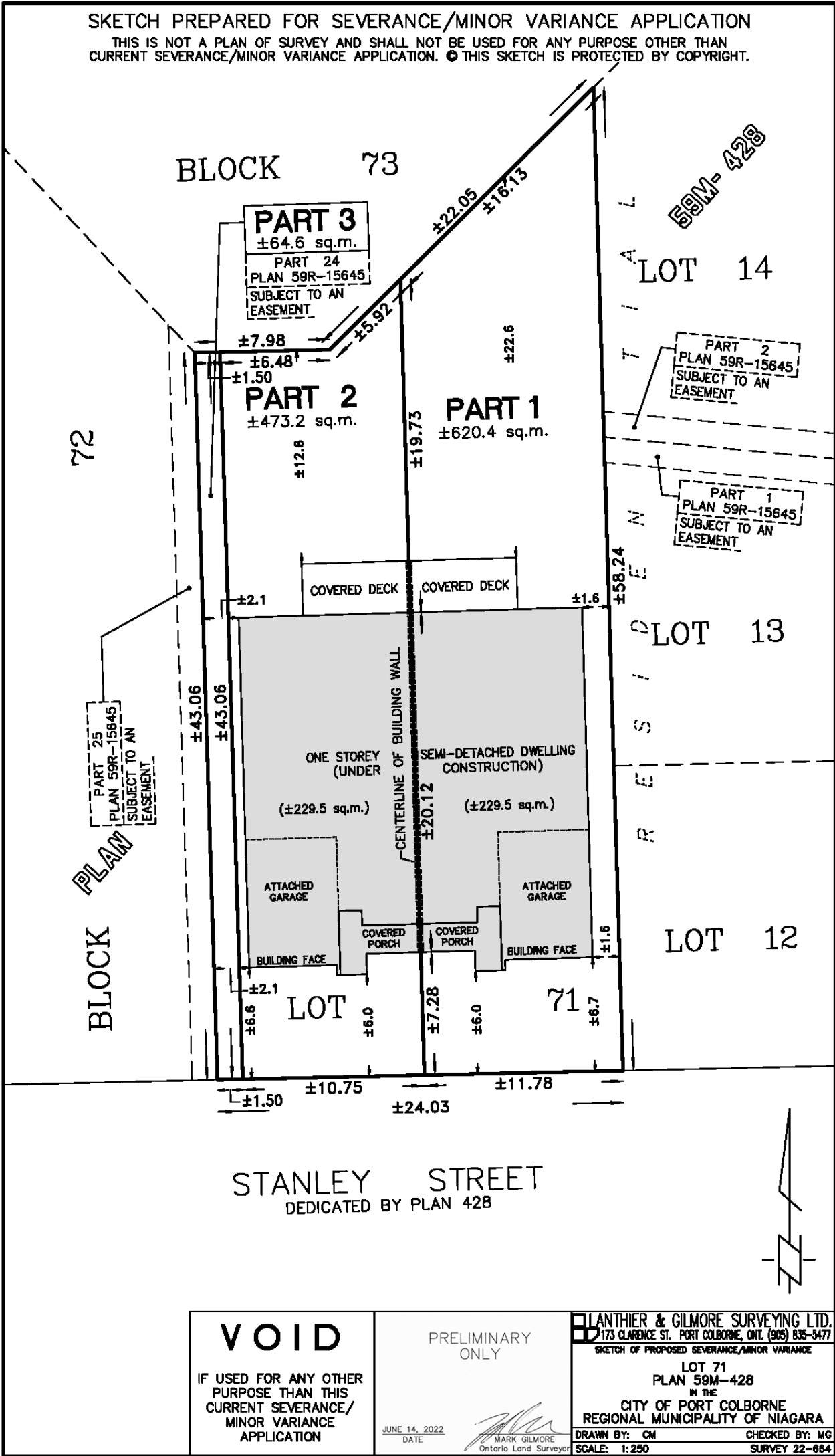
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing,
the Committee may adjourn the file or proceed in your absence and make a decision.

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
· PLANNING AND LEGISLATIVE SERVICES ·

File No. _____

THE CITY OF PORT COLBORNE
THE PLANNING ACT – SECTION 53.
APPLICATION FOR:

CONSENT

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

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

SUBMISSION OF APPLICATION:

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

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

COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

X _____

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

https://www.niagararegion.ca/business/fpr/forms_fees.aspx

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

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

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

NOTICE REQUIREMENTS

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



PORT COLBORNE
• PLANNING AND DEVELOPMENT DEPARTMENT •

**APPLICATION FOR
CONSENT**

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Bridge & Quarry Ltd. (Jeff Collins & Dan Cook)	
Mailing Address: 18 Cabot St.	
City: Welland	Province: ON
Postal Code: L3C 5W4	Telephone: (905) 788-7435
Fax: NA	Email: info.bridgeandquarry@gmail.com

1.2 Owner's SOLICITOR (if applicable)	
Name: John Ikola (Flett Beccario)	
Mailing Address: 190 Division St.	
City: Welland	Province: ON
Postal Code: L3B 4A2	Telephone: (905) 732-4481
Fax: (905) 732-2020	Email: jikola@flettbeccario.com

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

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
Anita Armenti-Nadon \$1,100,000.00
Address: 720 Cedar Bay Rd, Port Colborne, ON, L3K 5V3

1.5 Date and Subject Land was acquired by the Current Owner:
June 30, 2021

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)
Lanthier & Gilmore Surveying Ltd.

Name: Mark Gilmore	
Mailing Address: 173 Clarence St.	
City: Port Colborne	Province: ON
Postal Code: L3K 3G4	Telephone: (905) 835-5477
Fax: NA	Email: lanthier.gilmore@bellnet.ca

1.7 All communications should be sent to the:

- ☒ Owner
☐ Solicitor
☐ Agent

Section 2: LOCATION

Former Municipality: Port Colborne	
Concession No.	Lot(s): 71
Registered Plan No. S9M428	Lot(s):
Reference Plan No. S2R15645	Part(s):
Name of Street: Stanley St.	Street No. 677 & 675

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

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

Reason for proposed transaction:

We have a single lot and two semis built. Permit given, semis built and now we need to make one lot for each semi.

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

NA

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

TBD, future buyers,

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: <i>59M428</i>
Regional Policy Plan:

3.2 What is the Zoning of the land (By-law 6575/30/18)?
<i>R2</i>

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?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Section 4

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

Section 5

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

Section 6

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

Section 7

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

Section 8

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

Section 9

Part No. On Sketch: 1

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)		
Frontage: <u>11.78 m</u>	Depth: <u>58.24 m</u>	Area: <u>624.4 sq.m.</u>
Existing Use: <u>semi detached residential</u>		
Proposed Use: <u>semi detached residential</u>		

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:	<u>see grading plan</u>
Proposed:	<u>see survey</u>

Section 10

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: <u>16.75 m</u>	Depth: <u>11.11 m 43.06 m</u>	Area: <u>473.2 sq.m</u>
Existing Use: <u>semi detached residential</u>		
Proposed Use: <u>semi detached residential</u>		

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:	<u>see grading plan</u>
Proposed:	<u>see survey</u>

Section 11

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

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

File Number:
Decision:

Section 12

HAS THE LAND BEEN SEVERED from the parcel originally acquired by the owner of the land?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <i>that's what we are trying to do.</i>

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

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

Section 13: OTHER APPLICATIONS

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

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

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

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

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

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

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

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

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

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

14.6 If Industrial or Commercial, specify use
NA

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

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X July 18, 2022
Date

X [Signature]
Signature of Owner

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

- ☐ Yes
☒ No
☐ Unknown

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

semi detached x2 (Just 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
Date

X [Signature]
Signature of Applicant(s)

Please note:

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

I/We Bridge & Quarry Ltd.
Of the City/Town/Township of Welland, ON
In the County/District/Regional Municipality of Niagara

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

DECLARED before me at the
City Of Port Colborne
In the region of Niagara
This 22nd day of July
A.D 20 22

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

X

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

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

A Commissioner, etc.

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

677 & 675 Stanley St., Port Colborne

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

Jeff Collins

(name of agent)

of the City of Welland

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

Dated at the 22nd of July
in the City of Port Colborne
this 22nd day of July 2022

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

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

Port Colborne Planning and Development Department

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

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

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

Processing

Date: _____

Accepted by Manager of Planning and Development Services:
Circulated:

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

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

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 620.4m² 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 473.2m².

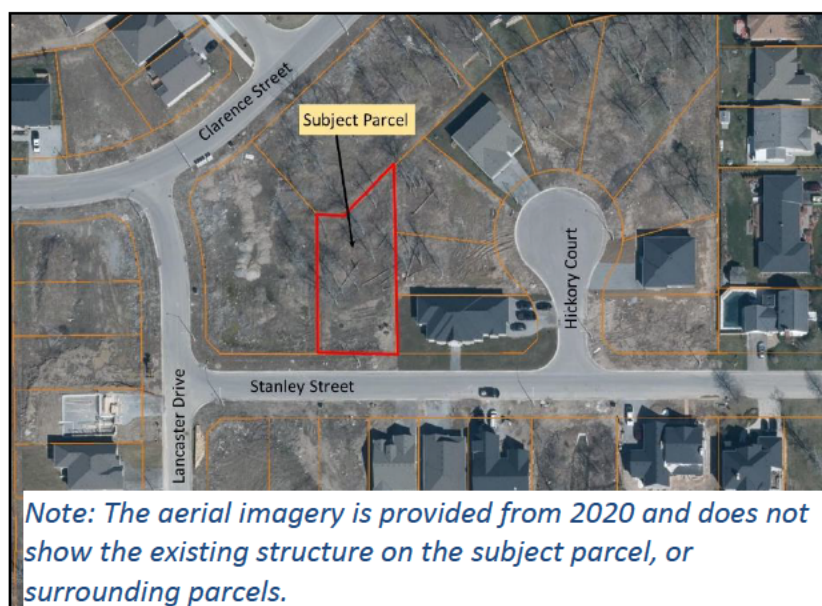
Surrounding Land Uses and Zoning:

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:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:



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

Agency Comments:

Notice was circulated on August 19th, 2022, to internal departments. As of September 9th, 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 Official Plan

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

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP, which requires that severance applications must be submitted with an Ontario Land Surveyors Sketch and that each parcel has frontage on a public road. This section also provides for the collection of parkland dedication as a result of lot creation. Staff has established that parkland dedication fees 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 473.2m²

Part 2: A lot frontage of 11.78m and a lot area of 620.4m².

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 13th, 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

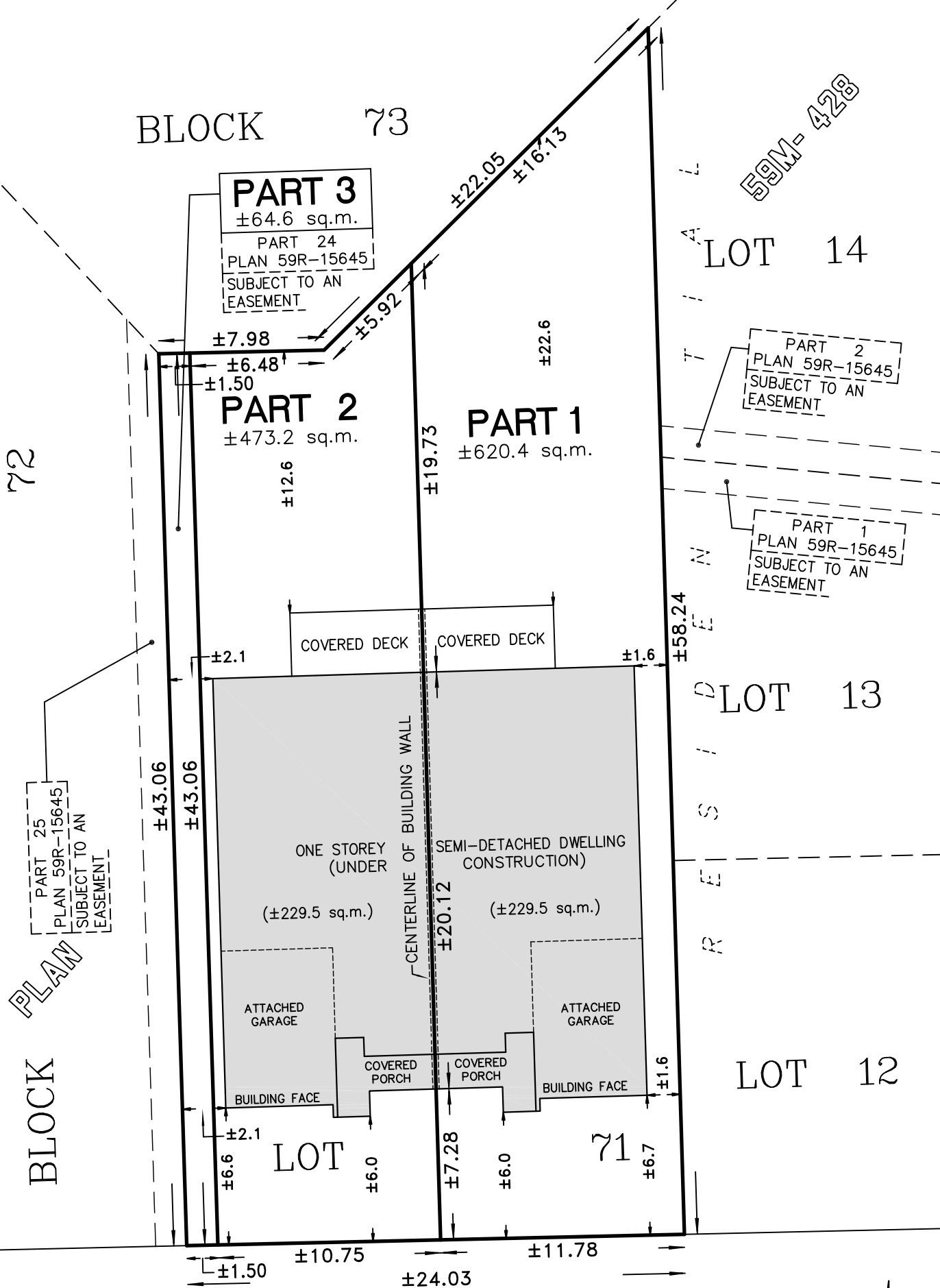
Submitted by,



Denise Landry, MCIP, RPP
Manager of Planning Services

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.



STANLEY STREET
DEDICATED BY PLAN 428

VOID

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

PRELIMINARY
ONLY

JUNE 14, 2022
DATE

MARK GILMORE
Ontario Land Surveyor

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

SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE

LOT 71
PLAN 59M-428
IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

DRAWN BY: CM

CHECKED BY: MG

SCALE: 1:250

SURVEY 22-664



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR CONSENT

APPLICATION NO. B14-22-PC

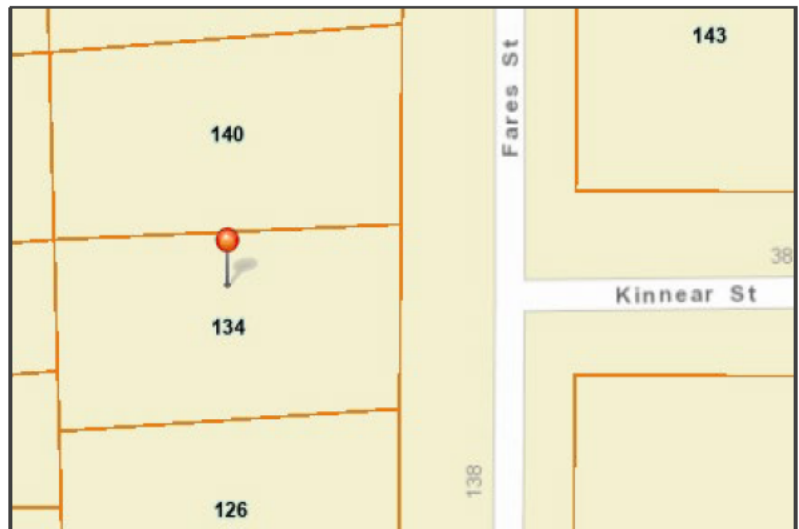
IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, Section 53 (1).

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 <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 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.

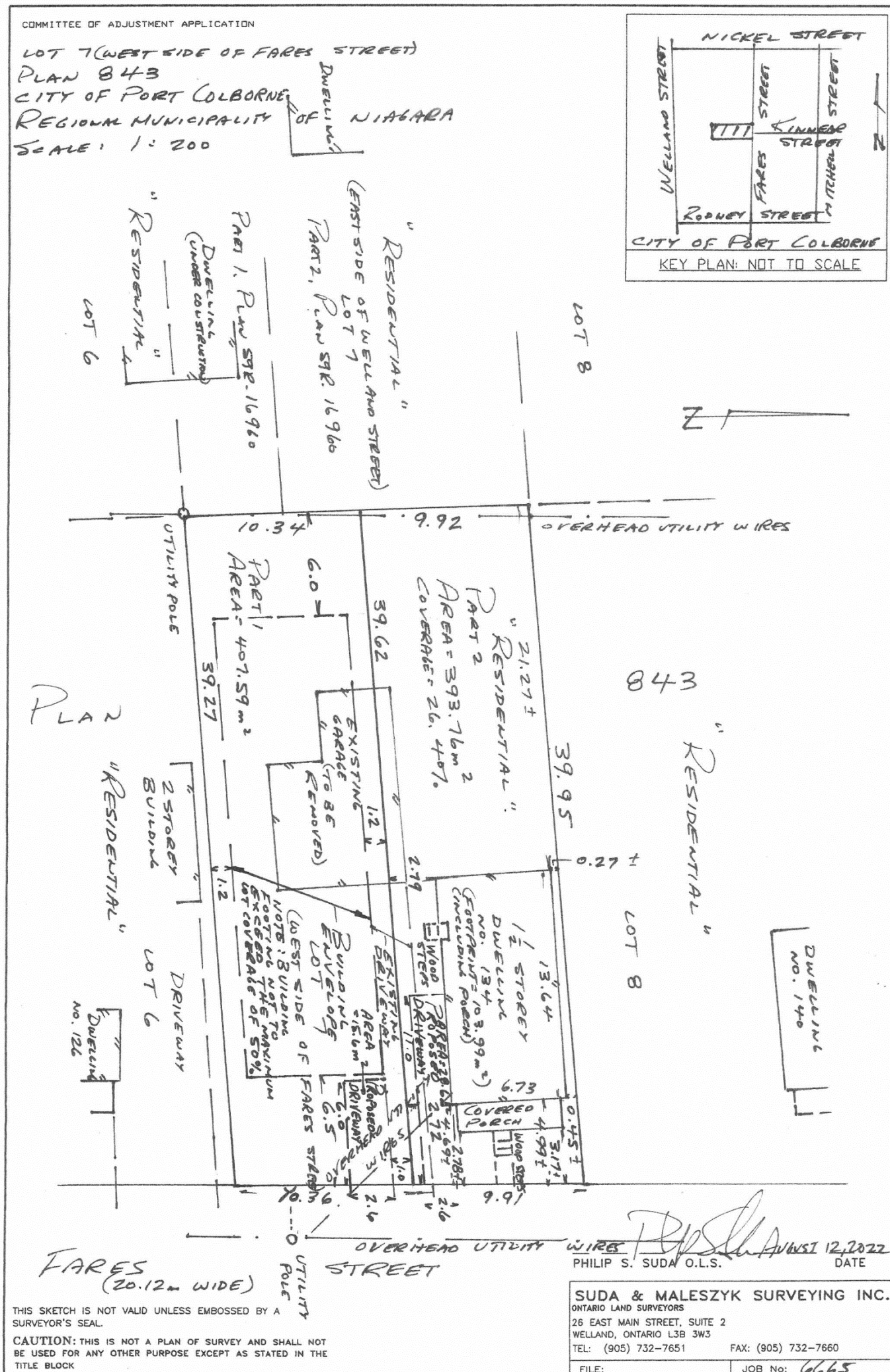
If you have any questions about the submission process or would like to explore alternative submission methods, please email Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.

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

Section 1

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)

Name: <u>Phil Suda</u>	
Mailing Address: <u>26 EAST MAIN STREET</u>	
City: <u>WELLAND</u>	Province: <u>ONTARIO</u>
Postal Code: <u>L3B 3W3</u>	Telephone: <u>905-732-7651</u>
Fax:	Email: <u>psuda@bellnet.ca</u>

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

Section 2: LOCATION

Former Municipality:	
Concession No.	Lot(s):
Registered Plan No. <u>843</u>	Lot(s): <u>7 (W/S FAIRVIEW ST)</u>
Reference Plan No.	Part(s):
Name of Street: <u>Fairview</u>	Street No. <u>134</u>

2.1 Type of proposed transaction: (Check appropriate space(s))
<input checked="" type="checkbox"/> Creation of New Lot <input checked="" type="checkbox"/> Addition to lot <input type="checkbox"/> Mortgage or Charge <input type="checkbox"/> Lease <input type="checkbox"/> Disposal of Surplus Farm Dwelling <input type="checkbox"/> Farm Retirement Lot <input type="checkbox"/> Partial Discharge or Mortgage <input checked="" type="checkbox"/> Right-of-Way <u>(Driveway)</u> <input type="checkbox"/> Easement
Reason for proposed transaction:
<u>To Server existing lot into two residential lots</u>

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

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

Section 3: OFFICIAL PLAN & ZONING

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

Port Colborne Official Plan:

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 EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?

☐ Yes

☒ No

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

Section 5

Type of ACCESS

☐ Provincial Highway

☐ Regional Road

☒ Municipal Road maintained all year

☐ Other Public Road

☐ Municipal Road maintained seasonally

☐ Right-of-Way

☐ Water Access

☐ Private Road

Section 6

What type of WATER SUPPLY is proposed?

☒ Publicly owned and operated piped water supply

☐ Lake

☐ Well (private or communal)

☐ Other (specify)

Section 7

What type of SEWAGE DISPOSAL is proposed?

☒ Publicly owned and operated sanitary sewage system

☐ Septic system (private or communal)

☐ Other (specify)

Section 8

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

Section 9

Part No. On Sketch: 1

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)		
Frontage: <u>10.36</u>	Depth: <u>39.62</u>	Area: <u>407.59m²</u>
Existing Use: <u>RESIDENTIAL</u>		
Proposed Use: <u>RESIDENTIAL</u>		

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: <u>GARAGE (TO BE REMOVED)</u>
Proposed: <u>PROPOSED BUILDING TO CONFORM WITH R3</u>

Section 10

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: <u>9.91</u>	Depth: <u>39.95</u>	Area: <u>393.76m²</u>
Existing Use: <u>RESIDENTIAL</u>		
Proposed Use: <u>RESIDENTIAL</u>		

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: <u>1 1/2 STOREY DWELLING NO. 134</u>
Proposed: <u>N/A</u>

Section 11

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

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

File Number:
Decision:

Section 12

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

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

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

Section 13: OTHER APPLICATIONS

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

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

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

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

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

REGISTERED PLAN 843 DATED 1854

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

- ☒ Yes
☐ No

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

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
1 1/2 STOREY DWELL.	4.69	21.27	2.72	0.27	H=4.0 1 1/2 ST.	6.73x 13.64	
CARAGE	N/A	N/A	N/A	N/A	N/A	N/A	

14.4 ALL PREVIOUS USE

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

14.5 ALL ADJACENT USE(S)

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

14.6 If Industrial or Commercial, specify use

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X 08/15/2022
Date

X [Signature]
Signature of Owner

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

- ☐ Yes
☒ No
☐ Unknown

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

existing 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

X 08/15/22

Date

X *Brent Lundy*

Signature of Applicant(s)

Please note:

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

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

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

DECLARED before me at the
City of Port Colborne
In the Region of Niagara
This 15 day of August
A.D. 20 22

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

X *Brent Lundy*

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

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

N. Rubli
Aug 15/22
A Commissioner, etc.

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

(name of agent)

of the _____ of _____

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

Dated at the _____ of _____

in the _____ of _____

this _____ day of _____ 20____

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

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

Port Colborne Planning and Development Department

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

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

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

Processing

Date: _____

Accepted by Manager of Planning and Development Services:
Circulated:

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

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

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 30th, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9th, 2022, no comments from the public have been received.

Agency Comments:

Notice of the application was circulated on August 19th, 2022 to internal City departments. As of September 9th, 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 407.59m²

Part 2: A lot frontage of 9.91m and a lot area of 393.76m².

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 to 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 13th, 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,

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

Chris Roome, BURPI
Planner

Submitted by,

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

Denise Landry, MCIP, RPP
Manager of Planning Services

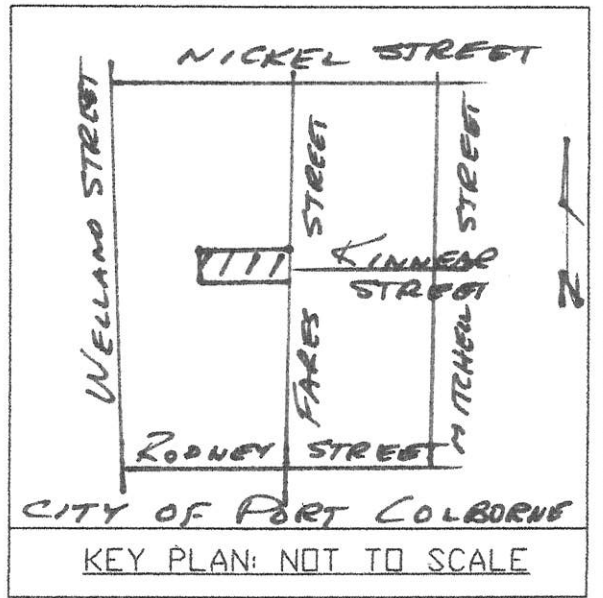
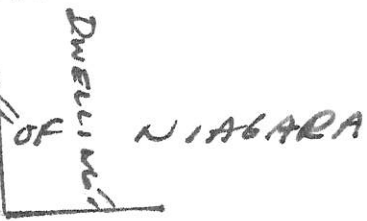
LOT 7 (WEST SIDE OF FARES STREET)

PLAN 843

CITY OF PORT COLBORNE

REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1:200



RESIDENTIAL
PART 1, Plan SQR. 16960
Dwelling (UNDER CONSTRUCTION)
RESIDENTIAL
LOT 6
PART 2, Plan SQR. 16960
(EAST SIDE OF WELLAND STREET)
LOT 7
RESIDENTIAL

LOT 8



PLAN

"RESIDENTIAL"

2 STOREY BUILDING

DRIVEWAY LOT 6

Dwelling No. 126

PART 1 AREA: 407.59 m²

EXISTING GARAGE (TO BE REMOVED)

PART 2 AREA: 393.76 m²
COVERAGE: 26.40%

"RESIDENTIAL"

1 1/2 STOREY DWELLING NO. 134 (FOOTPRINT = 103.99 m²)

WOOD STEPS DRIVEWAY

COVERED PORCH WOOD STEPS

OVERHEAD UTILITY WIRES

843

"RESIDENTIAL"

LOT 8

DWELLING NO. 140

FARES (20.12m WIDE)

STREET

UTILITY POLE

OVERHEAD UTILITY WIRES

PHILIP S. SUDA O.L.S.

DATE

SUDA & MALESZYK SURVEYING INC.
ONTARIO LAND SURVEYORS
26 EAST MAIN STREET, SUITE 2
WELLAND, ONTARIO L3B 3W3
TEL: (905) 732-7651 FAX: (905) 732-7660
FILE: JOB No: 6665

THIS SKETCH IS NOT VALID UNLESS EMBOSSED BY A SURVEYOR'S SEAL.

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE EXCEPT AS STATED IN THE TITLE BLOCK



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

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 393.76m² be permitted, whereas 400m² 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 <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.

[illegible]



PORT COLBORNE

• **PLANNING AND LEGISLATIVE SERVICES** •

File No. _____

THE CITY OF PORT COLBORNE
THE PLANNING ACT – SECTION 45.
APPLICATION FOR:

MINOR VARIANCE OR PERMISSION

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

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

SUBMISSION OF APPLICATION:

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

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

COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

x 

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

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

NOTICE REQUIREMENTS

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



APPLICATION FOR MINOR VARIANCE

Section 1

1.5 Date and Subject Land was acquired by the Current Owner:
April 20, 2022

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Phil Suda	
Mailing Address: 26 East Main Street	
City: Welland	Province: Ontario
Postal Code: L3B 3W3	Telephone: 905-732-7654
Fax:	Email: psuda@bellnet.ca

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

Section 2: LOCATION

Former Municipality:	
Concession No.	Lot(s): 7(W) S Fares
Registered Plan No. 843	
Reference Plan No.	Part(s):
Name of Street: Fares	Street No. 134

Section 3: DESCRIPTION

Part No. On Sketch: 12

Frontage: 9.91	Depth: 41.68 39.95	Area: 393.76m ² (500m ²)
Existing Use: Residential		
Proposed Use: Residential		

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: R3
Regional Policy Plan:

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

Section 5

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

Section 6

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

Section 7

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

Section 8

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

Section 9

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

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
Frontage 4.69m
Front yard set back 4.69m
Frontage 9.91m
Area 393.76m ²
Side yard 0.27m

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

Section 11

WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
due to existing frontage and severance

Section 12

DATE OF ACQUISITION of the land by the current owner:

Section 13

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

Section 14

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

Section 15: OTHER APPLICATIONS

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

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

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

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

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

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

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

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

16.4 ALL PREVIOUS USE

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

16.5 ALL ADJACENT USE(S)

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

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

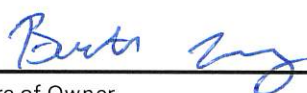
If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.

ACKNOWLEDGMENT CLAUSE

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

X 08/15/22

Date

X 

Signature of Owner

Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-screening Criteria

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

17.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

X 08/15/22

Date

X *Brent Lundy*

Signature of Applicant(s)

Please note:

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

I/We Brenton Lundy

Of the City/Town/Township of Port Colborne

In the County/District/Regional Municipality of Niagara

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

DECLARED before me at the

City Port Colborne of Port Colborne

In the Region of Niagara

This 15 day of August

A.D 20 22

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

X *Brent Lundy*

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

N. Rubli

A Commissioner, etc.

Aug 15/22

Nicole Rubli, a Commissioner, etc.,
Regional Municipality of Niagara, while
an Acting City 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: City Clerk, Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

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

Dated at the _____ of _____
in the _____ of _____
this _____ day of _____ 20__

<div>X</div> <div>Signature of Witness</div>	<div>X</div> <div>Signature of Owner</div>
<div>X</div> <div>Signature of Witness</div>	<div>X</div> <div>Signature of Owner</div>
<div>X</div> <div>Signature of Witness</div>	<div>X</div> <div>Signature of Owner</div>

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 pre-consultation could provide you with information about the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 6575/30/18, the Regional Policy Plan, the concerns of various Provincial Ministries and other relevant information which may have a direct effect upon the final decision on your application.

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

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

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

Processing

Date: _____

Accepted by Manager of Planning and Development Services:
Circulated:

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

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

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 393.76m², where 400m² 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 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 30th, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9th, 2022, no comments from the public have been received.

Agency Comments:

Notice of the application was circulated on August 19th, 2022 to internal City departments. As of September 9th, 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,



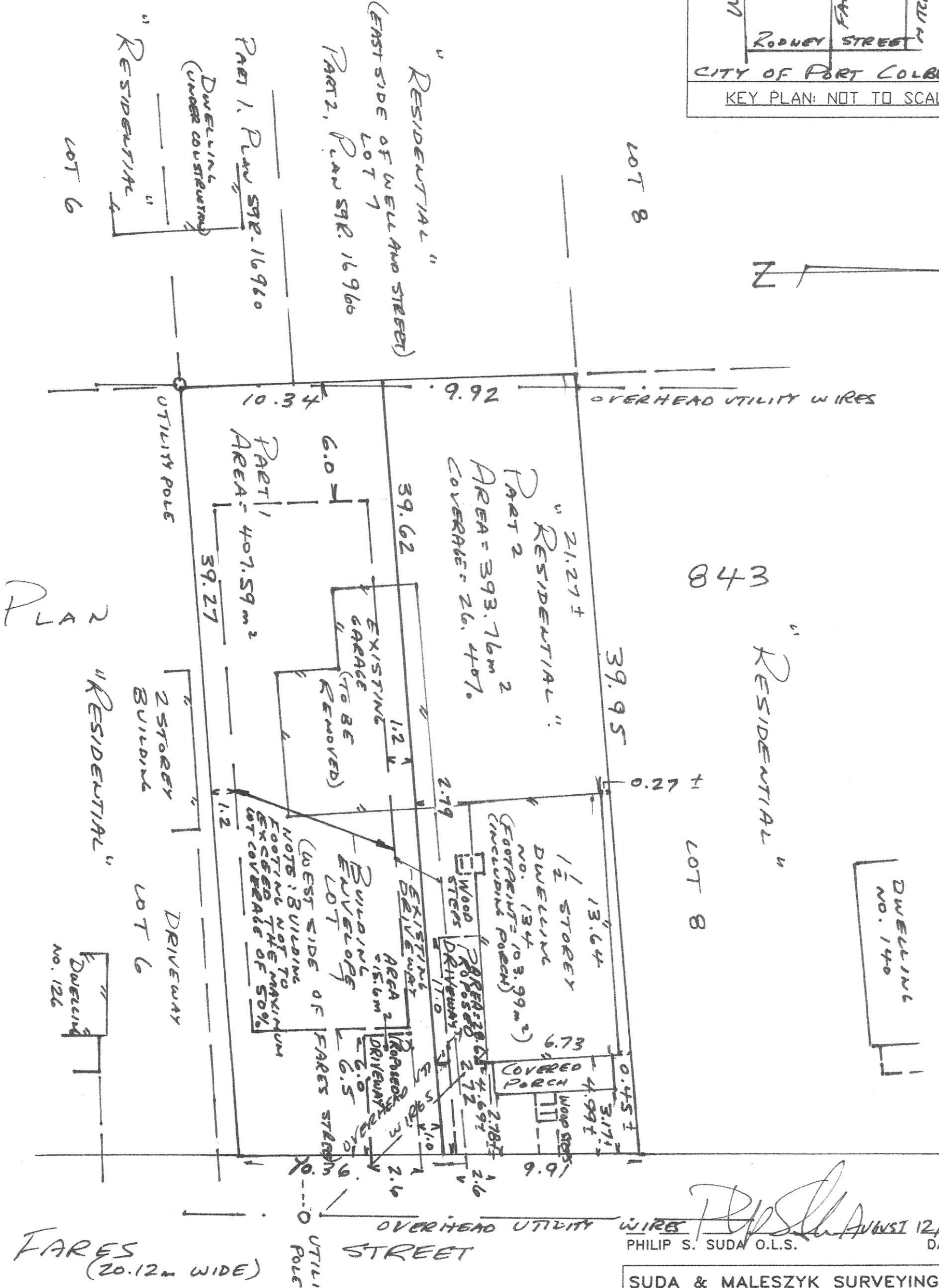
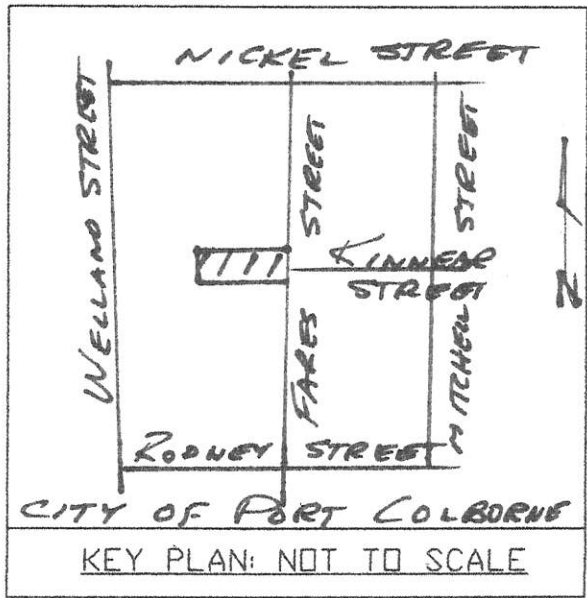
Chris Roome, BURPI
Planner

Submitted by,

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

Denise Landry, MCIP, RPP
Manager of Planning Services

LOT 7 (WEST SIDE OF FARES STREET)
PLAN 843
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
SCALE: 1:200



PHILIP S. SUDA O.L.S. DATE AUGUST 12, 2022

SUDA & MALESZYK SURVEYING INC.
ONTARIO LAND SURVEYORS
26 EAST MAIN STREET, SUITE 2
WELLAND, ONTARIO L3B 3W3
TEL: (905) 732-7651 FAX: (905) 732-7660
FILE: JOB No: 6665

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



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

MINOR VARIANCE APPLICATION

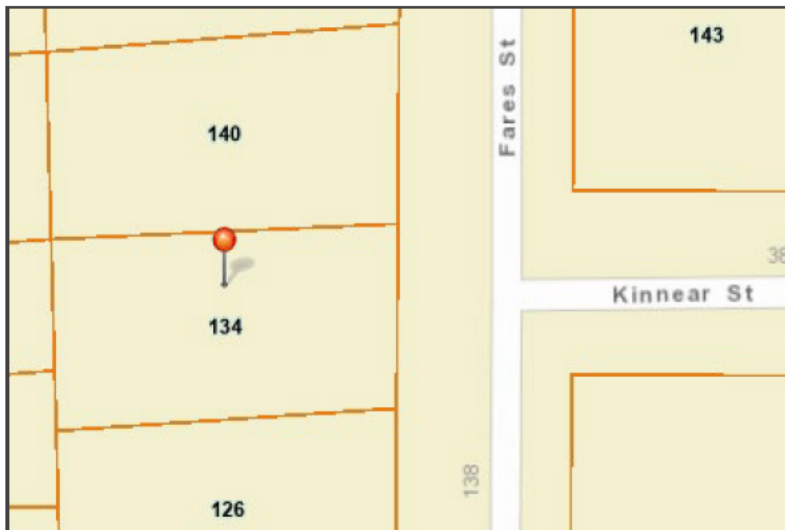
APPLICATION NO. A24-22-PC

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.

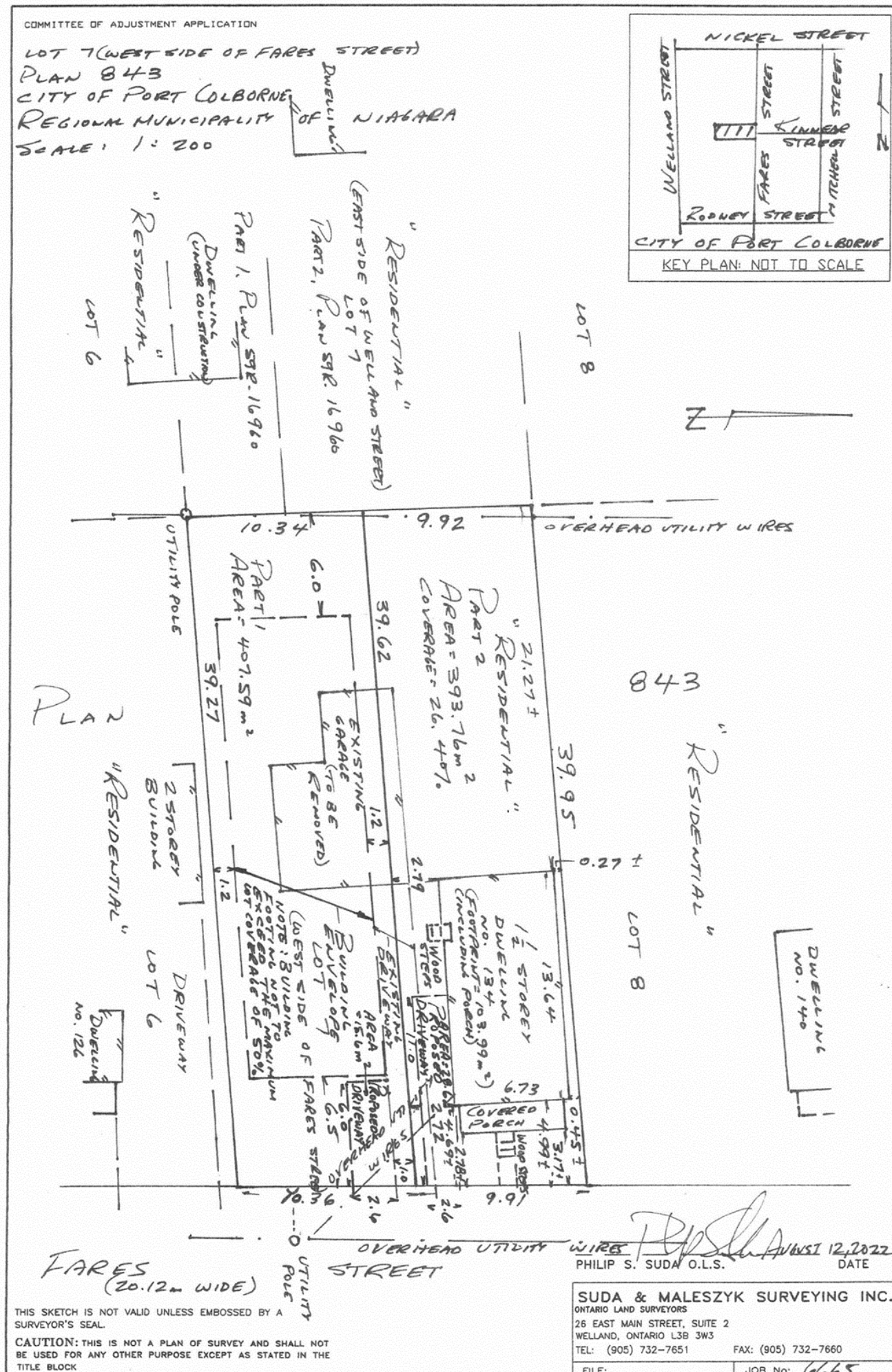
If you have any questions about the submission process or would like to explore alternative submission methods, please email Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.

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





PORT COLBORNE

• PLANNING AND LEGISLATIVE SERVICES •

APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: <u>Brenton Lundy</u>	
Mailing Address: <u>3 Surrey Pl</u>	
City: <u>Welland</u>	Province: <u>ON</u>
Postal Code: <u>L3C 6S2</u>	Telephone: <u>905-533-7615</u>
Fax:	Email: <u>brenton.lundy@icloud.com</u>

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

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

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

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

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: <u>PHILIP SUDA</u>	
Mailing Address: <u>26 EAST MAIN STREET</u>	
City: <u>WELLAND</u>	Province: <u>ONTARIO</u>
Postal Code: <u>L3B 3W3</u>	Telephone: <u>905-732-7651</u>
Fax: <u>N/A</u>	Email: <u>psuda@bellnet.ca</u>

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

Section 2: LOCATION

Former Municipality:	
Concession No.	Lot(s):
Registered Plan No. <u>843</u>	
Reference Plan No.	Part(s):
Name of Street: <u>FARES STREET</u>	Street No. <u>134</u>

Section 3: DESCRIPTION

Part No. On Sketch: 1

Frontage: <u>10.36</u>	Depth: <u>39.62</u>	Area: <u>407.59m²</u>
Existing Use: <u>RESIDENTIAL</u>		
Proposed Use: <u>RESIDENTIAL</u>		

Section 4: OFFICIAL PLAN & ZONING

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

4.2 What is the Zoning of the land (By-law 1150/97/81)?
<u>R3</u>

Section 5

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

Section 6

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

Section 7

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

Section 8

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

Section 9

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

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:	
FRONTAGE	10.36m (18m)
AREA	407.59m ² (500m ²)
FRONTAGE	9.91m (18m)
AREA	393.76m ² (500m ²)

PART 1

PART 2

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

- ☐ Yes
☐ No

Section 11

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

MINIMAL DIMENSIONS & AREA

Section 12

DATE OF ACQUISITION of the land by the current owner:

Section 13

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

Section 14

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

Section 15: OTHER APPLICATIONS

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

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

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

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

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

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

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

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

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

16.4 ALL PREVIOUS USE

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

16.5 ALL ADJACENT USE(S)

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

16.6 If Industrial or Commercial, specify use

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X April 08/15/22
Date

X Booth Roy
Signature of Owner

Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY
Pre-screening Criteria

17.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as "hazard lands"?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

17.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

17.3 Is the property located on or within 30 metres of the Lake Erie shoreline?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

17.4 Is there a valley slope on the property?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

17.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

X 08/15/22

Date

X *Brent Lundy*

Signature of Applicant(s)

Please note:

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

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

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

DECLARED before me at the
City of Port Colborne
In the Region of Niagara
This 15 day of August
A.D. 20 22

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

X *Brent Lundy*

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

N. Rubli

A Commissioner, etc.

Aug 15/2022

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

(name of agent)

of the _____ of _____

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

Dated at the _____ of _____

in the _____ of _____

this _____ day of _____ 20____

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

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

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

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

SUGGESTION TO THE APPLICANT

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

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

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

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

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

Processing

Date: _____

Accepted by Manager of Planning and Development Services:
Circulated:

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

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

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 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 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 30th, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9th, 2022, no comments from the public have been received.

Agency Comments:

Notice of the application was circulated on August 19th, 2022 to internal City departments. As of September 9th, 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 be 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 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. 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,



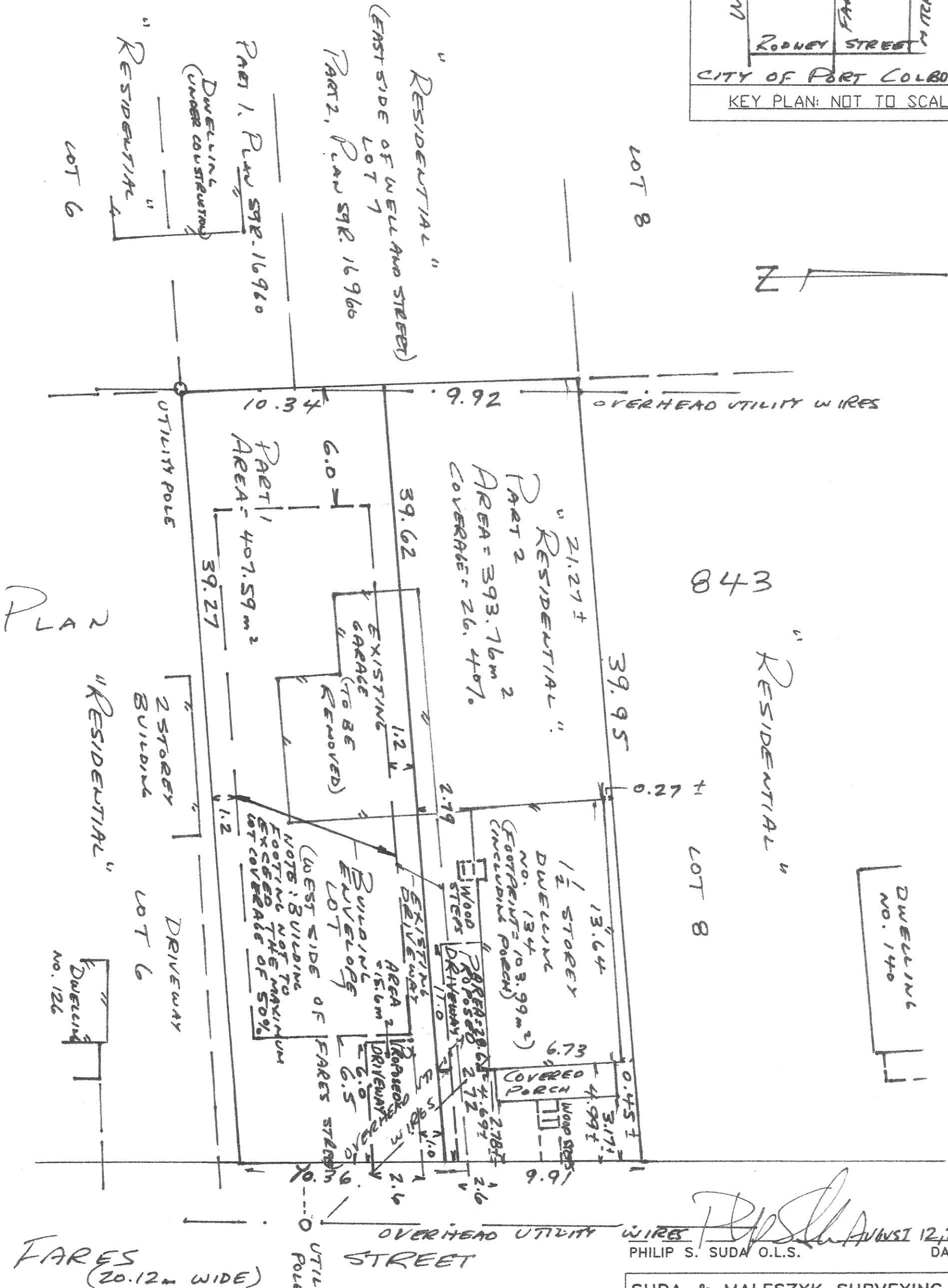
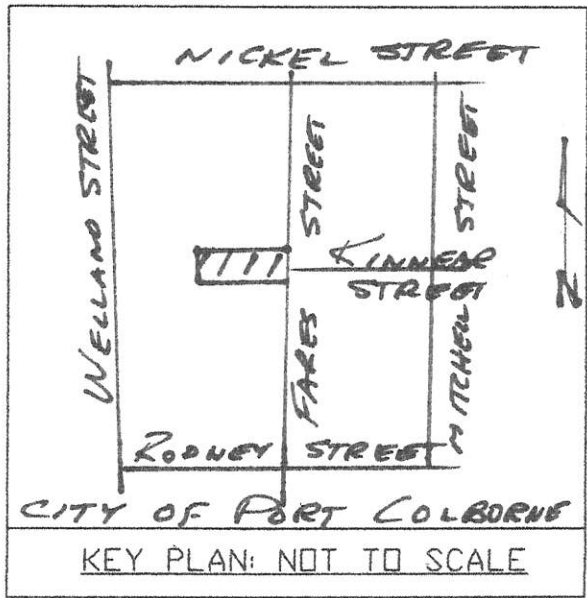
Chris Roome, BURPI
Planner

Submitted by,

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

Denise Landry, MCIP, RPP
Manager of Planning Services

LOT 7 (WEST SIDE OF FARES STREET)
PLAN 843
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
SCALE: 1:200



THIS SKETCH IS NOT VALID UNLESS EMBOSSED BY A SURVEYOR'S SEAL.

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE EXCEPT AS STATED IN THE TITLE BLOCK

PHILIP S. SUDA O.L.S.

DATE

SUDA & MALESZYK SURVEYING INC.
ONTARIO LAND SURVEYORS

26 EAST MAIN STREET, SUITE 2

WELLAND, ONTARIO L3B 3W3

TEL: (905) 732-7651

FAX: (905) 732-7660

FILE:

JOB No: 6665



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

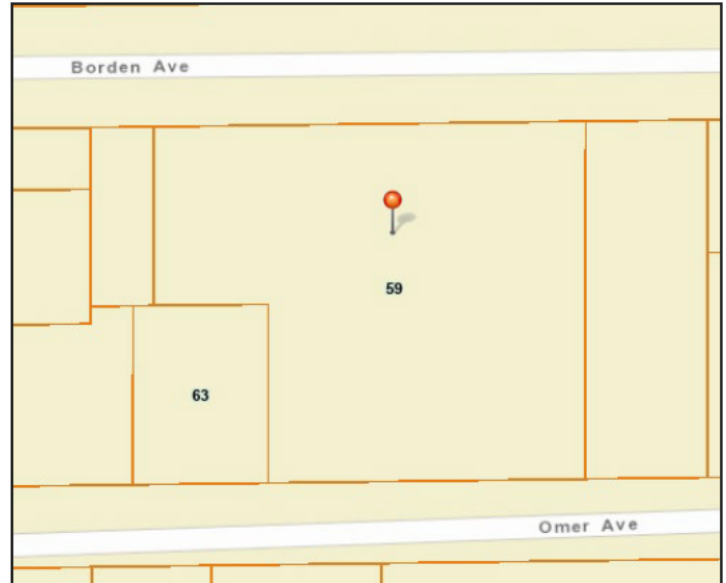
COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR CONSENT

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 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 <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 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.

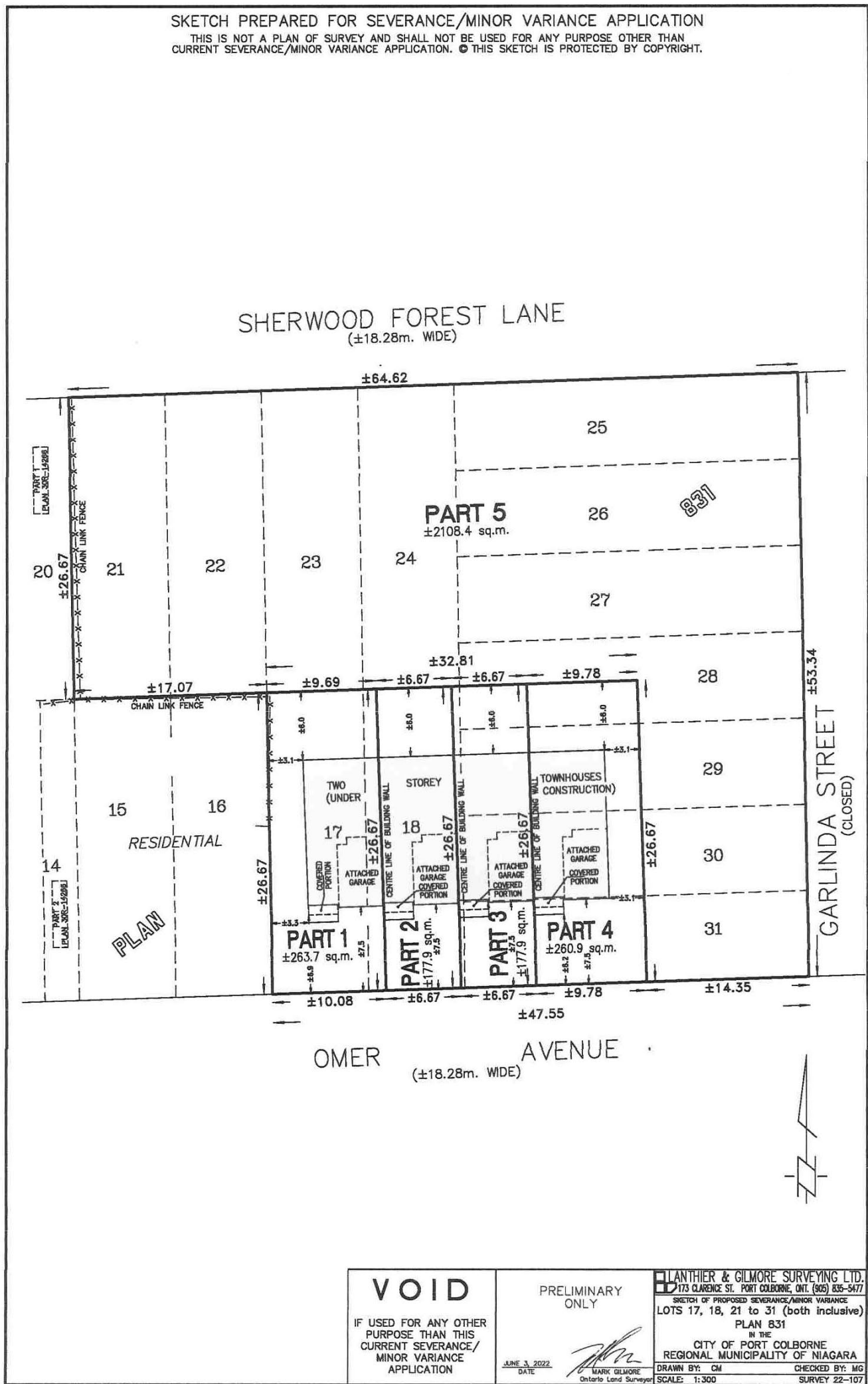
If you have any questions about the submission process or would like to explore alternative submission methods, please email Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.

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 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 pre-consult with City, Regional and, if necessary, Provincial planning agencies before submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement.

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

Decisions of the Committee are made in public.

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

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

APPLICATION FEES

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

REGIONAL REVIEW AND APPROVAL FEES

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

APPLICATION FORM AND SKETCH

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

NOTICE REQUIREMENTS

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

APPLICATIONS REQUIRED

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

PLEASE TYPE OR USE BLACK INK

1. OWNER

1.1 Registered Owner(s): 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 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: _____

Fax: _____ Email: _____

1.4 MORTGAGES, Charges and other Encumbrances:

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

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

1.6 Owner's ONTARIO LAND SURVEYOR (if any): Lanthier & Gilmore Surveying Ltd.

Mailing Address: 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:

Owner _____ Solicitor X Agent _____

2. LOCATION:

Former Municipality Humberstone

Concession No. _____ Lot(s) 17, PT 18 Registered Plan No. 831 Lot(s) _____

Reference Plan No. _____ Part(s) _____

Name of Street Omer Avenue Street No. _____

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> Creation of New Lot | <input type="checkbox"/> Disposal of Surplus Farm Dwelling |
| <input type="checkbox"/> Addition to Lot | <input type="checkbox"/> Farm Retirement Lot |
| <input type="checkbox"/> Mortgage or Charge | <input type="checkbox"/> Partial Discharge of Mortgage |
| <input type="checkbox"/> Lease | <input type="checkbox"/> Right-of-way |
| <input type="checkbox"/> Easement _____ | |

Reason for proposed transaction:

Create 1 of 4 Freehold Townhouses

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

N/A

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

Owner Built

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 Residential

Regional Policy Plan Built-up Area

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

Fourth Density Residential Zone (R4)

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

Yes ☒ No ☐

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

Yes ☐ No ☒

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

5. Type of ACCESS

Provincial Highway _____

Regional Road _____

Municipal Road maintained all year ☒

Other Public Road _____

Municipal Road maintained seasonally _____

Right-of-Way _____

Water Access _____

Private Road _____

6. What type of WATER SUPPLY is proposed?

Publicly owned and operated piped water supply X

Lake

Well (private or communal)

Other (specify)

7. What type of SEWAGE DISPOSAL is proposed?

Publicly owned and operated sanitary sewage system X

Septic system (private or communal)

Other (specify)

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

Publicly owned and operated storm water system X

Other (specify)

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

Part No. on sketch 1

Frontage 10.08 m Depth 26.67 m Area 263.7 sq m

Existing Use Vacant Residential Land Proposed Use Townhouses (4)

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: One (1) of our (4) Townhouses under construction

Proposed: One (1) of our (4) Townhouses

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

Part No. on sketch 5

Frontage 14.46 m Depth 53.34 m Area 2108.04 sq m

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

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

Yes No X Unknown

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

File Number N/A

Decision

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

Yes No X

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

Grantee's (Purchaser's) name

Land Use on severed parcel

Date parcel transferred

Consent file number (if known) B

13. OTHER APPLICATIONS: None

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

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

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

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

14 ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

14.1 ALL EXISTING USE

Residential _____
Industrial _____
Commercial _____
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 there any buildings or structures on the subject land?

Yes X No X

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

Type of building or structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres and number of storeys)	Dimensions or floor area (in metres)	Date of Construction
Townhouse	6.9 m	6.0 m	3.3 m	0.0	9.0 m 2 Storeys	145 sq m	Under Const.

14.4 ALL PREVIOUS USE

Residential _____

Industrial _____

Commercial _____

Institutional _____

Agricultural _____

Parkland _____

Vacant X

Other _____

14.5 ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	<u> X </u>	<u> X </u>	<u> X </u>	<u> X </u>
Industrial	_____	_____	_____	_____
Commercial	_____	_____	_____	_____
Institutional	_____	_____	_____	_____
Agricultural	_____	_____	_____	_____
Parkland	_____	_____	_____	_____
Vacant	_____	_____	_____	_____
Other	_____			

14.6 If Industrial or Commercial, specify use

N/A _____

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ Unknown _____

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

Yes _____ No X _____ 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 X _____ 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 X _____ Unknown _____

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

Yes _____ No X _____ 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 X _____ 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 X _____ 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 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

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

Date July 12 2022 Signature of Owner _____

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

Yes _____ No X _____ Unknown _____

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

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 _____ No X _____

NIAGARA PENINSULA CONSERVATION AUTHORITY

PRESCREENING CRITERIA

1. Is there land on the property identified in the Official Plan and/or Zoning by-law as "hazard lands"?
Yes _____ No X Unknown _____
2. Is there a watercourse or municipal drain on the property or within 15 metres of the property?
Yes _____ No X Unknown _____
3. Is the property located on or within 30 metres of the Lake Erie shoreline?
Yes _____ No X Unknown _____
4. Is there a valley slope on the property?
Yes _____ No X Unknown _____
5. Is there known localized flooding or a marsh/bog area on or within 30 metres of the property?
Yes _____ No X Unknown _____

Date July 12 2022 Signature of Applicant(s) _____

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

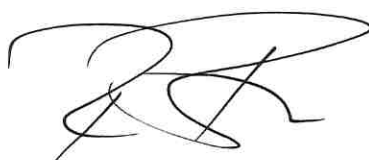
I/We Wesley Visser
of the City/Town/Township of Port Colborne
in the County/District/Regional Municipality of Niagara

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

DECLARED before me at the
City _____ of Port Colborne
in the Reg. Mun. of Niagara
This 12th day of July
A.D. 2022

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

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



A Commissioner, etc.

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

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application

Public Hearing Date

Adjourned Public Hearing Date

Checked for Completeness by

PROCESSING

Date

Accepted by Manager of Planning and Development Services:

Circulated:

Comments received;

Solicitor

Engineer

C.B.O.

Fire Chief

C. N. Power

Region

NPCA

MTO

MOE

Other

Notice of Public Meeting

Public Meeting

Committee Approval

Notice Given

Final Day for OMB Appeal

OMB Appeal _____

OMB Hearing _____

OMB Decision _____

Final Day to Satisfy Conditions _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Development Agreement Signed by Owner _____

Development Agreement Signed by Mayor and Clerk _____

Development Agreement sent to City Solicitor _____

Registration _____

Instrument No. _____

Final Approval _____

Application Revised August 2016

AUTHORIZATION

LOCATION OF SUBJECT LANDS:

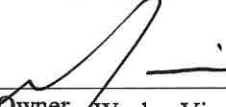
I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize
R. Brian Miller

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

Dated at the City _____ of Port Colborne _____
in the Reginal Municipality _____ of Niagara _____
this 12th day of July _____ 200_22



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

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

Information on Servicing, Lot Grading and Drainage

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

Information about the Building Code

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

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

For Concerns regarding Provincial Policy and Ministry responsibilities

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

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

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

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

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

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 30th, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9th, 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 200m² 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 19th, 2022 to internal City departments. As of September 9th, 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 263.7m²

Part 5: A lot frontage of 14.35m and a lot area of 2108m².

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 400m² of lot area is required where 2108m² 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 13th, 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,



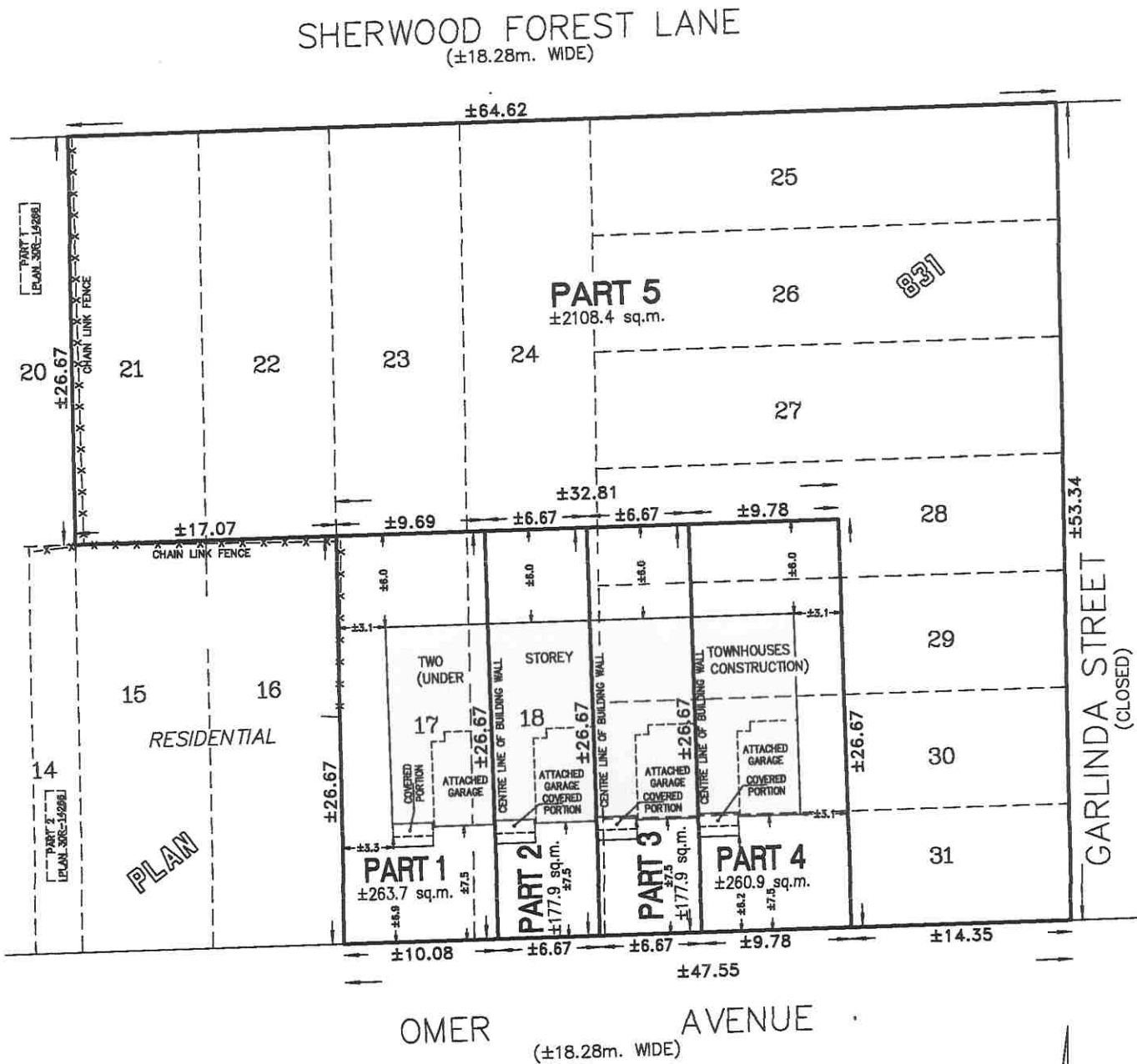
Chris Roome, BURPI
Planner

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.



VOID

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

PRELIMINARY
ONLY

JUNE 3, 2022
DATE

MARK GILMORE
Ontario Land Surveyor

LANTHIER & GILMORE SURVEYING LTD.
173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477
SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
LOTS 17, 18, 21 to 31 (both inclusive)
PLAN 831
IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
DRAWN BY: CM
CHECKED BY: MG
SCALE: 1:300
SURVEY 22-107



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE 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 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 <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 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.

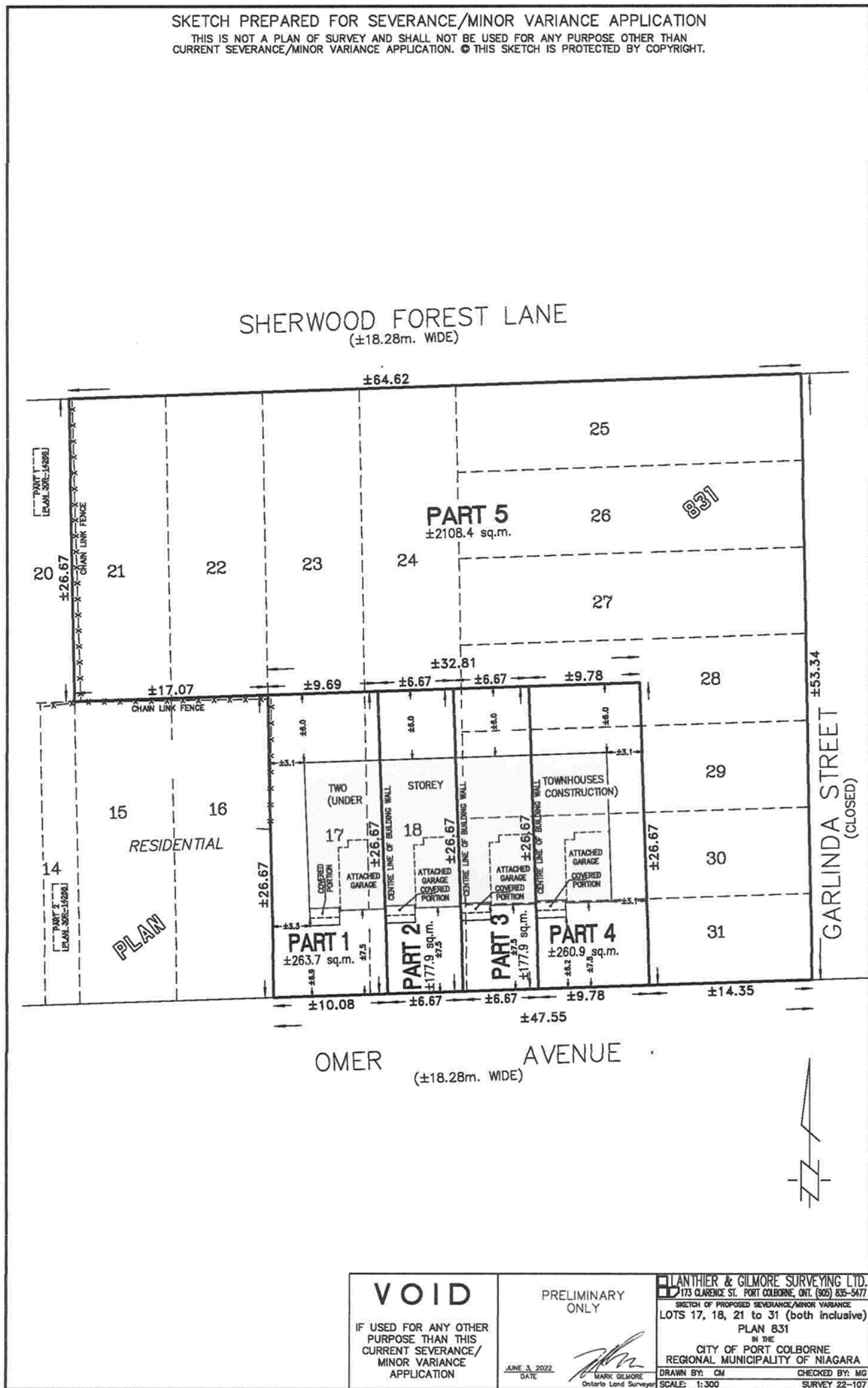
If you have any questions about the submission process or would like to explore alternative submission methods, please email Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.

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 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 pre-consult with City, Regional and, if necessary, Provincial planning agencies before submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement.

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

Decisions of the Committee are made in public.

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

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

APPLICATION FEES

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

REGIONAL REVIEW AND APPROVAL FEES

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

APPLICATION FORM AND SKETCH

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

NOTICE REQUIREMENTS

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

APPLICATIONS REQUIRED

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

PLEASE TYPE OR USE BLACK INK

1. OWNER

1.1 Registered Owner(s): 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 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: _____

Fax: _____ Email: _____

1.4 MORTGAGES, Charges and other Encumbrances:

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

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

1.6 Owner's ONTARIO LAND SURVEYOR (if any): Lanthier & Gilmore Surveying Ltd.

Mailing Address: 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:

Owner _____ Solicitor X Agent _____

2. LOCATION:

Former Municipality Humberstone

Concession No. _____ Lot(s) 17, PT 18 Registered Plan No. 831 Lot(s) _____

Reference Plan No. _____ Part(s) _____

Name of Street Omer Avenue Street No. _____

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

- ☒ Creation of New Lot

☐ Disposal of Surplus Farm Dwelling
- ☐ Addition to Lot

☐ Farm Retirement Lot
- ☐ Mortgage or Charge

☐ Partial Discharge of Mortgage
- ☐ Lease

☐ Right-of-way
- ☐ Easement

Reason for proposed transaction:

Create 1 of 4 Freehold Townhouses

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

N/A

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

Owner Built

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 Residential

Regional Policy Plan Built-up Area

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

Fourth Density Residential Zone (R4)

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 X No

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

Yes No X

If "Yes" describe the easement or covenant 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

6. What type of WATER SUPPLY is proposed?

Publicly owned and operated piped water supply X

Lake _____

Well (private or communal) _____

Other (specify) _____

7. What type of SEWAGE DISPOSAL is proposed?

Publicly owned and operated sanitary sewage system X

Septic system (private or communal)_____

Other (specify) _____

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

Publicly owned and operated storm water system X

Other (specify) _____

9. DESCRIPTION OF PARCEL TO BE SEVERED (in metric units): Part No. on sketch 2

Frontage 6.67m Depth 25.17 m Area 177.9 sq m

Existing Use Vacant Residential Land Proposed Use Townhouses (4)

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: One (1) of our (4) Townhouses under construction

Proposed: One (1) of our (4) Townhouses

10. DESCRIPTION OF PARCEL TO BE RETAINED (in metric units): Part No. on sketch 5

Frontage	14.46 m	Depth	53.34 m	Area	2108.04 sq m
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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

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

Yes _____ No _____ X _____ Unknown _____

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

File Number	N/A
-------------	-----

Decision

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

Yes _____ No X

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

Grantee's (Purchaser's) name _____

Land Use on severed parcel _____
Date parcel transferred _____

Consent file number (if known) B

13. OTHER APPLICATIONS: None

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

Official Plan Amendment

Zoning By-law Amendment

Minor Variance

Plan of Subdivision

Consent

Site Plan

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

File number of the application N/A

Name of the approval authority considering the application

Lands affected by the application

Purpose of the application

Status of the application

Effect of the application on the proposed amendment

14 ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

14.1 ALL EXISTING USE

Residential

Industrial

Commercial

Institutional

Agricultural

Parkland

VacantX

Other

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

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

YesXNoX

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

Type of building or structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres and number of storeys)	Dimensions or floor area (in metres)	Date of Construction
Townhouse	6.2 m	6.0 m	0.0 m	0.0 m	9.0 m 2 Storeys	145 sq m	Under Const.

14.4 ALL PREVIOUS USE

Residential	_____
Industrial	_____
Commercial	_____
Institutional	_____
Agricultural	_____
Parkland	_____
Vacant	<u> X </u>
Other	_____

14.5 ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	<u> X </u>	<u> X </u>	<u> X </u>	<u> X </u>
Industrial	_____	_____	_____	_____
Commercial	_____	_____	_____	_____
Institutional	_____	_____	_____	_____
Agricultural	_____	_____	_____	_____
Parkland	_____	_____	_____	_____
Vacant	_____	_____	_____	_____
Other	_____			

14.6 If Industrial or Commercial, specify use

 N/A

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

Yes _____ No X Unknown _____

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

Yes _____ No X Unknown _____

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

Yes _____ No X 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 X 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 X Unknown _____

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

Yes _____ No X 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 X 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 X 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 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

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

Date July 12 2022 Signature of Owner _____

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

Yes _____ No X Unknown _____

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

 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 _____ No X

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

Date of Receipt of Completed Application _____

Public Hearing Date _____

Adjourned Public Hearing Date _____

Checked for Completeness by _____

PROCESSING

Date

Accepted by Manager of Planning and Development Services:	_____
Circulated:	_____
Comments received;	
Solicitor	_____
Engineer	_____
C.B.O.	_____
Fire Chief	_____
C. N. Power	_____
Region	_____
NPCA	_____
MTO	_____
MOE	_____
Other	_____
Notice of Public Meeting	_____
Public Meeting	_____
Committee Approval	_____
Notice Given	_____
Final Day for OMB Appeal	_____

OMB Appeal _____

OMB Hearing _____

OMB Decision _____

Final Day to Satisfy Conditions _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Development Agreement Signed by Owner _____

Development Agreement Signed by Mayor and Clerk _____

Development Agreement sent to City Solicitor _____

Registration _____

Instrument No. _____

Final Approval _____

AUTHORIZATION

LOCATION OF SUBJECT LANDS:

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

R. Brian Miller

of the _____ Town _____ of _____ Fort Erie _____

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


Dated at the _____ City _____ of _____ Port Colborne _____

in the _____ Reginal Municipality _____ of _____ Niagara _____

this _____ 12th _____ day of _____ July _____ 200_22



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

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

Information on Servicing, Lot Grading and Drainage

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

Information about the Building Code

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

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

- AND -

For Concerns regarding Provincial Policy and Ministry responsibilities

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

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

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

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

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

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 30th, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on August 30th, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9th, 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 200m² 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 177.9m²

Part 5: A lot frontage of 14.35m and a lot area of 2108m².

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 400m² of lot area is required where 2108m² 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 13th, 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,



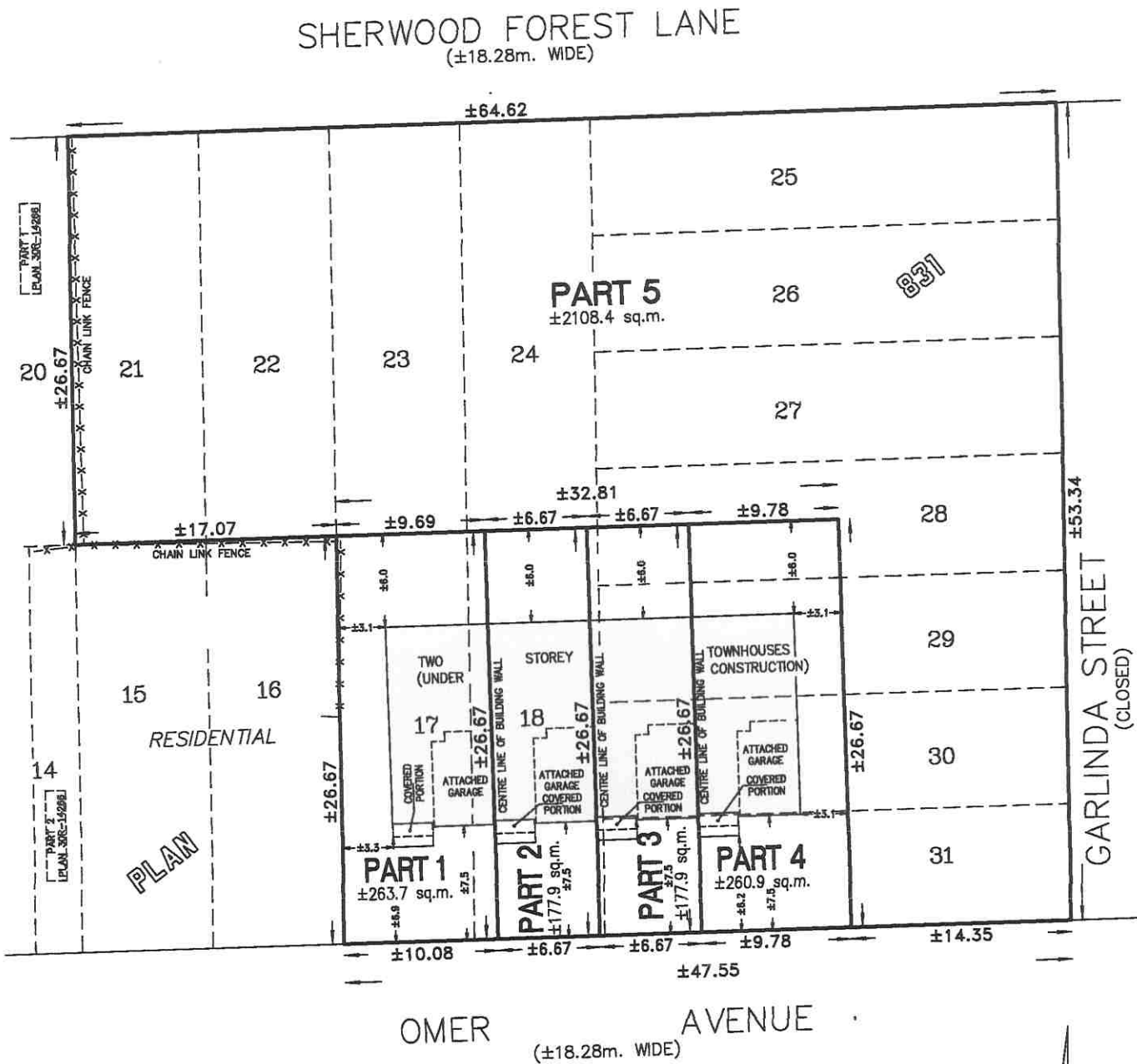
Chris Roome, BURPI
Planner

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.



VOID

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

PRELIMINARY
ONLY

JUNE 3, 2022
DATE

MARK GILMORE
Ontario Land Surveyor

LANTHIER & GILMORE SURVEYING LTD.
173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477
SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
LOTS 17, 18, 21 to 31 (both inclusive)
PLAN 831
IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
DRAWN BY: CM
CHECKED BY: MG
SCALE: 1:300
SURVEY 22-107

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 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 <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 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.

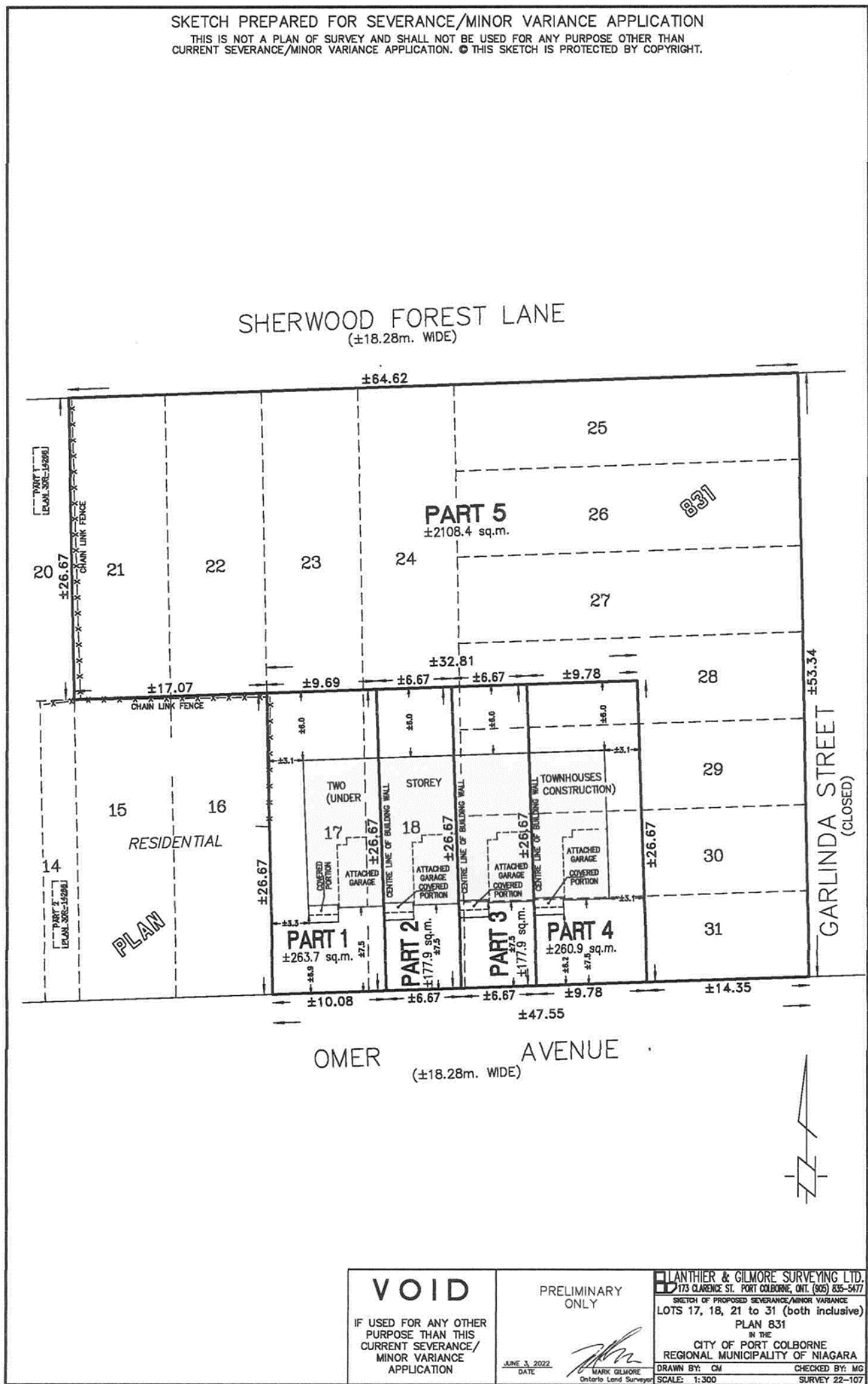
If you have any questions about the submission process or would like to explore alternative submission methods, please email Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.

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 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 pre-consult with City, Regional and, if necessary, Provincial planning agencies before submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement.

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

Decisions of the Committee are made in public.

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

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

APPLICATION FEES

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

REGIONAL REVIEW AND APPROVAL FEES

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

APPLICATION FORM AND SKETCH

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

NOTICE REQUIREMENTS

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

APPLICATIONS REQUIRED

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

PLEASE TYPE OR USE BLACK INK

1. OWNER

1.1 Registered Owner(s): 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 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: _____

Fax: _____ Email: _____

1.4 MORTGAGES, Charges and other Encumbrances:

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

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

1.6 Owner's ONTARIO LAND SURVEYOR (if any): Lanthier & Gilmore Surveying Ltd.

Mailing Address: 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:

Owner _____ Solicitor X Agent _____

2. LOCATION:

Former Municipality Humberstone

Concession No. _____ Lot(s) 17, PT 18 Registered Plan No. 831 Lot(s) _____

Reference Plan No. _____ Part(s) _____

Name of Street Omer Avenue Street No. _____

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> Creation of New Lot | <input type="checkbox"/> Disposal of Surplus Farm Dwelling |
| <input type="checkbox"/> Addition to Lot | <input type="checkbox"/> Farm Retirement Lot |
| <input type="checkbox"/> Mortgage or Charge | <input type="checkbox"/> Partial Discharge of Mortgage |
| <input type="checkbox"/> Lease | <input type="checkbox"/> Right-of-way |
| <input type="checkbox"/> Easement _____ | |

Reason for proposed transaction:

Create 1 of 4 Freehold Townhouses

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

N/A

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

Owner Built

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 Residential

Regional Policy Plan Built-up Area

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

Fourth Density Residential Zone (R4)

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 X No _____

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

Yes _____ No X

If "Yes" describe the easement or covenant 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 _____

6. What type of WATER SUPPLY is proposed?

Publicly owned and operated piped water supply X

Lake _____

Well (private or communal) _____

Other (specify) _____

7. What type of SEWAGE DISPOSAL is proposed?

Publicly owned and operated sanitary sewage system X

Septic system (private or communal) _____

Other (specify) _____

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

Publicly owned and operated storm water system X

Other (specify) _____

9. DESCRIPTION OF PARCEL TO BE SEVERED (in metric units): Part No. on sketch 3

Frontage 6.67m Depth 25.17 m Area 177.9 sq m

Existing Use Vacant Residential Land Proposed Use Townhouses (4)

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: One (1) of our (4) Townhouses under construction

Proposed: One (1) of our (4) Townhouses

10. DESCRIPTION OF PARCEL TO BE RETAINED (in metric units): Part No. on sketch 5

Frontage	14.46 m	Depth	53.34 m	Area	2108.04 sq m
----------	---------	-------	---------	------	--------------

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

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

Yes _____ No _____ X _____ Unknown _____

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

File Number	N/A
-------------	-----

Decision

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

Yes _____ No **X**

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

Grantee's (Purchaser's) name _____

Land Use on severed parcel _____

Date parcel transferred _____

Consent file number (if known) B

14.4 ALL PREVIOUS USE

Residential	_____
Industrial	_____
Commercial	_____
Institutional	_____
Agricultural	_____
Parkland	_____
Vacant	<u> X </u>
Other	_____

14.5 ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	<u> X </u>	<u> X </u>	<u> X </u>	<u> X </u>
Industrial	_____	_____	_____	_____
Commercial	_____	_____	_____	_____
Institutional	_____	_____	_____	_____
Agricultural	_____	_____	_____	_____
Parkland	_____	_____	_____	_____
Vacant	_____	_____	_____	_____
Other	_____	_____	_____	_____

14.6 If Industrial or Commercial, specify use

 N/A

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

Yes _____ No X Unknown _____

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

Yes _____ No X Unknown _____

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

Yes _____ No X 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 X 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 X Unknown _____

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

Yes _____ No X 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 X 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 X _____ 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 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

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

Date July 12 2022 Signature of Owner _____

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

Yes _____ No X _____ Unknown _____

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

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 _____ No X _____

NIAGARA PENINSULA CONSERVATION AUTHORITY

PRESCREENING CRITERIA

1. Is there land on the property identified in the Official Plan and/or Zoning by-law as "hazard lands"?
Yes _____ No X Unknown _____
2. Is there a watercourse or municipal drain on the property or within 15 metres of the property?
Yes _____ No X Unknown _____
3. Is the property located on or within 30 metres of the Lake Erie shoreline?
Yes _____ No X Unknown _____
4. Is there a valley slope on the property?
Yes _____ No X Unknown _____
5. Is there known localized flooding or a marsh/bog area on or within 30 metres of the property?
Yes _____ No X Unknown _____

Date July 12 2022 Signature of Applicant(s) _____

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

I/We Wesley Visser
of the City/Town/Township of Port Colborne
in the County/District/Regional Municipality of Niagara

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

DECLARED before me at the

City _____ of Port Colborne

in the Reg. Mun. of Niagara

This 12th day of July

A.D. 2022

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

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

A Commissioner, etc.

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

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application

Public Hearing Date

Adjourned Public Hearing Date

Checked for Completeness by

PROCESSING

Date

Accepted by Manager of Planning and Development Services:

Circulated:

Comments received;

Solicitor

Engineer

C.B.O.

Fire Chief

C. N. Power

Region

NPCA

MTO

MOE

Other

Notice of Public Meeting

Public Meeting

Committee Approval

Notice Given

Final Day for OMB Appeal

OMB Appeal _____

OMB Hearing _____

OMB Decision _____

Final Day to Satisfy Conditions _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Development Agreement Signed by Owner _____

Development Agreement Signed by Mayor and Clerk _____

Development Agreement sent to City Solicitor _____

Registration _____

Instrument No. _____

Final Approval _____

Application Revised August 2016

AUTHORIZATION

LOCATION OF SUBJECT LANDS:

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

R. Brian Miller

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

Dated at the City of Port Colborne
in the Reginal Municipality of Niagara
this 12th day of July 200_22

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

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

Information on Servicing, Lot Grading and Drainage

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

Information about the Building Code

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

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

- AND -

For Concerns regarding Provincial Policy and Ministry responsibilities

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

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

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

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

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

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 30th, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9th, 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 200m² 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 19th, 2022 to internal City departments. As of September 9th, 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 177.9m²

Part 5: A lot frontage of 14.35m and a lot area of 2108m².

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 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 400m² of lot area is required where 2108m² 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 13th, 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,



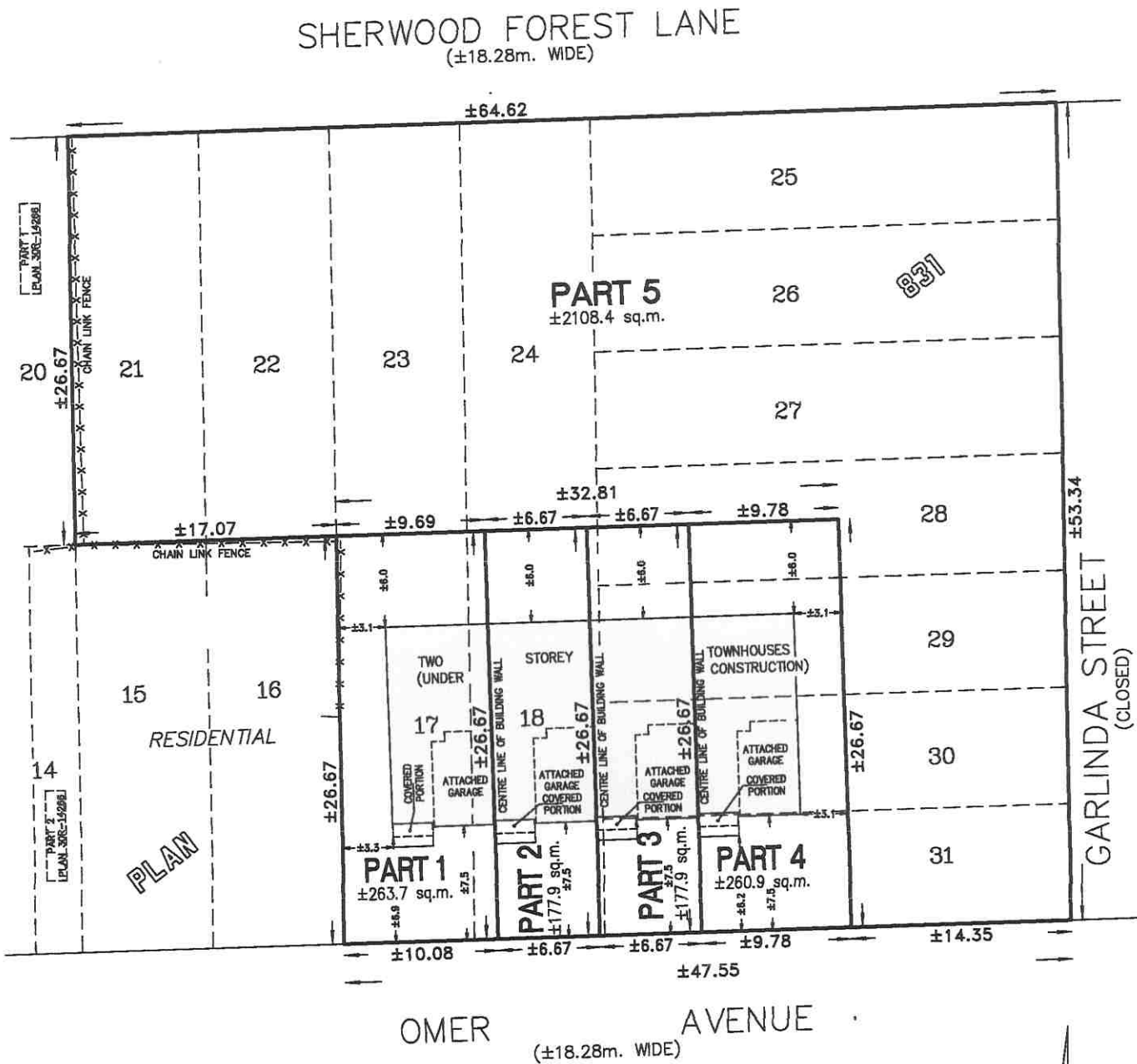
Chris Roome, BURPI
Planner

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.



VOID

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

PRELIMINARY
ONLY

JUNE 3, 2022
DATE

MARK GILMORE
Ontario Land Surveyor

LANTHIER & GILMORE SURVEYING LTD.
173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477
SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
LOTS 17, 18, 21 to 31 (both inclusive)
PLAN 831
IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
DRAWN BY: CM
CHECKED BY: MG
SCALE: 1:300
SURVEY 22-107

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 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 <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 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.

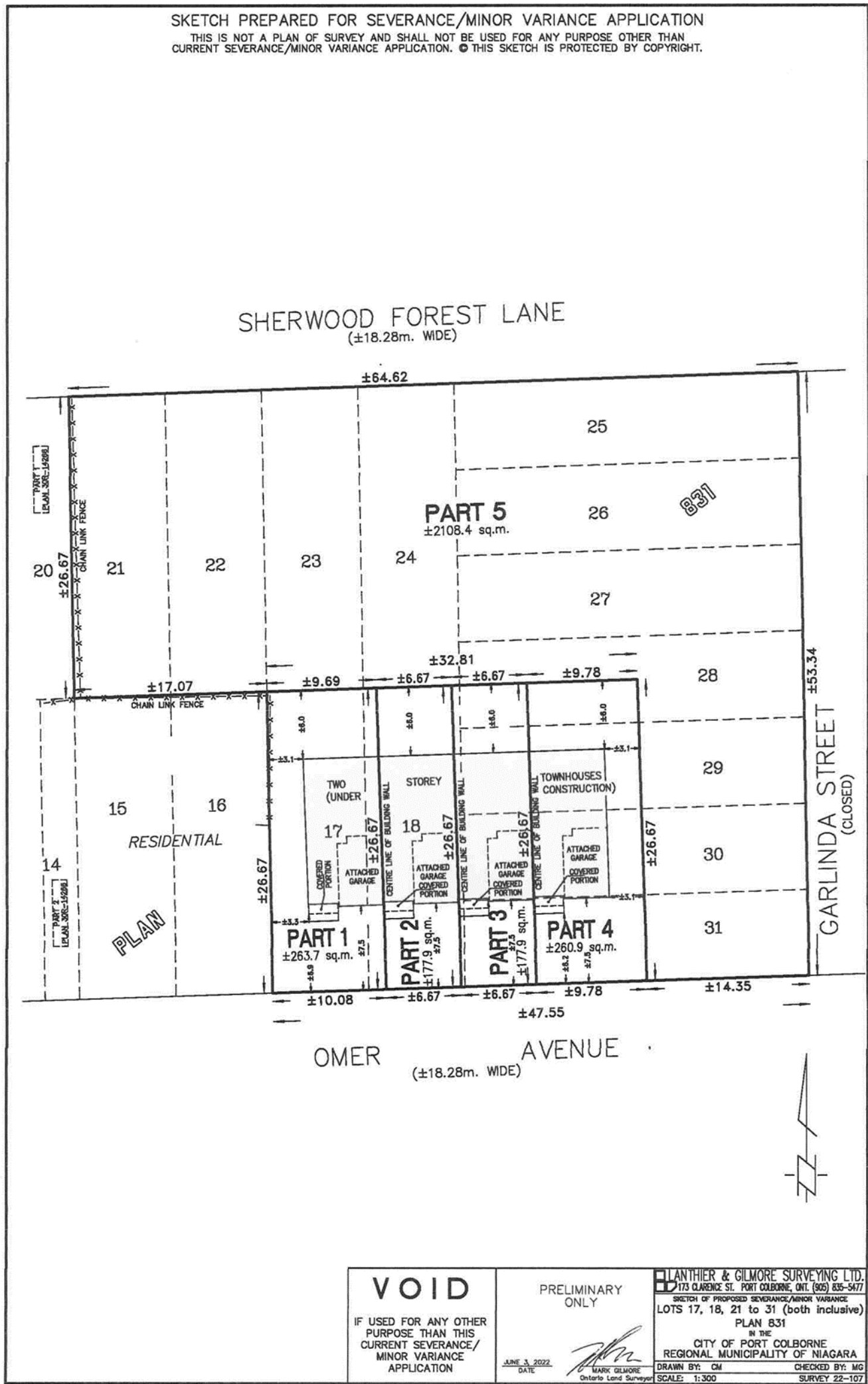
If you have any questions about the submission process or would like to explore alternative submission methods, please email Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.

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 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 pre-consult with City, Regional and, if necessary, Provincial planning agencies before submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement.

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

Decisions of the Committee are made in public.

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

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

APPLICATION FEES

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

REGIONAL REVIEW AND APPROVAL FEES

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

APPLICATION FORM AND SKETCH

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

NOTICE REQUIREMENTS

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

APPLICATIONS REQUIRED

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

PLEASE TYPE OR USE BLACK INK

1. OWNER

1.1 Registered Owner(s): 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 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: _____

Fax: _____ Email: _____

1.4 MORTGAGES, Charges and other Encumbrances:

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

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

1.6 Owner's ONTARIO LAND SURVEYOR (if any): Lanthier & Gilmore Surveying Ltd.

Mailing Address: 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:

Owner _____ Solicitor X Agent _____

2. LOCATION:

Former Municipality Humberstone

Concession No. _____ Lot(s) 17, PT 18 Registered Plan No. 831 Lot(s) _____

Reference Plan No. _____ Part(s) _____

Name of Street Omer Avenue Street No. _____

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

- ☒ Creation of New Lot

☐ Addition to Lot

☐ Mortgage or Charge

☐ Lease

☐ Easement
- ☐ Disposal of Surplus Farm Dwelling

☐ Farm Retirement Lot

☐ Partial Discharge of Mortgage

☐ Right-of-way

Reason for proposed transaction:

Create 1 of 4 Freehold Townhouses

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

N/A

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

Owner Built

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 Residential

Regional Policy Plan Built-up Area

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

Fourth Density Residential Zone (R4)

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 X No

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

Yes No X

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

5. Type of ACCESS

- Provincial Highway

Regional Road

Municipal Road maintained all year

Other Public Road

Municipal Road maintained seasonally

Right-of-Way

Water Access

Private Road
- X

6. What type of WATER SUPPLY is proposed?
- Publicly owned and operated piped water supply X
- Lake _____
- Well (private or communal) _____
- Other (specify) _____
7. What type of SEWAGE DISPOSAL is proposed?
- Publicly owned and operated sanitary sewage system X
- Septic system (private or communal) _____
- Other (specify) _____
8. What type of STORMWATER DISPOSAL is proposed? (Check appropriate space)
- Publicly owned and operated storm water system X
- Other (specify) _____
9. 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 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: One (1) of our (4) Townhouses under construction
- Proposed: One (1) of our (4) Townhouses
10. DESCRIPTION OF PARCEL TO BE RETAINED (in metric units): Part No. on sketch 5
- Frontage 14.46 m Depth 53.34 m Area 2108.04 sq m
- 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
11. Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?
- Yes _____ No X Unknown _____
- If the answer is "Yes", please provide the following information:
- File Number N/A
- Decision _____
12. HAS ANY LAND BEEN SEVERED from the parcel originally acquired by the owner of the land?
- Yes _____ No X
- If the answer is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:
- Grantee's (Purchaser's) name _____
- Land Use on severed parcel _____
- Date parcel transferred _____
- Consent file number (if known) B

13. OTHER APPLICATIONS: None

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

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

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

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

14 ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

14.1 ALL EXISTING USE

Residential _____
Industrial _____
Commercial _____
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 there any buildings or structures on the subject land?

Yes X No X

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

Type of building or structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres and number of storeys)	Dimensions or floor area (in metres)	Date of Construction
Townhouse	6.2 m	6.0 m	3.1 m	0.0	9.0m 2 Storeys	145 sq m	Under Const.

14.4 ALL PREVIOUS USE

Residential	_____
Industrial	_____
Commercial	_____
Institutional	_____
Agricultural	_____
Parkland	_____
Vacant	<u> X </u>
Other	_____

14.5 ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	<u> X </u>	<u> X </u>	<u> X </u>	<u> X </u>
Industrial	_____	_____	_____	_____
Commercial	_____	_____	_____	_____
Institutional	_____	_____	_____	_____
Agricultural	_____	_____	_____	_____
Parkland	_____	_____	_____	_____
Vacant	_____	_____	_____	_____
Other	_____			

14.6 If Industrial or Commercial, specify use

 N/A

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

Yes _____ No X Unknown _____

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

Yes _____ No X Unknown _____

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

Yes _____ No X 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 X 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 X Unknown _____

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

Yes _____ No X 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 X 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 X _____ 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 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

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

Date July 12 2022 Signature of Owner _____

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

Yes _____ No X _____ Unknown _____

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

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 _____ No X _____

NIAGARA PENINSULA CONSERVATION AUTHORITY

PRESCREENING CRITERIA

1. Is there land on the property identified in the Official Plan and/or Zoning by-law as "hazard lands"?
Yes _____ No X Unknown _____
2. Is there a watercourse or municipal drain on the property or within 15 metres of the property?
Yes _____ No X Unknown _____
3. Is the property located on or within 30 metres of the Lake Erie shoreline?
Yes _____ No X Unknown _____
4. Is there a valley slope on the property?
Yes _____ No X Unknown _____
5. Is there known localized flooding or a marsh/bog area on or within 30 metres of the property?
Yes _____ No X Unknown _____

Date July 12 2022

Signature of Applicant(s) _____

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

I/We Wesley Visser

of the City/Town/Township of Port Colborne

in the County/District/Regional Municipality of Niagara

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

DECLARED before me at the

City _____ of Port Colborne

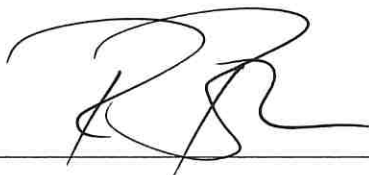
in the Reg. Mun. of Niagara

This 12th day of July

A.D. 2022

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

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



A Commissioner, etc.

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

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application

Public Hearing Date

Adjourned Public Hearing Date

Checked for Completeness by

PROCESSING

Date

Accepted by Manager of Planning and Development Services:

Circulated:

Comments received;

Solicitor

Engineer

C.B.O.

Fire Chief

C. N. Power

Region

NPCA

MTO

MOE

Other

Notice of Public Meeting

Public Meeting

Committee Approval

Notice Given

Final Day for OMB Appeal

OMB Appeal _____

OMB Hearing _____

OMB Decision _____

Final Day to Satisfy Conditions _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Development Agreement Signed by Owner _____

Development Agreement Signed by Mayor and Clerk _____

Development Agreement sent to City Solicitor _____

Registration _____

Instrument No. _____

Final Approval _____

AUTHORIZATION

LOCATION OF SUBJECT LANDS:

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

R. Brian Miller

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

Dated at the _____ City _____ of _____ Port Colborne _____
in the _____ Regional Municipality _____ of _____ Niagara _____
this _____ 12th _____ day of _____ July _____ 200_22

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

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

Information on Servicing, Lot Grading and Drainage

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

Information about the Building Code

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

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

- AND -

For Concerns regarding Provincial Policy and Ministry responsibilities

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

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

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

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

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

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 30th, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9th, 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 200m² 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 19th, 2022 to internal City departments. As of September 9th, 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 260.9m²

Part 5: A lot frontage of 14.35m and a lot area of 2108m².

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 400m² of lot area is required where 2108m² 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 13th, 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,



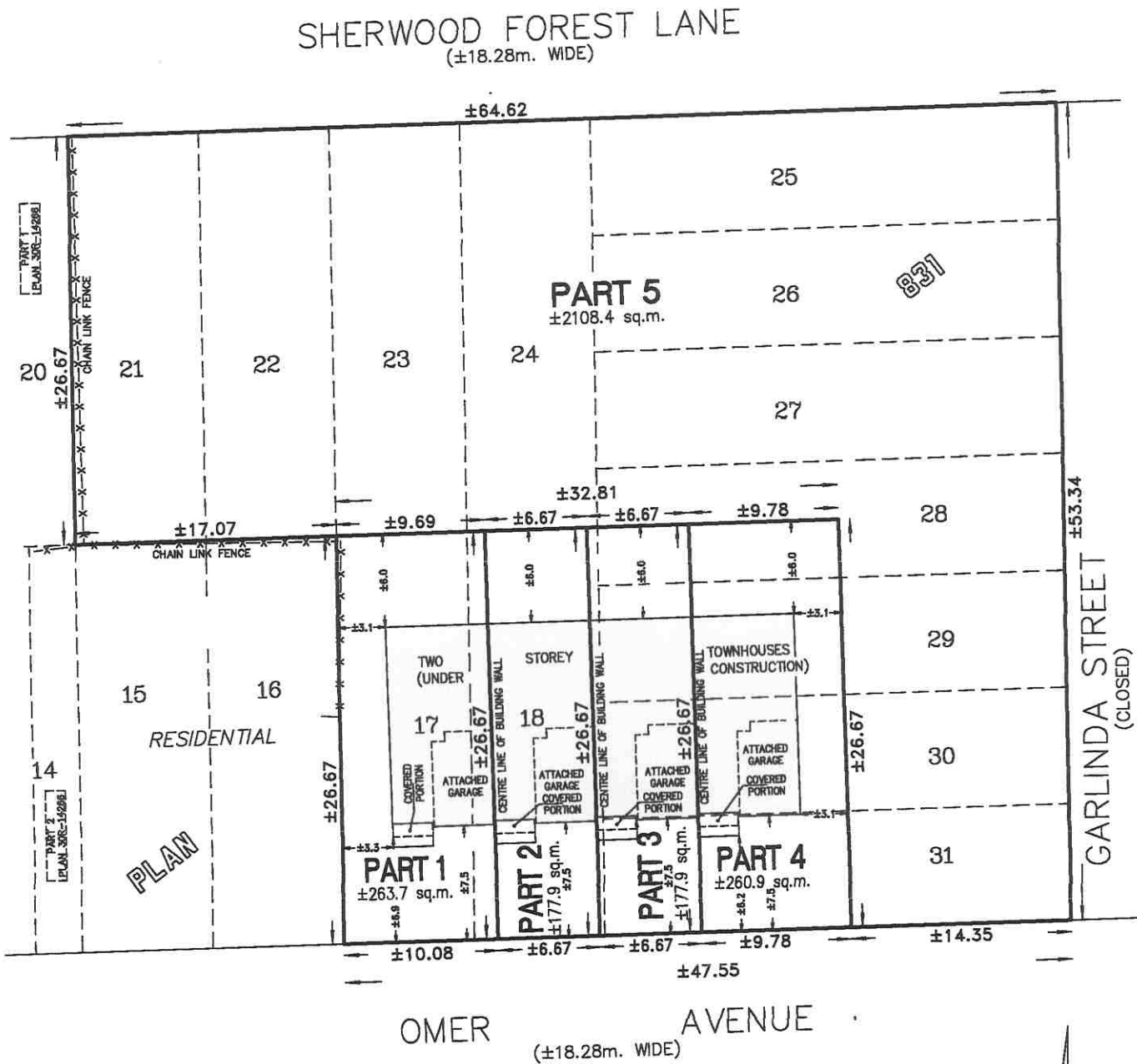
Chris Roome, BURPI
Planner

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.



VOID

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

PRELIMINARY
ONLY

JUNE 3, 2022
DATE

MARK GILMORE
Ontario Land Surveyor

LANTHIER & GILMORE SURVEYING LTD.
173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477
SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
LOTS 17, 18, 21 to 31 (both inclusive)
PLAN 831
IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
DRAWN BY: CM
CHECKED BY: MG
SCALE: 1:300
SURVEY 22-107



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

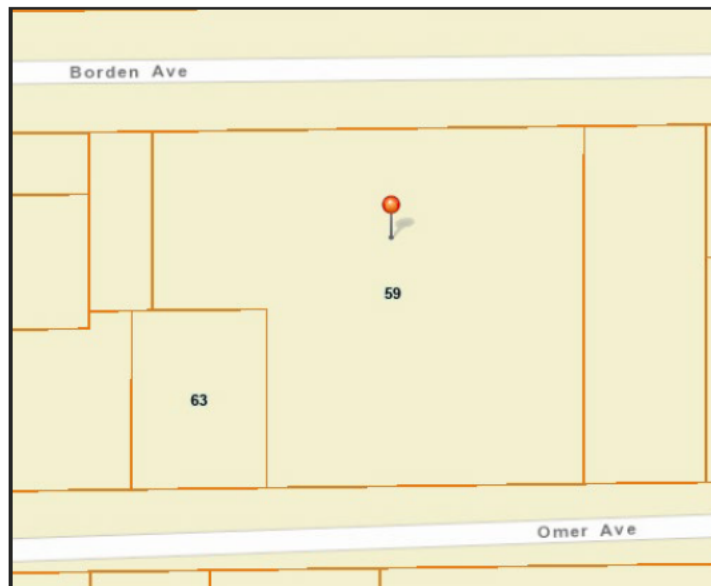
COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING MINOR VARIANCE APPLICATION

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 <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.

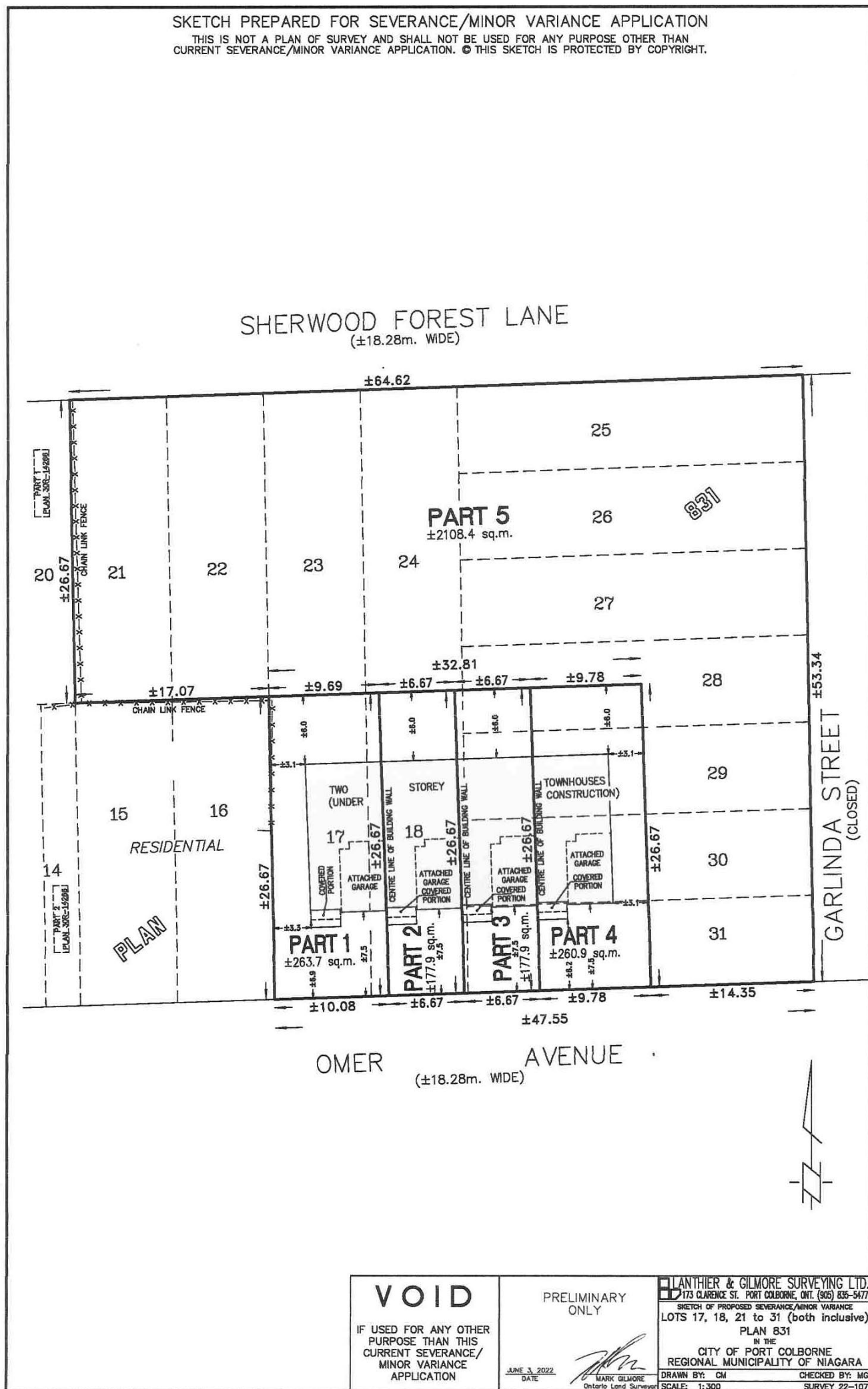
If you have any questions about the submission process or would like to explore alternative submission methods, please email Samantha.yeung@portcolborne.ca or call (905) 835-2900 ext. 204.

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





PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Wesley Visser	
Mailing Address: 2009 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 applicable)	
Name: -	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

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

1.5 Date and Subject Land was acquired by the Current Owner:
July 25, 2017

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Mark Gilmore OLS	
Mailing Address: 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:
<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Solicitor <input type="checkbox"/> Agent

Section 2: LOCATION

Former Municipality: Humberstone	
Concession No.	Lot(s): PT LT 18
Registered Plan No. 831	
Reference Plan No.	Part(s):
Name of Street: Omer Avenue	Street No. 59

Section 3: DESCRIPTION Part No. On Sketch: 2

Frontage: 9.78 ^{6.67} m	Depth: 26.67 m	Area: 177.9 sq m
Existing Use: Townhouse under construction		
Proposed Use: Freehold Townhouse		

Section 4: OFFICIAL PLAN & ZONING

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

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

Section 5

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

Section 6

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

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

Section 7

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

Section 8

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

Section 9

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

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
Reduction of lot area from 200 sq m to 177.9 m.

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

Section 11

WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
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, 2017

Section 13

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

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:
From the start of construction in 2021.

Section 15: OTHER APPLICATIONS

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

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

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

16.2 What is the length of time the existing use(s) of the land have continued?
Since acquired by the current owner in 2017.

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

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

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
Townhouse	6.2 m 7.5	6.0 m	0.00 m	0.0 m	9 m	145 sq m	Under Const.
					2 Storeys		

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

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

16.6 If Industrial or Commercial, specify use
N/A

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

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

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

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

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

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

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X

August 16, 2022

Date

X

Signature of Owner

Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-screening Criteria

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

17.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

X

August 16, 2022

Date

X

Signature of Applicant(s)

Please note:

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

I/We

Wesley Vasser

Of the City/Town/Township of

Port Colborne

In the County/District/Regional Municipality of

Niagara

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

DECLARED before me at the

CITY

Of

PORT COLBORNE

In the

REGION

of

NIAGARA

This

18th

day of

AUGUST

A.D 20

22

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

X

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

A Commissioner, etc.

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

Date: _____

Accepted by Manager of Planning and Development Services:
Circulated:

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

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

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

R. Brian Miller

(name of agent)

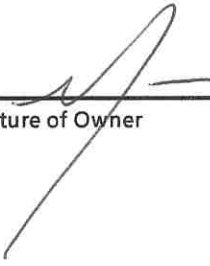
of the Town of Fort Erie

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

Dated at the City of Port Colborne
in the Regional Municipality of Niagara

this 16th day of August 2022

X 
Signature of Witness

X 
Signature of Owner

X
Signature of Witness

X
Signature of Owner

X
Signature of Witness

X
Signature of Owner

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

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

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

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 177.9m², 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 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 30th, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9th, 2022, no comments from the public have been received.

Agency Comments:

Notice of the application was circulated on August 19th, 2022 to internal City departments. As of September 9th, 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 accommodate 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,



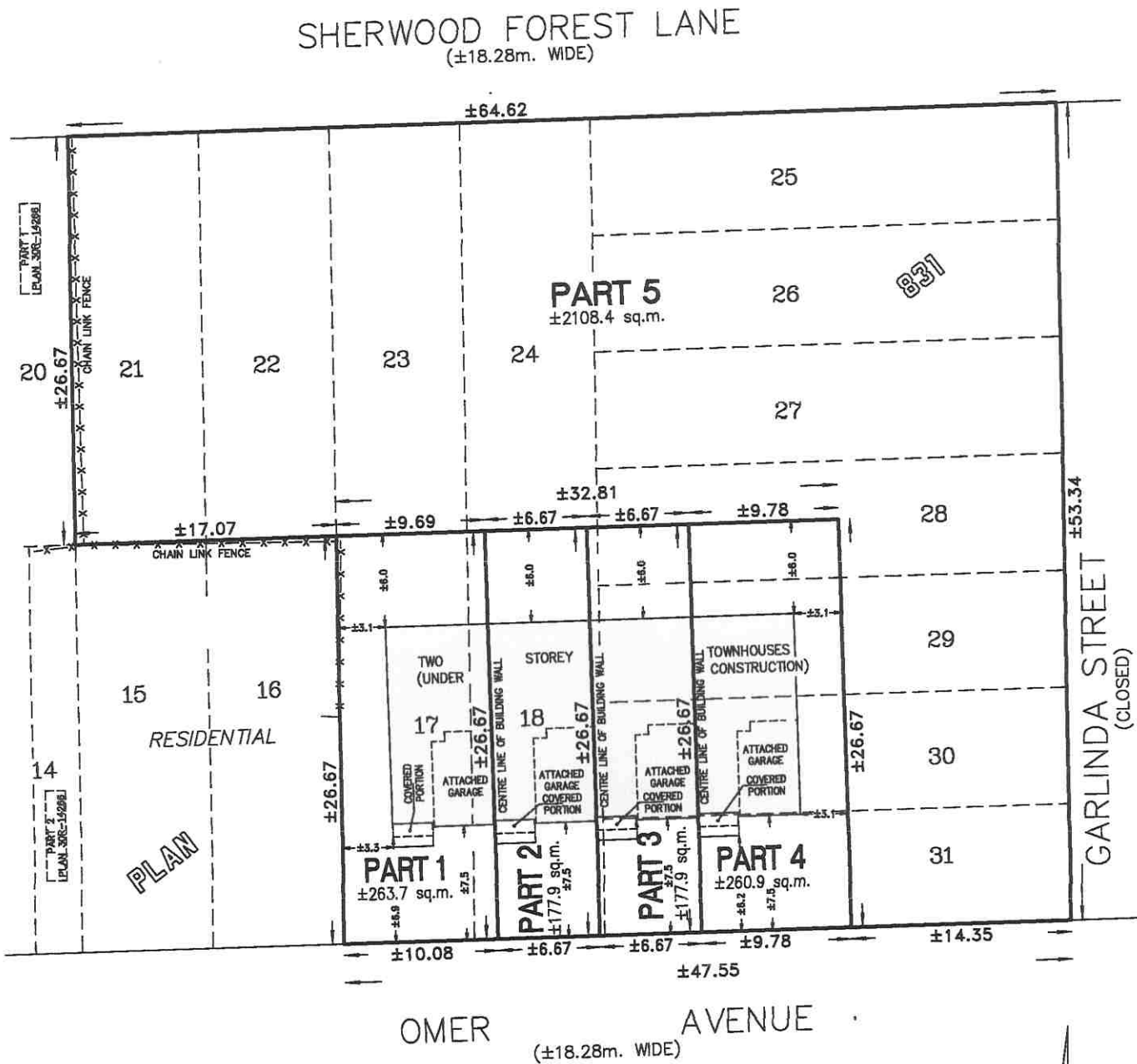
Chris Roome, BURPI
Planner

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.



VOID

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

PRELIMINARY
ONLY

JUNE 3, 2022
DATE

MARK GILMORE
Ontario Land Surveyor

LANTHIER & GILMORE SURVEYING LTD.
173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477
SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
LOTS 17, 18, 21 to 31 (both inclusive)
PLAN 831
IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
DRAWN BY: CM
CHECKED BY: MG
SCALE: 1:300
SURVEY 22-107



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

MINOR VARIANCE APPLICATION

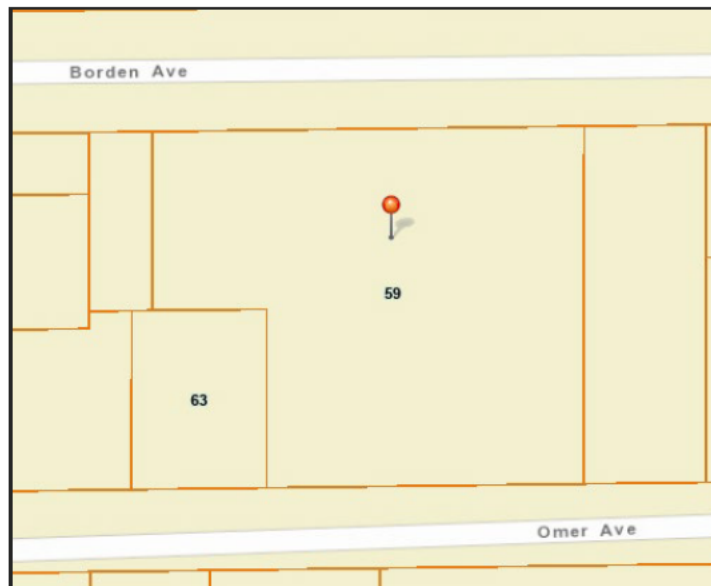
APPLICATION NO. A26-22-PC

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;



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 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
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=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.

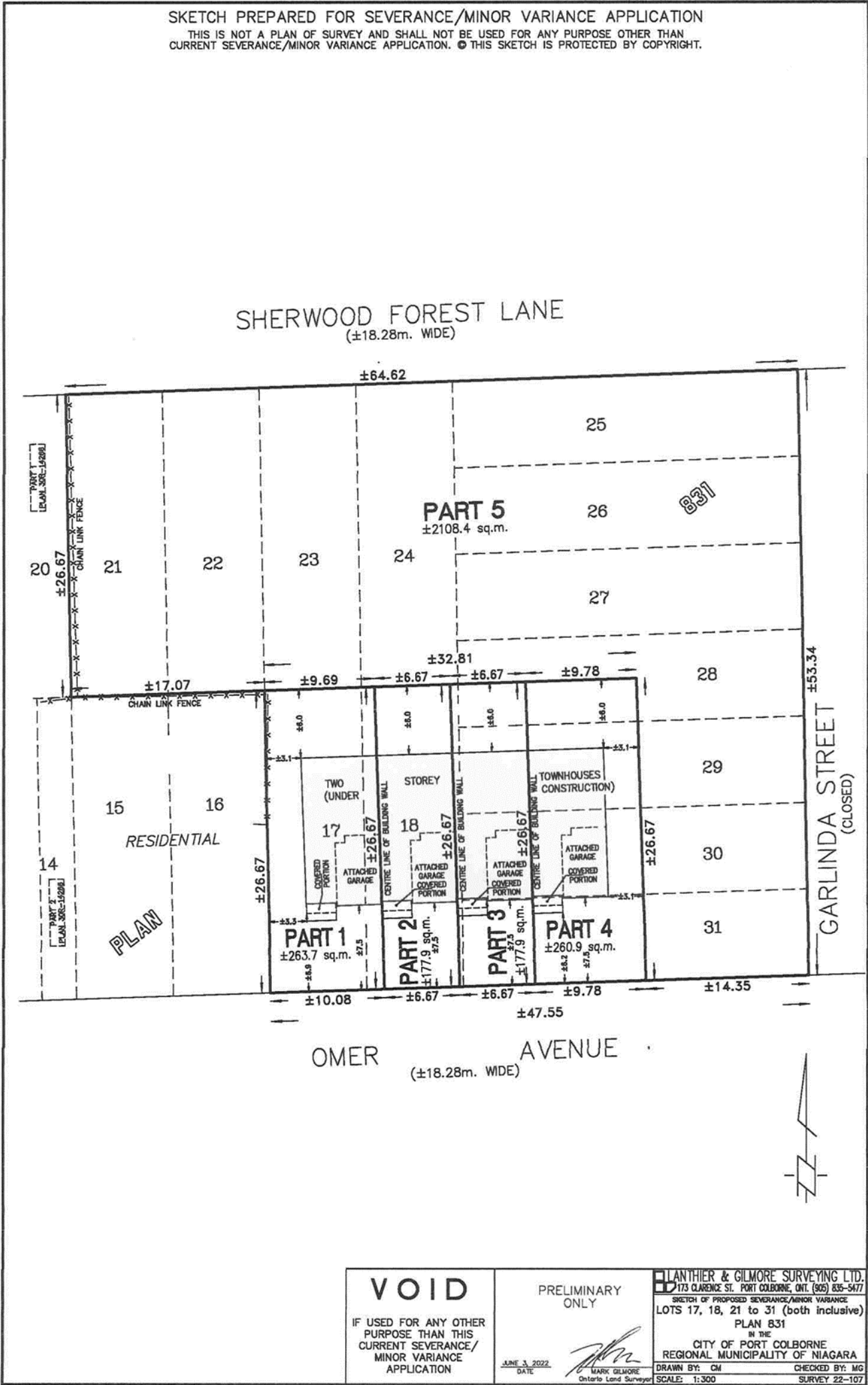
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

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





PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Wesley Visser	
Mailing Address: 2099 Hwy # 3 2309	
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: bmillerrb@rbmillerlaw.com

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

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

1.5 Date and Subject Land was acquired by the Current Owner:
July 25, 2017

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Mark Gilmore OLS	
Mailing Address: 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:
<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Solicitor <input type="checkbox"/> Agent

Section 2: LOCATION

Former Municipality: Humberstone	
Concession No.	Lot(s): PT 18, 29 - 31 inclusive
Registered Plan No. 831	
Reference Plan No.	Part(s):
Name of Street: Omer Avenue	Street No. 59

Section 3: DESCRIPTION

Part No. On Sketch: 3

Frontage: 9.78 ^{6.67} m	Depth: 26.67 m	Area: 177.9 sq m
Existing Use: Townhouse under construction		
Proposed Use: Freehold Townhouse		

Section 4: OFFICIAL PLAN & ZONING

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

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

Section 5

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

Section 6

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

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

Section 7

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

Section 8

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

Section 9

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

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
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?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No

Section 11

WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
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, 2017

Section 13

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

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:
From the start of construction in 2021.

Section 15: OTHER APPLICATIONS

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

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

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

16.2 What is the length of time the existing use(s) of the land have continued?
Since acquired by the current owner in 2017.

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

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

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
Townhouse	6.2 m 7.5	6.0 m	0.00 m	0.0 m	9 m	145 sq m	Under Const.
					2 Storeys		

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

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

16.6 If Industrial or Commercial, specify use
N/A

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

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

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

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

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

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

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

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

ACKNOWLEDGMENT CLAUSE

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

X

August 16, 2022

Date

X

Signature of Owner

Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY
Pre-screening Criteria

17.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as “hazard lands”?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

17.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

17.3 Is the property located on or within 30 metres of the Lake Erie shoreline?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

17.4 Is there a valley slope on the property?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

17.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

X August 16, 2022
Date

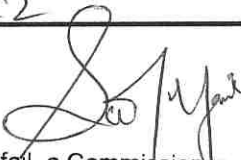
X
Signature of Applicant(s)

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

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

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

DECLARED before me at the
CITY of PORT COLBORNE
In the REGION of NIAGARA
This 18th day of AUGUST
A.D. 20 22


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

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

X

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

A Commissioner, etc.

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

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application:

Public hearing Date:

Adjourned Public Hearing Date:

Checked for completeness by:

Processing

Date: _____

Accepted by Manager of Planning and Development Services:

Circulated:

Comments Received:

Solicitor:

Engineer:

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

R. Brian Miller

(name of agent)

of the Town of Fort Erie

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

Dated at the City of Port Colborne

in the Regional Municipality of Niagara

this 16th day of August 2022

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

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

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

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

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 177.9m², 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 30th, 2022 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of September 9th, 2022, no comments from the public have been received.

Agency Comments:

Notice of the application was circulated on August 19th, 2022 to internal City departments. As of September 9th, 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 accommodate 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,



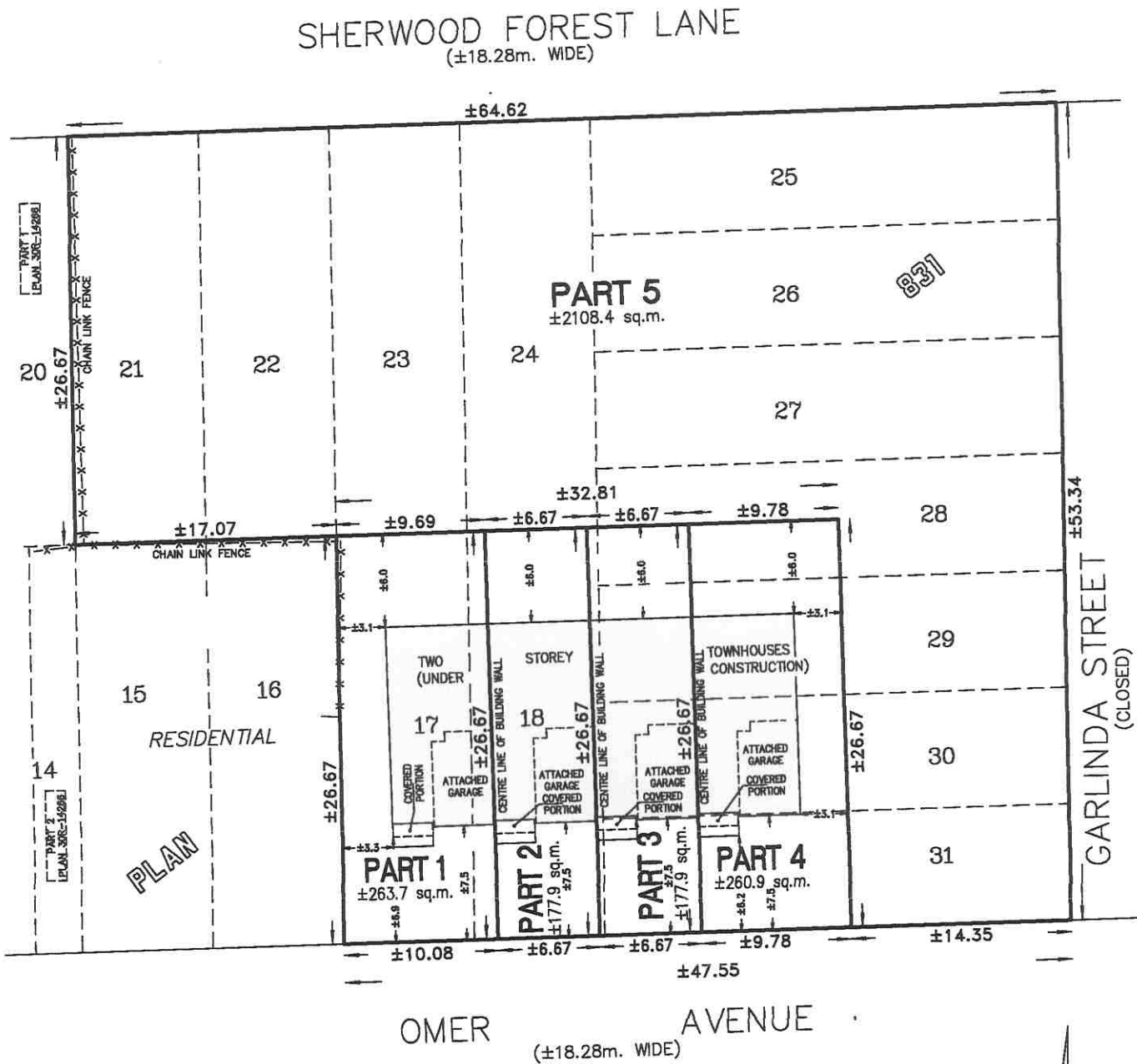
Chris Roome, BURPI
Planner

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.



VOID

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

PRELIMINARY
ONLY

JUNE 3, 2022
DATE

MARK GILMORE
Ontario Land Surveyor

LANTHIER & GILMORE SURVEYING LTD.
173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477
SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE
LOTS 17, 18, 21 to 31 (both inclusive)
PLAN 831
IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
DRAWN BY: CM
CHECKED BY: MG
SCALE: 1:300
SURVEY 22-107

Samantha Yeung

From: Colin Warner [REDACTED]
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?

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 re-notifying 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-PC**

iii) **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 5th, 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 10th, 2024.

Motion: Angie Desmarais

Seconded: Eric Beauregard

Carried: 4-0

- iv) **Application: B01-22-PC**
- v) **Application: B02-22-PC**
- vi) **Application: B03-22-PC**
- vii) **Application: A21-22-PC**

Action: Consent (x3) & Minor Variance
Agent: Eldon Dyson
Owners: Robert Williams
Location: Killaly 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 5th, 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, 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 5th, 2022:

1. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
2. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. That a final certification fee of \$216 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.
4. That the applicant registers an easement on the title over Part 1 and Part 2 on the submitted sketch, providing access to Part 3.
5. 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:

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

That consent application B03-22-PC be **granted** subject to the conditions outlined in the staff report dated August 5th, 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.
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: 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 13th, 2022, meetings were approved.

Motioned: Angie Desmarais
Carried: 4-0

Seconded: Gary Bruno

6. Adjournment

There being no further business, the meeting was adjourned at approximately 7:30 pm.