



CORPORATION OF THE CITY OF PORT COLBORNE

COMMITTEE OF ADJUSTMENT
-MEETING AGENDA-
6:00 P.M., Tuesday, January 12, 2020
Council Chambers (virtually)

1. Call Meeting to Order
2. Reading of Meeting Protocol
3. Disclosures of Interest
4. Request for Any Deferrals or Withdrawals of Applications
5. New Business
 - i) Application: B12-20-PC
Action: Consent
Agent: Julian Renaud
Owners: Jason Gale
Location: 5685 Michener Road
 - ii) Application: A01-21-PC
Action: Minor Variance
Agent: Dhulkifl Hassan
Owners: Upstate Realty Corporation
Location: 433 Sugarloaf St
 - iii) Application: A02-21-PC
Action: Minor Variance
Agent: Dhulkifl Hassan
Owners: Upstate Realty Corporation
Location: 433 Sugarloaf St
6. Other Business
 - i) Approval of revised Schedule
7. Approval of Minutes
 - i) December 8, 2020 Committee of Adjustment meeting
8. Adjournment



**CITY OF PORT COLBORNE
COMMITTEE OF ADJUSTMENT
66 Charlotte Street
Port Colborne, ON, L3K 3C8**

**COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR CONSENT \ LAND SEVERANCE**

APPLICATION NO. B12-20-PC

PLEASE BE ADVISED THIS NOTICE HAS BEEN REVISED TO ADJUST THE DATE OF THIS MEETING TO JANUARY 12, 2021.

IN THE MATTER OF the Planning Act, R.S.O., 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the vacant lands legally known as Part of Lot 1 on Concession 1, being Part 2 of Plan 59R-5691 on 5685 Michener Road, in the former municipality of Humberstone, now the City of Port Colborne, Regional Municipality of Niagara.

AND IN THE MATTER OF AN APPLICATION by the agent Julian Renaud, on behalf of the owner Jason Gale for a severance under Section 53(1) of the Planning Act, R.S.O. 1990, Chapter P. 13, so as to permit the conveyance of Part 1 having a lot frontage of 60.1m with a total lot area of 1 ha on Michener Road for a future residential use. Part 2 will retain a lot frontage of 129.5m on Michener Road with a total lot area of 21.9 ha for an existing residential use. A sketch of the subject lands is shown on the reverse side of this notice.

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

DATE: Tuesday, January 12, 2021
TIME: 6:00 P.M.
LOCATION: City of Port Colborne Council Chambers - Third Floor (virtual)
66 Charlotte Street, Port Colborne, Ontario

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 205 or email at chrisroome@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 January 8, 2020.

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

To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City's YouTube channel at <https://youtu.be/xHRBhSROeeE>.

Anyone wishing to participate in the meeting is asked to submit a written submission that will be circulated to Committee members prior to the meeting. Submissions must be received by noon on Monday, January 11, 2020 by emailing chrisroome@portcolborne.ca, or handwritten submissions can be submitted in 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 email chrisroome@portcolborne.ca or call 905-835-2900 ext. 205.

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

By order of the Committee of Adjustment,

**LEGAL NOTICE
ONTARIO REGULATION 197/96**

3. (13) 4: If a person or public body that files an appeal of a decision of the City of Port Colborne Committee of Adjustment in respect of the proposed consent does not make written submissions to the City of Port Colborne Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

3. (13) 5: If you wish to be notified of the decision of the City of Port Colborne Committee of Adjustment in respect to the proposed consent, you must make a written request to the City of Port Colborne Committee of Adjustment, 66 Charlotte Street, Port Colborne, Ontario, L3K 3C8.

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,

Chris Roome, Secretary-Treasurer
Committee of Adjustment, City Hall
66 Charlotte St
Port Colborne ON L3K 3C8
(905) 835-2900 x. 205
chrisroome@portcolborne.ca

Chris Roome
Secretary-Treasurer

Date of Mailing: December 16, 2020



CITY OF PORT COLBORNE

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

PLANNING AND DEVELOPMENT DEPARTMENT Planning Division

January 7, 2021

Secretary-Treasurer
Port Colborne Committee of Adjustment
c/o City of Port Colborne
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8

**Re: Application for Consent B12-20-PC
5685 Michener Road
Julian Renaud**

Planning staff has reviewed the referenced application and offer the following comments for your hearing on Tuesday, January 12, 2021.

PURPOSE

IN THE MATTER OF AN APPLICATION by the agent Julian Renaud, on behalf of the owner Jason Gale for a severance under Section 53(1) of the Planning Act, R.S.O. 1990, Chapter P. 13, so as to permit the conveyance of Part 1 having a lot frontage of 60.1m with a total lot area of 1 ha on Michener Road for a future residential use. Part 2 will retain a lot frontage of 129.5m on Michener Road with a total lot area of 21.9 ha for an existing residential use.

PUBLIC COMMENTS

Notice was circulated on December 16, 2020 and the following correspondence has been received as of the date of writing this report:

John and Virginia Scarlett (no address provided)

- Concerns with the drainage of the property. Lands in the area are heavy clay on rock and water has no where to go. Concerns regarding the drainage of the septic system as well.
- Requests the Drainage Superintendent be involved and provide input.
- Farm directly across the road has a livestock barn which requires additional setbacks.
- Requests the Committee reject the application.

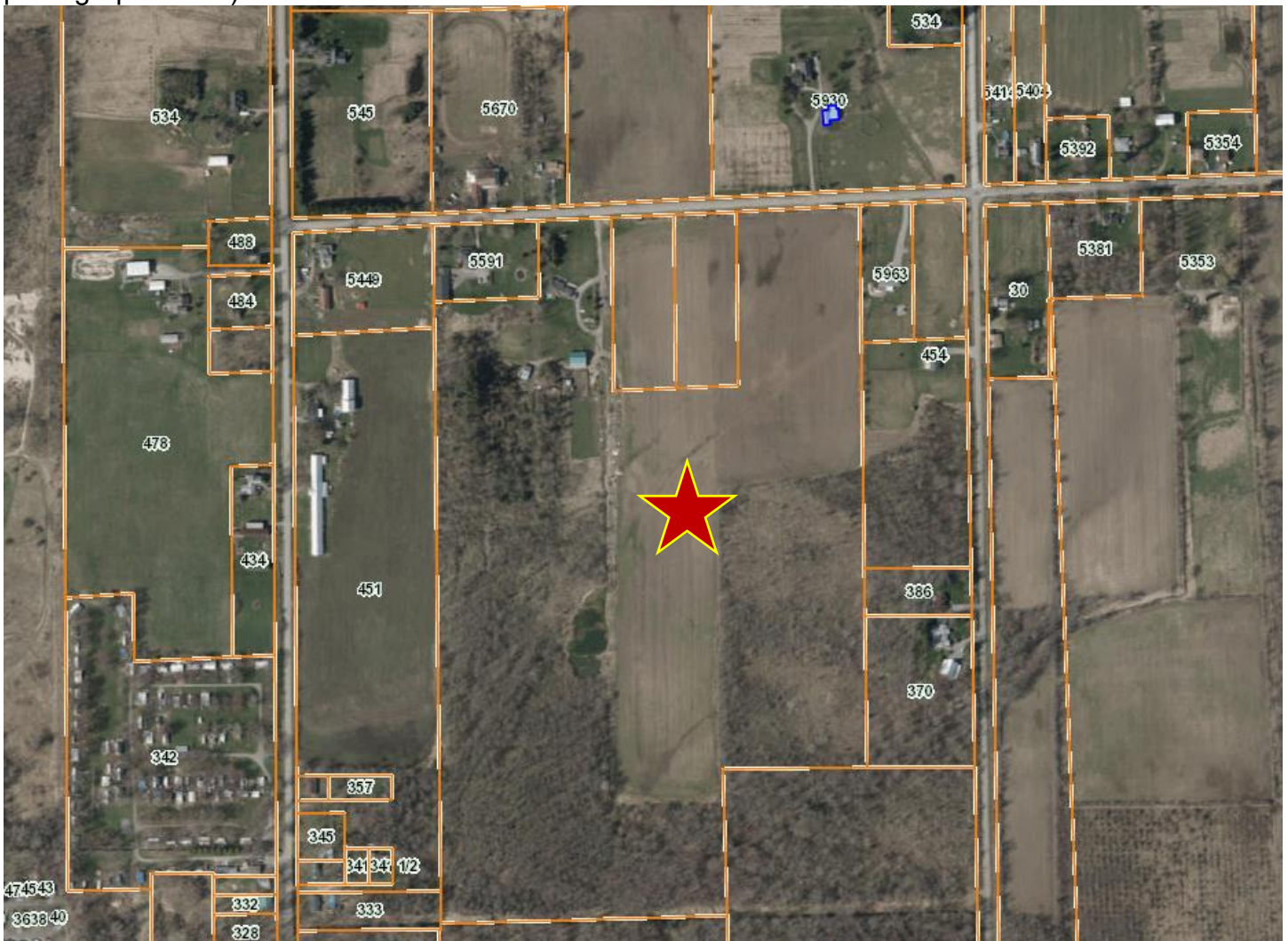
AGENCY COMMENTS

Notice was circulated to the required agencies and no correspondence has been received as of the date of writing this report.

PLANNING DIVISION COMMENTS

The applicant is proposing to sever Part 1 for the creation of a residential building lot. Part 2 will be retained for the existing residence and rural use. Staff would like to note that this consent application was applied for in 2017. At the time, Planning staff were supportive of the application and recommended approval subject to conditions, however, the Committee of Adjustment denied the application. The property has since changed ownership.

The surrounding neighbourhood is primarily low density rural dwellings with some agricultural uses. The proposed use of the new lots will be in keeping with the existing land use in the area (see aerial photograph below).



City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne's Official Plan designates the property as Rural. Land uses in the Rural designation shall include, but not be limited to; land uses permitted in the Agricultural designation; single-detached residential; natural heritage areas; parks and public open spaces; golf courses, conservation clubs, off-road trails and on-road bicycle routes;

veterinary establishments; commercial or industrial uses that serve or directly relate to agriculture and cannot be located in a Hamlet such as a nursery or farm produce sales establishment, research station, farm machinery sales or repair depot, roads maintenance depot, feed or saw mill and fertilizer or seed depot; and activities normally found in close proximity to a lakeshore area including docks, accessory boat storage buildings, navigation facilities and erosion control measures.

Policy 3.4.2 Intensification and Infill allows intensification to occur on lands designated Rural in accordance with the following:

a) New residential development created through severance shall only be for the purpose of creating up to three (3) lots between two (2) existing residential buildings such that:

i) The new lots can be adequately serviced by individual sanitary services and individual water services;

Staff notes that comments from the Niagara Region will indicate whether the new lot can be serviced through private sewage systems.

ii) The size of each lot is a minimum of one (1) hectare, excluding flood plain areas, fish habitat or other Natural Heritage features;

Staff notes that the new lot will be at least 1ha in size.

iii) Each new lot complies with the requirements of the Zoning By-law as in force and effect at the day of approval of this Plan; and

This will be examined in the zoning by-law section below.

iv) Each new lot complies with the Minimum Distance Separation Formulae, as required.

Staff has reviewed nearby livestock facilities and note there are no further MDS considerations for this application. A minor variance was approved in the past through application A03-17-PC to permit a reduction in MDS setbacks for a new lot. Staff has verified that this reduction is still relevant and in force for this property.

Policy 3.4.4 Consents to Sever supports the severance of lands designated Rural subject to the following policies:

a) Severances for the purpose of a new rural residential dwelling provided:

i) A maximum of three lots are created on each property in existence as of June 16, 2006;

The applicant is proposing to create one building lot and two prior severances have been completed on this property since June 16th, 2006. If approved, this lot would be third and final lot permitted to be created.

ii) The proposed lots are designed to retain natural features and vegetation;

It is anticipated that the Region's comments and requested conditions will address this policy, should there be any concern.

iii) Each new lot shall be approximately 0.4 hectares, unless additional land area is required to support a well and a septic system, and protect surface and ground water features; and,

iv) For multiple residential development proposals of three lots the minimum lot size shall be 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately support private water and sewage systems and protect surface and ground water features.

The proposed lot will be over 1ha in size.

c) In addition to the considerations in Section 3.4.4 a), applications for new lots or consents shall meet the following requirements:

i) For agriculture-related uses and other rural uses, the amount and availability of vacant lots of record in the areas outside of the Hamlets of the municipality are considered and the need for the additional lot demonstrated;

The proposed lot is not for agriculture-related uses and there are not a significant number of vacant residential building lots available in this area of Port Colborne.

ii) The new lot does not contribute to the extension or expansion of strip development;

The new lot does not extend or expand strip development.

iii) The new lot is located on an opened and maintained public road;

The new lot is located on Michener Road which is an opened and maintained public road.

iv) The feasibility of sustainable private services is demonstrated through appropriate technical studies;

Comments from the Niagara Region will address the feasibility of sustainable private services.

v) The lot is suitable in terms of topography, soils, drainage, erosion, lot size and shape for the use proposed;

The new lot is suitable in terms of topography, soils, erosion, lot size and shape for the use proposed. Concerns related to drainage will be addressed by the Drainage Superintendent.

vi) Road access to the new lot does not create a traffic hazard because of limited sight lines on corners, or grades, or proximity to intersections;

Road access to the new lot will not create a traffic hazard.

vii) The proposed use will be compatible with surrounding uses;

The proposed use will be compatible with surrounding uses.

viii) The proposed use will not result in development which would preclude or hinder the establishment of new mineral aggregate operations.

The new lot will not result in development that would preclude or hinder the establishment of new mineral aggregate operations.

ix) The new lot shall meet the minimum distance separation formulae;

As mentioned prior, there are no further MDS considerations with this application.

x) The new lot for residential purposes, as permitted by Section 3.4.4 must be separated from existing livestock operations by the distance determined by the minimum distance separation formulae; and

As mentioned prior, there are no further MDS considerations with this application.

xi) For agriculture-related uses and other rural uses, a maximum of three new non-residential lots are created on the property being severed.

The application is for residential lots.

It is the opinion of the Planning Division that the applications for consent are consistent with the Official Plan because residential uses are supported in the Rural designation and Policies 3.4.2 and 3.4.4 have been satisfied subject to meeting requested conditions.

City of Port Colborne Zoning By-law 6575/30/18, as amended

The subject property is zoned Rural (RU). The Rural zone permits accessory agricultural activities; agricultural use; agri-tourism and value added uses; conservation uses; dwelling, detached existing at the date of the passing of this By-law as a principal use on a new lot; dwelling, detached as a principal use on an existing lot of record; kennel; cannabis production facility; and uses, structures and buildings accessory thereto.

For new lots in the Rural zone, lots must have a minimum frontage of 30m and a minimum lot area of 4,000m² (0.4ha). The proposed lot will meet these requirements, as will the portion of the retained lot that is also zoned RU.

Staff has reviewed the property for MDS setbacks. As mentioned, a minor variance was approved for the property in the past. The minor variance application approved an MDS setback of 86 metres whereas 88 metres was required. Any future dwelling constructed on this property will be setback further from the front lot line than 2 metres which means the dwelling will comply with the MDS setbacks.

area around the property to identify any possible Minimum Distance Separation setbacks. The livestock operations in the area will not pose a problem for these applications nor impact construction of dwellings on the proposed lots.

Staff is satisfied this application complies with the Zoning By-law.

Recommendation

It is the opinion of the Planning Division that as discussed in this report, the proposed severance will allow the construction of a future dwelling on Part 1 with the required setbacks and meet the

requirements of the City of Port Colborne Official Plan and Zoning By-law provided approval can be obtained from the Region of Niagara and Niagara Peninsula Conservation Authority due to the presence of the Highly Vulnerable Aquifer. Further, Planning Staff is expecting comments from the Drainage Superintendent regarding the drainage of the property. These comments will address the comments from John and Virginia Scarlett.

As such, the consent application can be supported, and staff recommend that Consent Application B12-20-PC be **GRANTED** subject to the following conditions:

1. That the owner provides a drainage solution to the satisfaction of the Drainage Superintendent.
2. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant.
3. That written approval of the Niagara Region, Development Services Division for private servicing be obtained.
4. 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.
5. That the applicant provide 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 copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
6. That a final certification fee of \$212 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.

For the following reasons:

1. The application conforms to the policies of the Official Plan and will comply with the provisions of Zoning By-law 6575/30/18, as amended.
2. This decision is rendered having regard to the provisions of subsection 51(24) of the Planning Act, R.S.O. 1990, c.P.13.

Signed:



David Schulz, BURPI
Planner, Planning & Development



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): Jason Gale

Mailing Address: 83 Harrison Avenue

City: Welland Province: Ontario

Postal Code: L3B 1C3 Telephone: _____

Fax: _____ Email: _____

1.2 Owner's SOLICITOR (if any): Brian N. Lambie and Julian C. Renaud

Mailing Address: 151 Charlotte Street

City: Port Colborne Province: Ontario

Postal Code: L3K 3E3 Telephone: (905) 835-0404

Fax: (905) 835-5966 Email: blambiel@cogeco.ca & julian@renaudlaw.org

1.3 Owner's Authorized AGENT (if any): _____

Mailing Address: _____

City: _____ Province: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

1.4 MORTGAGES, Charges and other Encumbrances:

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

Bover Enterprises and Ruth Gravely, 52 Kingsway Street, Welland, Ontario L3B 3N8

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

October 1, 2020

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: _____

1.7 All communications should be sent to the:

Owner _____ Solicitor X Agent _____

2. LOCATION:

Former Municipality Humberstone

Concession No. 1 Lot(s) 1 Registered Plan No. _____ Lot(s) _____

Reference Plan No. _____ Part(s) _____

Name of Street Michener Road Street No. 5685

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:

To create one new building lot.

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

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

____ Unknown _____

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 Rural _____

Regional Policy Plan Rural _____

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

Rural _____

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

Yes _____ No X _____

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 _____

Lake _____

Well (private or communal) X

Other (specify) _____

7. What type of SEWAGE DISPOSAL is proposed?

Publicly owned and operated sanitary sewage system _____

Septic system (private or communal) X

Other (specify) _____

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

Publicly owned and operated storm water system _____

Other (specify) Ditches

9. DESCRIPTION OF PARCEL TO BE SEVERED (in metric units): Part No. on sketch 1

Frontage 60.1m. Depth 167.0m. Area ~1.0 ha.

Existing Use Vacant Proposed Use Residential

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

Existing: None

Proposed: One single family dwelling

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

Frontage 70.7m. Depth 668.5m. Area 20.9 ha.

Existing Use Residential Proposed Use Residential

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

Existing: One-storey dwelling and two buildings

Proposed: None

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

Yes X No _____ Unknown _____

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

File Number B06-15, B07-15, B07-17

Decision Granted

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

Yes X 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) B06-15, B07-15, B07-17

13. OTHER APPLICATIONS:

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

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

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

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

14 ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

14.1 ALL EXISTING USE

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

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

_____ Unknown _____

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 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
House							
Barn							
Shed							

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

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: October 29, 2020.

Signature of Owner *Christy Farm Field*

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

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 October 28, 2020.

Signature of Applicant(s)

Handwritten signature of Jason Gale and Chastity Vongphakdy

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 Jason Gale and Soupaphone Chastity Vongphakdy
of the City 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 Regional Municipality of Niagara
This 28th day of October,
A.D. 2020.

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

Handwritten signature of Jason Gale and Chastity Vongphakdy

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

Handwritten signature of John Bernard

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

Julian C. Renaud of Renaud Law and Brian N. Lambie

of the City _____ of Port Colborne _____

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

Dated at the City _____ of Port Colborne _____

in the Regional Municipality _____ of Niagara _____

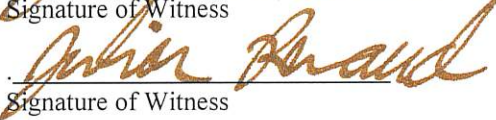
this 28th _____ day of October _____, 2020



Signature of Witness



Signature of Owner



Signature of Witness



Signature of Owner

Signature of Witness

Signature of Owner

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

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

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

Chris Roome

From: John Scarlett <jfvls Scarlett@gmail.com>
Sent: January 7, 2021 12:54 PM
To: Chris Roome
Subject: Application No. B12-20-PC

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

Dear Mr Roome,

We were very surprised to receive notification of this application, as this severance was denied once before having been requested by Mr Ash a few years ago. It appears the only thing that has changed since then is a new owner of the property.

Our major objection to severing up this property is poor drainage. I have to assume you are aware of the land properties in this area. Heavy clay on rock. Water has no where to go which is very evident on PART 1 & 2 of plan15397. One of these lots has been under water all summer and is currently being back filled in preparation for building. This is just compounding our already existing drainage issues as we are directly down stream from this property. Additionally septic drainage for this lot when built upon is totally unacceptable.

If you have not already consulted with your drainage department, I request you do so, as we already have a major problem with flooding due to the severe blockage of the main roadside ditch running south from Michener road down Holloway Bay. This has been discussed with the town and our Councilors on many occasions with no results of improvements.

An additional issue is the farm directly across the road that has a barn for animals. As I understand, there are not the required set backs that would allow for this land to be rezoned from agricultural to residential.

We trust the Committee of Adjustment will reject this request as they previously did when submitted by Mr Ash.

Yours truly, John and Virginia Scarlett

PS: Please advise us in writing of the verdict and the reasons for it

--

P.S. Please remove my Hotmail email address jfscarlett@hotmail.com from your address book as I no longer use it.

Chris Roome

From: Gary van Heuven <vanheuvengary@gmail.com>
Sent: January 8, 2021 3:17 PM
To: Chris Roome
Cc: Diane Boles
Subject: Re: Application B12-20-PC

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

Please accept this email as our objection/concern regarding this application.

We have resided at 386 Holloway Bay Road South since June 2009.

Although we love the area for its country feel. The drainage in and around this area is an ongoing concern.

With each rainfall the wetlands area fills, the local ditch system does not usher enough water southward to handle this rainfall, the consequence is portions of our backyard flood. At one time just after we moved in we had a rushing stream in our back yard with calf deep water.

Normally it takes a couple of days after the rainfall for this process to reverse itself.

Already the house on the corner immediately W of the Mitchener / Holloway Bay intersection has 1/3 of its NE corner flood during a rainfall and it impacts their septic system judging by the smell until the water recedes.

We have concerns that the granting of this application will further strain the water handling system in the area, one that already needs improvement.

Thank you for your attention to this matter.

Gary van Heuven

Diane Boles

Sent from my iPad



**CITY OF PORT COLBORNE
COMMITTEE OF ADJUSTMENT
66 Charlotte Street
Port Colborne, ON L3K 3C8**

**COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR MINOR VARIANCE**

APPLICATION NO. A01-21-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P. 13, as amended, and Section 3.5 (b) (ii) and 8.4 (f) 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 207 on Plan 790, in the City of Port Colborne, Regional Municipality of Niagara, being located in the Fourth Density Residential Zone, municipally known as 433 Sugarloaf Street.

AND IN THE MATTER OF AN APPLICATION by the applicant Dhulkifl Hassan, on behalf of the owner Upstate Realty Corporation for relief from the provisions of Zoning By-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O. 1990 c. P. 13, so as to permit the construction of a 3-storey fourplex residential building at 433 Sugarloaf Street, notwithstanding the following:

- 1) That a parking area width of 11.64m be permitted whereas a maximum of 5.82m is permitted.
- 2) That a rear yard setback of 4.5m be permitted whereas a minimum of 6m is required

Explanatory Relief from the Zoning By-law: The applicant is seeking permission to build a 3-storey fourplex residential building on 433 Sugarloaf St. Due to the proposed parking area width, and rear yard setback the minor variance is required. A sketch of the proposed building is shown on the reverse of this notice.

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

DATE: Tuesday, January 12th, 2021
TIME: 6:00 P.M.
LOCATION: City of Port Colborne Council Chambers - Third Floor (virtual)
66 Charlotte Street, Port Colborne, Ontario

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 205 or email at chrisroome@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 January 8th, 2020.

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

To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City's YouTube channel at <https://youtu.be/xHRBhSROeeE>.

Anyone wishing to participate in the meeting is asked to submit a written submission that will be circulated to Committee members prior to the meeting. Submissions must be received by noon on Monday, January 11, 2020 by emailing chrisroome@portcolborne.ca, or handwritten submissions can be submitted in 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 chrisroome@portcolborne.ca or leave a voicemail at 905-835-2900 ext. 205.

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

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

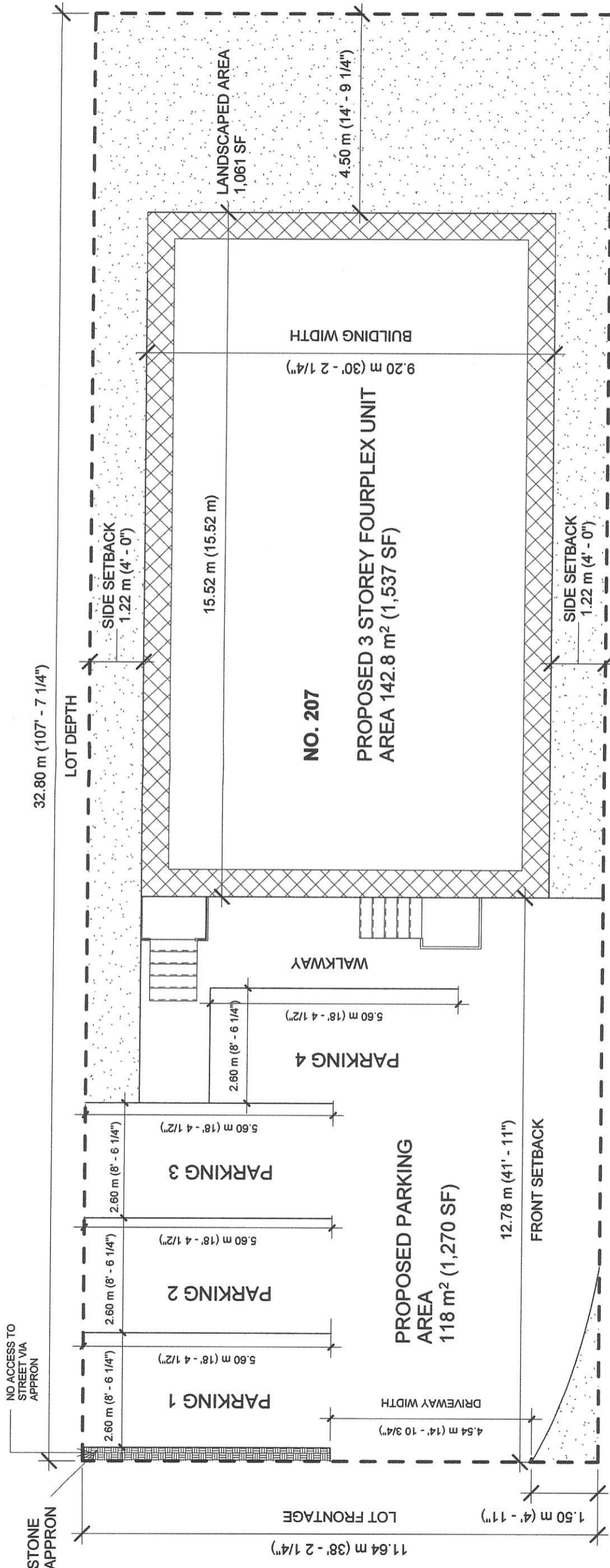
By order of the Committee of Adjustment,

Chris Roome, BURPI
Secretary-Treasurer

Date of Mailing: December 17th, 2020

STREET

SUGARLOAF



BUILDING STATISTICS

ZONING: R4	LOT NO: 207	PLAN NO: 790	LOT AREA: 380.5 m ²		LOT FRONTAGE: 11.6 m		LOT DEPTH: 32.8 m		
			%	ALLOWED /REQUIRED	%	SETBACK	REQUIRED	PROPOSED	
DESCRIPTION	EXISTING	ADDITION	TOTAL	%	ALLOWED /REQUIRED	%	SETBACK	REQUIRED	PROPOSED
LOT COVERAGE	-----	142.8 m ²	142.8 m ²	37.5	152.2 m ²	40	FRONT YARD	9.0 m	12.78 m
GROSS FLOOR AREA	-----	547.2 m ²	547.2 m ²	-----	-----	-----	INTERIOR (EAST)	1.2 m	1.2 m
LANDSCAPE AREA	-----	98.6 m ²	98.6 m ²	26	95.1 m ²	25	INTERIOR (WEST)	1.2 m	1.2 m
NO. OF STORES HEIGHT	-----	3 STOREY 11 m	3 STOREY 11 m	-----	11 m	-----	EXTERIOR	3.0 m	-----
WIDTH	-----	9.2 m	9.2 m	-----	-----	-----	REAR YARD	6.0 m	4.5 m
DEPTH	-----	15.52 m	15.52 m	-----	-----	-----	DRIVEWAY & PARKING AREA CALCULATIONS		
PARKING	-----	4 PARKING	4 PARKING	-----	4 PARKING	-----	DRIVEWAY + PARKING SPACES = 118 m ² = 31.0 % OF LOT AREA		



1 PROPOSED SITE PLAN
 1 : 100

DHUL'S DESIGN
 (647) 787-8668
 info@dhulsdesign.ca
 769 Killy St E
 Port Colborne
 Ontario
 L3K 5V3

NOTES:
 1. Contractors must check and verify all dimensions and report discrepancies to the project coordinator before commencing with work.
 2. Dimensions to be verified on site.
 3. Do not scale drawings.
 4. All drawings remain the property of Dhul's Design and shall not be reproduced or reused without written consent.

No.	Date	Description
1	03/12/2020	For minor variance application

PROJECT TITLE
 Proposed three storey fourplex building

LOCATION
 207 Sugarloaf St,
 Port Colborne,
 Ontario.

QUALIFICATION INFORMATION
 The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirement set out in the Ontario Building Code to be a designer

Dhulkif Hassam 103969 BCIN
 Dhulkif Hassam
 Signature

Firm name Dhul's Design
BCIN 106527

Date November, 2020
Drawn by Dhulkif Hassam
Project No 2020-87

Page No A0.0

PLANNING AND DEVELOPMENT DEPARTMENT
Planning Division

January 7, 2021

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

Re: Applications for Minor Variance A01-21-PC & A02-21-PC
Lots 207 and 208 on the North East corner of Sugarloaf and Homewood

Planning Staff has reviewed the referenced application and offer the following comments for your hearing on Tuesday, January 12th, 2021.

PURPOSE

IN THE MATTER OF AN APPLICATION by the applicant Dhulkifl Hassan, on behalf of the owner Upstate Realty Corporation for relief from the provisions of Zoning By-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O. 1990 c. P. 13, so as to permit the construction of a 3-storey fourplex residential building on Lot 207, Plan 790, notwithstanding the following:

- 1) That a parking area width of 11.64m be permitted whereas a maximum of 5.82m is permitted.
- 2) That a rear yard setback of 4.5m be permitted whereas a minimum of 6m is required.

AND IN THE MATTER OF AN APPLICATION by the applicant Dhulkifl Hassan, on behalf of the owner Upstate Realty Corporation for relief from the provisions of Zoning By-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O. 1990 c. P. 13, so as to permit the construction of a 3-storey fourplex residential building on Lot 208, Plan 790, notwithstanding the following:

- 1) That a parking area width of 11.64m be permitted whereas a maximum of 5.82m is permitted.
- 2) That a rear yard setback of 4.5m be permitted whereas a minimum of 6m is required

PUBLIC COMMENTS

Notice was circulated on December 17th, 2020, and the following written correspondence has been received at the time this comment was prepared:

Tom and Kellie Porter – 15 Homewood Avenue

- Concerns regarding privacy in the area. Private backyards will no longer be private and will be in full view from the second and third storey living space. The setback reduction will put the buildings closer to their property, further reducing their privacy;
- Safety concerns. One parking space per unit is not enough should a tenant own more than one vehicle or has visitors. An increase in vehicles and on-street parking could obstruct the view of children and pedestrians crossing the streets.
- Loss of sunlight. The buildings will cause a shadow over the rear yard of their property for the majority of the day.

AGENCY COMMENTS

Notice was circulated to the required agencies and the following written correspondence has been received as of the date of this comment being prepared:

Engineering Department

Paving the entire frontage of the property could have a negative effect on stormwater drainage involving the adjacent properties and may require an additional structure to catch stormwater flows. Engineering recommends requiring an approved lot grading plan as a condition of granting the minor variance.

PLANNING DIVISION COMMENTS

The applicant is seeking permission to construct two fourplexes on two properties known as Lots 207 and 208 on Plan 790, on the northeast corner of Sugarloaf Street and Homewood Avenue. Lots 207 and 208 are existing lots of record in a registered Plan of Subdivision. A visual interpretation of the existing lots is shown in the aerial photographs below. Due to the parking configuration and reduction in the rear yard setbacks, the minor variances are required. Zoning and land-uses of surrounding properties are shown below.

Adjacent Zoning and Land Use

Northwest Homewood Avenue	North Residential Property Zoned: R1	Northeast Residential Property Zoned: R2
West Homewood Avenue	Subject Property Zoned: R4	East Residential Property Zoned: R2
Southwest Sugarloaf Street	South Sugarloaf Street	Southeast Sugarloaf Street





Lots 207 and 208 on Plan 31 (790)

Provincial Policy Statement (2020)

Staff would like to highlight sections from the Provincial Policy Statement (PSS) regarding this application.

Section 1.1.3.2 states:

Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;*
and
- g) are freight-supportive.*

Land use patterns within settlement areas shall also be based on a range of uses

and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

Further the PPS provides the following in Section 1.4.3:

“Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area...”

Based on the policies provided above, Staff are confident that these applications are consistent with the PPS.

City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne’s Official Plan designates the subject property as **Urban Residential**. Land uses in the Urban Residential designation include residential, neighbourhood, commercial and community facilities and institutional uses.

Staff note that the Official Plan provides policies in support of locating medium density developments adjacent to arterial or collector roads. Sugarloaf Street is designated as an arterial road. The Official Plan also provides the following intensification policies:

Intensification will be encouraged in the Urban Area in accordance with the provisions of Section 2.4.3 of this plan.

Section 2.4.3 provides the following:

The identification and intensification of residential and employment areas and corridors within the built boundary of the City is directed by the Provincial Growth Plan. Intensification supportive policies will offer opportunities to promote economic development, reduce the consumption of greenfield land, meet the municipality’s intensification target of 15% and maximize the efficiency of existing infrastructure. Intensified development is compact, mixed-use and transit-supportive in nature, which reflects the vision of this plan.

This property is located within the Urban Area of the City. The redevelopment of this site will assist the City in achieving its 15% intensification target within the Urban Area. Provincial Growth Plan policies guide lower tier municipalities to encourage the redevelopment of underused sites within the built boundary to limit sprawl and help achieve the intensification target established.

Given that the proposed fourplexes are permitted in the Urban Residential designation and are consistent with the intensification policies outlined above, the proposed development meets the general intent and purpose of the Official Plan.

City of Port Colborne Zoning By-law 6575/30/18, as amended

The subject property is zoned **Fourth Density Residential (R4)**. The R4 zone permits detached, semi-detached, triplex, fourplex dwellings; block and street townhouse dwellings; apartment buildings; public apartment buildings; and uses, structures and buildings accessory thereto.

Because the proposed fourplexes are permitted uses in the Fourth Density Residential zone and will be located in a suitable location on the property, the proposal meets the general intent and purpose of the Zoning By-law.

Discussion

Is the application minor in nature?

The increase in width for the parking area and reduction in rear yard setback by 1.5 metres is not anticipated to negatively impact neighbouring properties. Staff note that a height of 11 metres (36 feet) is permitted for any residential building with four or less units in all residential zones in Port Colborne. The R4 zone permits a height of 20 metres for apartment buildings which is nearly double than what is proposed. Staff finds these applications to be minor in nature.

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

The proposed fourplex buildings are located within all of the setback and zoning provisions notwithstanding the variances requested. Staff finds these variance applications to be desirable for the appropriate development of the site.

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

The Zoning By-law permits fourplexes in the Fourth Density Residential zone. Staff finds this variance application meets the general intent and purpose of the Zoning By-law.

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

The Official Plan permits residential uses in the Urban Residential designation. Staff finds this variance application meets the general intent and purpose of the Official Plan. Staff has reviewed the minor variance applications and would like to note some key points that will assist the Committee and provide a response to the comments received from the neighbouring property owner.

The Fourth Density Residential zoning was put into place on this property in 2017, with the exception of a Conversion Holding (CH) provision which required the filing of a Record of Site Condition (RSC). On November 2, 2020, the CH was removed from the property as the applicant completed the filing of the RSC and applied to remove the provision.

As noted prior, the Fourth Density Residential zone permits a variety of residential densities at a height of 11 metres. These variance applications are strictly in reference to the parking area width proposed and the rear yard setback. With respect to the parking area, staff note that there are some minor issues with this section of the Zoning By-law that will likely require a revision through a housekeeping amendment in the future. As it stands currently, any fourplex proposed is bound by this requirement, however there is no way (at least to staff's knowledge) to configure the parking area without requiring a variance.

In response to the comments received from Tom and Kellie Porter, staff note that there is no increase in height from what is currently permitted in the R4 zone. The applications are requesting an increase in parking area width and reduction in rear yard setback. No drastic loss in privacy is anticipated based on these two variances requested. Further, our Zoning By-law requires one parking space per unit of the fourplex. In order to meet this parking requirement, the width of the parking area must be reduced. No increase in safety in the area is anticipated as a result of this.

Based on staff's review of these applications, staff recommend approval of both minor variance applications.

RECOMMENDATION

Planning staff recommends minor variance application A01-21-PC be **GRANTED** for the following reasons:

1. **Minor in nature** as the increase in parking area width and reduction in rear yard setback is a reasonable and measured request.
2. **Appropriate for development of the site** since the proposed fourplex is located in a suitable location on the site.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as fourplexes are permitted in the Fourth Density Residential zone.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as residential uses are permitted in areas with the Urban Residential designation.

Subject to the following condition:

1. That a grading plan be submitted to the satisfaction of the Engineering Department and that written approval be provided to the Secretary-Treasurer.

AND

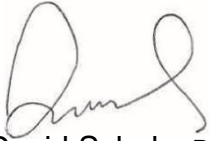
Planning staff recommends minor variance application A02-21-PC be **GRANTED** for the following reasons:

1. **Minor in nature** as the increase in parking area width and reduction in rear yard setback is a reasonable and measured request.
2. **Appropriate for development of the site** since the proposed fourplex is located in a suitable location on the site.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as fourplexes are permitted in the Fourth Density Residential zone.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as residential uses are permitted in areas with the Urban Residential designation.

Subject to the following condition:

1. That a grading plan be submitted to the satisfaction of the Engineering Department and that written approval be provided to the Secretary-Treasurer.

Signed:



David Schulz, BURPI
Planner, Planning and Development

Signed and Reviewed By:



Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development

File No. _____



THE CITY OF PORT COLBORNE
THE PLANNING ACT - SECTION 45
APPLICATION FOR

MINOR VARIANCE OR PERMISSION

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

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

SUBMISSION OF APPLICATION:

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

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

COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

Someone must be present at the hearing to represent the application

Decisions of the Committee are made in public

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

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

APPLICATION FEES

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

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

APPLICATION FORM AND SKETCH

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

NOTICE REQUIREMENTS

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

APPLICATIONS REQUIRED

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

PLEASE TYPE OR USE BLACK INK

1. OWNER

1.1 Registered Owner(s): Upstate Realty Corporation (c/o Razik Sarsam)

Mailing Address: 36-2295 Rochester Circle

City: Oakville Province: ON

Postal Code: L6M 5C8 Telephone: 905 334 6790

Fax: _____ Email: razik.sarsam@gmail.com

1.2 Owner's SOLICITOR (if any)

Mailing Address: _____

City: _____ Province: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

1.3 Owner's Authorized AGENT (if any): Dhulkiel Hassam (Dhul's Design)

Mailing Address: 769 Killaly Street

City: Port Colborne Province: ON

Postal Code: L3K 5V3 Telephone: (647) 787-9668 or (905) 581-4132

Fax: _____ Email: Hassam@dhulsdesign.ca

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

None

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

To be acquired Jan 3, 2021 or earlier (currently under contract)

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

Mailing Address 12 Thorold Rd. East

City: Welland Province: ON

Postal Code: L3C 3T2 Telephone: (905) 735-7841

Fax: _____ Email: isaac@casl-surveying.com

1.7 All communications should be sent to the

Owner _____ Solicitor _____ Agent

2. LOCATION:

Former Municipality _____

Concession No _____ Lot(s) 207 Registered Plan No. 790 Lot(s) _____

Reference Plan No. _____ Part(s) _____

Name of Street Sugarloaf Street Street No. 433

3. DESCRIPTION:

Part No on sketch _____

Frontage 11.64 m Depth 32.80 m Area 380 m²

Existing Use _____

Proposed Use Proposed Fourplex Residential

4. OFFICIAL PLAN AND ZONING

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

Port Colborne Official Plan R4

Regional Policy Plan R4

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

R4

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

Yes _____ No

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

6. Type of ACCESS

Provincial Highway _____

Regional Road _____

Municipal Road maintained all year

Other Public Road _____

Municipal Road maintained seasonally _____

Right-of-Way _____
Water Access _____
Private Road _____

7. What type of WATER SUPPLY is proposed?
Publicly owned and operated piped water supply X
Lake _____
Well (private or communal) _____
Other (specify) _____

8. What type of SEWAGE DISPOSAL is proposed?
Publicly owned and operated sanitary sewage system X
Septic system (private or communal) _____
Other (specify) _____

9. What type of STORMWATER DISPOSAL is proposed? (Check appropriate space)
Publicly owned and operated stormwater system X
Other (specify) _____

10. NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
We require a minor variance relief for the parking area width in order to fit 4 (four) parking spaces at the front AND a 1.5 meter relief from the rear setback to increase the building footprint and bedroom area.

- 10.1 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?
Yes _____ No X

11. WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
We cannot fit 4 parking spaces with the current by-law requirements. Also we would like to have sizes of bedrooms increased.

12. DATE OF ACQUISITION of the land by the current owner:
January 8, 2021

13. DATE OF CONSTRUCTION of all existing buildings and structures on the land:
April 15, 2021 (proposed)

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

15. OTHER APPLICATIONS:

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

Official Plan Amendment _____

Zoning By-law Amendment _____

Minor Variance _____

Plan of Subdivision _____

Consent lots were existing under plan but severed recently

Site Plan _____

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

File number of the application _____

Name of the approval authority considering the application _____

Lands affected by the application 433 Sugarloaf

Purpose of the application Severance of 3 lots

Status of the application Completed + Approved

Effect of the application on the proposed amendment Approved

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

16.1 ALL EXISTING USE

Residential

Industrial _____

Commercial _____

Institutional _____

Agricultural _____

Parkland _____

Vacant

Other _____

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

Less than one year

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

Yes _____ No

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

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

16.4 ALL PREVIOUS USE

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

16.5 ALL ADJACENT USE(S)

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

16.7 If Industrial or Commercial, specify use

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

Yes _____ No _____ Unknown _____

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

Yes _____ No _____ Unknown _____

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

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

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

ACKNOWLEDGMENT CLAUSE

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

Date Dec. 2, 2020 Signature of Owner R. Larson

- 16.17 Are there any buildings designated under the Ontario Heritage Act?
 Yes _____ No Unknown _____
- 16.18 If there are any existing buildings on the site, briefly describe them and indicate their proposed use
N/A

- 16.19 If there has been industrial or commercial uses on the property or if the answer to 1465 to 16.13 is "Yes", a previous use inventory is needed. Is a previous use inventory attached?
 Yes _____ No

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

Date of Receipt of Completed Application _____
Public Hearing Date _____
Adjourned Public Hearing Date _____
Checked for Completeness by _____

PROCESSING

Date

Accepted by Manager of Planning and Development Services: _____

Circulated: _____

Comments received:
Solicitor _____

Engineer _____

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

Notice of Public Meeting _____

Public Meeting _____

Committee Approval _____

Notice Given _____

Final Day for OMB Appeal _____

OMB Appeal _____

OMB Hearing _____

OMB Decision _____

Final Day to Satisfy Conditions _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Agreement Signed by Owner _____

Agreement Signed by Mayor and Clerk _____

Agreement sent to City Solicitor _____

Registration _____

Instrument No. _____

Final Approval _____

AGENT AUTHORIZATION FORM

A. Project Information			
Civic Address:	433 Sugarloaf St. Port Colborne, ON L3K 2P7		
Legal Description:	Lots 207/208 Plan 790 Humberstone City of Port Colborne		
B. Party to be Authorized			
Last Name:	HASSAM	First Name:	DHULKIFL
Corporation/Partnership:	DHUL'S DESIGN		
Address:	769 KILLALY ST E		
Municipality:	PORT COLBORNE		
Cell Number:	905 581 4132 / 647 787 9668		
Email:	HASSAM@DHULSDESIGN.CA / DHULSDESIGN@GMAIL.COM		

C. Declaration of Owner:

I, Razik Sarsam, being the registered owner of the above noted property, hereby authorize the party stated in Section B of this form to make application for a building permit on my behalf to the Building Department of the City of Port Colborne in accordance with the applicable requirements of the Ontario Building Code for the purpose of the identified project.

Date: Nov. 26. 2020 Signature: R. Sarsam



**CITY OF PORT COLBORNE
COMMITTEE OF ADJUSTMENT
66 Charlotte Street
Port Colborne, ON L3K 3C8**

**COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR MINOR VARIANCE**

APPLICATION NO. A02-21-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P. 13, as amended, and Section 3.5 (b) (ii) and 8.4 (f) 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 208 on Plan 790, in the City of Port Colborne, Regional Municipality of Niagara, being located in the Fourth Density Residential Zone, municipally known as 433 Sugarloaf Street.

AND IN THE MATTER OF AN APPLICATION by the applicant Dhulkifl Hassan, on behalf of the owner Upstate Realty Corporation for relief from the provisions of Zoning By-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O. 1990 c. P. 13, so as to permit the construction of a 3-storey fourplex residential building at 433 Sugarloaf Street, notwithstanding the following:

- 1) That a parking area width of 11.64m be permitted whereas a maximum of 5.82m is permitted.
- 2) That a rear yard setback of 4.5m be permitted whereas a minimum of 6m is required

Explanatory Relief from the Zoning By-law: The applicant is seeking permission to build a 3-storey fourplex residential building on 433 Sugarloaf St. Due to the proposed parking area width, and rear yard setback the minor variance is required. A sketch of the proposed building is shown on the reverse of this notice.

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

DATE: Tuesday, January 12th, 2021
TIME: 6:00 P.M.
LOCATION: City of Port Colborne Council Chambers - Third Floor (virtual)
66 Charlotte Street, Port Colborne, Ontario

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 205 or email at chrisroome@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 January 8th, 2020.

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

To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City's YouTube channel at <https://youtu.be/xHRBhSROeeE>.

Anyone wishing to participate in the meeting is asked to submit a written submission that will be circulated to Committee members prior to the meeting. Submissions must be received by noon on Monday, January 11, 2020 by emailing chrisroome@portcolborne.ca, or handwritten submissions can be submitted in 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 chrisroome@portcolborne.ca or leave a voicemail at 905-835-2900 ext. 205.

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

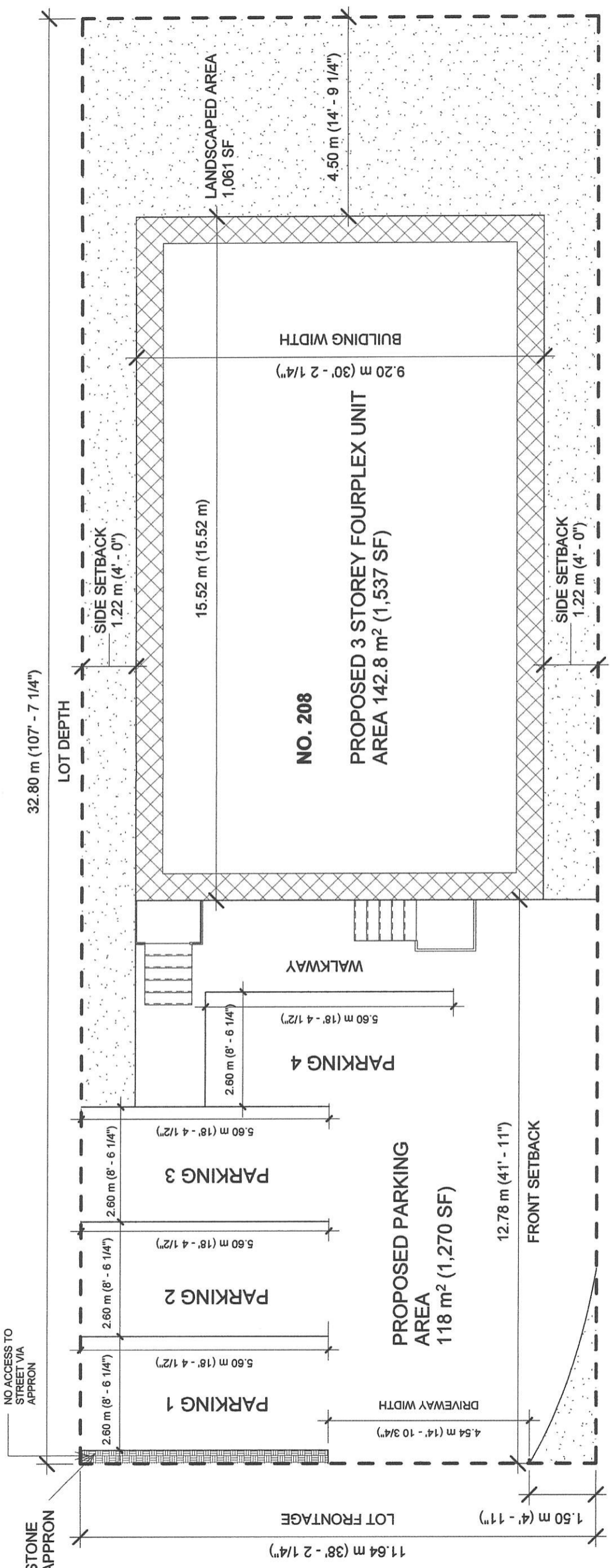
NOTE: If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal hearing if the decision of the Committee is appealed.

By order of the Committee of Adjustment,

Chris Roome, BURPI
Secretary-Treasurer

Date of Mailing: December 17th, 2020

STREET



SUGARLOAF

BUILDING STATISTICS

ZONING:	LOT NO.:	PLAN NO.:	LOT AREA:	LOT FRONTAGE:	LOT DEPTH:		
R4	207	790	380.5 m ²	11.6 m	32.8 m		
DESCRIPTION	EXISTING	ADDITION	TOTAL	% ALLOWED/REQUIRED	%	REQUIRED	PROPOSED
LOT COVERAGE	-----	142.8 m ²	142.8 m ²	37.5	40	9.0 m	12.78 m
GROSS FLOOR AREA	-----	547.2 m ²	547.2 m ²	-----	---	1.2 m	1.2 m
LANDSCAPE AREA	-----	98.6 m ²	98.6 m ²	26	25	1.2 m	1.2 m
NO. OF STORES	-----	3 STOREY	3 STOREY	-----	---	3.0 m	-----
HEIGHT	-----	11 m	11 m	-----	---	-----	-----
WIDTH	-----	9.2 m	9.2 m	-----	---	6.0 m	4.5 m
DEPTH	-----	15.52 m	15.52 m	-----	---	-----	-----
PARKING	-----	4 PARKING	4 PARKING	-----	---	-----	-----
DRIVEWAY & PARKING AREA CALCULATIONS							
DRIVEWAY + PARKING SPACES = 118 m ² = 31.0 % OF LOT AREA							



1 PROPOSED SITE PLAN 1 : 100

NOTES:
 1. Contractors must check and verify all dimensions and report discrepancies to the project coordinator before commencing with work.
 2. Dimensions to be verified on site.
 3. Do not scale drawings.
 4. All drawings remain the property of Dhul's Design and shall not be reproduced or reused without written consent.

DHUL'S DESIGN
 (647) 787-8668
 info@dhulsdesign.ca
 769 Killaly St. E
 Port Colborne
 Ontario
 L3K 5V3

PROJECT TITLE
 Proposed three storey fourplex building

LOCATION
 208 Sugarloaf St.
 Port Colborne,
 Ontario.

QUALIFICATION INFORMATION
 The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirement set out in the Ontario Building Code to be a designer

Dhulkiif Hassam 103969
 Name BCIN

Firm name Dhul's Design
BCIN 106527
Date November, 2020
Drawn by Dhulkiif Hassam
Project No 2020-87
Page No A0.0

File No. _____



THE CITY OF PORT COLBORNE
THE PLANNING ACT - SECTION 45
APPLICATION FOR

MINOR VARIANCE OR PERMISSION

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

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

SUBMISSION OF APPLICATION:

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

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

COMPLETENESS OF APPLICATION:

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

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

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

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

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

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

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

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

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

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

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

POLICIES

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

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

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

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

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

Decisions of the Committee are made in public.

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

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

APPLICATION FEES

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

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

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

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

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

APPLICATION FORM AND SKETCH

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

NOTICE REQUIREMENTS

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

APPLICATIONS REQUIRED

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

PLEASE TYPE OR USE BLACK INK

1. OWNER

1.1 Registered Owner(s): Upstate Realty Corporation (c/o Razik Sarsam)
Mailing Address: 36-2295 Rochester Circle
City: Oakville Province: ON
Postal Code: L6M 5C8 Telephone: 905-334-6790
Fax: _____ Email: raziksarsam@gmail.com

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

1.3 Owner's Authorized AGENT (if any): Dhulkifl Hassam (Dhul's Design)
Mailing Address: 769 Killaly Street
City: Port Colborne Province: ON
Postal Code: L3K 5V3 Telephone: (647) 787-9668 / (905) 581-4132
Fax: _____ Email: Hassam@dhul'sdesign.ca

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.

None

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

To be acquired Jan 8, 2021 or earlier (currently under contract)

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

Mailing Address: 12 Thorold Rd. East

City: Welland Province: ON

Postal Code: L3C 3T2 Telephone: (905) 735 7841

Fax: _____ Email: isaac@casl-surveying.com

1.7 All communications should be sent to the:

Owner _____ Solicitor _____ Agent

2. LOCATION:

Former Municipality _____

Concession No. _____ Lot(s) 208 Registered Plan No. 790 Lot(s) _____

Reference Plan No. _____ Part(s) _____

Name of Street Sugarloaf Street Street No. 433

3. DESCRIPTION:

Frontage 11.64 m Depth 32.80 m Area 380 m² Part No. on sketch _____

Existing Use _____

Proposed Use Proposed Fourplex Residential

4. OFFICIAL PLAN AND ZONING

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

Port Colborne Official Plan R4

Regional Policy Plan R4

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

R4

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

Yes _____ No

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

6. Type of ACCESS

Provincial Highway _____

Regional Road _____

Municipal Road maintained all year

Other Public Road _____

Municipal Road maintained seasonally _____

Right-of-Way _____
Water Access _____
Private Road _____

7. What type of WATER SUPPLY is proposed?

Publicly owned and operated piped water supply X
Lake _____
Well (private or communal) _____
Other (specify) _____

8. What type of SEWAGE DISPOSAL is proposed?

Publicly owned and operated sanitary sewage system X
Septic system (private or communal) _____
Other (specify) _____

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

Publicly owned and operated stormwater system X
Other (specify) _____

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

We require a minor variance relief for the parking area width in order to fit 4 (four) parking spaces at the front AND a 1.5 meter relief from the rear setback to increase the building footprint and bedroom areas.

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

Yes _____ No X

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

We cannot fit 4 parking spaces with the current by-law requirements. Also we would like to have sizes of bedrooms increased

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

January 8, 2021.

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

April 15, 2021. (Proposed)

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

15. OTHER APPLICATIONS:

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

Official Plan Amendment _____

Zoning By-law Amendment _____

Minor Variance _____

Plan of Subdivision _____

Consent lots were existing under plan but severed recently.

Site Plan _____

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

File number of the application _____

Name of the approval authority considering the application _____

Lands affected by the application #33 Sugarloaf

Purpose of the application Severance of 3 lots

Status of the application Completed + Approved

Effect of the application on the proposed amendment Approved

16 ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

16.1 ALL EXISTING USE

Residential

Industrial _____

Commercial _____

Institutional _____

Agricultural _____

Parkland _____

Vacant

Other _____

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

Less than one year

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

Yes _____ No

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

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

16.4 ALL PREVIOUS USE

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

16.5 ALL ADJACENT USE(S)

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

16.7 If Industrial or Commercial, specify use

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

Yes _____ No Unknown _____

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

Yes _____ No Unknown _____

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

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

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

ACKNOWLEDGMENT CLAUSE

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

Date Dec. 2. 2020 Signature of Owner R. Laraman

- 16.17 Are there any buildings designated under the Ontario Heritage Act?
 Yes _____ No Unknown _____
- 16.18 If there are any existing buildings on the site, briefly describe them and indicate their proposed use
N/A

- 16.19 If there has been industrial or commercial uses on the property or if the answer to 1465 to 16.13 is "Yes", a previous use inventory is needed. Is a previous use inventory attached?
 Yes _____ No

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

Date of Receipt of Completed Application _____

Public Hearing Date _____

Adjourned Public Hearing Date _____

Checked for Completeness by _____

PROCESSING

Date

Accepted by Manager of Planning and Development Services: _____

Circulated: _____

Comments received;
Solicitor _____

Engineer _____

C.B.O. _____

Fire Chief _____

C. N. Power _____

Region _____

NPCA _____

MTO _____

MOE _____

Other _____

Notice of Public Meeting _____

Public Meeting _____

Committee Approval _____

Notice Given _____

Final Day for OMB Appeal _____

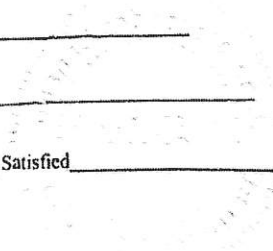
OMB Appeal _____

OMB Hearing _____

OMB Decision _____

Final Day to Satisfy Conditions _____

Condition _____ Satisfied _____



Condition _____ Satisfied _____
Condition _____ Satisfied _____
Condition _____ Satisfied _____
Condition _____ Satisfied _____
Condition _____ Satisfied _____

Agreement Signed by Owner _____

Agreement Signed by Mayor and Clerk _____

Agreement sent to City Solicitor _____

Registration _____

Instrument No. _____

Final Approval _____

AGENT AUTHORIZATION FORM

A. Project Information			
Civic Address:	433 Sugarloaf St. Port Colborne, ON L3K 2P7		
Legal Description:	Lots 207/208 Plan 790 Humberstone City of Port Colborne		
B. Party to be Authorized			
Last Name:	HASSAM	First Name:	DHULKIFL
Corporation/Partnership:	DHUL'S DESIGN		
Address:	769 KILLALY ST E		
Municipality:	PORT COLBORNE		
Cell Number:	905 581 4132 / 647 787 9668		
Email:	HASSAM@DHULSDESIGN.CA / DHULSDESIGN@GMAIL.COM		

C. Declaration of Owner:

I, Razik Sarsam, being the registered owner of the above noted property, hereby authorize the party stated in Section B of this form to make application for a building permit on my behalf to the Building Department of the City of Port Colborne in accordance with the applicable requirements of the Ontario Building Code for the purpose of the identified project.

Date: Nov. 26. 2020 Signature: R. Sarsam

Tom and Kellie Porter
15 Homewood Ave
Port Colborne, ON
L3K 5L6

To Whom it May Concern,

We are writing to share our perspective on the proposed 3-storey fourplex residential buildings to be constructed at 433 Sugarloaf Street being brought to a public hearing on January 12, 2021.

We purchased our home on Homewood Ave almost 6 years ago with intentions on it being our forever home. We love everything that the neighbourhood has to offer and we are welcoming of new developments but would like to express our concerns regarding the proposed 3-storey fourplexes that may be built beside our home.

We are concerned about the following:

- Privacy: The homes in the neighbourhood are single family homes with backyards enjoyed by the families. The addition of 3-storey fourplex buildings would mean the end to private backyards as multiple individuals will have full view of our homes and yards from their second and third storey living space. Family gatherings, conversations, pools, games etc. will no longer be privately enjoyed.

Not only are the 36 ft. fourplexes going to tower over the homes in the area removing our privacy, if the buildings are approved to have only 4.5m between properties that is closer to our home then what is regulated impinging even more on our privacy and leaving a view of a wall from our home.

- Safety: There will be one parking space per unit available to the tenants. If the tenants of the fourplexes have more than one vehicle or the tenants have visitors we foresee that vehicles will be consistently parked for long periods of time on the surrounding streets not only in front of our home but other homes on Homewood Ave and Sugarloaf Street. This poses a large safety concern as parked vehicles obstruct the view for children and pedestrians crossing the streets. Vehicles pulling out from their driveways will have their view obstructed by the number of vehicles parked along the street endangering children, pedestrians and approaching traffic.
- Light: We will no longer be able to enjoy the sunlight in our yard as the buildings will cause a shadow over our backyard and block the sunlight for most of the day.

We trust that you will take into consideration our concerns.

Sincerely,
Tom and Kellie Porter

COMMITTEE OF ADJUSTMENT – 2020 SCHEDULE

3RD FLOOR COUNCIL CHAMBERS, CITY HALL

PRE-CONSULTATION DEADLINE	APPLICATION SUBMISSION DEADLINE (Fridays, 3:30 P.M.)	MEETING DATE (Tuesdays, 6:00 P.M.)
November 27, 2020	December 4, 2020	January 12, 2021
December 11, 2020	January 8, 2021	February 9, 2021
January 29, 2020	February 5, 2021	March 9, 2021
February 26, 2020	March 5, 2021	April 13, 2021
March 26, 2020	April 8, 2021	May 12, 2021 (Wednesday)
April 23, 2020	May 7, 2021	June 8, 2021
May 21, 2020	June 4, 2020	July 14, 2021(Wednesday)
June 25, 2020	July 9, 2021	August 10, 2021
July 23, 2020	August 6, 2021	September 15, 2021 (Wednesday)
August 20, 2020	September 3, 2021	October 13, 2021 (Wednesday)
September 24, 2020	October 8, 2021	November 9, 2021
October 22, 2020	November 5, 2021	December 8, 2021 (Wednesday)

NOTE TO APPLICANTS: The above Submission Deadlines have been set in order for the Planner to review and the Secretary-Treasurer to properly process and circulate applications pursuant to the provisions of *the Planning Act*. Comments by the public and agencies should be received the Wednesday prior to the meeting date.

If you miss the Submission Deadlines, you may be entitled to submit your application for the upcoming meeting, provided timing provisions of *the Planning Act* can be met and staff time is available, however you will be charged double the application fee pursuant to By-law 4192/29/02.

DATED AT PORT COLBORNE this 20 3rd day of December, 2020.



CORPORATION OF THE CITY OF PORT COLBORNE

COMMITTEE OF ADJUSTMENT
-MEETING MINUTES-

6:00 pm, Tuesday, December 8th, 2020

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

Staff present: David Schulz, Planner,
Chris Roome, Secretary/ Treasurer

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

1. Disclosures of Interest:

Nil.

2. Request for Deferrals or Withdrawals of Applications:

Nil.

3. New Business

- i) **Application: B09-20-PC**
Action: Consent
Agent: Seven Rivers
Owners: 4293207 Ontario Inc.
Location: 599 Main Street W

The Secretary/Treasurer read the correspondence received from the appropriate agencies. Comments were received from the Niagara Region.

Steven Rivers provided some additional comments.

Chair opened discussion to the public/

Newton Wong provided comments and concerns regarding destruction of the fence.

Member Bruno asked about the nature of this consent application.

David Schulz responded no physical changes were occurring to the site.

Steven Rivers responded to Newton Wong's comments.

Member Beauregard questioned the land-locked parcel.

Chair asked about the nature of the Zoning By-law Amendment.

Member Kalailieff inquired about entrances to the property.

Member Beauregard questioned the length of the easement.

Member Kalailieff provided some input in support of preserving trees.

The Chair questioned the Building Code requirements.

That consent application B07-20-PC be **GRANTED** subject to the following conditions:

1. That the concurrent Zoning By-law Amendment application for Part 3 be approved to recognize the lot frontage and front yard deficiencies.
2. That the owner dedicate an irregular road widening along the subject property frontage of Regional Road 3 (Main Street West) in order to achieve 17.35 metres from the centerline of the Regional road allowance. The widening is to be granted to the satisfaction of the Niagara Region Planning & Development Services Department. All costs for providing the necessary survey plan and all related documents are the responsibility of the applicant.
3. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. Should the Eagle Marsh Drain report not be finalized prior to the certification of consent, the necessity of the drainage apportionment agreement shall be determined by the Drainage Superintendent.
4. 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.
5. 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 copy of the deposited reference plan in both paper and electronic format, if applicable, for use in the issuance of the Certificate of Consent.
6. That a final certification fee of \$208 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.

For the Following Reasons:

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

2. This decision is rendered having regard to the provisions of subsection 51(24) of the Planning Act, R.S.O. 1990, c.P.13.

Motion: Eric Beauregard Seconded by: Angie Desmarais
Carried: 5-0

ii) Application: B08-20-PC

Action: Consent
Agent: Steve Greenwood
Owners: Gary Parker
Location: 247 Welland Street

The Secretary/Treasurer read the correspondence received from the appropriate agencies.

The applicant provided some additional information regarding the application.

Member Beauregard questioned the length of the easement.

That consent application B08-20-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 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 \$208 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.

For the Following Reasons:

1. The application conforms to the policies of the Regional Official Plan, City of Port Colborne Official Plan and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.
2. This decision is rendered having regard to the provisions of subsection 51(24) of the Planning Act, R.S.O. 1990, c.P.13.

Motion: Donna Kalailieff Seconded by: Gary Bruno
Carried: 4-1

iii) Application: A14-20-PC

Action: Minor Variance
Agent: Steve Greenwood
Owners: Gerald Dehaan
Location: 89 and 91 Durham Street

The Secretary/Treasurer read the correspondence received from the appropriate agencies and members of the public.

The applicant provided some additional comments.

Member Kalailieff questioned the applicant about the size of the rooms.

Member Beauregard questioned about the nature of the landscaped areas.

That consent application A14-20-PC be **GRANTED** for the following reasons:

1. **Minor in nature** as the proposed apartment building will not result in adverse impacts to neighbouring properties.
2. **Appropriate for development of the site** since the proposed apartment building is located in an appropriate area on site.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the proposed apartment building is permitted in the Downtown Commercial zone.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as apartment buildings are permitted in the mixed-use areas of the East Waterfront Secondary Plan in the City's Official Plan.

Motion: Angie Desmarais

Seconded: Gary Bruno

Carried: 5-0

iv) **Application: B09-20-PC, B10-20-PC, B11-20-PC**

Action: Consent
Agent: Matt Kernahan
Owners: 5040695 Ontario Inc.
Location: V/L Empire Road

The Secretary/Treasurer read the correspondence received from the appropriate agencies and members of the public. Comments were received from the Niagara Region, the NPCA and Dan Young.

The applicant spoke about the application.

The Chair questioned the applicant about addressing drainage concerns

Member Bruno questioned the use of a development agreement

The Chair questioned how drainage will be addressed and when.

Planning staff recommends consent application B09-20-PC, B10-20-PC and B11-20-PC be **GRANTED** subject to the following conditions:

1. That the Hydrogeological Investigation for the Proposed Residential Severance - Part of Lot 5, Concession 1, Port Colborne, Ontario, prepared by Terraprobe (dated Oct. 26, 2020), be revised to address the comments outlined in Appendix 1 of the Niagara Region's formal comment.
2. That the owner enters into a Development Agreement with the City, to be registered against the title of Parts 1, 2, and 3 to require the implementation of the recommendations of the revised Hydrogeological Investigation to the satisfaction of the Region of Niagara.
3. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant.
4. That a master lot grading plan be submitted to the satisfaction of the Engineering Department. Should the parcels not drain independently of one another, a mutual agreement drain will be required.
5. 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.
6. 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 and digital copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
7. That a final certification fee of \$208 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.

For the Following Reasons:

1. The application conforms to the policies of the Regional Official Plan, City of Port Colborne Official Plan the provisions of Zoning By-law 6575/30/18, as amended.
2. This decision is rendered having regard to the provisions of subsection 51(24) of the Planning Act, R.S.O. 1990, c.P.13.

Motion: Donna Kalailieff

Seconded: Gary Bruno

Carried: 5-0

v) **Application: A12-20-PC**

Action: Minor Variance
Agent: V/A
Owners: Sara and Bryan Engels
Location: V/L Michener Road

The Secretary/Treasurer read the correspondence received from the appropriate agencies. Comments were received from the NPCA.

The applicant did not provide additional comments.

No questions were received from the members.

That minor variance application A12-20-PC be **APPROVED** for the following reasons:

1. **Minor in nature** as the increase in height is minimal and not likely to cause any land use compatibility concerns.
2. **Appropriate for development of the site** since the proposed construction is located in a suitable location on the site and is desirable for the property.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as residential uses are permitted in the Rural zone.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as residential uses are permitted in areas with the Rural designation.

Motion: Eric Beauregard

Seconded: Donna Kalailieff

Carried: 5-0

vi) **Application: A12-20-PC**

Action: Minor Variance
Agent: V/A
Owners: Alisha Mclsaac
Location: 856 Lorraine Road

The Secretary/Treasurer read the correspondence received from the appropriate agencies. Comments were received from the Niagara Region.

The applicant addressed the application with regards to the fence around the kennel.

Member Beauregard questioned how many dogs would be in the kennel and if the kennel was visible from the friendship trail.

Member Kalailieff questioned the fence around the kennel and the setback distance of the kennel from main buildings.

Planning staff recommends minor variance application A13-20-PC be **APPROVED** for the following reasons:

2. **Minor in nature** as the increase in height and decrease in setbacks is not anticipated to lead to any land use compatibility issues.
2. **Appropriate for development of the site** since the proposed accessory building and kennel is located in a suitable location on the site and is desirable for the property.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as residential uses are permitted in the Agricultural zone.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as residential uses are permitted in areas with the Agricultural designation.

Subject to the following conditions:

1. That the owner pays the minor variance review fee required by the Niagara Region and that confirmation is given to the Secretary-Treasurer.
2. That the owner pays the minor variance review fee required by the Niagara Peninsula Conservation Authority and that confirmation is given to the Secretary-Treasurer.

Motion: Eric Beauregard

Seconded: Angie Desmarais

Carried: 5-0

4. Approval of 2021 Schedule:

The draft schedule for the 2021 Committee of Adjustment was approved.

Motion: Eric Beauregard

Seconded: Donna Kalailieff

Carried: 5-0

5. Approval of Minutes:

Minutes from the November 10th Committee of Adjustment meeting were approved.

Moved: Eric Beauregard

Second: Angie Desmarais

Carried: 5-0

6. Adjournment

There being no further business, the meeting was adjourned at approximately 8:30pm

Motion: Eric Beauregard

Seconded: Gary Bruno

Carried: 5-0